

IV.

BABYLONIAN TALMUD TRACTATE KERITOT CHAPTER FOUR

FOLIOS 17A-20B

4:1-2F

4:1

- A. It is a matter of doubt whether or not one has eaten forbidden fat,
- B. And even if he ate it, it is a matter of doubt whether or not [17B] it contains the requisite volume —
- C. Forbidden fat and permitted fat are before him,
- D. he ate one of them but is not certain which one of them he ate —
- E. His wife and his sister are with him in the house —
- F. he inadvertently transgressed with one of them and is not certain with which of them he transgressed —
- G. The Sabbath and an ordinary day —
- H. he did an act of labor on one of them and is not certain on which of them he did it —
- I. [in all the foregoing circumstances] he brings a suspensive guilt offering.

4:2A-F

- A. Just as, if he ate forbidden fat and [again ate] forbidden fat in a single spell of inadvertence, he is liable for only a single sin offering [M. 3:2A],
- B. so in connection with a situation of uncertainty involving them, he is liable to bring only a single guilt offering.
- C. If there was clarification [of the facts of the matter] in the meantime,
- D. just as he brings a single sin offering for each and every transgression, so he brings a suspensive guilt offering for each and every [possible] transgression.
- E. Just as, if he ate forbidden fat, and blood, and remnant, and refuse, in a single spell of inadvertence, he is liable for each and every one [M. 3:2B],

F. so in connection with a situation of uncertainty involving them, he brings a suspensive guilt offering for each and every one.

We begin with a clarification of the circumstances of the Mishnah's opening case: one or two pieces of fat, and to what the doubt pertains.

I.1 A. *It has been stated:*

- B. R. Assi said, "[The point of reference of the cases of M. 4:1A] is a single piece of fat. It is a matter of doubt whether it is prohibited fat or permitted fat."
- C. Hiyya bar Rab said, "It refers to one of two pieces." [Porusch: he ate one of two pieces that lay before him; of these, one was certainly permitted, the other certainly prohibited.]
- D. *What is the point at issue between these two readings of the passage?*
- E. R. Assi takes the position that the [Porusch:] traditional spelling of the text is authoritative, and it is written, "A commandment" (Lev. 5:17-19, "and will do any one of all the commandments of the Lord")." [Porusch: When the doubt is produced by one object, e.g., the status of the piece of fat, one is still liable to a guilt offering.]
- F. And Hiyya bar Rab maintains that the reading of the text [not merely the letters that are written down but the received vocalization] is authoritative, and it is written, "commandments" [to be read in the plural]. [Porusch: One is liable to a suspensive guilt offering only in the case in which the matter of doubt derives from confusion among two or more objects, one of which is certainly permitted, the other certainly forbidden. But in the case of one object where the presence of anything forbidden is in question, he holds that no suspensive guilt offering is required.]
- G. *R. Huna objected to R. Assi, and some say, Hiyya bar Rab to R. Assi, "Forbidden fat and permitted fat are before him, he ate one of them but is not certain which one of them he ate.... Now is it not the case that, since the latter clause refers to two distinct pieces of meat, so the former likewise speaks of two distinct pieces of meat?"*
- H. *Said Rab to him, "Do not follow something that may lead in the opposite direction, for he can state to you, since the latter clause speaks of two pieces of fat, the former must speak of a single piece of fat. [Otherwise, why should the framer of the passage repeat himself.]"*
- I. *If so, one may say, if a single piece of meat imposes the requirement of bringing the guilt offering, is there any need to specify the rule governing two pieces of fat? The sense should simply be, "This, and it is not necessary to add, that too."*
- J. And in the view of Hiyya bar Rab, who has said, "Since the latter clause refers to two distinct pieces of meat, so the former likewise speaks of two distinct pieces of meat," why do I need to have the Mishnah teach the case twice?
- K. *The intent of the framer is to spell matters out, in the following manner: It is a matter of doubt whether or not one has eaten forbidden fat...he brings [in all the foregoing circumstances] a suspensive guilt offering. How so? For instance, if forbidden fat and permitted fat are before him, he ate one of them but is not certain which one of them he ate...*

We proceed to a further statement concerning the same case as that with which we have begun. The same underlying issue is discerned: the way in which we read Scripture's lettering, with or without the received tradition on pronunciation.

- I.2.** A. Said R. Judah said Rab, "If there were before him two pieces of fat, one of them permitted, the other prohibited fat, and he ate one of them and does not know which one of them he ate, he is liable [to bring a suspensive guilt offering. If there was a single piece of fat, and the doubt was whether it was prohibited or permitted, and he ate it, he is exempt from having to bring a suspensive guilt offering." [The man in the latter case has violated the law on only one count, not on two.]
- B. *Said Raba, "What is the scriptural foundation for the position of Rab? It is that Scripture has said, 'and will do any one of all the commandments of the Lord' (Lev. 5:17-19. Liability is incurred only if one inadvertently violates [at least] two of the commandments. The word is written as though it were to be read [in the singular, as] 'commandment,' but we read it following the vocalization as 'commandments.'"*
- C. *Abayye objected, "[It has been taught on Tannaite authority:] R. Eliezer says, 'As to a koy [a cross between a goat and a gazelle, which may be domesticated, like the goat, or wild, like the gazelle, and if the former, the prohibited fat is subject to penalty, but not if the latter], People are liable on account of eating its forbidden fat to a suspensive guilt offering [T. Bik. 2:1]. [So one may be guilty even though only a single piece of fat is involved, not two.]"*
- D. He said to him, "R. Eliezer takes the view that the written version is authoritative, and what is spelled out is the singular, 'a commandment.'"
- E. *An objection was raised: "[If a woman whose husband had died without issue married his brother before three months had passed from the first husband's death and produced an offspring in seven months, so that we do not know whether it was premature and the child of the second husband, or normal and at term and the child of the first, in which case she has to leave the levirate marriage, since her first husband had indeed had a child], if it is a matter of doubt whether it was born at nine months and so is to be assigned, to the first husband, or at seven months and to be assigned to the second, the surviving brother has to put her away, but the offspring if valid, and each party is liable to a suspensive guilt offering."*
- F. *He said to him, "Who is the authority behind this ruling? This too is in accord with R. Eliezer, who takes the view that the written version is authoritative, and what is spelled out is the singular, 'a commandment.'"*
- G. *An objection was raised, "If a drop of blood was found on the husband's cloth [which he used to wipe himself after sexual relations], they are unclean and obligated to bring an offering. If it is found on hers, and it is sometime later, they are regarded as unclean by reason of doubt, but they do not have to bring an offering." In this connection it was taught on Tannaite authority: They still have to bring a suspensive guilt offering."*
- H. *He said to him, "Who is the authority behind this ruling? This too is in accord with R. Eliezer, who takes the view that the written version is authoritative, and what is spelled out is the singular, 'a commandment.'"*

A sin-offering is required only when one has precise knowledge of what one has inadvertently done. Since the guilt-offering corresponds when one is not sure whether or not one has done the sin at all, it is subject to the same consideration: precisely what sin one may or may not have actually done must be known, if one is to be obligated to a suspensive guilt offering. What is subject to doubt is whether one has done the deed, but not the sort of deed one may or may not have done. This clarification of the rule of the Mishnah is now worked out.

- I.3.** A. Said R. Hiyya said Rab, “If there were before him two pieces of fat, one of them permitted, the other prohibited fat, and he ate one of them and does not know which one of them he ate, he is liable [to bring a suspensive guilt offering. If there was a single piece of fat, and the doubt was whether it was prohibited or permitted, and he ate it, he is exempt from having to bring a suspensive guilt offering.” [Now we do not know precisely what he may or may not have done; the doubt is doubled, so no suspensive guilt offering is entailed.]
- B. Said R. Zira, “What is the foundation for the position of Rab? It is that in the case of two pieces of fat, it is possible to clarify the question of where the prohibition lies, but in the case of a single piece of fat, it is not possible to determine whether or not a transgression has taken place.”
- C. *Now what is the difference between the reason for Rab’s position given by Raba and the one given by R. Zira?*
- D. *At issue between them is the case of an olive’s bulk and a half of fat. In the view of Raba, he is exempt, since before him are not two pieces [adding up to the minimum quantity], while in the case of R. Zira, it is possible to clarify the question of where the prohibition lies.*
- E. *R. Jeremiah raised an objection to the position of R. Zira: “**R. Eliezer says, ‘As to a koy [a cross between a goat and a gazelle, which may be domesticated, like the goat, or wild, like the gazelle, and if the former, the prohibited fat is subject to penalty, but not if the latter], People are liable on account of eating its forbidden fat to a suspensive guilt offering [T. Bik. 2:1].** [So one may be guilty even though only a single piece of fat is involved, not two.]”*
- F. *He said to him, “R. Eliezer takes the position that we do not require the possibility of clarifying whether or not the transgression has taken place.”*
- G. *An objection was raised: “[If a woman whose husband had died without issue married his brother before three months had passed from the first husband’s death and produced an offspring in seven months, so that we do not know whether it was premature and the child of the second husband, or normal and at term and the child of the first, in which case she has to leave the levirate marriage, since her first husband had indeed had a child], if it is a matter of doubt whether it was born at nine months and so is to be assigned, to the first husband, or at seven months and to be assigned to the second, the surviving brother has to put her away, but the offspring if valid, and each party is liable to a suspensive guilt offering.”*
- H. *He said to him, “Lo, who is the authority behind this ruling? It is R. Eliezer, who maintains that we do not require the possibility of clarifying whether or not the transgression has taken place.”*

- I. *An objection was raised, "If a drop of blood was found on the husband's cloth [which he used to wipe himself after sexual relations], they are unclean and obligated to bring an offering. If it is found on hers, and it is sometime later, they are regarded as unclean by reason of doubt, but they do not have to bring an offering." In this connection it was taught on Tannaite authority: They still have to bring a suspensive guilt offering."*
- J. *He said to him, "Lo, who is the authority behind this ruling? It is R. Eliezer, who maintains that we do not require the possibility of clarifying whether or not the transgression has taken place."*
- I.4. A.** Said R. Nahman said Rabbah bar Abbuhah said said Rab, "If there were before him two pieces of fat, one of them permitted, the other prohibited fat, and he ate one of them and does not know which one of them he ate, he is liable [to bring a suspensive guilt offering. If there was a single piece of fat, and the doubt was whether it was prohibited or permitted, and he ate it, he is exempt from having to bring a suspensive guilt offering."
- B. *Said R. Nahman "What is the foundation for the position of Rab? It is that he maintains the principle that in the case of two pieces of fat, it is fully established that a prohibited piece of meat was in play, but in the case of a single piece of meat, it is not at all established that a prohibition has been violated."*
- C. *Now what is the difference between the consideration that the violation of a prohibition has been established and the consideration that it is not possible to clarify whether or not a prohibition has been violated [since the two look suspiciously similar]?*
- D. *At issue between them is the case in which there were before him two pieces of fat, one of the prohibited, the other of the permitted kind, and a gentile came and ate the first, and an Israelite came and ate the second. From the viewpoint of Raba, he is exempt, for at the moment at which the Israelite ate his, there were not two pieces of fat available. According to R. Zera, he is exempt, since it is not possible to determine whether or not a transgression has taken place. But according to R. Nahman, he is liable, for the presence of a forbidden substance has in fact been established.*
- E. *Raba objected to R. Nahman, "R. Eliezer says, 'As to a koy [a cross between a goat and a gazelle, which may be domesticated, like the goat, or wild, like the gazelle, and if the former, the prohibited fat is subject to penalty, but not if the latter], People are liable on account of eating its forbidden fat to a suspensive guilt offering [T. Bik. 2:1]. [So one may be guilty even though only a single piece of fat is involved, not two.]"*
- F. *He said to him, "R. Eliezer takes the position that we do not require that the presence of the violation of a prohibition be established."*
- G. *An objection was raised: "[If a woman whose husband had died without issue married his brother before three months had passed from the first husband's death and produced an offspring in seven months, so that we do not know whether it was premature and the child of the second husband, or normal and at term and the child of the first, in which case she has to leave the levirate marriage, since her first husband had indeed had a child], if it is a matter of doubt whether it was born at nine months and so is to be assigned, to the first husband, or at seven months and*

to be assigned to the second, the surviving brother has to put her away, but the offspring if valid, and each party is liable to a suspensive guilt offering.”

- H. *He said to him, “Lo, who is the authority behind this ruling? It is R. Eliezer, who maintains that we do not require the that the presence of the violation of a prohibition be established.”*
- I. *An objection was raised, “If a drop of blood was found on the husband’s cloth [which he used to wipe himself after sexual relations], they are unclean and obligated to bring an offering. If it is found on hers, and it is sometime later, they are regarded as unclean by reason of doubt, but they do not have to bring an offering.” In this connection it was taught on Tannaite authority: They still have to bring a suspensive guilt offering.”*
- J. *He remained silent. When he had left, he said to himself, “Why did I not say to him, ‘Lo, who is the authority behind this formulation? It is R. Meir, who does not require the that the presence of the violation of a prohibition be established.’ For it has been taught on Tannaite authority:*
- K. *“He who slaughters a suspensive guilt offering outside of the Temple —*
- L. *“R. Meir imposes the liability [of bringing a suspensive guilt offering.*
- M. *“And sages exempt.”*
- N. *Now why not just say, “It is the position of R. Eliezer?”*
- O. *In this formulation he informs us that R. Meir follows the theory of R. Eliezer.*

- I.5.** A. Rabbah bar Abbuha said Rab said, “If there was only one piece of fat, and it is a matter of doubt whether it is prohibited or permitted fat, and one ate it — we have come to the dispute between R. Eliezer and sages.” [We do not need to postulate that there were two pieces of fact in order to establish doubt (Porusch).]
- B. *But why take for granted that he ate the fat? Even if he did not eat it, also, [in the view of R. Eliezer, he may be liable to an offering]. For we have learned in the Mishnah: R. Eliezer says, “A man vows a suspensive guilt offering any day and any time he wants. And it is called the guilt offering of the pious.” They said concerning Baba b. Buti that he volunteered a suspensive guilt offering every day, except for the day after the Day of Atonement. He said, “By this sanctuary! If they would allow me, I should bring [one even this day]. But they say to me, ‘Wait until you enter the realm of doubt.’” And sages say, “They bring a suspensive guilt offering only for a matter, the deliberate commission of which is subject to the penalty of extirpation, and the inadvertent commission of which is subject to the penalty of a sin offering” [M. Keritot 6:3A-F].*
- C. Said R. Ashi, “R. Eliezer’s position here is in accord with the view of Baba b. Buta, as we have learned in the Mishnah: **But they say to me, ‘Wait until you enter the realm of doubt.’”**

Since the issue of the resolution of cases of doubt is at the foundation of our rule, we proceed to parallel cases that focus upon the resolution of doubt, rather than the matter of the suspensive guilt offering in particular. That is a distinction that carries with it very little difference. The composition that follows is introduced because Eliezer’s position, just now cited, plays a role in the secondary expansion.

I.6. A. *Our rabbis have taught on Tannaite authority:*

- B. If two pieces of fat were before a person, one of them permitted, the other prohibited,
- C. if an Israelite came and ate the first, then a gentile and ate the second, the former is liable [since there were two pieces at the time that he ate the piece of fat that he consumed].
- D. And so is the rule if it was eaten by a dog or a raven.
- E. If a gentile came and ate the first, then an Israelite came and ate the second, he is exempt.
- F. But Rabbi declares him liable.
- G. If he ate the first piece of meat inadvertently, and the second deliberately, he is liable.
- H. If he ate the first deliberately and the second inadvertently, he is exempt.
- I. But Rabbi declares him liable.
- J. If he ate both of them deliberately, he is exempt on all counts [since there is no sin offering if the violation was intentional].
- K. If two people ate both of them inadvertently, both of them are liable, the second not by reason of the law, but if you say that he is exempt, you have made the first liable to a sin offering.
- L. *But whose opinion does this final statement represent? If it were Rabbi's view, then the second should be liable by reason of the law [since he does not require at the moment of the eating of the fat the presence of that which is forbidden], and if it were rabbis, then the question of how we can tell the second man to bring unconsecrated beasts to the courtyard, merely on the grounds that otherwise the first party would be made liable to a sin offering?*
- M. *Said R. Ashi, [18B] "This represents the view of R. Eliezer, who takes the view that a man vows a suspensive guilt offering any day and any time he wants. So we say to the second party, 'Bring a suspensive guilt offering and make this stipulation: "If the first party ate permitted fat, and it was therefore the prohibited fat [that I ate], then let it be an offering of atonement. And if not, then let it be a free will offering."'"*

I.7. A. *Our rabbis have taught on Tannaite authority:*

- B. If one ate what may or may not be prohibited fat, and became aware of the fact [that what he thought was permitted might have been forbidden fat], [and again] ate what may or may not be prohibited fat, and became aware of the fact —
- C. Rabbi says, "I say, Just as such a one would bring a sin-offering for each such event, so he brings a suspensive guilt offering for each such event."
- D. R. Yosé b. R. Judah, R. Eliezer, and R. Simeon say, "He brings only a single suspensive guilt offering, as it is said, 'For his error in which he erred' (Lev. 5:18) — even in regard to a great many inadvertent violations he is liable on only a single count."
- E. [Since the suspensive guilt offering corresponds to the sin offering, the rule governing the latter is invoked. If one is liable to several sin offerings for a deed that one inadvertently has certainly done, then he is liable to several

suspensive guilt offerings for the possibility that he has inadvertently done a corresponding deed. Therefore,] said R. Zira, “Here Rabbi taught that several distinct moments of awareness of a doubt [as to whether or not one has violated the law] effect distinctions among the acts with the result that one is liable for a sin-offering on each of several counts.”

- F. Raba said, “Several distinct moments of awareness of a doubt [as to whether or not one has violated the law] do not effect distinctions among the acts so that one is liable for a sin-offerings on each of several counts. *But this is what he meant to state on Tannaite authority:* Just as, if he had gained awareness that he had certainly violated the law [inadvertently], he brings a sin offering on each count, so if he had knowledge that he may or may not have violated the law, he brings a suspensive guilt offering on each count.”
- G. *Said to him Abayye, “But do you not maintain that* several distinct moments of awareness of a doubt [as to whether or not one has violated the law] effect distinctions among the acts so that one is liable for sin-offerings on each count? *But if it should enter your mind that* several distinct moments of awareness of a doubt [as to whether or not one has violated the law] do not effect distinctions among the acts so that one is not liable for sin-offerings on each count, then why should one bring a suspensive guilt offering for each count? *Has it not been taught:* 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?” [This would of course work negatively, in which case Rabbi is wrong.]
- H. *Said Raba bar Hanan to Abayye, “But in accord with your reasoning, since you hold that* one’s becoming aware of a matter of doubt indeed does serve to distinguish one act from another so that one is liable on each count for a distinct sin offering, *then how do you deal with the following:* if one ate forbidden fat prior to the Day of Atonement in the volume of an olive bulk, and after the Day of Atonement one ate an olive’s bulk of forbidden fat as well, — *with the Day of Atonement itself serving as does a suspensive guilt offering to remit the guilt that may or may not have been incurred* — in such a case too will one have to bring two sin offerings? *But he ate in both instances in a single protracted spell of unawareness!”*
- I. *Said Abayye to him, “But who will tell us that the Day of Atonement effects atonement for that of which one is totally unaware? Perhaps it serves to effect atonement only when one is aware of what he has done.”* [Porusch: in the corresponding case in which one is certain he ate forbidden fat, he will then be liable to sin offerings on two counts, because of the interruption in the spell of unawareness.]
- J. *Said Raba to him, “We have learned in the Mishnah: ...for what is known and for what is not known...[the Day of Atonement atones] [M. Shebuot 1:1].”*
- K. *There are those who present this version:*

- L. Said Raba bar Hanan to Abayye, “Now, if one had eaten an olive’s bulk of forbidden fat at dawn on the Day of Atonement, and an olive’s bulk of forbidden fat at dusk on the Day of Atonement, *here too will one become liable on two counts for bringing a sin offering?*” [Porusch: for had it been fat that may or may not have been forbidden, the Day of Atonement would twice have effected atonement, as if two suspensive guilt offerings were brought, so in the corresponding case in which it certainly was forbidden fat, it would follow that he would be liable on two counts to bring sin offerings, which is of course absurd.]
- M. *Said to him Abayye, “And who will tell us that the Day of Atonement effects atonement hour by hour? Perhaps the entire day effects atonement only from the evening [and a sin committed during the day would not be atoned for].”*
- N. *Said Rabbah b. b. Hanna to him, “Simpleton, has it not been taught on Tannaite authority: lo, if a matter of doubt concerning whether or not on the Day of Atonement one has committed a transgression came to hand even at dusk [at the end of the day], he is exempt [from having to present a suspensive guilt offering], since the whole of the Day of Atonement effects atonement, beginning to end.”*
- O. *R. Idi bar Abin raised an objection: “If one ate and drank within a single spell of unawareness [on the Day of Atonement], he is liable to present a sin offering only on one count alone.’ Now, between one act of eating and drinking and the next, it is not possible that there was no interval, during which he might realize that it was the Day of Atonement, so that the Day of Atonement would achieve atonement for him, for the Day of Atonement serves instead of a suspensive guilt offering. And yet it is taught on Tannaite authority: he is liable to present a sin offering only on one count alone. But if it should be as the law is in your mind that several successive spells of realization that one is subject to doubt so divide the sequence of actions in reference to liability to sin offerings, then one is liable on two counts to the bringing of a sin offering.”* [Porusch: The interval which atones for the first act in the case of doubtful transgression is in effect comparable to an act of awareness of doubtful sins; it should according to Abayye separate the acts for sin offerings.]
- P. *Say: when R. Zira made his statement, it was within the theory of Rabbi. But the cited passage represents the position of rabbis.*
- Q. *But does not the latter clause in the same passage reflect Rabbi’s view when it teaches, if one drank brine or pickle-juice, he is exempt. Lo, if he drank vinegar, he would be liable, and this is in accord in particular with the view of Rabbi, for it has been taught on Tannaite authority: vinegar is not a restorative drink [and so one is not liable for drinking it on the Day of Atonement]. Rabbi says, “I say, vinegar is a restorative drink.” Now if the concluding clause represents the position of Rabbi, is not the opening clause likewise in accordance with his position?*
- R. *Say: the concluding clause represents the position of Rabbi, but the opening clause speaks for rabbis.*

- S. *Raba objected [to Zira], “If one ate holy things one day and then on the next, or derived benefit from Holy Things on one day and then on the next, or ate on one day and derived benefit on the next, or derived benefit on one day and ate on the next, even if a period of three years elapsed between one act of sacrilege and the next, how do we know that [what has been utilized on each of] the two events joins together [with what has been utilized in all other episodes so as to form the requisite value of a penny to impose liability on account of sacrilege]? Scripture says, “If anyone commits an act of sacrilege through sacrilege” (Lev. 5:15) — [the redundancy serves] to impose liability on each count.’ Now why should this be the case? Lo, the Day of Atonement in the interval effects atonement!”*
- T. *Say: when the Day of Atonement effects atonement, it is for violation of a prohibition, but for sacrilegious misappropriation of funds, the Day of Atonement does not effect atonement. Or, if you prefer: the Day of Atonement effects atonement for acts of transgression involving the full minimum measure [so that the violation is complete[]], but for a partial measure [of law violation] it does not effect atonement.*
- U. So too [referring back to E] said R. Simeon b. Laqish, ““Here Rabbi taught that several distinct moments of awareness of a doubt [as to whether or not one has violated the law] effect distinctions among the acts so that one is liable for sin-offerings on each count.”
- V. R. Yohanan said, “Several distinct moments of awareness of a doubt [as to whether or not one has violated the law] do not effect distinctions among the acts so that one is liable for sin-offerings on each count. *But this is what he meant to state on Tannaite authority:* just as, if he had gained awareness that he had certainly violated the law [inadvertently], he brings a sin offering on each count, so if he had knowledge that he may or may not have violated the law, he brings a suspensive guilt offering on each count.”
- W. *Now there are no problems with the position of R. Yohanan, for it is right and proper that the liability to guilt-offerings should depend upon the corresponding liability to sin-offerings, but in regard to the position of R. Simeon b. Laqish, the liability to the sin offering should depend upon the liability to the guilt offering, and that is a problem for him. [Porusch: for the awareness is that of doubtful sins, as must be assumed according to R. Simeon b. Laqish, and its effectiveness with regard to suspensive guilt offerings is established in the Torah. By analogy it is extended to apply also to sin offerings. The sin offering should therefore be dependent upon the guilt offering.]*
- Y. *That is a problem.*
- Z. *A statement of R. Yohanan conflicts with another statement of R. Yohanan, and a statement of R. Simeon b. Laqish conflicts with another statement of R. Simeon b. Laqish.*
- AA. *For it has been taught on Tannaite authority:*
- BB. **If there were two roads, one unclean and the other clean [and we do not know which is which], and one walked**

in one of them and entered the sanctuary — he is exempt from punishment. If he walked in the second and then entered the Temple, he is liable. If he walked in the first and did not enter the sanctuary and then he walked in the second and entered the sanctuary, he is liable. If he walked in the first and entered, then was sprinkled and the sprinkling was repeated, and he immersed, then he walked in the second and entered the sanctuary, he is liable. [19A] R. Simeon declares him exempt from liability in such a case. And R. Simeon b. Judah declares him exempt in all cases, in the name of R. Simeon [T. *Tohorot* 6:7A-J].

- CC. *Even in the initial ones [where there is no reason to exempt him from having to bring a sacrifice]?*
- DD. *Said Raba, “Here with what situation do we deal? It is one in which he walked in the first, and, when he was walking in the second, he forgot that he had walked in the first. And at issue between the authorities is this principle: the authority behind the first ruling takes the position that partial awareness constitutes awareness, [sufficient to bring into play the distinction among actions and consequent liability to each] [Porusch: since he passed through both roads he is definitely unclean, but his knowledge is incomplete, for when walking in the second road he had forgotten about the first. Yet he is liable, for incomplete knowledge is like complete knowledge,] and R. Simeon takes the view that partial awareness is not tantamount to awareness.*
- EE. *The master has said, “If he walked in the first and entered, then was sprinkled and the sprinkling was repeated, and he immersed, then he walked in the second and entered the sanctuary, he is liable.”*
- FF. *But why should he be liable? Lo, there was no point at which he was aware [that he was unclean]!*
- GG. *Said R. Simeon b. Laqish, “Lo, who is the authority for this statement? It is R. Ishmael, who does not require awareness of one’s transgression of the law at the beginning of the action for which one is ultimately culpable.”*
- HH. *R. Yohanan said, “You may even say that the position is that of rabbis [vis a vis Ishmael]. Here they have treated a matter of doubt concerning whether or not one was aware as equivalent to one’s having been assuredly aware.” [Porush: they have made doubtful knowledge of uncleanness like definite knowledge.]*

- II. *In the premise that this position, that they have treated a matter of doubt concerning whether or not one was aware as equivalent to one's having been assuredly aware, pertains to all of the Torah, the positions of R. Yohanan are contradictory [since Yohanan has held that awareness of sins that are subject to doubt is not valid, while here he says that that awareness of sins that are subject to doubt is valid and pertains to all of the laws of the Torah], and the positions of R. Simeon b. Laqish are contradictory [since he maintains that Rabbi holds that consciousness of doubtful sins is null, while here he refers to Ishmael as the author of that view].*
- JJ. *The two positions of R. Yohanan are not contradictory, for only in this matter have they made such a provision, but as to the entire Torah they have not done so. What is the scriptural basis for such a distinction? In reference to the matter of uncleanness it is written, "It being hidden from him that he is unclean" (Lev. 5: 2), with the meaning that upon even awareness that concerns what is subject to doubt has the Scripture imposed liability, but as to the rest of the Torah, it is written, "If his sin be known to him" (Lev. 4:28), implying, only if he has certain knowledge is he liable [but not otherwise; so there is no contradiction within the positions assigned to Yohanan].*
- KK. *But as to R. Simeon b. Laqish, there is a contradiction. For why should he assign that position that is under discussion to R. Ishmael, when he should assign it to Rabbi?*
- LL. *In this way he informs us that R. Ishmael also is an authority who does not require full awareness at the outset of an action [that ultimately yields a transgression].*
- MM. *But that fact is made explicit in so many words in the Mishnah: **R. Ishmael says, "Scripture twice states, 'and it be hidden' (Lev. 5: 2, 3) to impose liability for the uncleanness's passing out of mind and for the sanctuary's passing out of mind [M. Shebuot 2:5E-F].***
- NN. *It was necessary to make the matter explicit in the two distinct contexts. For you might have thought that although [Ishmael] does not have a verse of Scripture to which to assign the rule, yet he accepts*

it as a tradition, so R. Simeon b. Laqish tells us that that is not the case.

Here is a magnificent example of sustained Mishnah-commentary, a composition that unfolds, piece by piece, in such a way that each component is required to achieve the goals of the whole. I see this as a composition, not a composite, even though obviously distinct units are to be discerned. The reason for the intellectual coherence of the whole is the operative premise: the suspensive guilt offering corresponds in its rules and requirements of the sin offering. That point, which the Mishnah makes, is then systematically applied to a variety of cases. So while the exegetical work is detailed, the point that governs the whole does unify the parts. I.1 clarifies the cases to which the opening lines of the Mishnah refer. No. 2 goes over the same matter as is raised in No. 1, namely, the scriptural foundations for the view that a suspensive guilt offering is liable when two or more commandments have been broken, but not where the matter of doubt concerns a single object or action (here: one piece of fat); this is then traced to whether the received vocalization is determinative, or whether we remain within the limits of the received spelling of the text at hand. No. 3 then reframes the issue from the formal one of exegesis to the substantive one of the reasoning behind the ruling. No. 3 goes over the ground of the cases of No. 2 in this new framework, a fine mark of the working of a single hand. The fact that No. 4 repeats the exercise, now with a different interpretative scheme, shows the full achievement of that remarkable author (or authorship). No. 5 is a necessary completion. No. 6 goes on to new ground, but, as we see, it is closely linked to the foregoing and must be regarded as a single protracted composition. Still, we notice that as we progress, further operative considerations are introduced, so that, if we were to list the points emerging from each item in succession, we would identify a sequence of related, and successive, propositions.

4:2G-V

- G. Forbidden fat and remnant are before him —**
H. he ate one of them but is not certain which one of them he ate [M. 4:1C-D] —
I. His wife, who is menstruating, and his sister are with him in the house —
J. he inadvertently transgressed with one of them but is not certain with which one of them he has transgressed [M. 4:1E-F] —
K. The Sabbath and the Day of Atonement —
L. he did an act of labor at twilight but is not certain on which one of them he did the act of labor [M. 4:1G-H] —
M. R. Eliezer declares him liable to a sin offering.
N. And R. Joshua exempts him.
O. Said R. Yosé, “They did not dispute about the case [K-L] of him who performs an act of labor at twilight, that he is exempt.
P. “For I say, ‘Part of the work did he do while it was still this day, and part of it on the next.’
Q. “Concerning what did they dispute?

- R. “Concerning one who does work wholly on one of the two days but does not know for certain whether he did it on the Sabbath or whether he did it on the Day of Atonement.
- S. “Or concerning him who does an act of labor but is not certain what sort of act of labor he has done —
- T. “R. Eliezer declares liable to a sin offering.
- U. “And R. Joshua exempts him.”
- V Said R. Judah, “R. Joshua did declare him exempt even from the requirement to bring a suspensive guilt offering.”

4:3

- A. R. Simeon Shezuri and R. Simeon say, “They did not dispute about something which is subject to a single category, that he is liable.
- B. “And concerning what did they dispute?
- C. “Concerning something which is subject to two distinct categories.
- D. “For R. Eliezer declares liable for a sin offering.
- E. “And R. Joshua exempts.”
- F Said R. Judah, “Even if he intended to gather figs but gathered grapes, grapes but gathered figs,
- G. “black ones but gathered white ones, white ones but gathered black ones —
- H. “R. Eliezer declares liable to a sin offering.
- I. “And R. Joshua exempts.”
- J. Said R. Judah, “I should be surprised if R. Joshua declared him wholly exempt.
- I “If so, Why is it said, ‘In which he has sinned’ (Lev. 4:23)?
- K. “To exclude him who was occupied [with some other matter and entirely unintentionally committed a transgression].”

We turn immediately to a Tannaite complement to the opening clauses of the Mishnah-paragraphs. The position of Joshua is now explicit: we must know precisely what sin has been committed if the obligation to a sin offering for an inadvertent action is to be incurred. Eliezer will concur in principle: one must know that he has sinned; but the precise character or classification of the action is immaterial, since a sin in some form or other has been committed.

I.1 A. *It has been taught on Tannaite authority:*

- B. Said R. Eliezer, “Now what are the alternatives! If he ate forbidden fat, he is liable, if he ate remnant, he is liable; if it was his wife who was menstruating with whom he had sexual relations, he is liable, if it was his sister with whom he had sexual relations, he is liable; if it was on the Sabbath that he performed the act of labor, he is liable, and if it was on the Day of Atonement that he performed the act of labor, he is liable.”
- C. Said to him R. Joshua, “Lo, Scripture says, ‘...in which he has sinned’ (Lev. 4:23) — only when his sin is clear known to him [is he liable]” [T. Ker. 2:13L].

We now contribute the clarification of the positions at hand, first with respect to the basis in Scripture for each.

- D. *And how does R. Eliezer deal with this same reference to “in which”?*
- E. *He requires it to serve to exclude him who was occupied [19B] [with some other matter entirely and in that context has unintentionally committed a transgression] [M. 4:3K].*
- F. *And how was he otherwise engaged?* If it was with forbidden fat or incestuous sexual relations [that is, if he intended to eat permitted fat and ate the forbidden, or if he intended to have sexual relations with his wife but instead had relations with his sister], in any event he should be liable! For said R. Nahman said Samuel, “If one was engaged with various kinds of fat or various possibilities of incestuous relations, he is liable, for he has after all derived a benefit [of a uniform character, consistent with the classification, if not with a particular subdivision of the classification, of sin wherein he is engaged].”
- G. *Rather, he was otherwise engaged with work on the Sabbath, in which case he is exempt. What is the reason?* It is purposeful labor alone that the Torah has forbidden on the Sabbath.
- H. *In the view of Raba, you would find such a case in the following instance:* he had the intention of cutting something that was plucked from the ground, but he cut something that was attached [the latter being a form of harvesting and forbidden].
- I. *And in the opinion of Abbaye, you would find such a case in the following instance:* he intended to raise up that which had been plucked from the ground and he cut off what was still attached to the ground.
- J. *For it has been stated:*
- K. if one intended to raise up what was plucked from the ground but instead cut what was attached to the ground, he is exempt.
- L. *What is the operative consideration?* It is because lo, he did not have the intention of cutting anything at all.
- M. If, however, he intended to cut what was detached from the ground but instead cut what was attached to the ground,
- N. Abayye said, “He is liable, for lo, he had the intention in any event to cut something.”
- O. Raba said, “He is exempt, for lo, he had no intention of cutting that which was forbidden to be cut.”

We proceed forthwith to a Tannaite complement, supplying Yosé with a better-articulated argument.

II.1 A. Said R. Yosé, “They did not dispute about the case [K-L] of him who performs an act of labor at twilight, that he is exempt. For I say, ‘Part of the work did he do while it was still this day, and part of it on the next.’ Concerning what did they dispute? Concerning one who does work wholly on one of the two days but does not know for certain whether he did it on the Sabbath or whether he did it on the Day of Atonement. Or concerning him who does an act of labor but is not certain what sort of act of labor he has done — R. Eliezer declares liable to a sin offering. And R. Joshua exempts him.”

- B. *It has been taught on Tannaite authority:*
- C. Said to them R. Yosé, “You have tripped me up with a niggling detail.”
- D. *What did they say to him, that he should have said to them,* “You have tripped me up with a niggling detail.”?
- E. *This is what they said to him:* “If somebody raised up an object at twilight, what is the law?” [The man lifted the object to move it from one domain to another on the Sabbath, He could stand in private domain and take the article up and deposit it in public domain. That is very brief. Yosé’s assumption that work at twilight is such that one part of the action is done on one day and another on the next seems untenable (Porusch)].
- F. He said to them, “You have tripped me up with a niggling detail.”
- G. *But why should he not say to them,* “Part of the act of raising up was on one day, part of it on the next day?”
- H. *That is indeed the sense of his statement to them,* “You have tripped me up with a niggling detail — but you got nothing out of it [since I have a perfectly valid reply to give to you in any event].”
- I. *But in the view of R. Yosé, in the opinion of R. Eliezer, if one completes an act of labor, would he be exempt? Lo, we have heard that he imposes liability in such a case. For we have learned in the Mishnah: 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 R. Joseph, “R. Yosé in regard to the position of R. Eliezer repeats the matter as follows: R. Eliezer says, ‘He who weaves three threads at the beginning of the web or who added two onto that which is already woven is liable.’”*

We proceed forthwith to a Tannaite complement, supplying Judah with a better-articulated argument. Now we examine the full extent of Joshua’s theory.

III.1 A. Said R. Judah, “R. Joshua did declare him exempt even from the requirement to bring a suspensive guilt offering.”

- B. *It has been taught on Tannaite authority:*
- C. **Said R. Judah, “R. Joshua did declare him exempt even from the requirement to bring a suspensive guilt offering,** as it is said [with reference to the suspensive guilt offering], ‘sin...though he did not know it’ (Lev. 5:17) — excluding a case in which he knew that he had sinned [but he did not know just what sin he had committed].”
- D. **Said to him R. Simeon, “It is wholly for such a case that Scripture states, ‘If any one sins, doing any one of the things that the Lord has commanded not to be done, though he does not know it, yet he is guilty and shall bear his iniquity. He shall bring to the priest a ram without blemish out of the flock’ (Lev. 5:17-18) — and in this instance he in fact did not know wherein he did the wrong. [T. Ker. 2:14G].”**
- E. But as to the case in which one is in doubt whether he ate forbidden fat or did not eat it, go and inquire concerning whether or not he is liable to present a suspensive guilt offering.

- F. *What is the upshot of the matter?*
- G. *Come and take note of the following:*
- H. If one has committed a sin but does not know in what way he has committed a sin, or if he is in doubt whether or not he has committed a sin, he presents a suspensive guilt offering.
- I. *Now from what authority have we heard the rule that if one has sinned and does not know in what way, he presents a suspensive guilt offering? It is R. Simeon. And lo, it is taught here on Tannaite authority: or if he is in doubt whether or not he has committed a sin, he presents a suspensive guilt offering. It follows that R. Simeon takes the view that if he is in doubt whether or not he has committed a sin, he presents a suspensive guilt offering.*

IV.1 A. R. Simeon Shezuri and R. Simeon say, “They did not dispute about something which is subject to a single category, that he is liable. And concerning what did they dispute? Concerning something which is subject to two distinct categories. For R. Eliezer declares liable for a sin offering. And R. Joshua exempts.” Said R. Judah, “Even if he intended to gather figs but gathered grapes, grapes but gathered figs, black ones but gathered white ones, white ones but gathered black ones — R. Eliezer declares liable to a sin offering. And R. Joshua exempts.” Said R. Judah, “I should be surprised if R. Joshua declared him wholly exempt. If so, Why is it said, ‘In which he has sinned’ (Lev. 4:23)? To exclude him who was occupied [with some other matter and entirely unintentionally committed a transgression]:”

We take up an Amoraic statement on the same principle. Samuel now maintains that the operative criterion is having derived a benefit, and, since he has, the distinctions proposed above are null; the principle is, deriving a benefit from various classes of an action of the same genus suffices to impose liability. The distinctions important to the Mishnah-rule have to be realized in another area of law.

- B. Said R. Nahman said Samuel, “If one was engaged with various kinds of fat or various possibilities of incestuous relations, he is liable, for he has after all derived a benefit.”
- C. *Rather, he was otherwise engaged with work on the Sabbath, in which case he is exempt. What is the reason?* It is purposeful labor alone that the Torah has forbidden on the Sabbath.
- D. *Said Raba to R. Nahman, “Lo, there is the case of circumcision of infants, which is comparable to being engaged with some other matter entirely, and yet we have learned in the Mishnah: He who had two infants, one to circumcise after the Sabbath and one to circumcise on the Sabbath, and who forgot which was which, and circumcised the one to be circumcised after the Sabbath on the Sabbath is liable. If he had one to circumcise on the eve of the Sabbath and one to circumcise on the Sabbath, and he forgot and on the Sabbath he circumcised the one to be circumcised on the eve of the Sabbath, R. Eliezer declares him liable to a sin offering, and R. Joshua exempts him [M. Shab. 19:4A-G].* Now R. Joshua declares him exempt only on the count of his having erred in performing a religious duty and having not carried out that duty, so he is exempt. But if he had been engaged in a matter which to begin with was not a religious duty, then even R. Joshua would have declared him liable.”

- E. He said to him, "Omit reference to the case concerning circumcision. It is unusual, in that one is liable [for violating the Sabbath] even though the wound is an act of damage [which on the Sabbath is not otherwise culpable, so this is a special case]. Likewise one who is engaged in an act of destruction would be liable."
- F. *R. Judah raised the following objection to the position of Samuel, "Said R. Judah, Even if he intended to gather figs but gathered grapes, grapes but gathered figs, black ones but gathered white ones, white ones but gathered black ones — R. Eliezer declares liable to a sin offering. And R. Joshua exempts. Now here we have a case of engagement with another matter, and lo, R. Joshua has declared him exempt only because diverse types of fruit are involved. But if it were only a single type of fruit, even R. Joshua would have imposed liability to a sin offering."*
- G. *He said to him, "Genius! Ignore this Mishnah and follow me. For here with what sort of a case do we deal? it is a case in which the gleaner had forgotten what he was doing, namely: He intended to pick grapes and forgot and, thinking that he wanted figs, his hand reached for the grapes anyhow. R. Eliezer reasons that, in any event, lo, what he intended to accomplish has been done, and R. Joshua takes the view that lo, his initial intention and plan have not been carried out [for when he was gathering he was thinking about figs, and that is not what he has picked]."*
- H. **[20A]** *R. Oshaia objected: "R. Simeon Shezuri and R. Simeon say, They did not dispute about something which is subject to a single category, that he is liable. And concerning what did they dispute? Concerning something which is subject to two distinct categories. For R. Eliezer declares liable for a sin offering. And R. Joshua exempts. And what had R. Judah stated? It was that they had a dispute in a case in which he intended to gather figs but gathered grapes, grapes but gathered figs, black ones but gathered white ones, white ones but gathered black ones. Now are not figs and grapes, or black grapes and white grapes, of two distinct categories? Then this is the position set forth by R. Simeon and R. Simeon Shezuri. So what is it that R. Judah has come to tell us? Is it not the issue of the rule governing the case in which one was engaged in some other action? R. Judah takes the view that one who is engaged in some other action is liable, and R. Simeon and R. Simeon Shezuri hold that one who is engaged in some other action is exempt."*
- I. No, if one is engaged in some other action, all parties hold that he is exempt. *And here it is in the following that the two parties differ: R. Simeon and R. Simeon Shezuri take the view that if the gleaner has forgotten his purpose but erred in respect to what was in the end of the same category, then all parties maintain that he is liable. Where there is a dispute, it concerns his forgetting and erring concerning matters of two distinct categories. R. Judah maintains that there is no difference to be drawn between erring as to the same category and erring as to two distinct categories; in both instances there is a dispute [between Eliezer and Joshua]."*
- J. *Raba said, "What is at issue is the matter of sequence." [Porusch: the error concerned the order of two acts; he intended to pick first one fruit and then the other, but did it in reverse order.] That is in accord with what has been taught on*

Tannaite authority: If there were before him two burning lamps, and he intended to put out this one but put out the other, or to light the one but lit the other — he is exempt. If he intended to light the one and then put out the other but he put out the one and lit the other in a single breath, he is liable; if it was in two breaths, he is exempt [T. **Shab. 11:5A-K**].”

K. *That is obvious.*

L. *[Not, it's not so obvious, for] what might you have said? His initial intention has not been carried out, for lo, to begin with, he had wanted to kindle the flame, and then to put it out, but when he carried out the deed, he put one out and then lit the other, so I might have thought that he would be exempt, and so we are informed that, since the initially planned action has not come first, and the later action has not come last [he is exempt].*

We now tack on a composition that intersects in theme — handling fire on the Sabbath — and that also frames complementary problem: how a single action yields multiple counts of liability.

IV.2. A. *Our rabbis have taught on Tannaite authority:*

B. He who on the Sabbath removes coals from a burning fire is liable for a [single] sin offering.

C. R. Simeon b. Eleazar says in the name of R. Eliezer b. R. Sadoq, “He is liable on two counts, first, because he puts out the fire on the coals that are top, and, second, because he kindles the fire of the coals that are below.” [Porusch: by transferring live coals from a burning pile into a container, those that were lying on top of the pile are now at the bottom of the container and cool off, and those at the bottom of the pile now flare up; so the action involves both extinguishing and kindling.]

D. *With what sort of a case do we deal? If he had the intention of putting out the flame and kindling the flame, what is the reason behind the position of the one who exempts him from the second offering? And if it was that he did not intend to kindle the flame, then what is the reason behind the position of the one who imposes liability on two counts?*

E. *Both R. Eleazar and R. Hanina say, “It is a case in which he intended to put out the flame on the coals on the top so as to kindle the flame on the coals on the bottom. The initial authority takes the view that if one kindles in such a way that it is to his disadvantage, he is exempt from culpability, while R. Eliezer b. R. Sadoq says that he is liable.”*

F. And so said R. Yohanan, “It deals with a blacksmith.”

G. [Porusch:] Said R. Jeremiah, “Until [R. Yohanan explained it to refer to a blacksmith], the reason for this law has not been found.”

H. *Both Ammi b. Abin and R. Hanania b. Abin said, [20B] “It deals with a case in which he intended both to put out a flame and also to kindle a flame. The first Tannaite authority takes the view of R. Yosé, who has said, ‘Kindling was singled out in Scripture so as to impose a prohibition upon it [this act of work is prohibited but the death penalty in the case of willful transgression does not apply; so no offering applies if the transgression is in error],’ and R. Eliezer b. R. Sadoq takes the view of R. Nathan, who holds that kindling was singled out so as to*

distinguish among several acts of labor [showing that one is liable on each act of labor on the Sabbath, but kindling is in the category of all other such acts, with a death penalty for deliberate violation of the law, and a sin offering for inadvertent violation of the law].”

- I. *Raba said, “At issue between them is the matter of sequence.”* [Porusch: his intention was to kindle first the one and then extinguish the other, but in fact both acts were done simultaneously. The first authority insists that the work must be performed in the intended sequence and therefore declares him liable only for the kindling, which was done at the initial stage; Eliezer pays no heed to the intended sequence and declares him liable for both acts.]
- J. R. Ashi said, “We deal with a case in which he intended to put out the flame but the coals kindled on their own. The initial authority takes the view in accord with the position of R. Simeon, who has said that for something that was unintentional one is exempt, and R. Eliezer b. R. Sadoq takes the position of R. Judah who has said that for something that was unintentional one is liable.”

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

- B. He who on the Sabbath removes coals from a burning fire in order to warm himself with them, and they flared up on their own —
- C. *One Tannaite authority holds that he is liable to a sin offering, and another Tannaite authority holds that he is exempt.*
- D. *The one who has taught on Tannaite authority that he is liable takes the view that one is culpable for an act of labor that is not required for its own sake [burning the coals not for its own sake, that is, to consume the coal, but in order to obtain heat].*
- E. *The one who has taught on Tannaite authority that he is exempt takes the view that one is not culpable for an act of labor that is not required for its own sake.*

I.1 beautifully articulates the issues of the Mishnah’s dispute between Eliezer and Joshua. II.1 likewise amplifies the issues of the Mishnah’s statement. III.1 repeats the analysis undertaken at I.1, which once more shows us how a coherent program has been followed through much of the formation of our Talmud. IV.1 does the same, with the result that we have a very systematic amplification of the Mishnah’s statements. Nos. 2, 3 carry forward the interest of No. 1 in the order in which several sequential actions take place.