

2.7.2

(זימנין דמשכח שיירתא, ומקרי ונפיק) 69b → (ואלא מונבז) 69a

1. ואם נפש אחת תחטא בשגגה מעם הארץ בעשתה אחת ממצות ה' אשר לא תעשינה ואשם: ויקרא ד, כו

- I. Analyzing מונבז's opinion, per ר"ע's extension – even awareness of the איסור at time of violation may be "שוגג"
- a. Question: according to מונבז, where is the "שוגג"?
 - i. Answer: as long as he is unaware of the חיוב קרבן, that constitutes שוגג
 - b. דבנן: do not consider שוגג קרבן to constitute שוגג – what do they require?
 - i. ד' יוחנן: as long as he was unaware of the כרת, even if he was aware of the לאו
 - ii. ד'שב"ל: must be unaware of the לאו as well
 1. דבא – v. 1 (w/ addition of "תעשינה בשגגה ואשם" from ד'כב)
 2. ברייתא ד' יוחנן: uses v. 1 per ד' יוחנן
 - a. מעם הארץ: excludes משומד, per ר"ש – only חיוב if awareness must lead him to do תשובה (v. 1)
 - iii. Analysis: next משנה lists 39 א"מ – and ר' יוחנן concludes that the enumeration teaches the maximum number of קרבנות he would be liable if done in one העלם
 1. Only possible if: he knew it was שבת but forgot מלאכות
 - a. ד' יוחנן: that works – as long as he forgot כרת חיוב for שבת, he'd be liable
 - b. ד'שב"ל: difficult – if he forgot the לאו of מלאכה שבת, what did he "know"?
 - i. Answer: he was aware of איסור תחומין (per ר"ע, who holds that דאורייתא)
 - iv. Note: ברייתא which extends שוגג to someone who knows איסור שבת and מלאכה but is unaware of חיוב קרבן must be associated with מונבז
 - v. Applications of dispute ר"י/רשב"ל to other areas of הלכה: אב"י
 1. ר"י would agree that he must be unaware of the לאו to be liable for קרבן
 - a. Challenge: obvious; ר"י only allowed for כרת שגגת כרת where there is כרת – no כרת for כרת ביטוי
 - b. Justification: since קרבן for כרת ביטוי is unusual (only קרבן brought for a "simple" לאו) – קמ"ל –
 - i. Therefore: we would have thought that שגגת קרבן would be sufficient
 - c. Challenge (version1): definition of שוגג for כרת ביטוי about the past is if he knew שבועה was prohibited but he didn't know if he was liable for קרבן
 - i. Defense: this follows מונבז
 - d. Challenge (version2): could not be authored by מונבז; if he allows for שגגת קרבן in a normal case, he would certainly do so here (where קרבן is חידוש) → must be רבנן – אב"י is refuted
 2. ר"י would agree that there is no חומש-liability unless he is שוגג בלאו
 - a. Challenge: obvious – ר"י only allowed for כרת שגגת כרת where there is כרת (here: כרת בידי שמים) – קמ"ל –
 - i. Justification: כרת: מב"ש and כרת: מב"ש that סד"א should be sufficient
 - b. דבא is, indeed, parallel to כרת and ר"י would allow for שגגת מב"ש to reckon it שוגג
- II. Tangent: observing שבת in isolation with no calendar
- a. ד' הונא: if he was wandering and lost track of the days, he works for 6 days and observes the 7th
 - b. ד' חייא בר רב: he keeps 1 day then works for the next 6
 - i. Disagreement: whether we pattern the schedule after creation (שבת comes after 6 days)
 1. Or: after Man's creation (שבת is first)
 - ii. Challenge: ברייתא addressing this situation – "משמר יום אחד לששה"
 1. Assumption: this means that he counts 6 and observes the 7th
 2. Suggestion: alternative meaning – counts 1 and keeps 6
 - a. Challenge: wording should have been "משמר ששה ימים ליום"
 - b. Additionally: ברייתא ruling that he works for 6 days and "observes" 7th → רב is refuted
 - c. ד' ר' additions: to הונא's ruling
 - i. Work: he may only work enough to eat for each day on that day, except for day #7
 1. Challenge: is he supposed to die on day #7?
 2. Rather: he does double-work on his day #6
 - a. Challenge: what if day #6 is the real שבת?
 - b. Rather: he works each day for what is needed that day for survival
 - ii. If he remembers: which day he left, he may do all work on that day each week
 1. Challenge: he should be able to work for 2 days, since he wouldn't have left on ע"ש
 2. Answer: sometimes a caravan will come along and he'll travel on ע"ש