34.4.1
17a (משנה א) → 18a (עד שתכנס לבית הספק)

1. וְאִם נֶפֶשׁ כִּי תֶחֱטָא וְעָשְׂתָה אַחַת מִכָּל **מִצְוֹת** ה' אֲשֶׁר לֹא תֵעָשֶׂינָה וְלֹא יָדַע וְאָשֵׁם וְנָשָׂא עֲוֹנוֹ: *ויקרא ה, יז*
2. אֶשֶׁר נָשִׂיא יֶחֱטָא וְעָשָׂה אַחַת מִכָּל מִצְוֹת ה' אֱלֹהָיו אֲשֶׁר לֹא תֵעָשֶׂינָה בִּשְׁגָגָה וְאָשֵׁם: *ויקרא ד, כב*

I משנה א: introduction to אשם תלוי – brought in any of these cases
- a *If*: he may have eaten חלב; or if he certainly ate חלב but may have eaten כשעור (and may not)
- b *Of if*: he had שומן and חלב before him and doesn't know which he ate
- c *Or if*: his wife and sister were in the house with him and he doesn't know with which one he had ביאה
- d *Or if*: he did מלאכה and isn't sure if he did it on יום חול or שבת

II משנה בו: parallels between חטאת and אשם תלוי
- a *Just as*: multiple eatings of חלב during one העלם only lead to 1 חטאת; with distinguishing ידיעות – multiple חטאות
  - i *Similarly*: multiple ספק-חלב incidents only lead to 1 אשם תלוי; with multiple ידיעות – multiple אשמות תלוי
- b *Just as*: eating various חיובי כרת in one העלם (e.g. חלב, נותר, פיגול, דם) generates multiple חטאות
  - i *Similarly*: multiple ספק-כרת incidents in one העלם generate multiple אשמות תלוי

III Dispute ר' אסי/חייא בר רב about extent of ספק which generates אשם תלוי
- a *ר' אסי*: even if there is only one piece, ספק חלב, ספק שומן – bring אשם תלוי for eating it
- b *חייא בר רב*: only if there are two pieces; one חלב and the other שומן and he ate one
  - i *Dispute*: whether יש אם למסורת (v. 1 is written מצות - single) or יש אם למקרא (v. 1 is read מצוות – plural)
  - ii *Argument*: from case (b) which is 2 pieces → case (a) must be 2 pieces
    - 1 *Rejection (רבא[?])*: we could answer that case (a) is 1 piece; זו ואין צריך לומר זו (stating the less obvious first)
    - 2 *Challenge (to חייא בר רב)*: why teach two cases (a, b) of 2 pieces?
      - (a) *Answer*: (b) is explaining (a)
- c *רב*: quoted by רב יהודה, ר' זירא and ר' נחמן – only 2 חתיכות generate אשם תלוי
  - i *רבא*: רב's reason – יש אם למקרא (per above)
  - ii *ר' זירא*: רב's reason – the איסור could be clarified/isolated
    - 1 *Difference*: in case of 1.5 כזיתים (no "ממצוות", but possible to isolate איסור)
  - iii *ר' נחמן*: רב's reason – the איסור was "established" (הוקבע)
    - 1 *Difference*: if there were 2 pieces חלב+שומן and a גוי ate one; no ממצוות (when ישראל ate); impossible to isolate
      - (a) *But*: the איסור was הוקבע (before the גוי ate it)
  - iv *Challenge (to רב)*: ר"א rules that חלב כוי generates אשם תלוי (this and other challenges – all חתיכה אחת)
    - 1 *Answer*: he has אם למסורת; isn't concerned with בירור איסור; doesn't require קביעות איסור
  - v *Challenge (to רב)*: if a יבמה marries and has a child – ספק בן ט' לראשון – they owe אשם תלוי (ספק אשת אח שלא במקום מצוה)
    - 1 *Answer*: that follows ר"א
  - vi *Challenge (to רב)*: (נדה) if they found דם after a while on her garment – אשם תלוי
    - 1 *Answer*: that also follows ר"א
    - 2 *Note*: in ר"נ's case, he didn't respond; felt he should have defended it as being ר"מ who doesn't require קביעות
      - (a) *Per*: his ruling (*contra* חכמים) that שחיטת אשם תלוי בחוץ generates חיוב for שחו"ח
      - (b) *Observation*: this teaches that ר"מ agreed with ר"א's position
- d *רב*: quoted by רבה בר אבוה – if one eats a single piece, ספק חלב, ספק שומן – it is a dispute ר"א/חכמים if he is liable for אשם תלוי
  - i *Challenge*: why require him to eat it; ר"א allows for אשם תלוי to be brought any time as נדבה
  - ii *Answer*; per בבא בן בוטא's "modification" of ר"א – must wait until there is a reasonable doubt that he violated the law
    - 1 *Therefore*: בבא בן בוטא was stopped from bringing אשם תלוי on the day after יוה"כ

