

2.7.5

71b (ואליבא דר"ע) → 73a (אמר עולא)

- I. חיובי אשם regarding status of multiple תורת ארץ ישראל
- a. **עולא**: according to opinion that אשם could be generated without awareness before he was מפריש קרבן
 - i. *if*: he had multiple ביאות with a שפחה חרופה (חייב באשם), he only owes one אשם
 1. *even if*: he was aware of the איסור between violations (since ידיעה has no significance)
 - ii. *challenge* (ר' המנונא): if so, he could set aside אשם & then violate again he would only be חייב that one (!?)
 - iii. *defense* (עולא): after הפרשה, it is certainly a separate act (and generates separate אשם חיוב)
 - b. **ל' דימי**: according to opinion that אשם requires ידיעה before הפרשה
 - i. *If*: he had multiple ביאות with a ש"ח, he would owe 1 אשם for each ביאה
 - ii. *Challenge* (אב"י): חטאת, which requires ידיעה before הפרשה, and ר"י/רשב"ל disagree about מחלקות ידיעות (above)
 - iii. *Rather* (אב"י): perhaps he was referring to ידיעה after הפרשה (per המנונא)
 1. **ל' דימי**: concurred – that was the case to which he was referring
 - c. **ל' דבין**: had 3 enigmatic statements
 - i. *All agree about ש"ח*: that there is only one חיוב (in case of ידיעות before הפרשה, per עולא)
 - ii. *All agree about ש"ח*: that there are multiple חיובים (in case of ידיעה after הפרשה, per המנונא)
 - iii. *Dispute about ש"ח*: according to opinion that אשם requires ידיעה – the dispute of ר"י/רשב"ל applies here
- II. Dispute רבא/אב"י regarding level of intent needed to generate חיוב
- a. **מימרא**: if he intended to lift up תלוש and instead cut מחובר – פטור (he didn't complete the act he intended)
 - i. *But if*: he intended to cut תלוש and instead cut מחובר
 1. **אב"י**: liable – he intended an act of cutting and that's what he accomplished
 2. **רבא**: exempt – he didn't intend a prohibited act of cutting
 - a. *Support*: ברייתא which contrasts שבת to other מצוות
 - i. **שבת**: is more severe – if he had 2 violations in one העלם, liable for 2 חטאות (unlike שאר מצוות)
 - ii. **שאר מצוות**: שגג without intent is liable, which is not true about שבת
- III. Analysis of ברייתא invoked by רבא
- a. **חומר בשבת**: liability for 2 violations during one העלם, unlike other מצוות
 - i. *Question*: if the referent is 2 מלאכות, the parallel might be eating חלב and דם – also 2 חטאות
 - ii. *perhaps*: other מצוות must mean eating חלב and more חלב, but the parallel in שבת (קצר וקצר) is also 1 חטאת
 - iii. *Rather*: שבת is 2 מלאכות and "other מצוות" refers to עבודה זרה, per אמי ר'
 1. **ל' אמי**: if he did all 4 עבודות under one העלם – only liable for 1
 - iv. *Challenge*: if "other מצוות" is ע"ז, then what is the case of שגג without intent where there is liability?
 1. *If*: he thought it was a בית כנסת and he bowed – this is "לבו לשמים" – certainly exempt
 2. *Must be*: that he bowed to an image of the king – but what was his motivation?
 - a. *If*: he accepted him as a deity – that is "intent"
 - b. *And if*: he didn't accept him as a deity – he isn't liable
 - i. *Must be*: that he worshiped due to אהבה ויראה (e.g. to curry favor with his pagan friend)
 1. *Note*: that is only valid according to אב"י (מאהבה ויראה חייב); but רבא exempts...?
 3. *Rather*: must be a case of אומר מותר (thought that ע"ז was permitted) – and he is liable
 - a. *But*: even regarding שבת, רבא only asked ל"י if he is liable 1 or many (שגגת שבת ומלאכות) but not פטור
 4. *Conclusion*: שאר מצוות in 1st half refers to ע"ז; in 2nd half refers to other מצוות
 - a. *Other מצוות*: e.g. he thought the food was שומן and ate it – חייב
 - b. *שבת*: if he intended to cut תלוש and cut מחובר – must be exempt (support for רבא)
 - i. **אב"י**: must be a case where he thought the food was spittle and he swallowed it
 1. *Parallel*: if he intended to lift תלוש and cut מחובר; but if he intended to cut תלוש and cut מחובר – חייב

IV. Further examples of dispute אבני/רבא regarding level of intent

- a. **מימרא**: if he intended to throw an item (in רה"ר 2 אמות (פטור) and threw it 4 אמות (שעור חיוב)
 - i. **רבא**: exempt – he didn't intend to throw it 4
 - ii. **אבני**: liable – he *did* intend to throw it
- b. **מימרא**: if he intended to throw it ד"א but thought it to be רה"י, yet it proved to be רה"ר
 - i. **רבא**: exempt – he didn't intend a prohibited throw
 - ii. **אבני**: liable – he intended to throw it
- c. *Justification (of all 3 disputes, including one above):*
 - i. *If*: we only learned about lifting/cutting
 1. *We would think*: that רבא only exempted in that case, since he didn't intend דאיסורא
 2. *But*: in case of 2 → 4, 2 is a necessary step towards 4 and רבא would have agreed to חיוב
 - ii. *And if*: we only had 2 → 4 case
 1. *We would think*: he exempts in case of 2 → 4, as 2 is not prohibited
 2. *But*: in case of רה"ר → רה"י, he intended to throw it ד"א, רבא would have agreed to חיוב → קמ"ל
- d. *Analysis*: against next משנה; enumeration teaches that if he did all 39 אבות under 1 העלם, he'd be liable for 39 חטאות
 - i. *For אבני*: this works well; he knew it was שבת, he knew that מלאכות are prohibited, but erred with שעורים
 - ii. *But for רבא*: it will work if he accepts ר' יוחנן – that שוגג can be lack of awareness of כרת
 1. *But*: if he accepts רשב"ל (need to have ignorance of the לאו), how can he construct 39 חיובים?
 2. *Answer*: he remembers איסור תחומין (according to ר"ע, who holds that דאורייתא)