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Kerisus Daf 18

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Moshe Raphael ben Yehoshua (Morris Stadtmauer) o'h Tzvi Gershon ben Yoel (Harvey Felsen) o'h

May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Rabbi Yirmiyah raised an objection to Rabbi Zeira: Rabbi Eliezer says, '[If one eats of the *cheilev* of] a *koy*, he is liable to a suspensive *asham*'¹ — The latter replied: Rabbi Eliezer, to be sure, holds that the possibility of determining the transgression is not an essential condition [for the bringing of a suspensive *asham*].

He raised [another] objection: [We have learned:] 'If it is doubtful whether [what is born] is a nine-months' child of the first husband or a seven-months' child of the second, he must divorce her and the child is [deemed] legitimate, but each is liable to a suspensive *asham*' — This, too, is according to Rabbi Eliezer.

He raised a [further] objection: [We have learned:] 'If [the stain] was found upon her cloth and immediately [after the cohabitation], they are *tamei* and liable to sin-offerings; if upon hers sometime after, they must regard themselves *tamei* by reason of the doubt, but are exempt from offerings. And upon this it was taught: They are nevertheless liable to suspensive *ashams*' — This, too, is according to Rabbi Eliezer.

Rav Nachman said in the name of Rabbah bar Avuha, who said it in the name of Rav: If there were before a person two pieces, one *cheilev* and the other *shuman* (*permitted fat*), and he ate of one of them and he does not know which one he ate, he is liable (*to bring an asham taluy*); if there was only one piece about which there was an uncertainty whether it was *cheilev* or *shuman*, and he ate it, he is exempt.

Rav Nachman said: Rav's reason (*to distinguish between a case with a doubt concerning one piece and a case where there are*

two pieces) is because in the case of two pieces a forbidden substance has been established, but in the case of one piece, the presence of the forbidden substance has not been established.

What is the practical difference between this reason that the forbidden substance is established and the one stated above that it is possible to determine the transgression? — A difference will arise in the case of two pieces, one *cheilev* and the other permitted fat, and a gentile first ate one piece and then an Israelite the other.

According to Rava [he is exempt, for] there were not two pieces at the time when the Israelite ate his. According to Rabbi Zeira, too, [he is exempt, for] it is not possible to determine the transgression.

But according to Rav Nachman [he is liable, for] the presence of the forbidden substance was established.

Rava raised an objection to Rav Nachman: 'Rabbi Eliezer says, [If one eats of the *cheilev* of] a *koy*, he is liable to a suspensive *asham*' — Rabbi Eliezer does not hold that [the presence of] the forbidden substance must be established.

He raised [another] objection: [We have learned:] 'If it is doubtful whether [what is born] is a nine-months' child of the first husband or a seven-months' child of the second, he must divorce her and the child is [deemed] legitimate, but each is liable to a suspensive *asham*' — This, too, is according to Rabbi Eliezer.

He raised a [further] objection: [We have learned:] 'If [the stain] was found on his cloth, they are both *tamei* and liable to

¹ Although there is no possibility of ever determining the transgression.

offerings; if upon hers and immediately [after the cohabitation], they are tamei and liable to offerings, but if upon hers sometime after, they must regard themselves as tamei by reason of the doubt, but are exempt from offerings'. And upon this it was taught: They are nevertheless liable to suspensive ashams offerings' [To this objection] he remained silent. When the former had left, he said to himself: Why didn't I reply that this law represents the view of Rabbi Meir, who holds that the presence of the forbidden substance need not be established? As has been taught: If one slaughtered a suspensive asham outside [the Temple precincts], Rabbi Meir holds him liable [to a chatas]. The Sages declare him exempt!¹² But why didn't he say: I might have retorted that that teaching represented Rabbi Eliezer's view? — To indicate at the same time that Rabbi Meir follows Rabbi Eliezer regarding this law.

Said Rabbah bar Avuha in the name of Rav: The case where one ate a piece of fat about which there was a doubt whether it was *cheilev* or permitted fat forms the subject of a dispute between Rabbi Eliezer and the Sages.³

But why assume [the case] that he ate it, even if he did not eat it he may offer such a *asham* according to Rabbi Eliezer, as we

have learned: Rabbi Eliezer says, A man may freely offer every day a suspensive *asham*!⁴ — Said Rav Ashi: Rabbi Eliezer follows here the view of Baba ben Buta,⁵ of whom we have learned: But they said to him, Wait until you come into a state of doubt.

Our Rabbis taught: If a person had before him two pieces, one permitted fat and the other *cheilev*, and an Israelite first came and ate one piece and then a gentile came and ate the second piece, he is liable;⁶ this holds good also if the second piece was eaten by a dog or by a raven. If a gentile first came and ate one piece and then an Israelite came and ate the second, he is exempt; but Rebbe declares him liable.⁷ If he ate the first unwittingly and the second deliberately,⁸ he is liable; if the first deliberately and the second unwittingly, he is exempt;⁹ but Rebbe declares him liable. If he ate both pieces deliberately, he is altogether exempt.¹⁰ If two ate the two pieces, both unwittingly, they are both liable [to suspensive *asham* offerings], though the second is not liable by law, but rather because if you said that he was exempt, you would thereby establish a *chatas* for the first.¹¹

Now whose view does the last clause follow? If Rebbe's, then the second should surely be liable by law.¹² If that of the Sages,

² The Sages differentiate between this class of *ashams* and all other sacrifices. For it may be that this sacrifice was offered unnecessarily, i.e., that no law had in fact been transgressed, and the animal therefore bore a secular character, so that its slaughtering outside the Temple precincts would involve no guilt. Rabbi Meir, on the other hand, holds that in order to be liable to an offering it is not necessary to establish with certainty the trespass of a law, or even the certain presence of a prohibited thing. This *asham* is therefore at all events sacred, and he who slaughters it outside the Temple precincts is liable to a *chatas*.

³ For Rabbi Eliezer, in agreement with Rabbi Meir, holds that one brings a suspensive *asham* even when the presence of something forbidden is not established.

⁴ For sins that he might have committed unwittingly, even though he knows of no act of his that might have given rise even to a transgression in doubt.

⁵ Baba ben Buta used to offer a suspensive *asham* every day. On the day following Yom Kippur, however, it was not accepted, because it was thought unlikely that he needed expiation immediately after the

atonement of his sins on that Holy Day. We thus see that there must be a probability of trespass before a suspensive *asham* may be brought. On account of this view the case stated above assumes that he ate something.

⁶ The Israelite is liable, for at the time of his eating there were two pieces.

⁷ In Rebbe's view there is no need for the presence of two pieces to establish doubt.

⁸ Deliberate transgression is not expiated by a sacrifice. For the first piece, however, he is liable to a suspensive *asham*, for at that time there were two pieces before him.

⁹ For the first he is exempt because it was consumed deliberately, and for the second because there was but one piece at the time of eating.

¹⁰ Because there is no sacrifice for deliberate transgression.

¹¹ The exemption of the second may be taken to imply that the first definitely ate the *cheilev*, who should therefore be liable to a *chatas*.

¹² For Rebbe does not require the certain presence of something forbidden at the time of eating.

then [the question arises] how can we order the second [to bring a sacrifice], thereby causing a secular animal to be brought into the Temple precincts,¹³ merely on the ground that otherwise a chatas would be established for the first?¹⁴

Said Rav Ashi: It follows Rabbi Eliezer's opinion, who holds that a man may freely offer every day a suspensive asham.¹⁵ We therefore advise the second to bring a suspensive asham and to stipulate thus: if the first ate the permitted fat, and therefore he the *cheilev*, let it be an expiatory offering,¹⁶ otherwise let it be a freewill-offering.

Our Rabbis taught: If one ate doubtful *cheilev* and came to know of it,¹⁷ then again ate doubtful *cheilev* and came to know of it, Rebbe says: I hold, just as he would be liable to bring separate chatas offerings,¹⁸ so is he also liable to bring separate suspensive asham offerings. Rabbi Yosi son of Rabbi Yehudah, Rabbi Eliezer and Rabbi Shimon hold: He is only liable to one suspensive asham, for it says, For his error which he erred; even in the case of many errors, he is liable to only one [offering].

Said Rabbi Zeira: Rebbe has here taught that the awareness of the doubt separates [the acts] for chatas offerings.¹⁹ Rava said: Awareness of the doubt does not separate [the acts] for chatas offerings; but this is what he [Rebbe] meant to teach: Just as he would be liable to separate chatas offerings if he became aware

¹³ If the offering is brought needlessly it retains its secular nature.

¹⁴ I.e., how can we impose an offering which may result in a grave sin solely in order to avoid a possible misrepresentation?

¹⁵ The offering of the second cannot therefore be said to be needless.

¹⁶ Viz., a suspensive asham; for a chatas can be brought only when the transgression is established.

¹⁷ At the time of eating he assumed it was permitted fat, but later learned that there was some doubt about it.

¹⁸ I.e. if he learned ultimately that what he ate was undoubtedly *cheilev*, he would be liable to a chatas for each offense.

¹⁹ Rabbi Zeira understands Rebbe's exposition above thus, that the offender would be liable to separate chatas offerings if he learned ultimately, i.e., after all the meals, that the food was certainly *cheilev*, although the intervening spells of awareness which separated the acts, acquainted him each time only of the fact that there was reason to doubt the permissibility of the food he had taken. Rava, on the other

[after each act] that the transgression was certain, so he is also liable to separate suspensive asham offerings, if he became each time aware of the doubt.

Said Abaye to him [Rava]: And are you not of the opinion that awareness of the doubt separates [the acts] for chatas offerings? But surely if you were to assume that awareness of the doubt does not separate [the acts] for chatas offerings, so that he brings only one chatas, then why should he bring a [separate] suspensive asham for each? Has it not been taught: This is the general rule: Wherever a separation is effected with regard to chatas offerings there also a separation is effected with regard to suspensive asham offerings!²⁰

Said Rava bar Chanan to Abaye: Also according to you, who hold that the awareness of the doubt separates the acts for chatas offerings, it should follow that if one ate an olive's bulk of *cheilev* before Yom Kippur and again an olive's bulk of *cheilev* after Yom Kippur — since Yom Kippur is equivalent to a suspensive asham — he should be required to bring two chatas offerings; but this cannot be, for he ate [at both times] in one spell of unawareness!²¹

hand, understands Rebbe's ruling, that the offender is liable to separate chatas offerings, as applying only to the case where the intervening spells of awareness related each time to the certainty of having eaten forbidden food.

²⁰ Viz., that chatas offerings and suspensive asham offerings follow the same rules with regard to division.

²¹ Yom Kippur atones for doubtful trespasses, and one is exempt from a suspensive asham for transgressions committed before that day. If each olive's bulk in our instance was of doubtful *cheilev*, he is only liable but once, viz., for the second; yet taking into consideration the intervening Yom Kippur, which has the effect of a suspensive asham, it is as if he offered two such asham offerings. According to the quoted rule he should in the corresponding case of certain *cheilev* be liable to two chatas offerings, which is untenable, because both sins were committed in one spell of unawareness. The rule is thus proved to be incorrect.

Abaye replied: Who says that Yom Kippur atones even when the sin remained unknown, perhaps only when he is aware of it?²²

Said Rava to him: We have explicitly learned: [Yom Kippur atones . . .] both for known and unknown sins.

According to another version, Rava bar Chanan said thus to Abaye: What if one ate an olive's bulk of *cheilev* in the morning of Yom Kippur and another in the afternoon of Yom Kippur, would he also be liable to two *chatas* offerings?²³ — Retorted Abaye: Who says that every moment of Yom Kippur atones, perhaps only the day as a whole atones, from the evening?²⁴ — Said to him Rava bar Chanan: Simpleton have we not learned: If one committed a doubtful sin on Yom Kippur, even if it was already twilight, he is exempt²⁵ for the whole day effects atonement?

Rabbi Idi son of Avin raised an objection: [We have learned:] If one ate and drank [on Yom Kippur] in one spell of unawareness,²⁶ he is liable to one *chatas* only. Now, it is hardly possible that between the eating and the drinking there was not an interval, during which he might become aware [that it was Yom Kippur],²⁷ so that [that interval of Yom Kippur] effected atonement for him, [in accordance with the rule that] Yom Kippur has the same effect as a suspensive *asham*. Yet it states that he is liable to one *chatas* only. Now, if it is true that the awareness of the doubt separates [the acts] for *chatas* offerings, he should be liable to two *chatas* offerings!²⁸ — Say: Rabbi Zeira only interpreted Rebbe's view, while this follows that of the

Rabbis.²⁹ But is not the latter clause [in the cited Mishnah] in pursuance of Rebbe's opinion? For it teaches: If he drank brine or pickle-juice, he is exempt;³⁰ from which it may be inferred that if vinegar he is liable, and this is in accordance with Rebbe, for it has been taught: Vinegar is not a refreshing drink;³¹ Rebbe says, It is. Now, as the latter clause follows Rebbe, have we not to assume that also the first is in accordance with his view? — Say: the latter clause follows Rebbe, but the former follows the Rabbis.

Rava raised an objection [to Rebbe Zeira]: If one³² ate [of holy things] on one day and then again on the following day, or made use thereof on one day and again on the following day, or ate thereof on one day and made use thereof on the following day, or made use thereof on one day and ate thereof on the following day, or even when a period of three years intervened,³³ from where do we know that they combine one with the other?³⁴ The text tells us: If anyone trespasses a trespass, to include [every trespass]. Now, why should he be liable? Hasn't the intervening Yom Kippur atoned for it? — Say: Yom Kippur effects atonement for the transgression of a prohibition, but not for [the misappropriation of] money. Or you could say: Yom Kippur effects atonement for transgressions involving full standard measure, but not for half-measures.

Rish Lakish also said: Rebbe has here taught that the awareness of the doubt separates [the acts] for *chatas* offerings. But Rabbi Yochanan said: The awareness of the doubt does not separate [the acts] for *chatas* offerings; and what he [Rebbe] meant to

²² In the corresponding case of certain *cheilev*, he will then rightly be liable to two *chatas* offerings, because of the interruption in the unawareness of sin.

²³ For had it been doubtful *cheilev*, Yom Kippur would twice have effected atonement, as if two suspensive *asham* offerings were brought. In the corresponding case of certain *cheilev* it would follow that he would be liable to two *chatas* offerings, which is, of course, absurd.

²⁴ A sin committed during the day would accordingly not be atoned for.

²⁵ From a suspensive *asham*.

²⁶ That it was Yom Kippur.

²⁷ Since there was an interval in between eating and drinking during which he could become aware of his sin, that length of time of Yom

Kippur would have atoned for his first act before the second was committed.

²⁸ 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 Abaye, separate the acts for *chatas* offerings, i.e., even in the case of certain *cheilev*.

²⁹ Rabbi Yosi and Rabbi Eliezer.

³⁰ Because these liquids are unpalatable beverages.

³¹ One is therefore exempt when one drinks it on Yom Kippur.

³² Viz., each time only a portion of the requisite value of a perutah.

³³ The several acts were committed in one spell of unawareness.

³⁴ Viz., to make up the required value to involve an *asham* for sacrilege.

teach is this: Just as he would be liable to separate chatas offerings if he became aware [in between the acts of the transgression] of a definite sin, so he is also liable to separate suspensive asham offerings if he became each time aware of the doubtful sin.

Now according to Rabbi Yochanan it is right that the asham is dependent upon the chatas,³⁵ but according to Rish Lakish the chatas should be made dependent upon the asham!³⁶ This is indeed a difficulty.

Now one can point out a contradiction between the statements of Rabbi Yochanan and also a contradiction between the statements of Rish Lakish. For it was taught: If there were two roads, one tamei and the other tahor,³⁷ and a person passed through one of them and did not enter [the Temple precincts], and then through the other and entered [the Temple precincts], he is liable; if he passed through one and entered [the Temple precincts], he is exempt; if he then passed through the other and entered [the Temple precincts], he is liable; if he passed through one and entered [the Temple precincts], and was sprinkled upon once and also a second time and immersed himself,³⁸ and then he passed through the other and entered [the Temple precincts], he is liable.³⁹ Rabbi Shimon holds he is exempt in the latter instance. Rabbi Shimon ben Yehudah maintains in the name of Rabbi Shimon that he is exempt in all instances. Even in the former? — Said Rava: Here we are dealing

with the case of one who passed through one road, and when passing through the other he forgot that he had passed through the first. And they differ in this: The first Tanna holds: A partial knowledge is like a complete knowledge; while Rabbi Shimon maintains, A partial knowledge is not like a complete knowledge.

³⁵ The fact that awareness of certain sins effects a division with regard to chatas offerings may rightly be taken for granted, and a similar law regarding asham offerings is derived from it.

³⁶ For the awareness is that of doubtful sins, as must be assumed according to Rish Lakish, and its effectiveness with regard to suspensive asham offerings is established in the Torah. By analogy it is extended to apply also to chatas offerings. The chatas should therefore be dependent upon the asham.

³⁷ It is not established which is the tamei road. The tumah was so situated in the road that a person passing through it perforce became tamei and therefore unfit to enter the sacred precincts of the Temple. In the first and third instances he is liable, because after the second act there is no doubt that he entered the Temple precincts in a state of tumah. In connection with the law concerning the defilement of Temple precincts it is an essential condition that the offender had at

one time been aware of his tumah, though unconscious of it at the time of entering the Temple precincts. In these two cases there was a moment when he was in no doubt as to his state of certain tumah. He is therefore liable to an offering.

³⁸ A tamei person is sprinkled upon with the water of purification on the third and seventh day of his tumah, and then has to immerse himself in order to become tahor.

³⁹ In this instance, too, the person most certainly entered the Temple precincts in a state of tumah. Although the offender had at no time been certain that he was tamei, for the first possible tumah was annulled before passing through the second road, nevertheless he had been aware of doubtful tumah, and this is regarded as sufficient by the Sages, who therefore declare him liable. Rabbi Shimon, on the other hand, holds that awareness of doubtful tumah is not sufficient.