

III.

BABYLONIAN TALMUD

TRACTATE KERITOT

CHAPTER THREE

FOLIOS 11B-17A

We continue to specify the penalties for various crimes and sins, moving to the suspensive guilt offering, which serves in cases of doubt about what has in fact taken place.

3:1-2

3:1

- A. [If] they said to him, “You have eaten forbidden fat,” he brings a sin offering.
- B. [If] one witness says, “He ate,” and one witness says, “He did not eat” —
- C. [of if] a woman says, “He ate,” and a woman says, “He did not eat,”
- D. he brings a suspensive guilt offering.
- E. [If] a witness says, “He ate,” and he says, “I did not eat” —
- F. he is exempt [from bringing an offering].
- G. [If] two say, “He ate,” and he says, “I did not eat” —
- H. R. Meir declares liable.
- I. Said R. Meir, “If [despite his denial] two bring upon him the death penalty, which is strict, will [the force of the testimony of two witnesses also] not bring upon him the obligation to an offering, which is lenient?”
- J. They said to him, “What if he should choose to say, ‘I did it deliberately, [in which case he is exempt from a sin offering, and the witnesses cannot contradict him]?’” [Then he does not have to present the offering. Here therefore he has the power to vitiate the testimony of the two witnesses, which is not the case if he is accused by two witnesses of having committed a capital crime.]

3:2

- A. [If] he ate [forbidden] fat and [again ate] fat in a single spell of inadvertence, he is liable only for a single sin offering,

- B. [If] he ate forbidden fat and blood and remnant and refuse [of an offering] in a single spell of inadvertence, he is liable for each and every one of them.
- C. This rule is more strict in the case of many kinds [of forbidden food] than of one kind.
- D. And more strict is the rule in [the case of] one kind than in many kinds:
- E. For if he ate a half-olive's bulk and went and ate a half-olive's bulk of a single kind, he is liable [since they are deemed to join together to form the requisite volume for incurring guilt].
- F. [But if he ate two half-olive's bulks] of two [different] kinds, he is exempt.

I.1 A. *It is taught on Tannaite authority: [If] they said to him, "You have eaten forbidden fat," he brings a sin offering. How many then, are they? Two. Now what has he said to them? Should one say that he remained silent and did not contradict them? Then it would follow that where there is [the accused's silence] silence in opposition to [the accusation of] two witnesses, he brings a sin-offering, but if there is silence in response to the evidence of one witness, then he would not have to do so. But let me then cite the further clause: [If] a witness says, "He ate," and he says, "I did not eat" — he is exempt [from bringing an offering]. The operative consideration then is that he has explicitly denied the matter. But had he remained silent, he would have been liable — and all the more so if there had been two witnesses! So you must assume that [in the opening case] he has indeed denied the testimony of the two witnesses, and the authority behind the formulation is who? It is none other than R. Meir, who has said, "Denial in the face of the evidence of two witnesses is not an effective denial." But so far as rabbis are concerned, he would be exempt [and his denial is therefore a valid one].*

- B. *But then what does the framer of the clause contribute, since we know the rule from the further rule, just now cited?*
- C. *What he informs us concerns the dispute of R. Meir and rabbis, implied in the detail that there is denial in the second of the two formulations.*

I.2. A. *There are those who say that the language, [If] they said to him, also refers to one person. So we have learned in the Mishnah: The woman whose husband went overseas, and whom they came and told, "Your husband has died, and who remarried, and whose husband afterward returned, goes forth from this one and from that one [M. Yeb. 10:1A-E]. And we have established that the law speaks even of the evidence of a single witnesses. How do we know this? Because it is stated later on, If she was married without [the court's] permission, she is permitted to return to him [M. Yeb. 10:1S]. Now what is the sense of "without permission"? It means, without the permission of the court, — but [that leaves as the sole alternative,] upon the testimony of a single witness. It must follow, then, that the opening clause refers to a case in which the action was taken with the permission of the court and upon the testimony of a single witness. Then it further follows that where there is only a single witness, the language "they said" may be used, and here too, where it is taught, They said to him, the implication is that even if it was a single witness.*

- B. *And what is it that he has said? If we say that he has denied him, then does he have to bring an offering? And have we not learned in the further clause, [If] a witness says, “He ate,” and he says, “I did not eat” — he is exempt [from bringing an offering]. Rather, he must have kept silent. But that we already know from that same clause, [If] a witness says, “He ate,” and he says, “I did not eat” — he is exempt [from bringing an offering]. So the operative consideration is that he has denied what the other said, but if he had remained silent, he would have been liable to bring the offering.*
- C. *Not at all, in point of fact he has not denied what the other has said, but this is the sense of the passage:*
- D. **[If] they said to him, “You have eaten forbidden fat,” he brings a sin offering. Under what circumstances? When he remained silent.** But if he had contradicted the testimony, he would have been exempt.

I.3. A. *Now whence in Scripture do we know that if a person does not deny the testimony of others, he is liable [to bring an offering]?*

- B. *It is on the basis of that which our rabbis have taught on Tannaite authority:*
- C. *“[When a ruler sins, doing unwittingly in any one of all the things that the Lord his God has commanded not to be done and is guilty,] if the sin that he has committed is made known to him, he shall bring as his offering...” (Lev. 4:23) — but not if others have made it known to him.*
- D. *Might one suppose that even if he does not contradict them, [he does not bring an offering]?*
- E. *Scripture is explicit: “...if the sin that he has committed is made known to him” — in whatever manner.*
- F. *Now with what sort of a case do we deal? If we say that two witnesses given evidence in the matter, then if there are two witnesses and he does not contradict them, is it necessary to find a Scripture to prove this point? [That is the very essence of valid testimony.]*
- G. **[12A]** *Rather, do we not deal with a case in which there is one witness only, and yet it is taught on Tannaite authority, if he does not contradict them, the single witness’s evidence is believed [so the other has to bring an offering].*
- H. *That is ample proof.*

Meir’s premise in the dispute is clear, but that of sages requires articulation. Not only so, but the practical difference between Meir and sages has to be spelled out.

II.1 A. **[If] two say, “He ate,” and he says, “I did not eat” — R. Meir declares liable. Said R. Meir, “If [despite his denial, the testimony of] two witnesses has the power to bring upon him the death penalty, which is strict, will they not bring upon him the obligation to an offering, which is lenient?” They said to him, “What if he should choose to say, ‘I did it deliberately, [in which case he is exempt from a sin offering, and the witnesses cannot contradict him]?’”**

- B. *The question was raised: “What is the operative consideration of rabbis? Is it on account of the fact that a person is believed in his own regard [having to do with the offering, which will attain atonement in his behalf] more than a hundred witnesses? Or perhaps is it because we invoke the argument that since, if he wanted, he has the power to say, “I did it deliberately,” and so is exempt from*

having to bring an offering, if he should say also, "I did not eat it," he should be believed and should be exempt from having to bring an offering?

- C. *So what is the practical consequence of the issue?*
- D. *It has to do with settling a question as to the application of the law of uncleanness [for instance, if two people say that one has entered the Temple while unclean]. If you say that the operative consideration of rabbis is on the count that a person is believed in his own regard [having to do with the offering, which will attain atonement in his behalf] more than a hundred witnesses, then there will be no difference between a prior uncleanness [contracted earlier] and fresh uncleanness [contracted on the same day, with the witnesses saying that one has contracted uncleanness and entered the Temple on the same day, or on different days]. But if you say that the operative consideration of rabbis has to do with the appeal to the argument that since [if he wanted, he has the power to say, "I did it deliberately," and so is exempt from having to bring an offering, if he should say also, "I did not eat it," he should be believed and should be exempt from having to bring an offering], then rabbis would declare the man exempt in the case of a prior uncleanness but declare him liable in the case of a new uncleanness. [Porusch: In the case of fresh uncleanness there has not yet been an opportunity of becoming clean again, for immersion alone is not sufficient; one has to wait until sunset to be clean. In the case of old uncleanness, one may well assert one is clean by claiming that he has immersed.] What is the consideration in the latter instance? In the case of an old uncleanness, since, if he wants, he can say, "I have immersed," and he would then be exempt from having to bring an offering, then should he say, "I was not made unclean at all," he should be exempt from having to make an offering. For one can claim, "What is it that he meant when he said that he had not been made unclean" It was, "I did not remain in my condition of uncleanness, but I immersed." But as to a fresh uncleanness, he would be liable. How come? Even should he say, "I have immersed," he will be liable, for witnesses can say to him, "You have just now become unclean." What then is the operative consideration?*
- E. *Come and take note of the following:*
- F. **If one witness says, "He was made unclean," and he says, "I was not made unclean," he is clean.**
- G. Might one say that that is the same in the case even of two witnesses?
- H. **[If two say, "You were made unclean," and he says, "I was not made unclean," R. Meir declares him unclean. And sages say, "He is believed concerning himself" (M. [Toh. 5:9A-E](#)).**
- I. **Said R. Meir, "It is an argument a fortiori. If [despite his denial, the testimony of] two witnesses has the power to bring upon him the death penalty, which is strict, will they not bring upon him the obligation to an offering, which is lenient?"**
- J. And sages say, "A man is believed concerning himself more than a hundred witnesses."
- K. *It follows that the operative consideration of rabbis is that they invoke the argument, "A man is believed concerning himself more than a hundred witnesses."*

- L. *Said R. Ammi, "In point of fact the operative consideration of rabbis is that we do invoke the argument of 'since' [that is, since if he wants, he can say, "I have immersed," and he would then be exempt from having to bring an offering, then should he say, "I was not made unclean at all," he should be exempt from having to make an offering], specifically, here is the sense: since, if he wanted, he could say, 'I have not remained in my condition of uncleanness,' he would have been exempt, therefore a man is believed as to himself more than a hundred witnesses."*
- M. *If so, do we not have exactly the matter of forbidden fat [and so we are going over the same matter twice, which is not done in the Mishnah]?*
- N. *[That is not so, since a fresh point is made by stating matters in the present manner.] What might you have said? It is that in the case of forbidden fat, when he says, "I did not eat in error," it means, "but I did it not inadvertently but deliberately," that is, his further statement serves to spell out his language, explaining what he has said. But if he is told, "You are unclean," and he replies, "I am not unclean," I might then have supposed that his words are not susceptible of further explanation. The framer of the passage therefore informs us [by giving this case too] that also in the present case we interpret his statement as meaning, "I have not remained unclean, because I have immersed."*
- O. *Come and take note:*
- P. *"[When a man is guilty in any of these,] he shall confess [the sin he has committed, and he shall bring his guilt offering to the Lord for the sin that he has committed]" (Lev. 5: 5) —*
- Q. *if he confesses with an explicit statement, then he is liable to an offering, but if he did not confess, then he is exempt from bringing an offering.*
- R. *If one witness said to a man, "You have become unclean," and he says, "I have not been made unclean," he is exempt.*
- S. *Might one suppose that that is the case even if two contradict him?*
- T. *Said R. Meir, "If two witnesses can bring him to the penalty of death, which is stringent, will they not bring him to the penalty of an offering, which is lenient?"*
- U. *R. Judah says, "A man is believed concerning himself more than a hundred witnesses."*
- V. *But sages concur with R. Judah in cases involving forbidden fat and entering the Temple [when unclean], but they do not concur with him in respect to uncleanness. [If the issue is whether or not he might have become unclean, since he can have said, "I did it on purpose," that consideration is not valid.]*
- W. *Now with what sort of a case do we deal here? [12B] Should I say that it speaks of old uncleanness? Then why do rabbis concur with R. Judah only with respect to forbidden fat or entering the Temple, on the appeal to the argument that, since he might have said, "I did it deliberately," [he would have been exempt]. Also in respect to an old uncleanness, he could have meant to explain his words and say if he wanted, "I did not remain unclean but I immersed." [Porusch: We have to assume that the passage speaks to the case of fresh uncleanness, where no such argument from "since..." is possible. But then sages concur on the matter of the argument from "since...", and Judah will maintain that the operative consideration is that one is believed more than a hundred witnesses. The issue is resolved.*

Judah, Meir's opponent, bases his view on the first argument, sages on the second.]

- Y. *Said Rabina, "In point of fact the case involves an old uncleanness. The specific instance involves witnesses' saying to him, 'You have eaten Holy Things in the condition of physical uncleanness,' and he says to them, 'I was not made unclean.' In such a case he is not simply spelling out his meaning, for he cannot now claim, 'I did not remain unclean but immersed.' What can he say to them? "I immersed and then I ate Holy Things"? When he makes such a statement to them, it would contradict the initial claim that the witnesses made at least in regard to the uncleanness through physical contact [Porusch: for his words imply that he did not come into contact with an unclean object]."*
- Z. Said R. Nahman, "The decided law is in accord with R. Judah."
- AA. Said R. Joseph, "He maintains that he is clean only with respect to himself, and for his own situation."

We proceed to further examples of the ramifications of Meir's reasoning, now applied to other cases.

II.2. A. Said R. Simeon b. Laqish, "R. Meir concurs with sages that if two witnesses said to him, 'You have had sexual relations with a designated slave-girl,' and he says, 'I did not have sexual relations,' he is believed.

B. *"For if he wanted, he can have said to them, 'I did not complete my act of sexual relations with her' [in which case he would have been exempt from penalty]."*

II.3. A. Said R. Sheshet, "R. Meir concedes to sages in the case of a Nazirite that was made unclean, to whom two witnesses said, 'You have been made unclean,' and he says, 'I have not been made unclean,' that he is exempt from all penalty.

B. *"For if he wanted, he can have said to them, 'I have presented an inquiry as to my status as a Nazirite and have been absolved from my vow.'"*

II.4. A. Said Abayye, "R. Meir concedes to sages that if two witnesses said to him, 'You have evidence to give against Mr. So-and-so,' and he says, 'I know nothing,' that he is exempt.

B. *"For if he wanted, he can have said to them, 'I did not have the intention of giving evidence.'"*

III.1 A. **[If] he ate [forbidden] fat and [again ate] fat in a single spell of inadvertence, he is liable only for a single sin offering:**

B. *R. Zira objected, "Why should he be liable to bring only a single sin-offering? Lo, he has eaten two olive-bulks of forbidden fat!"*

C. *Said Abayye to him, "The decisive consideration is distinct spells of unawareness, and here we deal with a single spell of unawareness."*

D. *Some raise the problem in the following way:*

E. *The operative consideration is that it was a single spell of unawareness. Lo, if it were two spells of unawareness, he would have been liable on two counts. But why should that be the case, since the category, forbidden fat, is a single one.*

F. *Said Abayye to him, "It is a case of different spells of unawareness, which impose the liability to offerings on distinct counts of law-violation."*

The work of Mishnah-criticism involves the demonstration that the Mishnah does not make statements that are self-evident or redundant, and that is the point of the following analysis.

IV.1 A. [If] he ate [forbidden] fat and [again ate] fat in a single spell of inadvertence, he is liable only for a single sin offering, [If] he ate forbidden fat and blood and remnant and refuse [of an offering] in a single spell of inadvertence, he is liable for each and every one of them. This rule is more strict in the case of many kinds [of forbidden food] than of one kind. And more strict is the rule in [the case of] one kind than in many kinds: For if he ate a half-olive's bulk and went and ate a half-olive's bulk of a single kind, he is liable. [But if he ate two half-olive's bulks] of two [different] kinds, he is exempt.

B. For if he ate a half-olive's bulk and went and ate a half- olive's bulk of a single kind, he is liable— that is perfectly self-evident!

C. Said R. Simeon b. Laqish in the name of Bar Teutani, "Here with what sort of case do we deal? With a case in which one ate two portions of forbidden fat out of two distinct dishes, and the rule accords with R. Joshua, who maintains that if we deal with separate dishes, then there is a distinction to be drawn with regard to the offerings involved therein. [The physical division effected by the distinct dishes is taken into account as much as the consideration of the distinction among spells of inadvertence on the one hand, or the classifications of substances, on the other.]

D. "What might you have said here? The statement of R. Joshua does not distinguish between a result that is lenient and one that is strict? So here we are informed that one is liable, and it follows, he has made his statement when it yields a more strict ruling, but he has not made his statement when it yields a more lenient ruling."

We proceed to another version of the same materials.

E. There is a version of the matter that refers to the conclusion of the same passage, with respect to the following:

F. [But if he ate two half-olive's bulks] of two [different] kinds, he is exempt. — that is perfectly self-evident!

G. Said R. Simeon b. Laqish in the name of Bar Teutani, "Here with what sort of case do we deal? With a case in which one ate two portions of forbidden fat out of two distinct dishes, and the rule accords with R. Joshua, who maintains that if we deal with separate dishes, then there is a distinction to be drawn with regard to the offerings involved therein.

H. "Therefore we are taught, [But if he ate two half-olive's bulks] of two [different] kinds, he is exempt. What is the meaning of 'two different kinds'? It means a single kind, called two kinds, however, because the act of eating was from two different dishes. And since the passage makes explicit that he is exempt, we may conclude that R. Joshua takes the position that he does whether it produces a ruling that is more lenient or one that is more stringent."

I. Now since the concluding part of the passage refers to a single variety of food in two dishes, the initial part must refer to a single variety of food in a single dish, and the upshot is a perfectly obvious ruling!

- J. *Said Rabina, “It is, for example, a case in which a man became aware of what he had done in the midst [of the two meals, that is, he then learned that the first piece of fat was forbidden]. And the framing of the passage is in accord with the position of Rabban Gamaliel, who has said, ‘Awareness has no bearing if the volume is half-sizes [and if we have half of a forbidden volume prior to awareness, then the other half afterward, then the two combine to form the requisite volume to impose liability]. For we have learned in the Mishnah: **He who writes two letters in two distinct spells of inadvertence, one in the morning and one at twilight, Rabban Gamaliel declares him liable, and sages declare him exempt [M. Shab. 12:6A-D].’**”*
- K. “Rabban Gamaliel maintains, ‘Awareness has no bearing if the volume is half-sizes [and if we have half of a forbidden volume prior to awareness, then the other half afterward, then the two combine to form the requisite volume to impose liability].’ Sages take the view that awareness has bearing to form the requisite volume to impose liability.”

I.1, 2 provide a close reading of the language of the Mishnah to clarify the implications for law elsewhere of the case at hand. II.1, 2, 3, 4 uncover the operative considerations behind the positions of the Mishnah’s authorities. III.1 underlines the critical consideration, which is the distinct spells of unawareness, not the dimensions of the violation of the law. V.1 addresses Mishnah-exegesis but finds a more encompassing principle to broaden the range of the passage from case to principle. The issue raised in connection with Gamaliel will recur in a still richer context.

3:3

- A. **And how much should he who eats them tarry?**
- B. **“As if he ate them as parched corn,” the words of R. Meir.**
- C. **And sages say, “[He is not liable] unless he tarries from beginning to end for sufficient time to eat a half-loaf [of bread].”**
- D. **[If] one ate unclean foods [or] drank unclean liquids,**
- E. **drank a quarter-log of wine,**
- F. **and entered the sanctuary and tarried there,**
- G. **[the measure of time between entering the Temple having eaten unclean food or drunk wine is] sufficient time to eat a half-loaf [of bread].**
- H. **R. Eleazar says, “If he interrupted it [the act of drinking], or put into it [the wine] any amount of water, he is exempt.”**

What is at issue in Meir’s ruling? Is it to impose a strict or a lenient ruling? Mishnah-clarification involves the exploration of implications of positions on disputed points of law.

- I.1 A.** [Supply: **And how much should he who eats them tarry? “As if he ate them as parched corn,” the words of R. Meir. And sages say, “He is not liable unless he tarries from beginning to end for sufficient time to eat a half-loaf of bread:”**] *The question was raised: is the intent of R. Meir to impose a more strict ruling or a more lenient ruling? [We now spell out the two possibilities in sequence.]*

- B. *His intent was to impose a more strict ruling, and this is the sense of the passage:*
- C. **As if he ate them as parched corn** — even though it took all day long [and the meal may be interrupted]. So even though from the beginning to the end of the process of eating was a period longer than **sufficient time to eat a half-loaf [of bread]**, since we deem it to have been a single protracted meal, he is liable.
- D. *And rabbis replied to him, “It is only if he remains for **sufficient time to eat a half-loaf [of bread]** that he is liable.”*
- E. *Then if it is for a longer time than that required for eating a half-loaf of bread, is he exempt?*
- F. *Or was his [Meir’s] intent to impose a more lenient ruling, and this is the sense of the passage:*
- G. **As if he ate them as parched corn** — so long as he did not interrupt the eating during that time, but if he did interrupt the eating process, then he is exempt even though the elapsed time from the beginning to the end of the meal is the same as is required for eating a half-loaf of bread.
- H. *And rabbis replied to him, “It is only if he remains for **sufficient time to eat a half-loaf [of bread]**, he is liable.”*
- I. *Come and take note:*
- J. **And sages say, “[He is not liable] unless he tarries from beginning to end for sufficient time to eat a half-loaf [of bread].”**
- K. **[13A]** *Now, if you maintain that it was R. Meir’s intent to give a ruling that would yield a strict result, then this is the sense of the language that the text uses, **unless he tarries...** The meaning is, he is not liable unless he takes no more time than is needed for eating a half loaf of bread. But if you maintain that it was R. Meir’s intent to give a ruling that would yield a lenient result, then what the text should say is, And sages say, “If he tarried.” Does it not follow, then, that R. Meir takes the view that he does in order to produce a strict result?*
- L. *It certainly follows.*

We proceed to an examination of the larger theme at hand, that is, the requisite measure of time to impose liability for eating a given volume of forbidden food.

- I.2.** A. Said Rabanai said Samuel, “The requisite measure of time in connection with eating forbidden fat and carrion is that one must take, from the beginning to the end of a meal, no longer than is needed for eating a half-loaf; in the matter of unclean food, creeping things, and unclean drink, he may take even the entire day, as much as is needed for eating a half-loaf of bread.”
- B. *What is the sense of this statement?*
- C. *Said R. Pappa, “This is the sense of the statement: ‘...even over the course of the whole day, [liability is incurred] so long as he ate as much as an olive’s bulk during the period of time that it takes to eat a half-loaf of bread.’”*
- D. *An objection was raised:*
- E. **All unclean foods join together to render the body unfit for eating heave offering at the measure of a half a loaf. [All unclean liquids join together to render the body unfit at the measure of a quarter-log. This rule is more**

strict in the case of one who drinks unclean liquids than in the case of an immersion pool] [M. Miq. 10:7A-C].

- F. *Does this not mean that one ate the volume of a half of a half-loaf in the time that it takes to eat a half-loaf?*
- G. *No, it means that one ate an olive's bulk of the prohibited food within the time that it takes to eat a half-loaf.*
- H. *An objection was raised:*
- I. All varieties of edibles join together to form the requisite volume to make the body unfit [for eating heave offering, should the foods be unclean] — in the volume of a half a loaf of bread, if eaten during the span of time that it takes to eat a half of a loaf of bread. How so? If one ate and then went and ate again, then — if between the beginning of the first act of eating and the end of the final act of eating sufficient time for eating a half of loaf of bread, then what he ate joins together to form the require bulk. If the elapsed span of time was longer than that, the foods that he ate do not join together to form the requisite bulk. Sages have not permitted one who ate less than the requisite volume of food to go down into an immersion pool and immerse. If one went down and immersed and came up, and then he finished the requisite volume, the meals join together with one another. They permitted a pregnant woman to eat unclean food of less than the specified volume, because of danger to life. All liquids join together to render the body unfit at the volume of a quarter-log, consumed during the span of time that it takes to eat a half-loaf of bread. How so? If one drank and went and drank again, if between the beginning of the first act of drinking and the conclusion of the last act of drinking there was enough time to eat a half-loaf of bread, then the volume of liquid that she has drunk joins together. If the elapsed time was greater than that, then it does not combine. Sages have permitted her who has been in contact with a corpse [and has so contracted corpse uncleanness] to suckle her infant, and her infant is deemed not to have been made unclean.
- J. *Now, therefore, it has been taught:* If one ate and then went and ate again, if between the beginning of the first act of eating and the end of the final act of eating sufficient time for eating a half of loaf of bread, then what he ate joins together to form the require bulk. *Does this not represent a refutation of the position of Rabanai?*
- K. *It does indeed refute what he has said.*

I.3. A. A master has said, “Sages have not permitted one who ate less than the requisite volume of food to go down into an immersion pool and immerse.”

B. *What does this statement mean?*

C. *Said R. Judah, “This is the sense of this statement:* If one has eaten less than the requisite volume of food, sages have not permitted him to go down into an immersion pool and immerse, for if one went down and immersed and came up, and then he finished the requisite volume, the meals join together with one another, *in which case, one will turn out to conclude, ‘The initial immersion sufficed for me,’ and he will not know that immersion applies only at the end.”*

A Pregnant Woman or Nursing Mother Is Permitted to Eat What Others May Not Eat, but Only in Limited Volume

- I.4.** A. *It is taught on Tannaite authority:* A pregnant woman is permitted to eat unclean food of less than the specified volume, because of danger to life.
- B. *If it is because of danger to life, then even more than that volume should she be permitted to eat!*
- C. *Said R. Pappa, "This is the sense of the statement:* A pregnant woman is permitted to eat unclean food of less than the specified volume, and even more than that, because of danger to life."
- I.5.** A. *It is taught on Tannaite authority:* Sages have permitted her who has been in contact with a corpse to suckle her infant, and her infant is deemed not to have been made unclean.
- B. *Why should the infant be clean? Since it has sucked milk, it has been made unclean by the milk. And if you should say that the milk was not made ready to receive or transmit uncleanness [not having been drawn intentionally, in line with the reading of Lev. 11:34, 37, at tractate Makhshirin], the milk is made ready to receive and transmit uncleanness by reason of the drop of unclean milk that is at the aperture of the nipple!*
- C. *Said R. Nahman said Rabbah bar Abbuha, "It sucked with such suction that it did not leave a dirty drop of milk on the nipple."*
- D. *Said Raba, "There are two replies in this matter. One is simple: we can see very well that the mouth of the infant is full of milk, and, moreover, the source of milk has the status of a well [and it is a bodily secretion, and when the body is unclean, secretions such as milk is unclean too, so the issue of deliberate preparation is null], as has been taught on Tannaite authority: **The milk of a woman imparts susceptibility to uncleanness whether it is subject to approval or not subject to approval, but the milk of the beast imparts susceptibility to uncleanness only when it is detached with approval [M. Makh. 6:8AB]. Is not the meaning of 'not with approval' that [the child] gets no pleasure from it, and nonetheless, it is taught on Tannaite authority, imparts susceptibility to uncleanness.**"*
- E. *Rather, said Raba, "This is the reason that the infant remains clean, because it is a matter of doubt whether the infant has sucked the sufficient volume to become unclean and it is a matter of doubt whether it did not, and if you say that it indeed sucked enough, it is still a matter of doubt whether it sucked the sufficient volume during the period of time that it takes to eat a half-loaf of bread or whether it did so in a longer span of time than it takes to eat a half-loaf of bread."*
- F. *And does Raba take the view that the source of milk has the status of a well [and it is a bodily secretion, and when the body is unclean, secretions such as milk is unclean too, so that the issue of deliberate preparation is null? And have we not learned in the Mishnah: **The unclean woman from whose breasts milk has dripped and fallen into the airspace of the oven — the oven is unclean. For***

the liquid imparts uncleanness both by intent and not by intent [M. Kel. 8:11A-C]? *In this connection we raised the question, “By what means has the liquid been made ready to impart uncleanness,” and R. Yohanan said, “The milk is made ready to receive and transmit uncleanness by reason of the drop of unclean milk that is at the aperture of the nipple.”*

- G. *And should you propose to say that Raba does not concur with R. Yohanan, has it not been taught on Tannaite authority:*
- H. *It turns out that you may say, There are nine categories of liquid that exude in the case of Zob [the excretion described in Lev. 15]: sweat, pus, and excrement are clean in all regards [and do not impart uncleanness through contract]. His tear and the blood of his wound [13B] and the milk of a woman impart uncleanness as liquid in the volume of a quarter-log. His spit, flux, and urine impart most severe uncleanness in any volume at all.*
- I. *Now if, as you say, the source of milk has the status of a well [and it is a bodily secretion, and when the body is unclean, secretions such as milk is unclean too, so that the issue of deliberate preparation is null, then milk also should be included in the category of that which imparts most severe uncleanness in any volume at all, just like spit, flux, and urine. It therefore is to be inferred that the source of milk has the status of a well [and it is a bodily secretion, and when the body is unclean, secretions such as milk is unclean too, so that the issue of deliberate preparation is null.*
- J. *If so, then what of the contradiction between the cited rule and the Mishnah-passage cited by Raba: **The milk of a woman imparts susceptibility to uncleanness whether it is subject to approval or not subject to approval, but the milk of the beast imparts susceptibility to uncleanness only when it is detached with approval [M. Makh. 6:8A-B]**, in which case said Raba, “It imparts susceptibility to uncleanness whether it is subject to approval or not subject to approval.”*
- K. *Do you maintain that when the passage says, “**It imparts susceptibility to uncleanness whether it is subject to approval or not subject to approval,**” the sense is that it does not please him? That is not the case. What is the meaning of the phrase, **not subject to approval**? No, what it means is “in general,” for we take for granted that an infant’s mind is on the milk. But if the infant should indicate that the milk does not please it, then the milk is indeed insusceptible to uncleanness [even if the mother is unclean].*

We clarify the inclusion in the Mishnah’s statement of the law of a detail that seems not to be required, and that yields the clarification of the Mishnah-rule.

II.1 A. [If] one ate unclean foods [or] drank unclean liquids, drank a quarter-log of wine, and entered the sanctuary and tarried there, [the measure of time between entering the Temple having eaten unclean food or drunk wine and

leaving the Temple is] sufficient time to eat a half-loaf [of bread, and if one remained that spell of time, he has brought uncleanness into the Temple]:

- B. Why does the matter depend upon the length of time the person has remained in the Temple, *that the passage specifies*, **and tarried there?**
- C. *Said R. Judah, "This is the sense of the passage: [If] one ate unclean foods [or] drank unclean liquids, [or if a priest] drank a quarter-log of wine, doing so in sufficient time to eat a half-loaf [of bread, and then entered the Temple, he is liable."*

The final clause of the Mishnah-passage is supplemented with scriptural proof for the law that is taken for granted.

III.1 A. R. Eleazar says, "If he interrupted it [the act of drinking], or put into it [the wine] any amount of water, he is exempt:"

- B. *Our rabbis have taught on Tannaite authority:*
- C. "Drink no wine nor strong drink, you nor your sons with you, when you go into the tent of meeting" (Lev. 10: 9) —
- D. might one suppose that the rule extends even to any minute volume of wine, even what comes from his vat?
- E. The text makes explicit through the language "strong drink" that subject to a prohibition is only enough wine to make one drunk.
- F. And how much is the volume of wine that suffices to make one drunk?
- G. A quarter of a log in volume, forty days in vintage.
- H. And why has "wine" been mentioned in the same verse?
- I. To tell you that priests are admonished in its regard in any minute volume at all, and they are admonished in its regard even if it is right from the vat.
- J. R. Judah says, "'...wine....' I know only that wine is subject to the prohibition. How do I know that other intoxicating beverages are also encompassed? Scripture says, '...and strong drink....' If so, why does Scripture refer to wine? Wine involves the death penalty, other strong drink involves only violation of an admonition."
- K. R. Eleazar says, "'Drink no wine nor strong drink' — Do not drink it in such a way that it is intoxicating. Lo, **if one interrupted it [the act of drinking], or put into it [the wine] any amount of water, he is exempt."**
- L. *What is at stake among these authorities?*
- M. *The first of the three authorities takes the view that we derive the rule governing "strong drink" from the meaning of the word "strong drink" when it occurs with reference to a Nazirite [in which case only the produce of the vine is prohibited]. R. Judah does not derive the rule governing "strong drink" from the meaning of the word "strong drink" when it occurs with reference to a Nazirite. And R. Eleazar takes the view, "What is the meaning of 'strong drink'? It is that which is intoxicating."*
- N. *What authority does the following, which is taught on Tannaite authority, follow:*
- O. If one ate pressed figs from Keilah, or drank honey or milk, and went into the sanctuary and performed an act of divine service, he is flogged.

P. *In accord with whom? It is in accord with R. Judah [to whom it is attributed elsewhere in so many words]!*

Q. Said R. Judah bar Ahotai, "The decided law accords with the position of R. Eleazar."

R. *And Rab called R. Eleazar, "The best of the sages."*

III.2. A. *R. Aha of Husal was subject to a vow with reference to his wife [that he would derive no benefit from her]. He came before R. Ashi, who said to him, "Go away just now, but come back tomorrow, for Rab does not set up an Amora [to spell out the law] to serve from the beginning of a festival day to the end of the next, because of widespread drunkenness [characteristic of the Jews on the festivals]."*

B. He said to him, "But has not Rab said, 'The decided law follows R. Eleazar,' and for your part, you dilute your wine with water!"

C. *He said to him, "That is no contradiction! The statement refers to using exactly a fourth of a log, but I had more than a fourth of a log of wine."*

The following is a free-standing composition, inserted here to complete the exposition of the proof-text cited at No. 1.

III.3. A. ["You are to distinguish between the holy and the common and between the unclean and the clean, and you are to teach the people of Israel all the statutes which the Lord has spoken to them by Moses" (Lev. 10:9-11)] "You are to distinguish between the holy and the common" — this refers to vows of one's worth to the Temple and vows of valuation, devoted things, and things that are consecrated.

B. "and between the unclean and the clean" — this refers to matters of uncleanness and cleanness.

C. "and you are to teach" — this refers to instruction.

D. "all the statutes" — this refers to the exegeses of Scripture.

E. "which the Lord has spoken to them" — this refers to the decided law.

F. "By Moses" — this refers to the Talmud.

G. Might one say, "Also to the Mishnah"?

H. Scripture says, "and you are to teach" [meaning, decided law, which the Mishnah does not contain].

I. R. Yosé b. R. Judah says, "Might one say, 'Also to the Talmud'? Scripture says, 'and you are to teach.'"

J. *According to whom is the following, which has been taught on Tannaite authority:*

K. Excluded [from the prohibition of instruction while one is under the influence of liquor] is a decision concerning whether a given dead creeping thing is unclean or a frog clean, for such a decision may be handed down by someone drunk on wine?

- L. *May we say that it is in accord with the opinion of R. Yosé b. R. Judah and not of rabbis?*
- M. *No, you may even say that it accords with the view of rabbis, and the present case is exceptional, because it involves a matter of elementary knowledge.*
- N. Said Rab, "The decided law is in accord with R. Yosé b. R. Judah."
- O. *Now lo, Rab does not set up an Amora [to spell out the law] to serve from the beginning of a festival day to the end of the next, because of widespread drunkenness [characteristic of the Jews on the festivals].*
- P. *Rab is exceptional, who gave decisions.*
- Q. *Then why not appoint an Amora and lay down the rule that no decisions are to be given?*
- R. *Wherever Rab went into session, it was never possible not to make decisions.*

I.1 clarifies the sense of Meir's statement and thereby shows the issues that the Mishnah-paragraph encompasses. No. 2, complemented by Nos. 3, 4, and 5, which clarify items in No. 2, investigates the question of the relationship between the time in which a given volume of food or drink is consumed and the affects upon the person of eating or drinking that food or drink. If it is in a sufficiently brief spell, the uncleanness follows; if not, not. That is of course the issue of our Mishnah-paragraph, but the issue is explored on its own terms, through a variety of free-standing cases. Nos. 3, 4, 5 proceed to work on materials introduced in No. 2. This is a standard procedure. II.1 asks an important question. The clarification is important, completely changing the sense initially imputed to the Mishnah-paragraph. III.1, 2 draw the dispute back into the framework of Scripture and, at the same time, clarifies what is at issue. No. 3 completes the exegesis of the proof-text important at No. 1, and, by the way, shows us the relevance of the case of No. 2, a vow, in the context of wine and strong drink.

3:4

- A. **There is he who carries out a single act of eating and is liable on its account for four sin offerings and one guilt offering:**
- B. **An unclean [lay] person who ate (1) forbidden fat, and it was (2) remnant, (3) of Holy Things, and (4) it was on the Day of Atonement.**
- C. **R. Meir says, "If it was the Sabbath and he took it out [from one domain to another] in his mouth, he is liable [for another sin offering]."**
- D. **They said to him, "They said to him, "That is not of the same classification [of transgression of which we have spoken heretofore since it is not caused by eating (A)]."**

We commence by an investigation of the position of Meir on an issue that intersects with his position here. But the real goal turns out to be the same as Yohanan's exegetical dilemma for much of Chapter One, which is, how may we imagine a case in which a given number of distinct classifications of prohibition (sin, crime) pertain to a single action. This emerges only in the secondary discussion of Meir's position, but it imparts to the Mishnah-exegesis a unity of program to be noted.

- I.1 A. [14A]** *May we say that R. Meir takes the view that [in the sense that is to be specified in a moment] a prohibition may apply to that which is already subject to a prohibition? [Porusch: A prohibition can apply to something that is forbidden already by reason of another injunction, as exemplified in Meir's statement that the law of the Sabbath takes hold of prohibited food.]*
- B. *While he may not take the position that a prohibition may apply to that which is already subject to a prohibition [as a kind of double jeopardy], he does maintain that a prohibition that is more encompassing or one that is more extensive can take hold in the case of an existing prohibition. A person who to begin with is cultically clean is forbidden only in regard to forbidden fat. Once he becomes unclean, since he is prohibited in regard to the cultically clean parts of the animal, added to him is then another prohibition over and above the one concerning the prohibited parts. [He now may not eat permitted fat, by reason of his cultic uncleanness.] Along these same lines, the forbidden fat is prohibited to begin with only as to eating. But if he consecrated the beast, since to the prohibition has been added one concerning deriving benefit from the beast, that further prohibition has been added, also, to the status of the forbidden fat. And still, it is to an ordinary person that the prohibition applies, but as to the Most High, the forbidden fat of course is permitted. But if the beast should fall into the category of remnant, since a further prohibition has been added vis à vis the Most High, the prohibition also has been added in respect to an ordinary person. And, further, if the consideration of the Day of Atonement is further entered, then since a prohibition has been added in respect even to unconsecrated food, that prohibition is added also with regard to the Most High.*
- C. *Then why not include in the repetition of the rule five sin-offerings, and refer the matter to a case in which one has eaten an olive's bulk of meat that has been rendered an abomination by the officiating priest's intention to eat the sacrifice at the improper time or place?*
- D. *The framer of the passage refers to a single beast, and not to two beasts, and you cannot have applicable to one and the same beast the classifications of both remnant and abomination by reason of the officiating priest's improper intention. [A beast may be subject to the one or the other but not both.]*
- E. *Wherefore not? You can find such a case, for example, when the officiating priest offered up a limb onto the altar that had earlier been subjected to the improper intention as to the priest's plan of eating the meat at the wrong time or place, in which case [because the limb in the end is properly offered up], the classification of abomination has been removed from the meat, and it then falls into the classification of remnant. And that would be in line with that which Ulla said, "In the case of a handful of meal offering that the priest has rendered an abomination by reason of the improper intention to eat the residue at the wrong time or place, which one has actually offered up on the altar — the status of abomination is removed from it, and it can then fall into the status of remnant."*
- F. *The author speaks of one limb and not two limbs, and the classifications of both remnant and abomination [by reason of the improper intention of the officiating priest] do not apply to a single limb.*

- G. *Wherefore not? You can find such a case, for example, when a limb in the status of abomination has been offered up on the altar, in such a way that it partly rested on the altar and partly protruded, so the portion that rested on the altar has been emancipated from its disqualification as abomination, and then it may enter the classification of remnant. And that would be in line with that which Ulla said, "In the case of a handful of meal offering that the priest has rendered an abomination by reason of the improper intention to eat the residue at the wrong time or place, which one has actually offered up on the altar — the status of abomination is removed from it, and it can then fall into the status of remnant."*
- H. *He said to him, "That is not possible. If the greater part is the altar's, then the whole of it is assigned to the altar; if the greater part protrudes, then the whole of it is assigned to the protrusion."*
- I. *[From the fact that five sin offerings do not come into consideration, for the reason that has now been spelled out,] you may solve the problem that was raised by Rammi bar Hama: "Does the status of the limbs follow the status of the majority when it comes to the case of sacrificial limbs, or is that not the case?" [Since that question is left unanswered, this solution is null.]*
- J. *Rather, we deal with a case of merely a single olive's bulk of meat, but not of two [and when there is a single olive's bulk of meat, we can enumerate only the four sin-offerings that the Mishnah's author counts up].*
- K. *Do we not, now? But has it not been taught: **the Day of Atonement**, and in connection with the Day of Atonement, it is the volume of a fig's bulk that imposes liability, and a fig's bulk is made up of the volume of two olive's bulks!*
- L. *Said R. Zira, "We deal with a case, for example, in which one ate a kidney with its forbidden fat" [Porusch: he ate one olive bulk of the kidney and another of the forbidden fat. For the latter he is liable for three sin offerings and a guilt offering; when following this with an olive's bulk of the kidney, he complements the date-size required for the transgression of the Day of Atonement, and that provokes the fourth sin offering. Zira's view is that the Tannaite authority of the Mishnah wishes to confine himself to the eating of one olive's bulk of forbidden fat, while in the combination of the sacrifice that is classified as abomination and as remnant, it would be necessary to assume that two olive bulk's of forbidden fat have been consumed.]*
- M. *R. Pappa said, "It would involve a case in which he supplemented the forbidden fat with dates."*
- N. *R. Adda b. Aha repeats the Mishnah as, "**Five sin offerings**," and he explains that it deals with a case in which he ate an olive's bulk of meat in the status of abomination, then rejecting all the other explanations that have been offered.*
- O. *Then why not read it in the language of "six sin offerings," and assign the passage to refer to a case in which one ate an olive's bulk of the blood?"*
- P. *It is with a single act of eating that the passage deals, and not with two acts of eating. And sages have calculated that the gullet can hold no more than two olive's bulks of food at any one time.*

The criticism of the Mishnah's formulation turns to alternative ways of framing the same point.

II.1 A. R. Meir says, "If it was the Sabbath and he took it out [from one domain to another] in his mouth, he is liable [for another sin offering]." They said to him, "They said to him, "That is not of the same sort [of transgression of which we have spoken heretofore since it is not caused by eating (A)]."

B. *Why not frame matters simply, If he took it out [from one domain to another] in his mouth, he is liable [for another sin offering]. Why add, it was the Sabbath?*

C. Said Rafram, "That is to say, the considerations of establishing a symbolic linking of property within a boundary and the consideration of taking thing from one domain to another pertain to the Sabbath but not to the Day of Atonement."

D. *Why not? Perhaps* the considerations of establishing a symbolic linking of property within a boundary and the consideration of taking thing from one domain to another pertain to the the Day of Atonement as well, *and this is the sense of the matter: If it was the Sabbath and he took it out [from one domain to another] in his mouth, he is liable [for another sin offering]* also on the count of the Sabbath and the Day of Atonement.

E. *So if Rafram made a statement at all, it is in connection with the following that he must have made his statement, as it has been taught on Tannaite authority:*

F. "And he shall send it [the scape-goat] away by the hand of an appointed man" (Lev. 16:12) — "man" serves to validate for participation in the rite even a non-priest, and "appointed," means, even one who is subject to uncleanness, and even if it is done on the Sabbath; "appointed" also means, "designated for the task,"

G. Now here we find a reference to "even if it is done on the Sabbath."

H. Said Rafram, "'That is to say, the considerations of establishing a symbolic linking of property within a boundary and the consideration of taking thing from one domain to another pertain to the Sabbath but not to the Day of Atonement.'"

I. *How come? The goat that is sent forth represents a special case, for it is entirely bound up with the Day of Atonement [and from it no further conclusions are to be drawn by way of generalization].*

J. *The statement of Rafram is null.*

I.1 fully exposes the thinking of Meir, and 1.B is a superb exposition of the matter. The secondary expansion shows some of the complications that can be induced, but the main point is clear as presented. II.1 clarifies the language that is used and thereby shows the subterranean issue.

3:5A-B

A. **There is he who carries out a single act of sexual intercourse and becomes liable on its account for six sin offerings:**

B. **He who has intercourse with his daughter is liable on her account because of violating the prohibition against having intercourse with (1) his daughter, and (2) his sister, and (3) his brother's wife, and (4) his brother's father's wife, and (5) a married woman, and (6) a menstruating woman.**

- I.1 A. [14B]** *But does not R. Meir take the view that a prohibition may not apply to that which is already subject to a prohibition?* [Porusch: A prohibition can apply to something that is forbidden already by reason of another injunction, as exemplified in Meir's statement that the law of the Sabbath takes hold of prohibited food.]
- B. *While he may take the position that a prohibition may apply to that which is already subject to a prohibition, he does not maintain that a prohibition that is more encompassing or one that is more extensive can take hold in the case of an existing prohibition.*
- C. *For example: one had sexual relations with his mother, who produced a daughter. The prohibition on the count of her being his daughter and also of her being his sister apply at one and the same time. If then the daughter married his brother, since the prohibition pertaining to brothers is now added to the woman, that same prohibition is added in his regard as well. Then she is married to the brother of his father. Since the prohibition affecting her as to the rest of the brothers of his father has been added, in his regard the same prohibition pertains as well. Further, she also is a married woman. Since the prohibition in her regard pertains to all others in general, that same prohibition pertains to him as well. Not only so, but if, after all this, she should be in her menstrual period, since that prohibition has been added in respect to her husband, it has been added also in respect to him as well.*

I.1 goes over familiar ground, but now tests the proposition opposite to the one introduced earlier. Apart from the revised formulation, the development is exactly parallel.

3:5C-E

- C. **And who has intercourse with his daughter's daughter is liable on her account because of violating the prohibitions against having intercourse with (1) his daughter's daughter, and (2) his daughter-in-law, and (3) his wife's sister, and (4) his brother's wife, and (5) his brother's father's wife, and (6) a married woman, and (7) a menstruating woman.**
- D. **R. Yosé says, "If the grandfather transgressed and married her, he is liable on her account because of the prohibition of having sexual relations with his father's wife."**
- E. **And so he who has sexual relations with his wife's daughter or with the daughter of the daughter of his wife.**

The issue that requires attention is how to define a situation in which a woman may enter the specified category.

- I.1 A.** *It is stated in the Tannaite formulation, he is liable on her account because of the prohibition of having sexual relations with his father's wife. But had she then been earlier permitted to him [as she was forbidden to the father as his brother's wife the marriage was invalid, and she cannot be regarded as his father's wife]? [How can he be liable for an act of sexual relations with her in the status of his father's wife, when the woman cannot validly enter that status at all?]*
- B. *Said R. Yohanan, "It would involve a case in which she had come to him through a levirate marriage [the father's uncle had died, he left no children, the father then entered into levirate marriage with her]."*

- C. *If so, what violation of the law is involved?*
- D. Said R. Jacob, “He has transgressed on the count of marrying the daughter-in-law of his son, and that is a forbidden relation in the second degree [deriving from the authority of sages, not from the Torah].”
- E. *For it has been taught on Tannaite authority:*
- F. A daughter in law is in an incestuous relationship by the law of the Torah, a daughter in law of a son is an incestuous relationship in the second degree. And the same distinction is made between the daughter of a son and the daughter of a son’s son to the end of time.

We now ask for Yosé’s position on the issue that we impose upon a variety of rulings, a general principle transcending all our cases and affecting each of them.

- I.2. A. *And does R. Yosé take the view that a prohibition may apply to that which is already subject to a prohibition [a prohibition can apply to something that is forbidden already by reason of another injunction]?*
- B. *And have we not learned in the Mishnah:*
- C. **He who is declared liable to be put to death through two different modes of execution at the hands of a court is judged to be executed by the more severe. If he committed a transgression which is subject to the death penalty on two separate counts, he is judged on account of the more severe. R. Yosé says, “He is judged by the penalty that first applies to what he has done” [M. San. 9:4A-C].**
- D. *And it has been taught on Tannaite authority:*
- E. How is this done? Said R. Yosé, “**He is judged by the penalty that first applies to what he has done.** If he had sexual relations with his mother-in-law, who was then married, he is judged on the count of having had sexual relations with his mother-in-law. If it was simply a married woman but she then became his mother-in-law, he is judged on the count of her having been a married woman.”
- F. Said R. Abbahu, “R. Yosé [like Meir] concedes that when the new prohibition is more encompassing, [then we do judge the case on that count].”
- G. *And so too, when Rabin came he said R. Yohanan [said],* “R. Yosé concedes that when the new prohibition is more encompassing, [then we do judge the case on that count].”
- H. *What is the more comprehensive prohibition that pertains here?*
- I. *If the grandfather had another son* [Porusch: before the man’s father married the grand daughter, she was permitted to his son, now she is forbidden to him as his father’s wife]. *The new prohibition encompasses the other son, and it applies to the man himself.*

The question of I.1 is how we can refer to the woman as married to his father, since such a marriage to begin with cannot have been valid. No. 2 then addresses to Yosé the question that we have raised for Meir.

3:6

- A. **He who has sexual relations with his mother-in-law may turn out to be liable on her account because of the prohibitions against having sexual relations with (1) his mother-in-law, and (2) his daughter-in-law, and (3) his wife’s**

sister, and (4) his brother's wife, and (5) his father's brother's wife, and (6) a married woman and (7) a menstruating woman.

- B. And so is the case for him who has sexual relations with the mother of his mother-in-law and with the mother of his father-in-law.
- C. R. Yohanan b. Nuri says, "He who has sexual relations with his mother-in-law may turn out to be liable on her account because of the prohibition against having sexual relations with (1) his mother-in-law, and (2) the mother of his mother-in-law, and (3) the mother of his father-in-law."
- D. They said to him, "All three in fact fall into a single prohibition."

Yohanan b. Nuri has proposed a way of viewing matters that expresses a principle of classification; we now ask whether other authorities share the same principle.

I.1 A. Said R. Eleazar said R. Hoshaia, "R. Yohanan b. Nuri and Sumkhos made the same statement.

- B. "R. Yohanan b. Nuri, as we have just said.
- C. "As to Sumkhos, what is the pertinent passage? It is in accord with that which we have learned in the Mishnah:

D. **[15A] "If one slaughtered a beast and its granddaughter and afterward slaughtered its daughter, he incurs forty stripes. Sumkhos says in the name of R. Meir, 'He incurs eighty stripes' [M. Hul. 5:3P-Q].** [The twofold flogging is on the count of the mother of the animal killed last and also on the count of the offspring]."

E. *Said Raba, "But perhaps that is not an appropriate analogy. R. Yohanan b. Nuri made his statement only in the present case because we deal with distinct counts, for the woman may be described as his mother-in-law, also as the mother of his mother-in-law and also as the mother of his father-in-law. But in the case of the killing of the mother-beast and its offspring, where there is only a single count, and in which all cases fall into a single designation, it is possible that he will not take the same view."*

F. *Said R. Nahman bar Isaac, "Perhaps Sumkhos takes the position that he does only in connection with the case of the beast and the offspring, in which instance we deal with distinct bodies. But here, in which we do not deal with distinct persons, I might say that matters are as R. Abbahu said R. Yohanan said."*

G. R. Abbahu said R. Yohanan said, "They are near kinswomen, it is wickedness' (Lev. 18:17) — Scripture has treated all of them on a single count of wickedness."

At I.1 we compare the opinions that pertain to distinct cases, in which we may or may not have distinct counts. In this way we clarify what is at stake in the Mishnah.

3:7

A. Said R. Aqiba, "I asked Rabban Gamaliel and R. Joshua in the meat market of Emmaus, where they had gone to buy a beast for the banquet of Rabban Gamaliel's son:

B. "He who has sexual relations with his sister, with his father's sister, and with his mother's sister in one spell of inadvertence [M. 1:1E9, 10, 11] — what is the rule?

- C. **“Is he liable once [on a single count] for all of them, or once [on distinct counts] for each and every action?**
- D. **“They said to me, ‘We have not heard [the rule on that case], but we have heard the rule, ‘He who has sexual relations with his five wives when they are menstruating, in a single spell of inadvertence, is liable for on the count of each and every act of sexual relations.**
- E. **“And we regard the matters [in the former case] as subject to a proof by an argument a fortiori [from the latter case].”**

The issue once more requires clarification: to what case is reference made here?

- I.1** A. *How is the matter to be interpreted? If it is as stated [three different women, each prohibited on her own count, though all three acts were done in a single spell of inadvertence], then what is at issue, since the prohibitions and moreover the persons involved are all distinct from one another? [Obviously, there are three counts of liability.]*
- B. *Rather, this is the sense of the question: He who has sexual relations with his father’s sister, who is also his mother’s sister, — is he liable on one count for all such actions, or is he liable on each count individually? What then is the rule? Do we say that lo, these are distinct counts, or perhaps, lo, the bodies are not distinct?*

Once reference is made to an argument, we wish the details of the argument to be spelled out.

- I.2.** A. They said to him, **“We have not heard [the rule on that case], but we have heard the rule, ‘He who has sexual relations with his five wives when they are menstruating, in a single spell of inadvertence, is liable for on the count of each and every act of sexual relations. And we regard the matters [in the former case] as subject to a proof by an argument a fortiori [from the latter case].”**
- B. [The following presents the argument a fortiori:] If he who in a single spell of inadvertence has sexual relations with all five of his wives who are menstruating, which constitutes a single count, is liable for each one of them, in the case of his sister, who is the sister of his father and the sister of his mother, which constitute three distinct counts, should surely be liable on each count!
- C. *But one may raise the following challenge to this argument:*
- D. The distinctive trait of the case involving the five menstruating women is that these represent distinct bodies. But Scripture has said, “He has uncovered the nakedness of his sister” (Lev. 20:17), which serves to impose liability for having sexual relations with his sister who is the sister of his father and the sister of his mother.
- E. Said R. Ada bar Ahba, *“You find such a case with a wicked man son of a wicked man: he had sexual relations with his mother and produced two daughters, and then went and had sexual relations with one of them and produced a son, and his son had sexual relations with the sister of his mother, who is also his sister, she is the sister of his father, so he is a wicked man the son of a wicked man.”*

We proceed to a Tannaite complement to the issue at hand.

- I.3.** A. *Our rabbis have taught on Tannaite authority:*

- B. “If one went and had sexual relations and then did the same a second time and a third time [in a single spell of inadvertence],” he is nonetheless liable to an offering on the count of each action,” the words of R. Eliezer.
- C. And sages say, “He is liable on only a single count.”
- D. But sages concede to R. Eliezer in the case of one who has sexual relations in a single spell of inadvertence with all five of his wives when they were menstruating, that he is liable on each such count, since he has made them liable to offerings, each on her own.
- E. *Said Raba to R. Nahman, “But do we invoke the consideration of, ‘since he has made them liable to offerings’? And has it not been taught on Tannaite authority:*
- F. *“If the man violated the law within a single spell of inadvertence, but the woman did it within five distinct spells of inadvertence, he is liable on only a single count, but she is liable on each and every count.’*
- G. “Rather, I should say, since they are distinct bodies [he is liable on each such count].”

- I.4.** A. *The following theoretical question was raised in this same context: “If one cut plants on the Sabbath and then did so a second time, what would be the ruling of R. Eliezer? Was the operative consideration of R. Eliezer in that other case on the count that the man has committed two acts, so he is liable for each one, and here too he has committed two acts, and is liable for each one? Or perhaps the decisive consideration of R. Eliezer in the prior case is that the two acts could not be treated as one, so R. Eliezer maintained that one is liable on each count; but in the case of cutting a plant the size of a dried fig and then cutting a plant the size of a dried fig, doing both actions in a single spell of inadvertence, since it is possible to have cut the two plants of the size of a dried fig in a single act of cutting, he should be liable on a single count only? So what is the ruling?”*
- B. *Said Rabbah, “The operative consideration of R. Eliezer in that other case is on the count that the man has committed two acts, so he is liable for each one, and here too he has committed two acts, and is liable for each one.”*
 - C. *And R. Joseph said, “The operative consideration of R. Eliezer in that other case is that the two acts could not be treated as one [since by definition each had to be done individually], so R. Eliezer maintained that one is liable. But where it is possible for the two acts to be united [and carried out in a single action], one is liable on a single count only.”*
 - D. *Objected Abayye to Rabbah, “R. Eliezer imposes liability for the offspring of the generative categories of acts of labor even in a case in which one has carried out acts that fall within the generative categories of the acts of labor themselves. [Porusch: R. Eliezer declares one culpable for derivatives even when performed together with their respective principal acts of work.] So it must follow that if the same act that falls into a generative type of labor was performed twice in a single spell of unawareness, one would be exempt. Now, if you maintain that the operative consideration in the mind*

of R. Eliezer is because the man has done two acts of violation of the law, why should he be exempt?"

- E. *Said Mar b. Rabina, "R. Nihumi b. Zechariah and I have explained the case: here with what sort of a situation do we deal? With a branch of a vine that was overhanging a fig tree, and he cut off both of the branches with a single movement. [Porusch: he cut off the branch for fuel and the twig for the fruit. The first act is derivative, since it was not done for the sake of the fruit; the second is the principal. The man is liable on two counts even for a single action. The inference that Eliezer would not declare him guilty on two counts if the same principal act of work was performed twice on two distinct occasions but within a single spell of inadvertence is no longer pertinent, for here there were two distinct actions.] For this reason R. Eliezer declares him liable, since the categories are themselves distinct and also the objects were distinct [the parts of the tree]. Along these lines, when would a man be exempt in his view if he cut a plant twice? It would be only if he cut off two plants, each of the size of a dried fig, in a single stroke. But if he cut off one such plant of that size and then another, he is liable on two counts."*

I.1 clarifies the question that is raised, and I.2 then spells out and analyzes the argument a fortiori that has been mentioned in only general terms. The Talmud can always be relied upon to answer the open invitation to provide an unstated argument; in that regard, it is invariably engaged in the act of amplification and clarification. The clarification of the issue at No. 1 then makes possible the specification of the argument at No. 2. No. 3, continued by No. 4, goes over the same issues as the Mishnah does, now with reference to other authorities.

3:8

- A. **And further did R. Aqiba ask them:**
- B. **"A limb dangling from a beast: what is the rule [as to whether or not it is unclean? If it were completely detached, it would be classified as carrion and as unclean. The question here concerns a limb that is not wholly severed.]"**
- C. **They said to him, "We have not heard the rule [for that particular case]. But we have heard the rule concerning a limb which is dangling from a man, that it is deemed clean.**
- D. **"For so did [15B] the people afflicted with boils do in Jerusalem:**
- E. **"He goes on the eve of Passover to a physician, and he [the physician] cuts [the boil] until he leaves on it a hair's breadth. And he sticks it onto a thorn. And he [the patient] pulls away from it.**
- F. **"And this one would prepare his Passover. And the physician likewise would prepare his Passover. [No one would end up unclean by reason of contact with the detached boil.]**
- G. **"And we regard the matters as subject to a proof by an argument a fortiori."**

The Talmud contributes the analysis of a detail of the Mishnah's unitary composition.

- I.1 A.** *There we have learned in the Mishnah:*

- B. **He who rubs the wetness off the leek and he who wrings out his hair with his garment — R. Yosé says, “The drops that exude are under the law, ‘If water be put’ (Lev. 11:34, 37), and those that remain in the leek or the hair are not under the law, ‘If water be put,’ because the man intends that the drops of water exude from the leek or from the hair in their entirety [and these have not been wrung out]” [M. Mak. 1:5].**
- C. Said Samuel, “And the leek itself has been rendered susceptible to uncleanness [by the willful application of water]. *What is the reason?* At the moment at which the liquid was detached from the leek, it was made susceptible.”
- D. *But have we not learned in the Mishnah: He goes on the eve of Passover to a physician, and he [the physician] cuts [the boil] until he leaves on it a hair’s breadth. And he sticks it onto a thorn. And he [the patient] pulls away from it. And this one would prepare his Passover. And the physician likewise would prepare his Passover. [No one would end up unclean by reason of contact with the detached boil.] Now, if you say, “At the moment at which the liquid was detached from the leek, it was made susceptible,” lo, here too there is the same consideration, namely, at the moment at which that dangling limb was detached from the person, it rendered the person unclean!*
- E. *The answer is in accord with that which R. Joseph stated elsewhere, “It was removed with great force,” and here too, the afflicted person himself removed the skin with great force. [Porusch: so that there was no contact between the man and the limb for one moment; but in the case of the leek the juice emerges slowly.]*

I.2. A. *And where was that statement of R. Joseph made? It was in connection with the following:*

- B. **R. Yosé says, “A Zab or one who has contracted corpse uncleanness who were walking along, and rain fell on his hair and on his garment — even though the water is detached from the upper side to the lower side of the garment [Bavli: even though the water was squeezed by him], they [drops of water do not impart susceptibility to uncleanness, so] are clean. For the drops of water are taken into account only after they have exuded from all of it. Once they have exuded from all of it, lo, these are susceptible to uncleanness [the drops of water impart susceptibility to uncleanness], and they are clean. For they are taken into account only after they have exuded” [T. Mak. 1:5D-H].**
- C. R. Joseph said, “It was removed with great force,”

I.1 introduces a pertinent Mishnah-parallel. But the focus is on the parallel, and our Mishnah-paragraph only contributes an illustration, so the whole has been composed for the purpose of dealing with Samuel’s statement, and all that was added to make the passage fit here was the opening word, “elsewhere.” No. 2 is a predictable completion. If we had a Talmud to Mishnah-tractate Makhshirin, the present composition would serve its primary purpose there.

3:9

- A. **And further did R. Aqiba ask them:**
- B. **“He who slaughters five animal sacrifices outside [the Temple courtyard] in a single spell of inadvertence, what is the law?**

- C. “Is he liable for one [single] offering for all of them, or for one [offering] for each and every act of slaughter?”
- D. They said to him, “We have not heard.”
- E. Said R. Joshua, “I heard [the rule which applies] in the case of him who eats from a single animal sacrifice in five dishes, that he is liable on account of each and every act for violation of the laws of sacrilege.
- F. “And I regard the matters as subject to proof by an argument a fortiori.”
- G. Said R. Simeon, “Not in this way did R. Aqiba interrogate them but in the case of:
- H. “one who eats remnant from five animal sacrifices in a single act of inadvertence — what is the law?
- I. “Is he liable for a single offering for all of them, or is he liable for an offering for each and every one?
- J. “They said to him, ‘We have not heard.’
- K. “Said R. Joshua, ‘I heard that in the case of:
- L. ““one who eats from a single animal sacrifice in five dishes in a single act of inadvertence, that he is liable to bring an offering for each and every one on account of violation of the laws of sacrilege.
- M. ““And I regard the matters as subject to proof by an argument a fortiori.’
- N. “Said R. Aqiba, ‘If it is law, we shall accept it. But if it is for purposes of argument, there is an answer.’
- O. “He said to him, ‘Answer.’
- P “He said to him, ‘No. If you have so stated in the case of the laws of sacrilege, in which instance the one who gives something to someone else to eat is equivalent to the one who eats, and the one who causes another to enjoy benefit is equivalent to the one who derives benefit himself, joining together a quantity sufficient to be subject to the laws of sacrilege over a long period of time,
- Q. ““will you say so in the case of remnant, to which none of all of these considerations apply?”“

The obvious question the Mishnah-paragraph provokes is, what is wrong with the first version that Simeon should have found it necessary to make up a more suitable one?

- I.1 A.** *What is it that troubled R. Simeon [in the first version of the inquiry of Joshua]?*
- B. *This is what troubled him:* what proof derives from the case of one who eats to serve as evidence in the case of one who slaughters a beast? For the particular trait of the case of one who eats is that he derives benefit from the beast [which is not the case in slaughtering it]. So this is what he asked:
- C. “one who eats remnant from five animal sacrifices in a single act of inadvertence — what is the law? Is he liable for a single offering for all of them, or is he liable for an offering for each and every one? They said to him, ‘We have not heard.’ Said R. Joshua, ‘I heard that in the case of one who eats from a single animal sacrifice in five dishes in a single act of inadvertence, that he is liable to bring an offering for each and every one on

account of violation of the laws of sacrilege. And I regard the matters as subject to proof by an argument a fortiori.'

- D. "Specifically, if for eating from a single animal sacrifice, which does not involve distinct bodies, one is liable on each count because the dishes from which he eats are distinct from one another, if one does so from five animal sacrifices, which are distinct bodies, is it not an argument *a fortiori*?"

II.1 A. "Said R. Aqiba, 'If it is law, we shall accept it. But if it is for purposes of argument, there is an answer.' He said to him, 'Answer.' He said to him, 'No. If you have so stated in the case of the laws of sacrilege, in which instance the one who gives something to someone else to eat is equivalent to the one who eats, and the one who causes another to enjoy benefit is equivalent to the one who derives benefit himself, joining together a quantity sufficient to be subject to the laws of sacrilege over a long period of time, will you say so in the case of remnant, to which none of all of these considerations apply?'"

The Mishnah's formulation leaves open an obvious question, which we now address.

- B. Did R. Joshua accept this reply from R. Aqiba or not?
- C. *Come and take note:*
- D. *It has been taught on Tannaite authority:*
- E. If one ate five pieces of remnant that derived from a single animal sacrifice, in a single spell of inadvertence, out of five distinct dishes, he brings a sin offering only on a single count, and for any of them of which he is uncertain he brings only one suspensive guilt offering. If he eats one piece of meat from five distinct dishes in the course of five spells of inadvertence, he brings a sin offering on each count, and on account of any of them of which he is uncertain, he brings a suspensive guilt offering. If he ate from five animal sacrifices in a single spell of inadvertence, he is liable on each count.
- F. R. Yosé b. R. Judah says, "Even if he ate five pieces of meat from five sacrifices in a single spell of inadvertence, he brings a sin offering on only a single count, and in the case of a matter of doubt affecting them, he brings only a single suspensive guilt offering."
- G. The encompassing rule is that in any case in which distinctions are made as to the number of counts for which one is liable to sin offerings, distinctions are made as to the number of counts for which one is liable for guilt offerings.
- H. If one ate five pieces of meat from five dishes from a single animal sacrifice, if this was prior to the sprinkling of the blood, even in a single sustained spell of inadvertence, he is liable on each count on grounds of having committed sacrilege.
- I. **[16A]** *Now the passage does not go on to repeat,* "and concerning a matter of doubt in his regard he brings a suspensive guilt offering."
- J. *Now who is the authority behind this rule? If it were R. Aqiba, it should add at the end,* "and concerning a matter of doubt in his regard he brings a suspensive guilt offering." *For we have learned in the Mishnah: R. Aqiba declares [a person] liable to a suspensive guilt offering in the case of a matter of doubt regarding acts of sacrilege [M. Ker. 5:2A].*

- K. *Rather, is it not R. Joshua, and it has been taught, "If he eats one piece of meat from five distinct dishes in the course of five spells of inadvertence, he brings a sin offering on each count, and on account of any of them of which he is uncertain, he brings a suspensive guilt offering." So it follows that he did accept the answer from him.*
- L. *But, to the contrary, from the concluding part of the passage, at which it is taught, If he ate from five animal sacrifices in a single spell of inadvertence, he is liable on each count, it follows that he did not accept the answer from him!*
- M. *So what is the upshot of the matter?*
- N. *It is a matter of disagreement among Tannaite memorizers, for there is a Tannaite authority who holds that he did accept the answer from him, and there is a Tannaite authority who holds that he did not.*
- O. *You may even say that it represents the view of R. Aqiba, and this Tannaite authority takes the position that he does in one matter and differs from him in the other. He takes his position in the matter of assessing the spells of inadvertence, and he differs from him when it comes to considerations of sacrilege.*

I.2. A. *What would the case involving five acts of sacrilege be?*

- B. Said Samuel, "It is in line with that which we have repeated: 'Five aspects of the burnt offering join together [to form the requisite volume to be subject to sacrilege} the meat, forbidden fat, wine, meal offering, and oil.'"
 - C. Hezekiah said, "For example, if one ate from five limbs."
 - D. R. Simeon b. Laqish said, "You may even say it was from a single limb. You may find such a case with the forelimb [which is subdivided]."
 - E. R. Isaac the Smith said, "For example, if one ate from five different foods." [Porusch: he ate the meal once with cabbage, again with onions, then with leeks, etc.]
 - F. R. Yohanan said, "For example, he ate it in five different flavors [of spices]."
- I.1 fully restates the Mishnah, so as to supply the required argument a fortiori. II.1 then answers an obvious and valuable question. No. 2 then supplies information required for fully understanding No. 1, once more a familiar order and program.

3:10

- A. **Said R. Aqiba, "I asked R. Eliezer, 'He who performs many acts of prohibited labor on many Sabbaths but of a single sort of prohibited labor in a single spell of inadvertence — what is the law?"**
- B. **"Is he liable for a single offering for all of them, or is he liable for an offering for each and every one?"**
- C. **"He said to me, 'He is liable for an offering for each and every such action, on the basis of an argument a fortiori:**
- D. **"Now if in the case of a menstruating woman, who does not yield many sorts of subdivisions of transgression or many sorts of sin offerings, one is liable for each and every act of sexual relations,**
- E. **"the Sabbath, which yields many sorts of subdivisions of transgression [different types of labor] and many sorts of sin offerings on their account — is it not logical that he should be liable for each and every act of labor?"**

- F. “I said to him, ‘No. If you have so stated in the case of having sexual relations with a menstruating woman, who is subject to two distinct warnings —
- G. ““for the man is subject to warning against having sexual relations with a menstruating woman, and a menstruating woman is subject to warning against having sexual relations with the man —
- H. ““will you say the same for the Sabbath, to which applies only a single warning?”
- I. “He said to me, ‘He who has sexual relations with minors [who are menstruating] will prove the matter. For to them applies only a single warning [that applicable to him, since they are exempt]. Yet he is liable for each and every act of sexual relations.’
- J. “I said to him, ‘No. If you have so stated in connection with him who has sexual relations with [menstruating] minors, in which instance, even though there is no warning applicable to them now, there will be such a warning applicable to them in due course,
- K. ““will you so rule in the case of the Sabbath, which is subject to a warning neither now nor in due course?”
- L. “He said to me, ‘He who has sexual relations with a beast will prove the matter.’
- M. “I said to him, ‘The beast is subject to the same rule as the Sabbath.’”

The Mishnah’s question require clarification, which the Talmud now provides.

- I.1** A. *Now just what was he asking him? If it was whether or not distinct Sabbaths are comparable to distinct bodies [Porusch: if the same classification of act of work was committed several times on different Sabbaths, on how many counts is he liable? Is it to several, just as though he had committed different classifications of acts of labor on the Sabbath, or not?], then he ought rather to have asked him in the following terms: he who performs an act of labor of a single classification on various Sabbaths....? And if it was as to derivative acts of labor in relationship to generative classifications of labor, inquiring whether or not these are deemed comparable or not, then he should have framed the question in the following language: he who performs many acts of labor that fall within a single principal classification of labor on the Sabbath....? [So the precise character of the question requires articulation.]*
- B. Said Raba, “*They say in the household of Rab that he asked two questions of him: He asked, ‘Are distinct Sabbaths treated as distinct bodies or are they not?’ and also, He asked, ‘Are derivative acts of labor equivalent to generative classifications of labor or are they not?’*”

We now proceed to spell out the character of each of the questions.

- I.2.** A. *And as to the Sabbaths, what was his question? [Porusch: Under what conditions was the Sabbath law unwittingly transgressed on various Sabbath days? The question on whether separate Sabbaths render one liable to distinct offerings may be conceived in two ways: first with reference to the error that caused the transgression, second, with regard to the forbidden act. The question may be whether the fact that the error was made on different Sabbaths causes us to regard*

it as if several errors were made, or whether the fact that the work was done on separate Sabbaths causes us to consider it as if different kinds of work were performed. In the first instance the error must necessarily lie in unawareness of the Sabbath, though the fact that the labors were forbidden was known to the transgressor; in the second instance the mistake lies in his ignorance that the works he did were forbidden on the Sabbath, but knowing that that day was the Sabbath.]

- B. [In the case in which the man performed an act of work on several successive Sabbaths, here is one way of framing the issue:] where the error concerned the Sabbath but that the act was prohibited was known, so the acts were deliberately done, *it is obvious to him that* the days that come in between the Sabbath serve to distinguish one Sabbath from the other, so that the matter of knowledge of the Sabbath was, in each instance, a fresh error [involving a new count of violation]. *So at issue in his question is where he knew that it was the Sabbath, so what he did was deliberate in that regard, but he did not know that the action was prohibited on that day, and what he wanted to know was whether different Sabbaths are comparable to distinct bodies, or whether that is not the case.*
- C. *Or perhaps* [in the case in which the man performed an act of work on several Sabbaths, here is another way of framing the issue:] *it was obvious to him that* where the violation of the Sabbath was deliberate, but the inadvertence concerned various acts of labor, the operative analogy is that of distinct bodies. *So what he raised was the question of* where the inadvertence concerned the Sabbath and the deliberate violations of the Sabbath involved various acts of labor. *What he wanted to know, then, was* whether the days that come in between the Sabbath serve to distinguish one Sabbath from the other, so that the matter of knowledge of the Sabbath was, in each instance, a fresh error [involving a new count of violation], or whether that is not the case.
- D. Said Rabbah, [16B] *“It stands to reason that* where the inadvertence concerned the Sabbath, and the intentionality concerned diverse acts of forbidden labor, *it was self evident to him that* the days that come in between the Sabbath serve to distinguish one Sabbath from the other, so that the matter of knowledge of the Sabbath was, in each instance, a fresh error [involving a new count of violation]. *So what he raised was the question of* a deliberate violation of the Sabbath along with inadvertent performance of a variety of forbidden acts of labor. Are these treated as comparable to distinct bodies or not? *And [Eliezer] solved the problem for him by maintaining that* if the deliberate violation involved the Sabbath, and the inadvertence involved a variety of specific forbidden acts of labor, these are comparable to distinct bodies, *but he did not accept this answer from him. Then he solved the problem by showing that derivative acts of labor are deemed equivalent to acts of labor that form the generative category, but this too he did not accept from him.”*
- E. *Said Rabbah, “And how do I know this* [that the inquiry concerned the initial formulation, namely, at issue in his question is where he knew that it was the Sabbath, so what he did was deliberate in that regard, but he did not know that the action was prohibited on that day, and what he wanted to know was whether different Sabbaths are comparable to distinct bodies, or whether that is not the case]? *It is in line with that which we have learned in the Mishnah: A general*

rule did they state concerning the Sabbath: whoever forgets the basic principle of the Sabbath and performed many acts of labor on many different Sabbath days is liable only for a single sin offering. He who knows the principle of the Sabbath and performed many acts of labor on many different Sabbaths is liable for the violation of each and every Sabbath. He who knows that it is the Sabbath and performed many acts of labor on many different Sabbaths is liable for the violation of each and every generative category of labor. [He who performs many acts of labor of a single type is liable only for a single sin offering] [M. [Shab. 7:1A-E](#)].

- F. *“In stating, ‘He who knows that it is the Sabbath and performed many acts of labor on many different Sabbaths is liable for the violation of each and every generative category of labor,’ what is not said is, ‘he is liable for the violation of each and every generative category of labor performed on each and every Sabbath’! Now whom can this formulation represent? Should I say that it is R. Eliezer? Then let me point to the concluding words of the same passage: He who performs many acts of labor of a single type is liable only for a single sin offering. But were R. Eliezer the authority, then the man would be liable for each derivative category of type of labor as he would be for each generative category of type of labor. So it must be obvious that it is R. Aqiba, and what follows is this: if the inadvertence concerns the very principle of the Sabbath, and the deliberate action involved diverse acts of labor, it is self-evident to him that the days that come in between the Sabbath serve to distinguish one Sabbath from the other, so that the matter of knowledge of the Sabbath was, in each instance, a fresh error [involving a new count of violation], so his question pertained to a case in which the deliberate action concerned the Sabbath, and the inadvertence concerned diverse acts of forbidden labor, and what he wanted to know was whether they are deemed distinct bodies, and [Eliezer’s] answer to him was that they are indeed classified as distinct bodies, and, further, that the derivative acts of labor are treated as equivalent to the generative acts of labor. And both answers were rejected by [Aqiba].”*
- G. *Said Abayye to [Rabbah], “Quite to the contrary, I shall say to you that where the deliberate action concerned the principle of the Sabbath, and the inadvertence concerned diverse acts of labor, it was self-evident to R. Aqiba that the several Sabbaths are not treated as distinct bodies, and what he asked was concerning a case in which the inadvertence concerned the Sabbath and the deliberate action concerned diverse acts of labor. What he wanted to know was whether or not the days that come in between the Sabbath serve to distinguish one Sabbath from the other, so that the matter of knowledge of the Sabbath was, in each instance, a fresh error [involving a new count of violation]. And [Eliezer] replied to him that the days that come in between the Sabbath serve to distinguish one Sabbath from the other, so that the matter of knowledge of the Sabbath was, in each instance, a fresh error [involving a new count of violation], and the other accepted this reply from him. And he further replied to him that the derivative categories of forbidden acts of labor are in the same classification as the generative acts of labor, but this he did not accept from him.”*

- I.3.** A. R. Hisda said [in the matter discussed by Abayye and Rabbah], “As to the case in which the deliberate action concerned the Sabbath, and the inadvertence concerned diverse acts of forbidden labor, *even R. Aqiba takes the view that these form distinct bodies. The question that he raised concerns* inadvertent violation of the Sabbath but deliberate performance of various acts of labor, with the issue being whether or not the days that come in between the Sabbath serve to distinguish one Sabbath from the other, so that the matter of knowledge of the Sabbath was, in each instance, a fresh error [involving a new count of violation]. *He answered him that* the days that come in between the Sabbath serve to distinguish one Sabbath from the other, so that the matter of knowledge of the Sabbath was, in each instance, a fresh error [involving a new count of violation], and *he accepted the reply from him. He further explained to him* that derivative acts of labor are on a par with generative acts of labor, *but this he did not accept from him.*”
- B. *Said R. Hisda, “How do I know it? For it has been taught on Tannaite authority:*
- C. “He who on the Sabbath writes two letters in a single spell of inadvertence is liable on a single count. If he does so in two distinct spells of inadvertence — Rabban Gamaliel declares him liable. And sages declare him exempt.
- D. “But Rabban Gamaliel concedes that if he wrote one letter on this Sabbath, and another letter on another Sabbath, he is exempt.
- E. *“Now there is a further formulation on Tannaite authority:*
- F. “He who writes two letters on two Sabbaths, on on this Sabbath and one on the next — Rabban Gamaliel declares him liable, and sages exempt him.
- G. *“Assuming that Rabban Gamaliel accords with the view of R. Aqiba, then, in my [Hisda’s] position, which maintains that the deliberate action concerned the Sabbath and the inadvertence concerned diverse acts of labor, even R. Aqiba says that the Sabbaths are regarded as distinct bodies. Then there is no contradiction, for the Tannaite formulation that treats the man as exempt speaks of a case in which the letters were written in full awareness of the Sabbath but in inadvertence as to the prohibition [that writing is forbidden], and different Sabbaths are equivalent to distinct bodies. [17A] And the version that maintains that the man is liable speaks of a case in which the inadvertence concerns the Sabbath, and the deliberation concerns the various actions, and the unarticulated premise is that there is no dividing a spell of awareness into two. [Porusch: .Although the intervening weekdays effect a division as if the transgressor had learned in the meantime of his trespass, this case is different, because if one becomes conscious of sin in between incomplete forbidden acts, such as the writing of one letter on the Sabbath, he has not segregated the acts from one another. Awareness in between different forbidden acts brings about a separation of the acts, because it immediately imposes upon the transgressor a sacrifice, which is to serve as expiation for the known act, and it cannot afterwards be extended to include also other sins. This does not apply to incomplete acts that do not involve a sacrifice.]”*
- H. *Now to Rabbah, who has said that R. Aqiba takes the view that the several Sabbaths are treated as a single body, there is no problem in the Tannaite version that maintains that one is liable. Such a ruling applies whether the deliberate violation of the law concerns the Sabbath and the inadvertence pertains to acts of labor, for the Sabbath constitutes a single body, or whether the inadvertence*

concerned the Sabbath and the deliberate action concerned diverse acts of labor, for he takes the view that there is no dividing a spell of awareness into two. But how in the world are you going to set up a situation [within his theory] to take account of the version that states on Tannaite authority that one is exempt? It can accord neither with the one nor with the other situation!

I. *Rabbah can say to you, “Rabban Gamaliel takes the view of R. Eliezer, who has said that the several Sabbaths are equivalent to distinct bodies.”*

I.4. A. *Now as to the Tannaite version that says, “Rabban Gamaliel concurs,” it may be inferred that they differ in other matters as well.*

B. *Now if, as a matter of fact, you maintain that he concurs as a matter of premise with R. Aqiba, then there is indeed the difference having to do with a case in which the inadvertence pertains to the Sabbath and the act of deliberation to diverse acts of forbidden work, in which case Rabban Gamaliel takes the view that there is no dividing a spell of awareness into two. So Rabban Gamaliel concurs where the act of deliberation concerns the Sabbath and the inadvertence concerns diverse acts of forbidden labor, the man is exempt. Therefore diverse Sabbaths are treated as distinct bodies.*

C. *But if you maintain that Rabban Gamaliel concurs with R. Eliezer, then, if we infer that they differ, in what can the difference be? If it concerns a case in which the inadvertence concerned the Sabbath and the deliberate actions concerned diverse forms of prohibited labor, then even R. Eliezer concurs with Rabban Gamaliel that there is no dividing a spell of awareness into two. For it has been taught on Tannaite authority:*

G. *He who writes two letters on two Sabbaths, one letter on this Sabbath, and another letter on another Sabbath, R. Eliezer declares him liable.*

H. *Nor can the disagreement concern weaving one thread onto a web, for he declares him liable in such a case, as we have learned in the Mishnah:*

I. **R. Eliezer says, “He who weaves three threads at the beginning of the web or who added one onto that which is already woven is liable.” And sages say, “Whether at the beginning or at the end, the requisite measure for culpability is two threads” [M. [Shab. 13:1A-D](#)].**

J. *Said Raba, “If the phrase bears the implication that they disagree, then it is with reference to the following case, which has been taught on Tannaite authority:*

K. *“If one carried out from private to public domain a half-fig and then went and carried out another half-fig in a single spell of unawareness, he is liable. If it was in two spells of unawareness, he is exempt. R. Yosé says, ‘If it was in a single spell of unawareness in a single domain, he is liable; if it was in two domains, he is exempt.’*

L. *“Now Rabban Gamaliel concurs with the initial statement, and R. Eliezer takes the position of R. Yosé.”*

I.5. A. *Come and take note:*

B. **“He said to me, ‘He is liable for an offering for each and every such action, on the basis of an argument a fortiori: “Now if in the case of a menstruating woman, who does not yield many sorts of subdivisions of transgression or many sorts of sin offerings, one is liable for each and every act of sexual**

relations, the Sabbath, which yields many sorts of subdivisions of transgression [different types of labor] and many sorts of sin offerings on their account — is it not logical that he should be liable for each and every act of labor?””

- C. *Now from the viewpoint of R. Hisda, who has said that he raised the question of him concerning a case in which the inadvertence pertained to the Sabbath and the deliberate action to various kinds of prohibited forms of labor, and what was at issue was whether or not the days that come in between the Sabbath serve to distinguish one Sabbath from the other, so that the matter of knowledge of the Sabbath was, in each instance, a fresh error [involving a new count of violation], that is why we can understand what he said to him: **Now if in the case of a menstruating woman, who does not yield many sorts of subdivisions of transgression or many sorts of sin offerings, one is liable for each and every act of sexual relations, the Sabbath, which yields many sorts of subdivisions of transgression [different types of labor] and many sorts of sin offerings on their account — is it not logical that he should be liable for each and every act of labor?***
- D. *But as to Rabbah, who has said that the case concerning which he addressed his question to him involved the deliberate action in respect to the Sabbath and the inadvertence in respect to diverse acts of labor, so that what he wanted to know was whether the Sabbaths were treated as distinct bodies or not, then the formulation of the passage should have been in terms of [not a menstruating woman] but **menstruating women**. [This would be a case of different persons or objects and therefore correspond with the case of different Sabbaths held to be equivalent to different bodies.]*
- E. *Rabbah can say to you, “Repeat the Tannaite formulation as ‘menstruating women.’”*
- F. *Samuel’s Tannaite verse was, “menstruating women.”*
- G. *R. Ada bar Ahbah’s Tannaite version was, “menstruating woman.”*
- H. *R. Nathan bar Oshaia said, “Repeat the Tannaite version as, ‘menstruating women.’”*
- I. *And from the viewpoint of R. Hisda, who has said, “The inadvertence concerned the Sabbath and the deliberate action concerned diverse forms of prohibited labor, and the question that he raised of him concerned whether or not the days that come in between the Sabbath serve to distinguish one Sabbath from the other, so that the matter of knowledge of the Sabbath was, in each instance, a fresh error [involving a new count of violation],” how could that question — whether or not the days that come in between the Sabbath serve to distinguish one Sabbath from the other, so that the matter of knowledge of the Sabbath was, in each instance, a fresh error [involving a new count of violation], — relate to the issue of the menstruating woman at all?*
- J. *Said Rabbah, “For example, if he had sexual relations with her and she immersed and produced a drop of menstrual blood, and he again had sexual relations with her, and she immersed, and he again went and had sexual relations with her, so that the distinct acts of immersion are equivalent to the intervening days.”*

I.6. A. *Come and take note:*

- B. **“He said to me, ‘He who has sexual relations with minors [who are menstruating] will prove the matter. For to them applies only a single warning [that applicable to him, since they are exempt]. Yet he is liable for each and every act of sexual relations.’”** *Now from the viewpoint of Rabbah, we can well understand why it speaks of minors, but from the viewpoint of R. Hisda, why “minors” [and not, “a minor”]?*
- C. *The formulation speaks of “minors” only in a general way [but the formulation is not so precise as to permit us to draw any conclusions from the matter].*

I.7. A. *Our Mishnah-paragraph does not concur with the Tannaite authority whose opinion follows, for it has been taught on Tannaite authority:*

- B. Said R. Simeon b. Eleazar, “This is not what R. Aqiba asked R. Eliezer, but this is what he asked: ‘He who has sexual relations with his wife when she was menstruating, and then went and had sexual relations with his wife while she was menstruating, all in a single spell of inadvertence, what is the law? Is he liable on one count for all of his acts of sexual relations, or is he liable on each count by itself? He said to him, “He is liable on each count, from an argument a fortiori: if as to the Sabbath, on which matter there is only a single admonition, for he is admonished as to keeping the Sabbath, but the Sabbath is not admonished as to his actions, he is liable on each and every count, in the matter of the menstruating woman, in which case there are two admonitions, for he is admonished concerning the menstruating woman, and the menstruating woman is admonished on his account, should he not be liable on each count?”
- C. ““They said to him, ‘No, if you have said so in the case of the Sabbath, which yields many sorts of subdivisions of transgression [different types of labor] and many sorts of sin offerings on their account, will you say the same of the case of the menstruating woman, which does not yield many sorts of subdivisions of transgression and many grounds for bringing a sin offering?”
- D. ““They said to him, “He who has sexual relations with minors [who are menstruating] will prove a contrary case, for in that instance there are not many sorts of subdivisions of transgression [different types of labor] and many sorts of sin offerings on their account, and yet he is liable for each act of sexual relations.” They said to him, “No, if you have said so in the case of minors, in which instance there are distinct bodies....”
- E. ““They said to him, “He who has sexual relations with a beast will prove the contrary, for there we do not deal with distinct bodies, and he is liable on account of each such action.” They said to him, “The beast is in the status of the menstruating woman.”””

I.1,2, 3, 4, 5,6 — which are continuous and produced by a single hand and are broken up by me only to treat each subunit in its own framework — contribute clarifications of the question raised by Aqiba, showing the several principles that were under analysis. The capacity of the exegetes, Rabbah, Abayye, and Hisda, to discern the distinct issues under discussion and to spell out the implications of pertinent evidence turns the Mishnah’s rather straight-forward presentation into a much richer and more complex problem. The result remains, however, the

amplification of the Mishnah, now in terms of its underlying principles to be sure, and not an essay on law that transcends a particular subject. What we see here is how the work of Mishnah-commentary itself recasts the character of the Mishnah, showing it a more profound and dense structure than it appears on the surface to be.