

## English Abstract

### The First Mishnah

Massekhet Shabbat divides fairly neatly into three parts. The first part (chapters 1-6) and the third part (end of chapter 15 through chapter 24) deal with practical matters – actions forbidden or permitted on or before the Shabbat. The second part (chapters 7-15) is more theoretical, focusing on the distinction between forms of labor (melakhot) forbidden from the Torah and those forbidden by rabbinic law. The formal sign of this distinction is the halakhic dichotomy between liable (*hayav*) to bring a sacrifice (for the transgression of a Torah prohibition) and exempt (*patur*) from this obligation (in the case of a rabbinic prohibition).

The first mishnah of our chapter is by far the most abstract and most theoretical of all of the traditions included within this second theoretical section of the massekhet. The mishnah describes a situation in which multiple transgressions took place over an extended period of time. It identifies the conditions under which one would be liable for the smallest number of Torah prohibitions, the conditions under which one would be liable for the largest number of Torah prohibitions, and one or two related intermediate cases. These distinctions reflect the root idea of the chapter – that one is not liable for the number of transgressions performed, but rather for the number of errors which caused the transgressions. This root idea moves the focus of our attention from the concrete and objective plane, to the more abstract and subjective plane of discourse.

So, the mishnah states, if one were unaware that the Torah forbids activities of any sort on the Shabbat, then one would only be liable for one single sacrifice, no matter how many actual transgressions were committed. If, on the other hand, one were aware that the Torah forbids certain categories of activity on the Shabbat, but unaware that certain other categories of activity were forbidden, then one would be held liable for each and every category of forbidden activity about which one was mistaken, no matter how many examples of that category one may have performed. A third possible situation – where one knew which activities were forbidden on the Shabbat, but unaware that this particular day was in fact the Shabbat – is treated explicitly in all the standard editions of the Mishnah. The commonly accepted version of *mishnat kelal gadol* states that in such a case one is liable for each and every Shabbat, even if one was not informed about any of these errors until a number of weeks had gone by.

This halakhah, called *hilluk shabbatot* in the Talmud, reflects the assumption that each and every Shabbat should be considered a separate and distinct error, giving rise to an obligation to bring multiple sacrifices. The reader may be surprised to learn that *hilluk shabbatot* was in fact a subject of long standing dispute. Our commentary on this mishnah provides the necessary background for understanding this controversy and its ramifications for understanding the Bavli. At the very beginning of our commentary we bring an alternative version of *mishnat kelal gadol*, found in ancient manuscripts and early printed editions, in which the principle of *hiluk shabbatot* is missing. Moreover, we cite considerable evidence that the principle of *hilluk shabbatot* was a topic of controversy in the early amoraic period. Some sages affirmed it. Others rejected it, holding that it contradicted Rabbi Akiva's position in Mishnah Keritot 3:7-10. According to Rabbi Akiva's view only errors relating to abstract legal categories (*shemot*) are relevant when determining the number of sacrifices one is liable to bring – but not errors of empirical judgement or fact. The two versions of *mishnat kelal gadol*

may correspond to these two amoraic positions, or perhaps even to two earlier competing tannaitic positions. It remains unclear which, if either, of these versions of *mishnat kelal gadol* is more original, and which, if either, reflects a later emendation.

A number of *sugyot* found in the Yerushalmi seem to presuppose the short version of *mishnat kelal gadol*, which rejects the notion of *hilluk shabbatot*, while the later redactional levels of the Bavli are unanimous in presupposing the longer version of *mishnat kelal gadol*, which affirms the notion of *hilluk shabbatot*. This is particularly significant since many Bavli *sugyot*, which in their present form presuppose the long version of *mishnat kelal gadol*, are based on earlier Palestinian talmudic *sugyot* which presupposed the short version of *mishnat kelal gadol*. The tension between the halakhic assumptions of these two different literary strata works itself out in unexpected and interesting ways, as we will explain below.

### ***Sugya* 1: “They Stated a Large General Rule” (68a<sup>3-33</sup>)**

The first *sugya* examines the opening words of the first mishnah – *kelal gadol amru*, literally: “they stated a *large* general rule.” Most halakhot in the Mishnah and the Tosefta are both concrete and specific, but the Mishnah does in fact contain a fair number of abstract general rules – over thirty of the form *kelal amru* (“they stated a general rule”), and over a hundred and seventy of the form *zeh hakelal* (“this is the general rule”). Only in two places in our text of the Mishnah does the phrase “they stated a *large* general rule” occur – in the seventh chapter of Shabbat, and in the seventh and eighth chapters of Shevi’it. The talmudim inform us that an alternative version of the Mishnah, transmitted by Bar Kappara, contained a third instance of *kelal gadol amru*, in the first chapter of Ma’aserot.

The Bavli offers three explanations for the use of the phrase *kelal gadol amru*. The first is rejected because it does not explain the accepted text of the Mishnah, but only the text of Bar Kappara. The second is rejected because it does not explain the text of Bar Kappara, but only the accepted text of the Mishnah. Finally the third explanation is accepted because it fits both versions of the Mishnah. The parallel *sugya* in the Yerushalmi starts off with the Bavli’s third and final explanation, tacking what appears to be a version of the Bavli’s first explanation on at the end. A comparison of the two indicates that the Bavli expands upon and reworks an earlier and simpler version of the *sugya*, similar to that found in the Yerushalmi. Literary analysis indicates that the third explanation in the Bavli is composed of two distinct literary levels, an amoraic level in Hebrew and an anonymous Aramaic commentary. These different literary levels admit different interpretations, as is evidenced by Maimonides’ commentaries to the Mishnah and the Talmud. Both levels correspond to literary elements found also in the Yerushalmi.

### ***Sugya* 2: A Child Taken Captive by the Gentiles (68a<sup>33</sup>-69a<sup>6</sup>)**

The second *sugya* has two fairly distinct parts. The first part opens with a statement by Rav and Samuel, interpreting the first clause of the mishnah. Oddly, their interpretation of this clause seems to contradict the language of the mishnah itself. The *sugya*, in an attempt to understand their intention, posits a series of forced interpretations of the language of the mishnah, until at last the *sugya* admits that the statement ascribed to Rav and Samuel at the beginning of the *sugya* is untenable as it stands, and must be reformulated. This reformulation together with a parallel statement ascribed to Rabbi Johanan and Resh Lakish mark the beginning of the second half of the *sugya*.

The new version of Rav and Samuel's words is not an interpretation of *mishnat kelal gadol*, but rather an independent halakhic statement. Their statement asserts that a child taken prisoner by gentiles and a convert who converted to Judaism among the gentiles – neither of whom apparently ever had an opportunity to learn about the Shabbat or its laws – are liable to bring a single sacrifice in atonement for all their desecrations of the Shabbat. Rabbi Johanan and Resh Lakish disagree with this view, holding these two are in fact totally exempt, their state of absolute ignorance apparently excusing them from any responsibility for their actions. These two amoraic positions correspond to the positions of Rabbi Akiva and Munbaz reported in a baraita, and found also in the Tosefta. For some reason, the *sugya* brings this baraita as an objection to the position of Rabbi Johanan and Resh Lakish, despite the fact that Munbaz supports their position.

Most of the statements, positions, inferences and objections in the Bavli are also found in the Yerushalmi. There are, however, two fundamental differences between these parallel *sugyot*. First the Yerushalmi is based on a systematic comparison of two alternative readings in *mishnat kelal gadol*, while the Bavli seems unaware of any such alternative readings. Second, the Yerushalmi seems to presuppose the short version of *mishnat kelal gadol*, while the Bavli is based on the long version. This leads to a situation where statements originally relating to an alternative reading in *mishnat kelal gadol*, or to the halakhic content of the short version, are applied in the Bavli to the familiar and accepted text of the long version of the mishnah. As a result, individual statements, as well as entire lines of reasoning and argumentation, perfectly plausible and reasonable in the Yerushalmi, in the Bavli seem untenable, or even absurd, and hence are ultimately rejected or emended.

The second half of the *sugya* also has a close parallel version in the Yerushalmi, and here too a comparison of the two helps identify the source of a difficulty in the Bavli. In the Yerushalmi, the anonymous editor of the *sugya* suggested hypothetically that Rabbi Eleazar might hold a position similar to that ascribed to Rabbi Johanan and Resh Lakish in the Bavli. However, he immediately rejected his own suggestion, using a statement by Rav as a proof text. Rav's statement in the Yerushalmi agrees in substance with his revised position in the Bavli, and also with the position of Rabbi Akiva in the baraita quoted further on in the Bavli. The original use of Rav's statement (=Rabbi Akiva in the baraita in the Bavli) as an objection to the Yerushalmi's hypothetical interpretation of Rabbi Eleazar (=Rabbi Johanan and Resh Lakish in the Bavli), probably explains the Bavli's use of the parallel baraita as an objection to Rabbi Johanan and Resh Lakish.

Once the editors of the Bavli incorporated the full text of the Tosefta into the *sugya*, it became a topic of discussion in its own right. In fact this baraita contains one of the most profound and fundamental theological disputes in the entire chapter. The dispute between Rabbi Akiva and Munbaz concerns the relationship between moral responsibility and unintentional sin. Munbaz holds that both intentional and unintentional sin should be subsumed under the category of moral responsibility. In his opinion, if one is found, through no fault of one's own, in a position of total and fundamental ignorance of the law, one cannot be held responsible for transgressing the law at all. For this reason he considers both the child taken prisoner by gentiles and the convert who converted among the gentiles totally exempt from any obligation to bring a sacrifice. Rabbi Akiva agrees that knowledge of the law is the necessary prerequisite for any notion of moral responsibility. At the same time he draws a sharp

distinction between intentional sin and unintentional sin. In his opinion only intentional sin is defined by the categories of knowledge and moral responsibility, while unintentional sin is fundamentally unrelated to the category of knowledge, and so also to all questions of moral responsibility. It is likely that in Rabbi Akiva's view unintentional sin should be subsumed under the general category of impurity, a view that corresponds to his position in Mishnah Yoma 8:9.

Finally, a comparison of the baraita in the Bavli to the parallel texts in Tosefta Shabbat and Sifra Metsorah shows that in the Bavli the Tosefta has been modified under the direct influence of the Sifra. These changes introduce a new element into the dispute between Rabbi Akiva and Munbaz, apparently having little or nothing to do with their original positions. This new element relates to the boundary line between intentional and unintentional sin, as we will explain below.

### ***Sugya* 3: The Definition of Unintentional Sin (69a<sup>6</sup>-69b<sup>16</sup>)**

The third *sugya* is the product of a debate over the precise location of the boundary line dividing intentional from unintentional sin – a debate which took place over many centuries, starting from the tannaitic schools in Palestine and continuing down to the latest generations of anonymous scholars in Babylonia. These discussions are represented by four distinct literary and historical levels in the Bavli. The starting point is a baraita, found also in Tosefta Shabbat 10:11, which is itself a commentary on Mishnah Shabbat 11:6. The Tosefta defines the paradigmatic case of unintentional sin as one in which someone knew that today was Shabbat, but “was unaware that one would be liable to bring a sacrifice for that particular forbidden melakhah.” In its simple sense the phrase “one is liable to bring a sacrifice” means merely that this particular melakhah is forbidden from the Torah, as opposed to a rabbinic prohibition. However, this phrase provided an opportunity for the early amoraim to examine this question more closely.

In Yerushalmi Shabbat (11:6, 13b) we find a dispute between two early amoraim, Rabbi Jose ben Haninah and Rabbi Joshua ben Levi. According to Rabbi Jose ben Haninah a sin is considered intentional if one knew that a particular form of melakhah is forbidden from the Torah. According to Rabbi Joshua ben Levi even if one knew full well that a particular form of melakhah was forbidden from the Torah, one could still be viewed as an unintentional sinner – provided one was not aware that this sin carries with it a punishment of heavenly extirpation (*karet*). His position finds some support in the language of the Tosefta, which defined an unintentional sinner as one who is “unaware that he would be liable to bring a sacrifice for that particular forbidden melakhah.” Since one is only liable to bring a sacrifice (in the case of unintentional sin) for the most serious categories of transgressions, namely those which also carry with them (in the case of intentional sin) the punishment of heavenly extirpation, the wording of the Tosefta and the position of Rabbi Joshua ben Levi could be seen as equivalent. There is no evidence at this early stage in the development of the *sugya* of any distinction between “liable to bring a sacrifice” as opposed to “punishable by heavenly extirpation,” these two notions being little more than two sides of the same halakhic coin.

Underlying both the Tosefta and this early amoraic dispute is the notion that a conscious transgression is treated as an unintentional sin whenever one was not fully aware of the severity of sin at the time of the transgression. The principle that justifies this notion is given in an ancient midrash, included in our *sugya* at a relatively late

date. According to this midrash, if a sinner is informed of his sin, and as result of this information honestly repents and regrets his transgression, that sin is considered unintentional. This principle can be applied to our case in the following manner. Suppose someone consciously performed a forbidden melakhah on Shabbat. Suppose further that when informed that “for this particular forbidden melakhah one is liable to bring a sacrifice” (in line with the language of the Tosefta), he spontaneously (and honestly) declared, “If only I had known that this prohibition was of Torah origin, and not merely a rabbinic law – I never would have transgressed it.” This sin could, according to the rule found in the ancient midrash, be considered unintentional. This would seem to be the position of Rabbi Jose ben Haninah. However, by the same token we could also apply this rule to our case in the following manner. Suppose that when informed that “for this particular forbidden melakhah one is liable to bring a sacrifice,” he spontaneously (and honestly) declared, “If only I had known that that this sin is so hateful in the eyes of the Lord as to deserve eternal heavenly extirpation – I never would have transgressed.” In this situation the sin could also be considered unintentional according to the same ancient midrashic rule. This would seem to be the position of Rabbi Joshua ben Levi.

The tannaitic and early amoraic levels of this Palestinian *sugya* are present also in the Bavli, in a slightly modified form. The amoraic dispute between Rabbi Johanan and Resh Lakish brought near the beginning of the *sugya* corresponds exactly to the amoraic dispute between Rabbi Jose ben Haninah and Rabbi Joshua ben Levi in the Yerushalmi. Not only do the contents of these two parallel disputes correspond, but their external literary forms as well. The statements of Rabbi Jose ben Haninah and Rabbi Joshua ben Levi are interpretive, not independent in form. They probably comment directly on the language of the Tosefta. So also the statements of Rabbi Johanan and Resh Lakish are interpretive in form, probably commenting directly on the language of the parallel baraita, which must originally have stood at the beginning of the *sugya*, and was subsequently moved to its present place further down in the *sugya*, for reasons that will be explained below.

The third stage in the development of the *sugya* represents a logical extension of Rabbi Johanan’s position. According to his view, if one knew full well that a particular form of melakhah was forbidden from the Torah, but was unaware that this particular transgression carries with it the double sanction of bringing a sacrifice and of heavenly extirpation, then that sin is considered unintentional. Rava and Abaye took this principle one step further, examining two Torah prohibitions, each of which carries only a single sanction – either a sacrifice alone, without heavenly extirpation, or heavenly extirpation alone, without a sacrifice. Abaye held that in these two cases even Rabbi Johanan would admit that unawareness of the sacrifice alone, or of the heavenly punishment alone, would make no difference, and so long as one knew that the transgression was forbidden from the Torah, the sin would be considered intentional. Rava disagreed, apparently on both counts.

The final stage in the development of the *sugya* represents a further logical extension, this time of an assumption underlying the dispute between Abaye and Rava. Abaye held that a sin that is punishable by heavenly extirpation, but involves no obligation to bring a sacrifice, is less severe than a sin that carries with it both kinds of sanctions. This assumption forces us reconsider the Shabbat prohibitions from a new perspective. What if someone knew that the punishment for intentionally desecrating the Shabbat is heavenly extirpation, but didn’t know that for an

unintentional transgression one has to bring a sacrifice? Following the logic underlying the questions posed by Rava and Abaye, we might conclude that since this sinner was not aware of the full severity of this Shabbat prohibition, his sin should be considered unintentional. The anonymous stratum of the Bavli seems to have drawn this conclusion. It found some support for its view in the original language of the Tosefta, whose definition of unintentional sin involved unawareness that one was “liable to bring a sacrifice.” However, instead of identifying this phrase with the position of Rabbi Joshua ben Levi, as in Yerushalmi, the Bavli *opposes* this tannaitic phrase to Rabbi Johanan’s language. It is highly unlikely that anyone would have drawn a distinction between “liable to bring a sacrifice” and “punishable by heavenly extirpation” prior to the amoraic disputes between Abaye and Rava. Once this distinction was drawn, however, the language of the baraita no longer necessarily corresponds to or supports the position of Rabbi Johanan. So the Bavli removed the baraita from its original position at the beginning of the *sugya*, since its language was no longer viewed as neutral, capable of being interpreted in line with the positions of both Rabbi Johanan and Resh Lakish. Instead the *sugya* identified the author of the baraita as Munbaz, mentioned in the previous *sugya*, ascribing to him a new and innovative halakhic position – that one who was unaware that he was “liable to bring a sacrifice” for a given transgression, even if he knew that he was liable for “heavenly extirpation,” is still considered an unintentional sinner. For this reason, the *sugya* in its entirety, which originally belonged in Shabbat chapter 11, was moved to its present location, immediately following the second *sugya* of our chapter.

#### ***Sugya* 4: Lost in the Wilderness (69b<sup>16-40</sup>)**

The place of the fourth *sugya* within our chapter was determined by the opening words of the parallel *sugya* in the Yerushalmi, “An adult who was taken prisoner among the gentiles,” which closely parallel Rav’s language in the previous *sugya* there, “A child who was taken prisoner among the gentiles.” In the Bavli the heading reads: “One who is traveling through the wilderness and does not know which day is Shabbat.” The difference in wording may reflect no more than a simple stylistic change. It may, however, reflect a more fundamental historical shift, between early pre-Christian Palestine, where gentiles did not regularly use a calendar divided into seven day weeks, and a later post-Christian environment, or an eastern Babylonian venue, in which even gentiles would know on what day Shabbat fell, and only a traveler in the wilderness would have no way of determining the precise day of the week.

A literary analysis of the amoraic sources in the Bavli’s *sugya*, together with a critical comparison of the Bavli and the Yerushalmi, yield fairly unequivocal results. At the root of this tradition lies an amoraic dispute, between Rav and Samuel in the Yerushalmi, and between Rav Huna and Hiyya bar Rav in the Bavli. All these amoraim agree that if one cannot find out when Shabbat is, one should select one day and designate it as Shabbat, and treat all the rest as weekdays. The only point of dispute is that some held that one should “count six days” first, and then designate the seventh day as the Shabbat, while others held that one should designate the first day as the Shabbat, and then “count six days.” All of the sages mentioned in both parallel *sugyot* were active primarily in Babylonia. Nevertheless, the Yerushalmi goes on to state: “Over there (= in Babylonia) they hold that one should act as if each day is the Shabbat, and only do the minimum amount of work necessary for survival.” This

position corresponds exactly to the second and final interpretation of a statement brought in the name of Rava in the Bavli.

Up to this point the Bavli and the Yerushalmi are identical. The differences between them lie mostly in the interpretative commentary of the anonymous *stam hatalmud* stratum in the Bavli. First, the *stam hatalmud* accepts the position of Rav Huna, who held that one should first “count six days”, and only then designate the seventh as Shabbat, rejecting the alternative position of Hiyya bar Rav, apparently on the basis of a baraita which looks suspiciously like Rav Huna’s own original statement. Second, the *stam hatalmud* interprets Rava’s statement, not as an alternative position that contradicts Rav Huna’s view, but rather as an interpretive statement that comes to explain it. As a result, nothing at all remains of Rav Huna’s original distinction between six weekdays followed by a seventh designated as the Shabbat, except the making of Kiddush on the seventh day. This tendency of the Bavli to subordinate all of the different amoraic positions to the single principle enunciated by Rava is wholly consistent with the testimony of the Yerushalmi that “over there (= in Babylonia) they hold that one should act as if each day is the Shabbat, and only do the minimum amount of work necessary for survival.”

### ***Sugya* 5: Hilluk Shabbatot (69b<sup>40</sup>-70a<sup>7</sup>)**

The fifth *sugya* contains two relatively independent discussions, combined here only because of their brevity. The first discussion provides a midrashic source for the distinction, found only in the long version of *mishnat kelal gadol*, between total ignorance of the Shabbat and its prohibitions, and the case in which one was fully aware of the Shabbat and its prohibitions, but repeatedly mistaken concerning the day on which the Shabbat fell. In the first case one is liable for only one sacrifice, since ignorance of the root commandment counts as a single error. In the latter case one is liable to bring a sacrifice for each Shabbat, presumably because each Shabbat represents a separate and distinct error. This is the reasoning put forward by Rabbi Jose in the Sifra, where he provides comprehensive and systematic midrashic support for all of the halakhic distinctions found in the long version of *mishnat kelal gadol*. Surprisingly, the Bavli does not quote Rabbi Jose’s midrash from the Sifra, or any other tannaitic midrashic source for that matter, in support of this distinction. Instead, it offers two original amoraic midrashim, one by Rav Nahman in the name of Raba bar Avuha, and the other by Rav Nahman bar Isaac. This somewhat anomalous situation may reflect the fact that the Bavli, while adopting the text of the long version of *mishnat kelal gadol*, is building upon the earlier Palestinian talmudic tradition that rejected Rabbi Jose’s reasoning in the Sifra, because he placed errors of empirical judgement, such as “Today is not Shabbat,” on the same footing as errors concerning halakhic categories, like Shabbat viewed as an abstract legal category, or like the various distinct categories of forbidden melakhah.

The second discussion examines the logical justification for the distinction, found in both versions of *mishnat kelal gadol*, between the case in which one knows the individual categories of melakhah but is ignorant of the Shabbat, and the alternative case in which one is aware of Shabbat but ignorant of the individual categories of melakhah. In the former case one is liable to bring a single sacrifice for Shabbat as a whole; in the latter one is liable for each category of melakhah individually. Rav Hisda explains this by stating that in the former situation “one stops doing melakhah when informed about the Shabbat,” while in the latter “one stops doing melakhah when informed about the melakhah.” Rav Hisda’s explanation is admittedly a little obscure,

but we can clarify its content by examining the more elaborate and explicit parallel tradition in the Yerushalmi. The Palestinian amora Rabbi Jose explained there that if one is familiar with all the particular prohibitions of the Shabbat, but unaware that today is Shabbat, then all that is needed in order to bring about an immediate and total cessation of labor is to point out that today is the Shabbat. On the other hand, if one is ignorant of a number of different categories of forbidden melakhah, then even after one is informed that a certain category of melakhah is forbidden, one will continue to engage in other forms of forbidden melakhah, until informed about each and every category individually, one after the other.

The upshot of Rabbi Jose's explanation seems to be that in the former case the desecration of the Shabbat is the result of a single global error, while in the latter case it is the result of a number of distinct errors. Rav Nahman in the Bavli clarifies this very point, explaining that "a sacrifice is brought for error," and "in the former case there is only one error, while in the latter case there are many errors." From here it would seem that Rav Nahman's explanation, taken at face value, merely states explicitly the implicit conceptual principle underlying Rav Hisda's original distinction. The *stam hatalmud*, however, interposes between their two statements an objection, ascribed to Rav Nahman, thus making it appear that Rav Nahman actually disagrees with Rav Hisda. The objection itself appears to have been borrowed secondarily from an objection put by Ravina to Rav Ashi in the seventh *sugya* below. Rashi, accepting the determination of the *stam hatalmud* that Rav Nahman disagrees with Rav Hisda, interprets Rav Hisda in a way which matches this determination. However, a comparison of Rav Hisda's statement to the parallel tradition of Rabbi Jose in the Yerushalmi raises doubts as to whether this was indeed the original intent of Rav Hisda's statement. We will return to this issue in our analysis of the seventh *sugya* below.

### ***Sugya* 6: Hilluk Melakhot (70a<sup>8</sup>-70b<sup>5</sup>)**

The sixth *sugya* is the direct continuation of the first discussion in the fifth *sugya* above. It provides midrashic support for the notion that someone who performed a number of forbidden melakhot while unaware that they were forbidden is liable to bring a sacrifice for each separate category of melakhah individually. This notion is called *hilluk melakhot*. The *sugya* opens with an original amoraic midrash offered by Samuel. Thus far our *sugya* is similar to the first discussion of the fifth *sugya* above, which was also built on amoraic midrashim. However, unlike the discussion there, the sixth *sugya* brings two additional tannaitic midrashim. One is a midrash ascribed to Rabbi Jose, and brought in his name in the Sifra. In addition to quoting the Sifra directly, the Bavli also brings the Yerushalmi's version of the same midrash, ascribed in the Bavli to the amora Rabbi Jose bar Haninah. The inclusion of both the tannaitic and the amoraic versions of the same tradition in our *sugya* highlights one of the more important literary and historical features of the Bavli – its role as the repository into which all streams of tradition flow and are collected.

The second tannaitic support for *hilluk melakhot* is a midrash ascribed in the Bavli to Rabbi Nathan, and corresponding very closely to a midrash ascribed to Rabbi Jonathan in the Mekhilta. A comparison of these two sources shows that the baraita in the Bavli has been expanded and modified. One small additional passage derives from parallel material found elsewhere in the Mekhilta, the Bavli, and the Yerushalmi. More significant for our *sugya* is the systematic revision of the baraita's language. In its more original form the midrash addressed a certain hypothetical question – whether

one would have to transgress all thirty-nine categories of forbidden melakhah in order to be liable for the desecration of the Shabbat. After a series of intermediate arguments, the midrash arrives at its final conclusion – one is liable for the desecration of the Shabbat even if one only transgressed a single individual category of forbidden melakhah.

In the Bavli the hypothetical question posed at the beginning of the midrash is different – whether, in a case where one transgressed all thirty nine categories of forbidden melakhah one would be liable for a single sacrifice, or for each category individually. In the Bavli the midrash concludes that one is liable for each category individually. Literarily this baraita is almost certainly a revision of the original midrash found in the Mekhilta. This explains why the Bavli's version of the midrash retains all the intermediate steps of argumentation and proof found in the original version of the midrash, even though some of them no longer play any significant role in the new revised version of the baraita. This kind of textual difficulty is very common in the Bavli, which often revises ancient traditions, while at the same time retaining literary features of the original texts. With regard to this particular case, the transition from original tannaitic text to final Babylonian version did not occur in a single step, but rather passed through certain intermediate stages. These intermediate stages are documented in the *sugyot* of the Yerushalmi, which cite certain literary elements taken from the Mekhilta, employing them in a spirit reminiscent of the final version of the Bavli.

Since the starting point of the sixth *sugya* was Samuel's midrash, the *stam hatalmud* built its literary structure around his statement, asking why Samuel felt it necessary to offer his own original midrash, given the existence of two alternative tannaitic midrashim. The ancient and authentic midrash of Rabbi Jose is dismissed with the simple assertion that Samuel found it unconvincing. With respect to the midrash of Rabbi Nathan (which historically could not have received its current form until long after the time of Samuel), the *stam hatalmud* responds that Rabbi Nathan's midrashic derivation of *hilluk melakhot* is directly dependent upon his halakhic position regarding the prohibition of making fire on the Shabbat, a position disputed by the tanna Rabbi Jose in a baraita. According to the *stam hatalmud*, Samuel sided with Rabbi Jose on this issue, and so could not accept Rabbi Nathan's midrashic source for *hilluk melakhot*. The baraita containing Rabbi Jose and Rabbi Nathan's dispute concerning the prohibition of making fire has no parallel in ancient tannaitic sources. Like Rabbi Nathan's midrashic source for *hilluk melakhot*, this baraita too is in all likelihood the product of a long tradition of halakhic discussion and interpretation, deriving primarily from the amoraic period.

### ***Sugya* 7: Unaware of both Shabbat and Melakhah (70b<sup>5-28</sup>)**

The seventh *sugya* is the direct continuation of the second discussion in the fifth *sugya*. Rava opened the seventh *sugya* by addressing a question directly to Rav Nahman, whose words concluded the fifth *sugya*. What, Rava asked, should the ruling be in a case where one desecrated the Shabbat while unaware both that today is Shabbat, and that certain categories of forbidden melakhah are prohibited? Rav Nahman replied that in such a case one would only be liable for a single sacrifice, since the desecration took place while unaware that it was Shabbat. Rava retorted that by the same reasoning one should bring many sacrifices, since the desecration took place while unaware that certain categories of forbidden melakhah were prohibited. This interchange between Rava and Rav Nahman has its exact counterpart in the

parallel *sugya* in the Yerushalmi, the primary difference being the personalities involved – Rav Hamnuna instead of Rav Nahman, and Rabbi Zeira instead of Rava. In both *sugyot* a definitive response to the question is offered, which is then rejected, apparently leaving the question unresolved.

The next stage in the Bavli consists of an interchange between Ravina and Rav Ashi. Rav Ashi sought to resolve Rava's apparently unresolved question by building upon Rav Hisda's original statement in the fifth *sugya* above. Rav Hisda asserted that if one stops desecrating the Shabbat upon learning that today is Shabbat, one is only liable for one sacrifice, but if one stops desecrating the Shabbat upon learning about the individual melakhot, then one is liable for multiple sacrifices. Rav Ashi attempted to apply this principle to the new question posed by Rava at the beginning of the seventh *sugya*. Ravina responded that the two cases are not at all comparable, since in *sugya* five the kind of information which causes one to refrain from desecrating the Shabbat also defines the character and number of errors which brought about the desecration in the first place. In the present case, it makes no difference whether one is informed about Shabbat first, and about the melakhot only afterward, or about the melakhot first and about Shabbat only afterwards, since these events take place after the fact, and are in no way indicative of one's state of mind while the actual acts of desecration were taking place. Ravina's objection seems so decisive, that the commentaries felt it necessary to interpret Rav Ashi's statement in a way which would relate to the person's state of mind and the kind of errors which were operative during the acts of desecration. This tendency seems to have also had an impact upon the text of the Talmud itself, as is evidenced by the version of Rav Ashi's statement preserved in the Oxford manuscript of massekhet Shabbat, included as an alternative version in our text of Talmud.

Finally, there is the question of the influence of the interchange between Ravina and Rav Ashi in *sugya* seven upon the text of *sugya* five above. We pointed out above that the statements of Rav Hisda and Rav Nahman, taken by themselves, do not appear to disagree, but rather seem to complement each other quite well. In *sugya* seven Rav Nahman himself responded to Rava's question, ruling that one is liable to bring one sacrifice, and no more. Rav Ashi, in response, used the language of Rav Hisda borrowed from *sugya* five above in order to dispute Rav Nahman's ruling. Ravina in turn, challenged Rav Ashi's view, and reaffirmed Rav Nahman's original ruling. From here we might legitimately conclude that Rav Ashi's position in *sugya* seven corresponds in some way to Rav Hisda's position in *sugya* five, while Ravina's position in *sugya* seven corresponds to Rav Nahman's position, not only in *sugya* seven, but also in *sugya* five above. If so, then our original impression that there was no disagreement between Rav Hisda and Rav Nahman in *sugya* five may in fact be mistaken. This would seem to be the view of the *stam hatalmud*, who inserted the substance of Ravina's objection to Rav Ashi from *sugya* seven in between the statements of Rav Hisda and Rav Nahman in *sugya* five above, thus making it appear that they in fact disagreed with each other – their disagreement being in some way related to the disagreement between Ravina and Rav Ashi here in *sugya* 7.

### ***Sugya* 8: Combination of Partial Transgressions (70b<sup>28</sup>-71b<sup>5</sup>)**

The eighth *sugya* divides into three parts. The second and third parts correspond to the parallel *sugya* found here in Yerushalmi Shabbat. The first part of the *sugya* draws certain conclusions regarding the issues raised in the second part of the *sugya*, but primarily relates to issues found in Yerushalmi Horiyot, issues also treated in the

ninth *sugya* below. Starting with the second part of our *sugya*, we note that in Yerushalmi Shabbat Rabbi Jeremiah asked Rabbi Zeira whether an incomplete melakhah performed while unaware that the day was Shabbat could “combine” with another incomplete melakhah of the same category performed while unaware that certain categories of forbidden melakhah are prohibited, thereby adding up to a single complete melakhah for which one would be liable to bring a sacrifice. In this question Rabbi Jeremiah stipulated that these two partial melakhah were performed on different Shabbatot, perhaps because he himself rejected the principle of *hilluk shabbatot*, and naively assumed that Rabbi Zeira would agree. Rabbi Zeira, however, responded that different Shabbatot in and of themselves “divide” a single category of melakhah into distinct obligations to bring separate sacrifices (= *hilluk shabbatot*), and so clearly two partial melakhah performed on different Shabbatot could never add up to a complete melakhah, irrespective of any other factors. In the Yerushalmi, Rabbi Zeira never actually responded directly to Rabbi Jeremiah’s original question, but only indirectly, objecting to the stipulation that the two partial melakhah were performed on different Shabbatot. Apparently taken aback by this response, Rabbi Jeremiah set aside his primary question, and responded to Rabbi Zeira’s objection, bringing “platters,” which both “divide” a single transgression into multiple transgressions and “combine” partial transgressions into a single complete transgression, as a counterexample. The term “platters” refers to the case of forbidden meat served up on a number of different platters mentioned in Mishnah Keritot 3:9, while Rabbi Jeremiah’s assumption that “platters” both “divide” and “combine” is apparently a reference to a tradition preserved in the Bavli to that same mishnah in Keritot. The Yerushalmi, after an extended discussion, finally decided to reformulate Rabbi Jeremiah’s original question, substituting for the original stipulation, a new stipulation that the two partial melakhah were actually performed “in the morning” and “in the afternoon” of the same Shabbat, thereby sidestepping Rabbi Zeira’s objection. The Yerushalmi’s newly reformulated question remains unanswered. Similarly, the apparent inconsistency in the case of “platters”, which supposedly both “divide” and “combine,” remains unresolved in the Yerushalmi.

As is not uncommon, the *sugya* in the Bavli begins precisely where the *sugya* in the Yerushalmi leaves off. The second part of the Bavli’s *sugya* opens with a restatement of the primary question of the Yerushalmi – whether different kinds of partial melakhah can combine to form a complete melakhah – corresponding to the final version as found at the end of the Yerushalmi. The Bavli introduces the question with a double heading, representing two alternative traditions. According to one tradition the question was posed by Rabbi Zeira himself, and remained unanswered. According to an alternative tradition the question was posed by Rabbi Jeremiah to Rabbi Zeira, and Rabbi Zeira decisively resolved it, stating that since two different forms of “unawareness” divide, they do not “combine.” This response, while reminiscent of Rabbi Zeira’s original objection in the Yerushalmi, is in fact totally new, since Rabbi Zeira never actually expressed an opinion about different forms of “unawareness” in the Yerushalmi, but rather only about the side issue, different Shabbatot. Moreover, in the first part of the eighth *sugya* both Rava and Abaye seem to assume that different forms of “unawareness” do not in fact divide a single transgression into multiple transgressions, and according to Rabbi Zeira’s own logic, this would imply that they must also “combine.” Their position is easier to understand if we assume that Rabbi Zeira did not express a definite opinion on this issue. This point is implied by the *sugya*

itself, when it states that “Abaye and Rava settled an issue that Rabbi Zeira left unresolved.”

According to the alternative version, Rabbi Zeira resolved the question posed by Rabbi Jeremiah. This leads directly into the third part of the *sugya*, an elaborate discussion of the traditions surrounding mishnah Keritot 3:9. This alternative version of part two closely reproduces the external form of the core *sugya* of the Yerushalmi, but not the original content, which is reflected much more accurately in the first version. The alternative version of part two serves primarily as a literary device enabling the Bavli to preserve and to incorporate the remaining unresolved issue from the Yerushalmi – “platters” – into its *sugya*. The third part of the *sugya* contains parallel material found also in Bavli Keritot, the relationship between these two parallel *sugyot* being quite complex and involving a degree of reciprocal influence not particularly susceptible to summarization.

The first part of the *sugya* consists primarily of two disputes between Rava and Abaye. Both disputes concern a series of related transgressions which are connected in some ways and distinct in other ways. Rava and Abaye both agree that when two transgressions overlap, a sacrifice brought for one transgression sometimes counts for the other as well. This principle is called *gererah*, literally dragging. The difference between Rava and Abaye seems to lie in the kind of overlap required. Rava allows a sacrifice brought for one transgression to count for a second transgression, but only when there is some immediate contact between them. Abaye extends this notion to include a kind of “transitivity,” whereby a sacrifice brought for one transgression may count, not only for a second transgression that actually overlaps with it, but also for a third transgression that overlaps with the second, but not the first. In their first dispute Rava and Abaye discuss the laws of Shabbat; in their second debate they discuss the laws of forbidden foods, specifically forbidden fat (*helev*). Taken by themselves, these two disputes seem to line up quite well, the positions expressed by Rava and Abaye seeming wholly self-consistent. The *stam hatalmud*, however, states that Rava’s positions in these two disputes are mutually-contradictory. It resolves the supposed contradiction by asserting that Rava, after hearing the principle of *dragging* from Abaye, changed his mind and accepted it. Rashi and Tosefot, as expected, interpret the two disputes and the principles underlying them in accordance with the *stam hatalmud*, while Maimonides appears to incorporate both of Rava’s positions as they stand into his Code, apparently ignoring the assertions of the *stam hatalmud* that they are in fact mutually-contradictory.

### ***Sugya* 9: Culpability for Multiple Identical Transgressions (71b<sup>5</sup>-72a<sup>21</sup>)**

The two parts of the ninth *sugya* discuss a number of cases in which the same prohibition is transgressed several times in succession. They examine various conditions that could determine whether one brings a single sacrifice for all of them together, or a separate sacrifice for each individual transgression. The first half of the *sugya* assumes that someone who ate two portions of forbidden fat (*helev*) at two different times need only bring a single sacrifice for both, so long as he was informed about both of them at the same time. If, however, he was informed about one of them, and only afterwards about the other, then according to Rabbi Johanan he must bring two different sacrifices. According to Resh Lakish in this case also he need bring only one sacrifice. The parallel tradition in Yerushalmi Horiyot is quite similar, differing primarily in two respects. First, in the Yerushalmi Rabbi Jose is the amora who disagrees with Rabbi Johanan, not Resh Lakish. Second, the dispute between Rabbi

Jose and Rabbi Johanan in Yerushalmi Horiyot is far more complex than the parallel tradition in the Bavli – including not only elements from the parallel dispute between Rabbi Johanan and Resh Lakish in *sugya* nine, but also most of the elements from the second dispute between Rava and Abaye in *sugya* eight as well. The editors of the Bavli apparently wished to isolate these issues and deal with them separately, though other explanations for this interesting literary phenomenon could be suggested.

Suppose someone was informed about the second portion of forbidden fat only after having brought a sacrifice for the first – what would be the ruling be in such a case? According to the *stam hatalmud* in *sugya* nine, in this case Resh Lakish held that one must bring a separate sacrifice for the second portion of forbidden fat. Our *sugya* says nothing about Rabbi Johanan’s position in this situation. Rabbenu Hananel and Rashi assumed that Rabbi Johanan would certainly agree with Resh Lakish in this case. According to their understanding, the view explicitly ascribed to Resh Lakish in *sugya* nine and implicitly shared by Rabbi Johanan, directly contradicts an assumption shared by both Rava and Abaye in their second dispute in *sugya* eight above. In Yerushalmi Horiyot, however, Resh Lakish and Rabbi Johanan related explicitly to this question, and it seems clear that Rabbi Johanan in fact did not agree with Resh Lakish on point. On the contrary, Rabbi Johanan held that in a case where one was informed about the second portion of forbidden fat after one had already brought a sacrifice for the first, one would be under no obligation to bring an additional sacrifice, since if “one atones for part of a sin, the entire sin is atoned for.” In our commentary we show that the Yerushalmi’s understanding of the dispute between Resh Lakish and Rabbi Johanan on this matter can be applied consistently to the entire first half of our *sugya*.

The second half of the *sugya* consists of a series of amoraic statements concerning multiple transgressions of the prohibition against intercourse with a half-freed slave woman, examining this issue from the perspective of a number of different halakhic positions. Unfortunately, the terminology used to designate these different halakhic positions is highly ambiguous, and so it is uncertain what positions are in fact being referred to. Even when reasonable candidates for these positions are identified, their relevance to the issues at hand is not always clear. As a result, in our commentary we attempt to identify and to analyze the different positions mentioned in the *sugya*. These attempts, unfortunately, remain somewhat speculative and uncertain, and final clarification of these questions may depend on further critical research into a number of parallel traditions in Bavli Keritot.

### ***Sugya* 10: Mit’asek – Unintentional Sin With No Culpability (72a<sup>21</sup>-73a<sup>38</sup>)**

The literary sources of the tenth *sugya* consist of a tannaitic baraita, and a collection of three closely related amoraic disputes between Rava and Abaye, preceded by a single undisputed halakhah. In its present form, this amoraic collection forms the literary framework of the *sugya* as a whole, the baraita being brought, as it were, by Rava in support for his position in the first dispute. This use of the baraita is somewhat problematic, since the baraita itself apparently provides no more support for Rava’s position than it does for Abaye’s views. Historically the baraita does not seem to reflect an ancient tannaitic tradition, at least not in its original form. Rather it summarizes the conclusions of two early amoraic discussions, interpreting even earlier tannaitic traditions. As often happens in the Bavli, these amoraic interpretations are summarized and incorporated into the texts of the tannaitic sources themselves. These two aforementioned early amoraic discussions – corresponding

roughly to the two halves of the baraita brought in the Bavli – are preserved in Yerushalmi Shabbat chapters seven and eleven. The threefold dispute between Rava and Abaye is an expansion and elaboration of an amoraic tradition found in the parallel *sugya* in Yerushalmi Shabbat chapter eleven. The two primary literary strata included in our *sugya* correspond, therefore, to an earlier Palestinian talmudic tradition, on the one hand, and a later Babylonian tradition, which took this earlier Palestinian tradition as its starting point.

The baraita as it stands is representative of a fairly standard literary *genre*, one in which the relative stringencies and leniencies of two areas of halakhah are compared to each other. It differs from the many classic examples of this form, in that the halakhot compared in the first half of the baraita are not the same as the halakhot compared in the second half of the baraita. So, the first half of the baraita compares the stringencies of Shabbat to the leniencies of “other commandments”, while the second half of the baraita compares the leniencies of Shabbat to the stringencies of “other commandments”. Thus far the baraita conforms to the standard pattern. The uniqueness of this baraita becomes apparent only when the student realizes that the “other commandments” mentioned in the first half are not the same “other commandments” mentioned in the second half. The “other commandments” mentioned in the first half of the baraita refer to the laws of idolatry, the comparison being made between one who transgresses a number of different categories of forbidden melakhah on Shabbat, and one who transgresses a number of different categories of forbidden forms of Idol worship. In the former case one is liable to bring a separate sacrifice for each category of forbidden melakhah, and in the latter one is only liable for one sacrifice. This half of the baraita corresponds to the parallel *sugya* in the seventh chapter of Yerushalmi Shabbat. The “other commandments” mentioned in the second half of the baraita refer to the laws of prohibited foods, especially *helev*, and to the laws of prohibited sexual relations, especially incest. The comparison here is between the leniencies of Shabbat, reflected in the principle that one who desecrates the Shabbat “with no intention” is exempt from all sanctions, and the strictures of *helev* and incest, reflected in principle that one who transgresses these prohibitions “with no intention” is still liable to bring a sacrifice. The second half of the baraita corresponds to the parallel *sugya* from the eleventh chapter of Yerushalmi Shabbat.

The original tannaitic term for a transgression committed “with no intention” is *mit'asek*, literally *occupying yourself*, apparently without full awareness of what one is actually doing. A baraita in the eleventh chapter of Yerushalmi Shabbat sets down the rule that one who is *mit'asek* with regard to Shabbat prohibitions is exempt, while one who is *mit'asek* with regard to *helev* and incest prohibitions is liable. The Yerushalmi explains this baraita using the following example. “One who intended to harvest one half of the minimal amount constituting a transgression of the Torah prohibition of harvesting on Shabbat, and mistakenly harvested the entire minimal amount is exempt, whereas one who intended to eat one half of the minimal amount of forbidden *helev*, and mistakenly ate the entire minimal amount is liable.” The case described in this example corresponds exactly to the case of Rava and Abaye’s second dispute in the Bavli. The undisputed and anonymous ruling given in this example corresponds exactly to Rava’s position in this second dispute. This may explain why the Bavli cites this ancient Palestinian tradition as a support for Rava, and as an objection to Abaye.

Nevertheless, we must distinguish two historical levels within this Palestinian talmudic tradition. First there is a tannaitic component, which Abaye must accept, but which does not explicitly contradict his position. Second, there is an anonymous amoraic interpretation of this baraita, which admittedly contradicts Abaye's view, but with which he may disagree. The differing attitudes of Abaye and Rava toward this earlier Palestinian tradition explain the origins of the threefold dispute between Rava and Abaye in the Bavli. Rava's positions in all three disputes represent his development of the earlier anonymous amoraic interpretation given in the Yerushalmi, while Abaye's positions represent his consistent rejection of this entire line of amoraic interpretation. The single undisputed halakhah that stands at the head of our *sugya* – "one who intended to lift up something detached from the ground and by mistake cut something attached to the ground, is exempt" – represents Abaye's own alternative interpretation of the authoritative tannaitic baraita, as is indicated explicitly by the *sugya* itself.

### ***Sugya* 11: "They Are All One Melakhah" (73a<sup>38</sup>-74a<sup>7</sup>)**

With the eleventh *sugya* we leave the abstract and ethereal discussions of *mishnat kelel gadol* behind, and enter upon the second far more concrete section of our chapter, beginning with the list of the thirty-nine categories of forbidden melakhah, and continuing on with analyses and discussions of these same thirty nine categories. Unlike the *sugyot* of the first section of our chapter, *sugya* eleven does not possess any overarching or continuous literary structure, but rather consists of relatively brief and mostly isolated sources and statements commenting directly upon individual words or phrases cited from the language of the mishnah. In this respect *sugya* eleven, like *sugyot* thirteen and seventeen below, resembles an earlier literary form of talmudic commentary to the Mishnah, a form characteristic of the Tosefta and of the earlier literary strata of the Yerushalmi, as reflected, for example, in Yerushalmi Nezikin.

At the same time, there is a predominant halakhic theme running through most of these isolated comments and traditions, a theme expressed by the recurring phrase – "they are all one melakhah." The notion of "one melakhah" in the sense of a general category subsuming numerous different concrete examples under it derives originally from a discussion between Rabbi Akiva and Rabbi Eliezer in Keritot 3:10. Rabbi Akiva inquired concerning someone who performed "many melakhah on many Shabbatot belonging to a single category of melakhah." Rabbi Eliezer was of the opinion that in such a case one must bring separate sacrifices for each melakhah, while Rabbi Akiva held that one was only liable to bring a single sacrifice for the category as a whole. There are clear indications that both Rabbi Akiva and Rabbi Eliezer were familiar with some official list of forbidden melakhah, like the list found in the mishnah at the head of our *sugya*, and also with a tradition stating that one is liable for each and every melakhah, like the one found in Tosefta Shabbat 8:3. Rabbi Eliezer apparently interpreted the former tradition as a representative list, not an exhaustive list, and the latter tradition as indicating that one could in fact be liable for far more different types of melakhah than those explicitly included in the list. Rabbi Akiva, on the other hand, interpreted the former tradition as an exhaustive list, and the latter to mean that one can only be liable for each category of melakhah, but not for every distinct type of melakhah that could possibly be subsumed under the general category.

It is against this background that we must understand the apparently incongruous statement of Rabbi Johanan in the Yerushalmi: "If one did them all at once one would only be liable to bring one sacrifice." Rabbi Johanan clearly did not intend to deny the

principle of *hilluk melakhot*, which even Rabbi Eliezer and Rabbi Akiva recognized and accepted, nor, in our opinion, is there any need to emend his words. It is likely that Rabbi Johanan merely meant to say that if one performed “many melakhot belonging to a single category of melakhah” then “one would only be liable to bring one sacrifice,” in line with the opinion of Rabbi Akiva in Keritot. The *stam hatalmud* paraphrases this version of Rabbi Johanan’s statement, except instead of placing it at the very beginning of its commentary to the list of thirty-nine melakhot – as in the Yerushalmi – it relegated it to the very end of its commentary to the list of thirty-nine melakhot, at the end of *sugya* seventeen. At the beginning of its commentary to the list of thirty-nine melakhot the Bavli indeed brings a version of this tradition ascribed explicitly to Rabbi Johanan, but the wording of his statement has been emended in the Bavli so as to agree with the original (pre-Akivan!) language of the Tosefta: “If one did them all at once one would be liable to bring a sacrifice for each and every one.” This “resurrection” of the original language of the Tosefta, now applied to the list of thirty-nine melakhot in a post-Akivan halakhic world, creates a problem, for it now appears that if one was totally unaware of any form of forbidden melakhah whatsoever, one would still be liable to bring a sacrifice for each and every category, despite the fact that this situation sounds remarkably like the case of the child taken prisoner by gentiles or the convert who converted to Judaism among the gentiles, who is at most liable for a single sacrifice. This difficulty was addressed by the Bavli three times in the course of the previous *sugyot* of the chapter, and in each case it was resolved by positing that this person could still somehow be aware that the Torah contains a commandment concerning the Shabbat, despite his total ignorance of all thirty-nine categories of forbidden melakhah – assuming that he knew the prohibition against traveling beyond the *tehum* (boundary) of the Shabbat, a prohibition unrelated to any category of forbidden melakhah.

Following the acceptance of Rabbi Akiva’s view defining the thirty-nine melakhot as categories, it became necessary to begin the slow process of analyzing every example of forbidden melakhah not included in the official list of thirty-nine, in order to group them together under the appropriate categorical headings. Only in this way can we determine whether someone will be liable for “each and every one,” or “one for all of them.” The beginnings of this labor are reflected in a series of related baraitot taught together as a group in Tosefta Shabbat. Three out of four of these baraitot are included in *sugya* eleven, to which is added a fourth baraita not found in the Tosefta, thus maintaining the number of four baraitot included in the original collection. *Sugya* eleven, therefore, provides a clear example of an important form of early talmudic literature, one unified not by an unbroken chain of question and answer, but rather by the conceptual or associative unity of a group of closely related tannaitic or amoraic sources.

Rabbi Akiva originally characterized the different categories of forbidden melakhah using the phrase “*me’en melakhah ahat*,” apparently meaning “belonging to the notion or to the idea of a single melakhah” (*me’en* = *me’inyan*). This seems to suggest that different melakhot should be grouped together on the basis of formal similarities or similar goals and purposes. At the end of our *sugya*, the Bavli raises a difficulty with this approach. It notes that a number of melakhot are included separately in the official list of the thirty-nine melakhot, and yet seem virtually indistinguishable with regard to their forms and purposes. The Bavli resolves this difficulty by suggesting that otherwise indistinguishable melakhot may nevertheless

be included separately in the list of thirty-nine, provided they each played an especially significant and distinct role in the construction of the Tabernacle. Historically, this problem may reflect the fact that the list itself preceded the dispute between Rabbi Akiva and Rabbi Eliezer, and so does not necessarily conform neatly to either of their halakhic positions.

### ***Sugya 12: Bererah – Sorting and Separating (74a<sup>7</sup>-74b<sup>2</sup>)***

The twelfth *sugya* is somewhat different from the other *sugyot* of our chapter, because it offers an exhaustive analysis of a single melakhot – *bererah*, sorting or separating. At the head of the *sugya* stands a baraita, found also in the Tosefta and the Yerushalmi. This baraita treats *bererah* not only from the theoretical perspective, determining what type of sorting is forbidden from the Torah and what type merely forbidden by the Rabbis, but also from the practical perspective, determining what type of sorting is permitted and what type forbidden on Shabbat. This peculiar combination of theoretical and practical distinctions within a single tannaitic source seems to have caused many of the difficulties in the development and interpretation of this *sugya*. A comparison of the three versions of this baraita shows clearly that the baraita in the Bavli derives directly from the simplified version found in the Yerushalmi, not from the more complex and original version taught in the Tosefta. In fact most of the sources and traditions included in our *sugya* derive in one way or another from elements found in the parallel *sugya* of the Yerushalmi, as we will explain.

Unlike the *sugya* in the Bavli, which opens straightaway with an analysis of its version of this tannaitic tradition, the Yerushalmi opens with an amoraic dispute between Hezekiah and Rabbi Johanan. The baraita comes up only later in the course of the talmudic analysis of their dispute. According to Hezekiah, the Torah prohibition of sorting applies not only to the removal of dirt or stones from grain, but also to the separation of different kinds of food from one another. Rabbi Johanan, on the other hand, held that the separation of different kinds of food is never forbidden from the Torah, but only by rabbinic legislation. The Yerushalmi cites different passages from its version of the aforementioned baraita in order to object to both Hezekiah and to Rabbi Johanan. The fact that the Yerushalmi use the same source to attack both amoraic positions points to a certain difficulty within the text of the baraita itself.

The first half of the baraita states that it is permitted to sort one type of food from another in order to eat, or in order “to place on the table.” The second half goes on to state that “one may not sort out all of the items belonging to one kind of food, and if one did one would be liable to bring a sacrifice.” These two clauses do not explicitly contradict each other, but when subjected to deeper analysis certain tensions and inconsistencies emerge, a fact which did not escape the searching eyes of either Hezekiah or Rabbi Johanan. A comparison of the two halves of this baraita as they stand must lead to the conclusion that it is permitted to go on sorting one type of food from another so long as one does not “sort out all of the items belonging to one kind of food” (as stipulated in the second half). This means that one could easily find oneself sitting at the table sorting out different kinds of food on the Shabbat, and then in one split-second discover that one had unwittingly transgressed the Torah prohibition of sorting. Why? Because the Rabbis apparently did not enact any intermediate rabbinic prohibition to serve as a warning sign between these two extremes or as a “fence around the Torah.” This situation is problematic from a

practical halakhic perspective. It is also anomalous from a literary perspective, since tannaitic sources usually draw a distinction either between liable and exempt (from the Torah), or between permitted and forbidden. They rarely (if ever) make a sharp transition directly from permitted to liable (as in the Tosefta's version), or combine both distinctions together in a somewhat haphazard fashion (as in the Yerushalmi).

The dispute between Hezekiah and Rabbi Johanan at the beginning of the Yerushalmi reflects a conscious attempt to resolve this literary and halakhic anomaly – one way or the other. Rabbi Johanan, who accepted the lenient interpretation of the first half of the baraita, drew the logical conclusion that one who separates different kinds of food could never in fact transgress a Torah prohibition, even if one sorted out all of the items belonging to one type of food. Hezekiah, who accepted the simple understanding of the end of the baraita, felt compelled to offer a new restrictive interpretation of the first half of the baraita, so as not to place a “stumbling block before the blind.” He did this by stipulating that it is only permitted to select individual items of food if one eats them up one at a time, the clear implication being that it is never permitted to sort out different types of food into separate piles.

According to Hezekiah, the words “one may not sort out all of the items belonging to one kind of food,” included in the Yerushalmi's version of the baraita, but absent in the Tosefta, have no real meaning, and should be erased. It is therefore highly significant that the Bavli's version of the baraita, identical to the Yerushalmi's version in most respects, omits these very words. Once again, the Bavli takes as its starting point the conclusion of the parallel *sugya* in the Yerushalmi – more specifically the conclusion of the Yerushalmi viewed from Hezekiah's perspective. The Bavli and the Yerushalmi, while sharing many similar literary elements, address this shared literary inheritance from totally different perspectives. The *sugya* in the Yerushalmi is devoted, from beginning to end, to the determination of one single issue: whether or not the Torah prohibition of sorting applies to the separation of one type of food from another. For the editors of the Bavli this question had already been resolved even before our *sugya* began. This difference of perspective had a profound effect on the way in which a number of ancient literary elements included in the Bavli were treated, as will be explained.

After the omission of the problematic words from the second half of the baraita, the Bavli's version of this text is so obscure as to border on the unintelligible. Following the baraita itself, the *sugya* presents five attempts to explain it, all of them in the spirit of Hezekiah's fundamental halakhic position. The first four attempts are rejected. Only the final suggestion, put forward by Abaye, is accepted, receiving Rava's explicit approval. There is, however, an important distinction between the *sugya's* attitude toward the first two suggestions, and its attitude toward the third and the fourth. The first two suggestions were rejected because they were based upon flawed halakhic thinking. The next two suggestions were rejected merely because they did not fit smoothly into the language of the baraita. The suggestions themselves were not considered illogical or halakhically unacceptable. As we will see presently, both suggestions play a role in the rest of the *sugya*.

According to Rav Joseph's view – the third suggestion brought in the *sugya* – the baraita states that it is permitted to sort out different kinds of food, but only if the sorting is done by hand. On the other hand, it is forbidden to use a plate or a platter to sort out different kinds of food, but this prohibition is not of Torah origin, but rather only rabbinic. Finally, using a sieve or a sifter to sort out different kinds of food is

forbidden from the Torah. According to Rav Hamnuna's view – the fourth suggestion brought in the *sugya* – the baraita states that when food and residue or other worthless matter are mixed up together, it is permitted to separate food from the mixture. However, one may not remove residue from the mixture, this type of sorting being prohibited by the Torah. According to Abaye's view – the fifth and final interpretation – the baraita states that one may only sort out different kinds of food for immediate use. If one sorted out different kinds of food, even for use sometime later on the very same Shabbat, this is equivalent to sorting different kinds of food for storage in the warehouse, for which one would be liable from the Torah. Clearly, Abaye's view was accepted as a legitimate rule of halakhah. What about the other two?

The next part of the *sugya* contains a late Babylonian amoraic dispute, between Rav Ashi and Rav Jeremiah from Difti. In some ways this dispute is reminiscent of the original dispute between Hezekiah and Rabbi Johanan in the Yerushalmi. In its present form, however, it appears to relate directly to the wording of the baraita found at the beginning of the Bavli. The heading of that baraita reads, "There were two types of food before him." The first ruling in the baraita states that in such a case, "One may sort and eat; sort and leave." The baraita then continues, "But one may not sort." Finally, it concludes, "And if one sorted, one is liable." The heading of the amoraic dispute in the Bavli repeats the heading of the baraita, word for word, "There were two types of food before him." It then paraphrases the third case of the baraita, "If one sorted and ate, sorted and left." To this case Rav Ashi applied the ruling "exempt," while Rav Jeremiah from Difti applied the ruling "liable." (This is the reading in some texts; others reverse the names.) Taken in its simple sense, Rav Ashi's position is strikingly reminiscent of Rabbi Johanan's view in the Yerushalmi, as Rav Jeremiah from Difti's position recalls Hezekiah's view there. As we already noted, the anonymous editors of our *sugya* adopted in principle Hezekiah's opinion, while totally suppressing the alternative view of Rabbi Johanan. It would therefore be quite inconsistent for our *sugya* to present this late Babylonian dispute as a simple repetition of the earlier Palestinian one. Thus, the *stam hatalmud* asserts that there was never any dispute between Rav Ashi and Rav Jeremiah of Difti at all. Rather, the apparently contradictory rulings transmitted by these two Babylonian sages are merely intended to hint at the distinctions put forward earlier by Rav Joseph in the first part of the Bavli, "Sorting by hand is permitted; sorting by means of a plate or platter is forbidden by the Rabbis (= Rav Ashi); sorting by means of a sieve or a sifter is forbidden from the Torah (=Rav Jeremiah from Difti)."

Our *sugya* concludes with a story about the separation of food from residue and a tradition ascribed to Hezekiah, stating explicitly that separating food from residue is forbidden from the Torah. Both traditions derive ultimately from the parallel *sugya* in the Yerushalmi. The *stam hatalmud* interprets both of them in line with the view put forward by Rav Hamnuna in the first section of the *sugya*, "It is indeed permissible to separate food from residue on Shabbat; only if one sorted out residue from food would one be liable for transgressing a Torah prohibition."

### ***Sugya* 13: From "Grinding" through "Spinning" (74b<sup>2-28</sup>)**

The thirteenth *sugya* consists primarily of isolated statements and comments, attached directly to individual words and phrases from the mishnah. They are all either amoraic traditions with parallels in the Yerushalmi, or in one case a tannaitic tradition with a parallel in the Tosefta. These statements and comments mostly

explain individual melakhot listed in the mishnah in one of two ways. Either they describe some relatively simple form of labor, in order to subsume it under one of the categories mentioned in the mishnah; or they describe some more complex form of labor and point out the number of different categories involved in it. Sometimes the amoraim seem to engage in a competition to see who can find a form of forbidden labor involving the greatest number of different categories of melakhah – seven, eight, eleven, or thirteen. The roots of this kind of intellectual game are already found in the Tosefta, as is evidenced by the baraita brought at the end of the *sugya*. Most of the traditions included in this *sugya* have been adequately treated in the traditional commentaries, and so we provide mostly references to the parallel traditions, with brief comments and annotations.

#### ***Sugya* 14: Tying and Untying Knots in the Tabernacle (74b<sup>28</sup>-75a<sup>2</sup>)**

The fourteenth *sugya* contains one relatively extended and continuous discussion of two related melakhot, tying and untying, plus brief amoraic comments on two additional citations from the mishnah. The initial discussion has a parallel in Yerushalmi Shabbat. We can clearly distinguish two different literary strata within the Bavli's version of the *sugya* – three well defined amoraic statements, and the remaining anonymous material. There is nothing remarkable about either of these phenomena. A comparison of these two phenomena to each other, however, yields interesting results. Not only do the amoraic statements included in our *sugya* represent later versions of early Palestinian traditions, but so do most of the anonymous passages as well. This observation, confirmed by numerous similar examples elsewhere in the chapter, should serve as a clear warning never to confuse literary analysis of the Bavli with historical criticism. Even after we have isolated the tannaitic and amoraic sources imbedded in the *sugya* from the literary framework of the *stam hatalmud*, we have not thereby reached a clear and unambiguous picture of the form and content of these traditions as they may have existed in the time of the tannaim or amoraim. Even when we can confirm the association of some sage's name with a particular tradition, we must still remain cautious with respect to the content of the traditions, since they are often revised and updated in line with the developments of later talmudic interpretation. Similarly, the *stam hatalmud* can preserve and transmit ancient traditions, which it may recast in its own language, or incorporate almost verbatim into the *sugya*. Only after careful and systematic comparison of the Bavli, including both its tannaitic and amoraic sources and its anonymous material, to earlier and relatively independent parallel traditions can we propose even tentative conclusions concerning the historical development of a *sugya*.

#### ***Sugya* 15: Three Statements by Rav in Halakhah and Aggadah (75a<sup>2-20</sup>)**

*Sugya* fifteen, like *sugya* eleven above, is constructed around a kovetz, a group of related statements learned and transmitted together. Unlike *sugya* eleven, the kovetz lying at the root of *sugya* fifteen consists of a group of amoraic statements, not baraitot. Moreover, there does not seem to be any commonality of content between the three statements transmitted by Rav Zutra bar Tuvia in the name of Rav. As a result, Rashi suggests in his commentary that "Mar Zutra heard these three traditions from Rav at the same time, and so learned them together as a single unit."

The first of these statements concerns the melakhah of sewing. It appears to be related to another statement concerning the melakhah of sewing ascribed to Rabbi Johanan toward the end of the previous *sugya*. Both statements have clear parallels in

Yerushalmi Shabbat, where they are viewed as mutually contradictory. On the other hand, the Bavli brings them, one after the other, without any indication that they contradict. Rabbi Isaac Alfasi and Maimonides copied both statements in their halakhic works, indicating that they did not consider them mutually contradictory. An analysis of additional material found in Yerushalmi Shabbat points toward a resolution of the contradiction, and Maimonides' language in his Code reveals direct influence of these traditions from the Yerushalmi.

The second of these three statements asserts that anyone who learns "one thing" from a *magush* deserves death. The term *magush* in Persian designates a Zoroastrian priest, while in Syriac it has the added meaning of magician. The related words *magus* in Latin and *μαγικωσ* in Greek carry the same meaning as the Syriac. Following directly upon the *kovetz* of Rav's three statements, the Bavli brings a dispute between Rav and Samuel concerning the meaning of the term *magushta*, perhaps a short form of *magushuta*, meaning the doctrines or teachings of the magi. Either Rav or Samuel understood *magushuta* to mean sorcery, while the other understood it to mean idolatry. Considering the double significance of the term *magush/magus*, this may not be a real dispute, but rather a way of pointing out the double danger involved in the doctrines and teachings of the magi.

The third tradition transmitted in the name of Rav concerns the "calculation of heavenly periods and signs of the Zodiac." Rav states that it is forbidden to speak with anyone who is capable of making such astronomical calculations, but refrains from doing so. The *sugya* then brings additional amoraic material to the effect that anyone who is capable of making such calculations, and refrains from doing so has missed an opportunity to see God's actions and the work of His hands. Making these calculations is a positive commandment and also "your wisdom in the eyes of the nations." These statements testify to the religious significance of such calculations in the opinion of these amoraim, reflecting an early form of "natural theology," shared also by the ancient stoic tradition.

### ***Sugya* 16: Hunting Snails on Shabbat (75a<sup>20-32</sup>)**

The sixteenth *sugya* deals with two issues, one extremely concrete and specific, the other involving one of the most abstract and general principles in all of the laws of Shabbat. The Bavli first quotes a baraita concerning one who "hunts and wounds a snail." According to this baraita there is a tannaitic dispute over this case. The first anonymous opinion holds that one is only liable for a single sacrifice. Rabbi Judah disagrees, stating that one would be liable for two separate sacrifices. Rabbi Judah goes on to give a reason for his opinion: "Wounding is included under the heading of threshing," to which the sages respond: "Wounding is not included under the heading of threshing." From this we conclude that Rabbi Judah and the sages agree concerning one who hunts a snail, but disagree concerning one who wounds a snail. This appears to be a fairly standard tradition, not unlike dozens of other similar traditions included in the second section of our chapter. This particular case is a little different, however, in that the parallel tradition in the Tosefta includes only one position, the one ascribed to Rabbi Judah in the Bavli. In the Tosefta it is brought anonymously and without any reasons or argumentation. The Yerushalmi contains a parallel tradition remarkably similar to that of the Tosefta, also anonymous and without any reasons or argumentation. Unlike the Tosefta, however, the Yerushalmi transmits this tradition in two versions, differing only in the rulings they apply to this case. One version rules that one is liable to bring two sacrifices, like the position

ascribed to Rabbi Judah in the Bavli. The other rules that one is only liable to bring one, like the position ascribed to the sages in the Bavli. In addition to this difference in form – parallel anonymous baraitot in the Yerushalmi, versus a single baraita with names, reasons and arguments in the Bavli – there is also an additional difference between the Bavli and the Yerushalmi. According to the Bavli, Rabbi Judah and the sages agreed about one who hunts a snail, but disagreed about one who wounds a snail. In the Yerushalmi the two anonymous baraitot agree about one who wounds a snail, but disagree about one who hunts a snail.

Despite all of these superficial difficulties, the explanation of the various versions of this tradition is actually quite straightforward. The simple and anonymous versions of this baraita found in the Tosefta and the Yerushalmi are clearly more original than the elaborate and explicit version found in the Bavli. The Tosefta contains a single version of this tradition, which states that one who hunts and wounds a snail is liable to bring two sacrifices – one for hunting and one for wounding. The Yerushalmi is familiar with this simple and anonymous version of the baraita, but also reports an alternative version, which differs in one crucial respect – the ruling. According to this alternative version, one who hunts and wounds a snail is only liable for a single sacrifice. Unfortunately, this version of the baraita neglected to tell us whether he was liable for hunting and exempt for wounding, or liable for wounding and exempt for hunting. Since this question was left open by the text of the baraitot, the different amoraic traditions reflected in the Bavli and the Yerushalmi were free to decide this question in different ways, and to provide different interpretations in order to justify their differing decisions. The Bavli, as is often the case, incorporated its decisions and interpretations into the text of the baraita itself, as well as its identification of the disputants as Rabbi Judah and the sages, an identification which seems to have been suggested by the juxtaposition of this baraita in the Tosefta to a previous halakhah brought in the name of Rabbi Judah.

The rest of the *sugya* clarifies a side issue, one which eventually came to be considered one of the most profound and difficult principles in the laws of Shabbat. This principle, called *pesik resha dela niha ley*, asserts that one is not liable for direct and necessary but unintended consequences of one's actions – if one does not derive any benefit from these unintended consequences. The brief and laconic discussion in this *sugya* is supplemented by an equally brief and laconic discussion in a parallel *sugya* further on in Massekhet Shabbat. The roots of the discussion appear in a number of baraitot in Tosefta Shabbat, while the developments and transformations of these traditions are evident in both the Bavli and the Yerushalmi to Shabbat, as well as in related *sugyot* in Yoma, Ketubbot, and especially in Keritot. In our commentary here we point out some of the more fundamental directions that the historical investigation of this issue will take, but leave the main discussion for our forthcoming commentaries to the third and fourth chapters of Keritot.

### ***Sugya* 17: From “Shehitah” through the End of the Second Mishnah (75a<sup>32</sup>-75b<sup>39</sup>)**

The seventeenth *sugya*, like the thirteenth above, consists mostly of isolated amoraic statements and baraitot, commenting on the remaining words and phrases of the second mishnah. Most of these amoraic statements analyze particular forms of forbidden labor, determining the category of melakhah to which they belong. One statement, ascribed to Rabbi Johanan and Resh Lakish, observes that two of the melakhot included in the mishnah's list – salting and tanning – are substantially the same, and so one of them (it hardly matters which) should be eliminated. In order to

preserve the traditional number of thirty-nine melakhot, they introduce an alternative melakhah into the list – the drawing of lines. A baraita, found also in the Tosefta, discusses some of the laws of writing and erasing. The *sugya* comments on the repetition of the number thirty-nine at the very end of the mishnah, paraphrasing the original version of a tradition ascribed to Rabbi Johanan in the Yerushalmi, as we explained above in the summary of *sugya* eleven. It also cites the view of Rabbi Judah, who includes two additional categories of forbidden melakhah in his version of the list. Once again, all of these isolated traditions are explained in the traditional commentaries, as well as in Rabbi Abraham Goldberg’s critical edition of Mishnah Shabbat, and so we have again mostly provided references to the parallel traditions, with a few brief comments and annotations.

### ***Sugya* 18: “They Stated Another General Rule” (75b<sup>39</sup>-76a<sup>5</sup>)**

The third mishnah of our chapter, which opens the eighteenth *sugya*, contains “another general rule,” not as “large” as the one which opened the chapter as a whole, but nevertheless serving as a general introduction to the next sub-section of Massekhet Shabbat, up to and including the beginning of chapter 10. This rule reads as follows:

Any substance generally considered worth saving, and generally considered worth saving in a certain quantity, one who removed that substance in that quantity from one domain to another would be held liable for the transgression of a Torah prohibition; however, a substance not generally considered worth saving, or not generally considered worth saving in a certain quantity, one who removed that substance, or that quantity, from one domain to another would not be held liable for the transgression of a Torah prohibition – unless that person had specifically set it aside for his or her personal use.

This rule offers a definition, partly subjective, partly intersubjective, of a *thing*, in the context of the prohibition against “transferring something from one domain to another.”

The Bavli comments on three aspects of this rule. First it cites an amoraic dispute, found also in the Yerushalmi, concerning the phrase “not generally considered worth saving.” One amora understood this phrase to exclude only things whose use is forbidden by law, while the other understood it to exclude also things considered either too disgusting or too dangerous for common use. Next the *sugya* points out that the notion of intersubjectively determined minimal quantities – things “generally considered worth saving in a certain quantity” – is not a universally recognized principle, since Rabbi Simeon apparently expressed the opinion, in the beginning of the eighth chapter below, that all of the minimal quantities detailed in the following mishnayot have only subjective validity – they apply only to individuals who set these particular substances and quantities aside for personal use. Finally, the *sugya* quotes a baraita in which Rabbi Simeon ben Eleazar disagrees with the final words of the mishnah. In his opinion even if something is not generally considered worth saving in a certain quantity, “if one person set it aside for personal use, and another person removed it to a different domain, then the second will be liable for the subjective thought of the first.” This baraita is found also in the Tosefta, where it appears (in the Vienna manuscript) is a very different form. In our commentary we suggest that the baraita in its original form contained two points of disagreement with the mishnah, both of which focus on the second half of the general rule. First, Rabbi

Simeon ben Eleazar holds that it is actually permissible to remove a substance from one domain to another, if it is “impossible for one to set it aside for personal use.” Second, Rabbi Simeon ben Eleazar holds that if someone could and did set something generally considered worthless aside for personal use, then “if another came along and removed it, that person would be liable.” The first half of Rabbi Simeon ben Eleazar’s words was ignored, both in the Bavli and in the Yerushalmi. The baraita in the Bavli seems to be an expanded version of the second half of Rabbi Simeon ben Eleazar’s words as cited and explained in the Yerushalmi. The expanded version in the Bavli seems then to have secondarily influenced the textual tradition of the Tosefta itself, most strikingly the version in the Erfurt manuscript.

### ***Sugya* 19: “One Who Takes Out Straw” (76a<sup>5</sup>-76b<sup>14</sup>)**

The fourth mishnah of our chapter, which opens the nineteenth *sugya*, examines various foodstuffs generally considered appropriate for the use of different species of domesticated animals. The amount for which one will be held liable (if one moved one of these foodstuffs into another domain on Shabbat) depends on the quantity of foodstuff appropriate to each different species. If, alternatively, a foodstuff is considered fit for human consumption, then the amount is the standard minimal quantity of human food used regularly in the laws of Shabbat – the size of a pressed fig. The *sugya* cites an amoraic dispute concerning one who took out certain substances and certain quantities, considered appropriate for one species of animal, for the use of another species. It also quotes a number of other amoraic disputes relating to similar questions and cases. In our commentary we analyze these disputes by means of a rigorous separation of the amoraic material from the anonymous interpretive layer of the *stam hataalmud*. As is often the case, the results of this analysis reveal the existence of distinct historical levels within the *sugya*, each possessing its own logic and each worthy of study in its own right. The mishnah then goes on to address the question of *tseruf* – whether partial amounts of differing foodstuffs, each possessing its own fixed official quantity, can add up to a complete amount for which one could be liable. The answer given to this question by the amora Rabbi Jose ben Hanina makes use of a concept borrowed from the laws of purity, and so draws the *sugya* into a comparison of these two distinct but related areas of halakhah.

### **Appendix: Sugyat HaYerushalmi on Keritot 3:10**

The appendix contains a lengthy and highly technical analysis of the textual tradition of a *sugya* in the seventh chapter of Yerushalmi Shabbat (9a-b) dealing with Mishnah Keritot 3:10. While we refer to this *sugya* a number of times in our commentaries to the first *sugyot* of our chapter, the detailed analysis of this *sugya* belongs in our commentary to Bavli Keritot, which we hope will be published soon. Nevertheless, the *sugya* contains a certain amoraic statement which is crucial for our understanding of the development of both the form and the content of the first mishnah in our chapter, specifically the notion of *hilluk shabbatot*, which appears in the long version of *mishnat kelal gadol*, but is absent from the short version of the mishnah. Unfortunately, it is not possible to pin down either the correct text or the precise meaning of this amoraic statement without resolving certain fundamental difficulties in the textual tradition of this *sugya*. Our analysis is based largely on the suggestions of Z.W. Rabinovitz, and is accompanied by a comparison to the competing views of S. Lieberman and J. N. Epstein.