

פרק שביעי – כלל גדול – Introduction to

This chapter is a turning-point in the *מסכת*; having dealt with preparations for *שבת* (במה מדליקין etc.) and expanded study of laws governing “carrying” (especially in the previous 2 chapters), general rules of liability for violation of *שבת* if done *בשוגג* - are laid out in the first *משנה*, which are then expounded over the next 5+ *דפים*. The next *משנה* presents the canonical list of 39 *אבות מלאכות* and that will return us to issues relating to *הוצאה*, which will be the focus of study (with significant tangents) through the 11th chapter

2.7.1

67b (משנה א) → 69a (ועל שגגתו חטאת)

1.	הֶאֱזַרְח בְּבִנְיֵי יִשְׂרָאֵל וְלִגְרֵי הַגֵּר בְּתוֹכָם תּוֹרָה אַחַת יִהְיֶה לָכֶם לַעֲשׂוֹת בְּשִׁגְגָה: בְּמַדְבַּר טו, כַּט
2.	וְהִנָּפֵשׁ אֲשֶׁר תַּעֲשֶׂה בְּיַד רְמָה מִן הָאֲזַרְח וּמִן הַגֵּר אֵת ה' הוּא מְגִדָּף וְנִכְרְתָה הַנֶּפֶשׁ הַהוּא מִקְרָב עִמָּה: בְּמַדְבַּר טו, ל
3.	וְכִי תִשְׁגּוּ וְלֹא תַעֲשׂוּ אֵת כָּל הַמִּצְוֹת הָאֵלֶּה אֲשֶׁר דִּבֶּר ה' אֵל מֹשֶׁה: בְּמַדְבַּר טו, כב

- I. *שבת* for שוגג: Categories of *משנה א*
- If: he forgot the essential institution of *שבת* and did multiple *מלאכות* over many *שבתות* – liable for 1 *חטאת*
 - If: he remembered the essential institution of *שבת* and did (as above) – liable for 1 *חטאת* for each *שבת*
 - If: he was aware that the day was *שבת* and did (as above) – liable for each *מלאכה* *אב* (limit 39)
 - If: he did many *מלאכות* which are all subsets of one *מלאכה* – only liable for 1 *חטאת*
- II. Analysis of rhetoric – “כלל גדול”
- Suggestion*: “כלל גדול” used here (and in *א:ז* שביעית) is used
 - Because*: in each case it is followed by “ועוד כלל אחר” (*שבת ז:א*; *שבת ז:ב*; *שביעית ז:ב*)
 - However*: *מעשרות* uses “ועוד כלל אחר” (*מעשרות א:א*) without ever using “כלל גדול”
 - “כלל גדול” no* → *מעשרות* has none → *“כלל גדול” used* → *אבות ותולדות* have *שביעית* and *שבת ד' יוסי בר אבין*
 - challenge*: according to *בר קפרא*, who reads “כלל גדול” in *מעשרות* (*א:א?*) – how will he explain it?
 - Rather*: these 3 are hierarchically linked:
 - שבת*: is more severe than *שביעית* (applies to *תלוש* as well as *מחובר*)
 - שביעית*: is more severe than *מעשרות* (*מעשרות* only applies to human food)
 - מעשרות* (*א:א* with *פאה ד:א* compare): are more severe than *פאה* (*בר קפרא* according to *מעשרות*)
- III. Dispute *ר' יוחנן ורשב"ל* vs. *רב ושמואל* regarding level of ignorance of 1st group (liable 1 *חטאת* for all)
- referent *רב ושמואל* - one who *never knew* about *שבת* (e.g. baby raised – or person converted – among non-Jews)
 - Challenge*: 1st group is defined as *שוכח עיקר שבת*, implying that he once knew
 - Defense*: *שוכח* means that it was “forgotten to him” i.e. he never knew
 - Implication*: if he knew and then forgot *שבת* עיקר – would be liable 1 for each “forgotten” *שבת*
 - Challenge*: should add that to 2nd clause (“he knew and forgot, and all the more so if he knew...”)
 - Answer*: phrase defining 2nd group – *שוכח עיקר שבת* means that he *once knew* about *שבת*
 - Implication*: if he currently knew about *שבת* עיקר, he'd be liable for each *מלאכה אב*
 - Challenge*: should have included that in 3rd clause – and *ק"ו* to a case where he knew the day
 - Rather*: the 1st group is one who knew about *שבת* and then forgot (as we read it)
 - But*: *רב ושמואל* extend that grouping to one who never knew
 - 1st group is *only* one who originally knew
 - But*: one who never knew (e.g. *תינוק שנשבה*) is fully exempt
 - Challenge*: *ברייתא* explicitly uses *תינוק שנשבה* etc. as an example of our 1st category
 - And*: he is liable 1 (each) for all *דם*, all *חלב* and all *ע"ז* he may have violated
 - Dissent*: *מונבז* declares him to be exempt;
 - argued before *ר"ע* that *מזיד* is compared to *שוגג* (vv. 1-2)
 - Just as*: *מזיד* originally knew, same with *שוגג*
 - דבנן* vv. 1-2 compared to v. 3 – *ע"ז* becomes the model:
 - Model*: any *חטאת* *קבועה* if done *במזיד* requires *עבירה* if done *בשוגג*
 - if so, why not demand that he know when he violates (this is now “*מזיד*”)?
 - מונבז*: accepts this definition as well (discussion follows)
 - Answer*: *ר"י ורשב"ל* are following *מונבז*