

כלל גדול. כל היודע עיקר שבת חייב על כל שבת ושבת כולי -

A major rule. Whoever is aware of the main concept of שבת is
one חטאת קרבן for each שבת that he desecrates etc.

OVERVIEW

The משנה states that if one is aware of the concept of שבת and did many מלאכות on many שבתיים he is חייב one חטאת קרבן separately for each and every שבת that he transgressed. רש"י and תוס' both agree that when he did the מלאכות he was not aware that it was שבת. In fact he was not aware that he violated the שבת for the many weeks that he did the מלאכות, only afterwards did he realize, that he did מלאכות on many שבתיים. The question is why he is חייב for every שבת. The general rule is that if a person commits an עבירה many times without realizing that he did an עבירה, and then he realized that he did the עבירה many times, he is only חייב one חטאת קרבן. The only time that he is חייב many חטאות is if there is an awareness of חטא in between the different times of doing the עבירות. Here since he did not realize that he was in between, he should be חייב only one חטאת.

פירש בקונטרס אף על פי שלא נודע לו בינתים -

explains that even though he was not aware¹ during this entire period that he was desecrating the שבת², nevertheless -

אמרינן ימים שבינתים הויין ידיעה לחלק -

We say that the days in between each שבת **are considered** a sufficient **awareness to separate** each שבת from the others, to make him liable to bring a קרבן חטאת for each שבת individually.

רש"י explains: How can we say that there is an awareness, we have just stated that he was not aware during the entire period of שבתיים that he desecrated the שבת? רש"י explains:

שאי אפשר שלא שמע בינתים שאותו יום שבת היה אלא שלא נזכר במלאכות³ -

¹ See מהר"ם for an explanation why רש"י interprets the משנה that he was not aware during the entire period that he transgressed the שבת.

² It would seem therefore that he should only bring one חטאת for all the שבתיים (as in the first case of the משנה), since there was no awareness of sin to separate the various שבתיים.

³ We are discussing a person who is יודע עיקר שבת, therefore if on a certain day he was aware that it is Sunday or Monday, he is automatically aware that a day or two ago it was שבת or we may say that when a few weeks pass he is certainly aware that a few שבתיים passed.

for it is impossible that he was not aware in the duration, that a particular day was **שבת**, so he certainly knew that a number of different שבתים passed, **however he did not remember** then that on those שבתים he did **מלאכות**. Therefore, the משנה teaches us that even though he was not aware that he did מלאכות on the various שבתים, nevertheless (when he ultimately realizes that he did מלאכות on the various שבתים) he brings a חטאת for each שבת, because initially he was (at least) aware that שבת passed.

questions תוספות premise, that the mere knowledge that a שבת passed is a sufficient awareness to separate the שבתים, obligating him to bring several חטאות, even though there was not an actual awareness of doing an איסור :

וקשה להרב אליעזר⁴ דאמר בגמרא (לקמן דף עא, א) –

has a difficulty with פירש"י; for the גמרא (later on) states:

קצר וטחן כרוגרות⁵ בשגגת שבת וזדון מלאכות⁶ –

If a person reaped and ground grain the size of a dried fig, being unaware that it was **שבת**, he was however aware that these **מלאכות**, namely reaping and grinding are forbidden on שבת –

וחזר וקצר וטחן כרוגרות בזדון שבת ושגגת מלאכות –

And he repeated subsequently, and he reaped and he ground grain the size of a dried fig (on the same שבת). This second time however, he was aware that today is **שבת**, however he was unaware (forgot) that these **מלאכות**, namely קצירה וטחינה⁷ are אסור בשבת. The גמרא concludes that the דין is:

קצירה גוררת קצירה וטחינה גוררת טחינה –

The קצירה that was done first בשגגת שבת along with itself the second קצירה, which was done מלאכה, and the first טחינה along with itself the second טחינה, so that the second set of מלאכות, even though had they been done by themselves (without the prior two מלאכות), they would be מחייב him two חטאות, because it was שגגת מלאכות, nevertheless they are being ‘dragged’ along by the first set of מלאכות (the קצירה וטחינה of שבת).

פירש ואינו חייב אלא אחת –

The interpretation of what the גמרא says is that he is **חייב only one חטאת**,

⁴ See ר' אליעזר בר נתן (ראב"ן) who cites this in the name of תוה"ר.

⁵ A מלאכת קצירה וטחינה or כרוגרות is the amount required to be עובר on קצירה וטחינה as well as other מלאכות.

⁶ For doing these two מלאכות alone he would be חייב only one חטאת, since there was only one שגגה; he was not aware that it was שבת.

⁷ For doing these two מלאכות alone he would be חייב two חטאות, because there were two שגגות, the שוגג of קצירה and the שוגג of טחינה, since he was aware that it was שבת.

because we consider the second set of מלאכות as merely a continuation of the first set of מלאכות, and on the first set he is only חייב one חטאת since it was שגגת שבת, therefore the second set of מלאכות is subsumed within the first set and is included in the lone חטאת קרבן חטאת. Before תוספות concludes his קשיא on רש"י, he first proves that the two sets of מלאכות took place on the same שבת⁸.

ובשבת אחת איירי דבשתי שבתות היה חייב שתיים –

This previous case is **concerning** that he did both sets of מלאכות **on one** and the same שבת, **for if** he did the two sets of מלאכות **on two** different שבתות, one set on one שבת and the second set on the next שבת, **he would be חייב two** חטאות –

דימים שבינתים הויין ידיעה לחלק –

for (as רש"י himself states) **the days in between** (the two שבתות) **are** considered a sufficient **awareness to separate** the two שבתים for two חטאות. Therefore we must conclude that the aforementioned case took place on one שבת.

Now רש"י concludes his question on תוספות

אלמא אף על פי שנודע לו קודם קצירה אחרונה שאותו יום שבת הוא –

So we see that even though he became aware before the second קצירה (which he did בזדון שבת) **that this day** (on which he did both sets of מלאכות) **is שבת –**

דהא בזדון שבת קצר וטחן –

because in the second set of מלאכות, **he was קצר וטחן, with the awareness that today is שבת**, (he merely forgot that these מלאכות are מאסורות) –

אפילו הכי לא הויא ידיעה וחשיב העלם אחד כיון שלא נודע לו שחטא –

Nevertheless we do not consider it an awareness, to separate the second set of מלאכות from the first and obligate him with two additional חטאות, but rather **we consider it one unawareness** (or שוגג), the reason being; **since he was not aware that he transgressed –**

שהרי סבור שהמלאכה מותרת⁹ –

⁸ The reason תוס' needs to prove that the two sets of מלאכות took place on the same שבת is twofold: 1) for if it took place on two separate שבתים, then the difficulty would be a general one and not on רש"י, for since it is on two שבתים then all agree that the דימים שבינתים are מחלק, so why is he חייב only one חטאת, and 2) It is central to תוס' disagreement with רש"י, that where there was a ידיעה of שבת only and no דימים שבינתים, according to (תוספות understanding of) רש"י it would still be a ידיעה לחלק, but not according to תוס'. This disagreement is brought out clearly when the two sets of מלאכות were done on the same שבת. See מהר"ם.

⁹ Even if he would have remembered that previously on this שבת he was קצר וטחן, it would not be considered a ידיעה, since now he is under the impression that they are מותר.

because at this point, when he did the second set of מלאכות, he was of the opinion that these מלאכות are permitted.

The reason why merely being aware that it was שבת is not a sufficient לחלק is:

משום דכתיב¹⁰ או הודע אליו חטאתו שיהי' לו ידיעת חטא –

because the תורה writes: “(if) His sin became known to him”; that he must have an awareness of sin in order to be חייב a קרבן and therefore to separate it from subsequent חיובים, but an awareness that it was שבת without awareness of sin is insufficient.

In summation: תוספות disagrees with רש"י that the fact that he became aware that it was שבת, that is sufficient reason to divide the חיוב, because we see in the case of קצירה גוררת קצירה, that there was an awareness that it was שבת and nevertheless the two sets of מלאכות are not separated but are combined for only one חיוב חטאת.

– interpretation of רש"י's question continues תוספות

ועוד הקשה רבינו יצחק בר מרדכי דבגמרא מפקינן לה מקרא¹¹ –

And furthermore asks the דין of היודע of ריב"ם; in the גמרא we derive this - פסוק, עיקר שבת וכו' חייב על כל שבת ושבת

ואי כדפירש הקונטרס שאי אפשר שלא נודע לו למה לן קרא –

and if we assume רש"י's interpretation that it is impossible that he did not become aware that שבת passed, and that this awareness is sufficient לחלק, why is it necessary to have a פסוק to teach us that in this case you are חייב a קרבן for every שבת, it should be considered a regular case of ידיעה בינתיים, which is always מחלק. The fact that we need a פסוק teaches us that normally this is not a ידיעה לחלק but (only) here by שבת the תורה decrees that it is a ידיעה לחלק.

Another question on רש"י's premise:

ועוד קשה לרבינו יצחק דתנן בפרק אמרו לו (כריתות דף טז, א) –

The פרק אמרו לו in משנה asks furthermore: We learnt in a

אמר רבי עקיבא שאלתי את רבי אליעזר –

ר"א said, I asked ר"ע, what is the דין if –

העושה מלאכות הרבה בשבתות הרבה מעין מלאכה כולי –

One does many מלאכות on many שבתים, of a similar type of מלאכה etc.

¹⁰ ויקרא ד, כח

¹¹ See the גמרא on סט, ב, that we derive it from either one of two פסוקים: either from השבת את ישראל בני ישראל את השבת (שמות [תשא] לא, טז), ואת שבתותי תשמורו (ויקרא [קדושים] יט, ג) or from (שמות [תשא] לא, טז).

אמר ליה חייב על כל אחת ואחת קל וחומר מנדה כולי –

he is חייב a קרבן on each one; we can derive this ruling by a said to ר"א **etc¹² from נדה ק"ו**.

ופליגי התם אמוראי בגמרא היכי בעי מיניה וקאמר בסוף שמעתא –

And there in אמוראים in what there is an argument among the מס' כריתות **particular case did ר"ע ask his question from ר"א, and at the conclusion¹³ of the סוגיא the גמרא asks -**

ולרב חסדא דאמר שגגת שבת וזדון מלאכות הוא דבעא מיניה –

And according to the interpretation of רב חסדא who maintains that ש"ע's **question was concerning the case of שגגת שבת וזדון מלאכות**; his question was -

אי ימים שבינתיים הויין ידיעה לחלק או לא –

Are the days in between the שבתים a sufficient awareness to separate the שבתים or not? If that was the question how did ר"א respond that we can derive it from **ק"ו מנדה a** -

נדה מה ימים שבינתיים איכא –

how is there the concept of 'days in between' by a נדה, seemingly once a woman is a נדה, she continues to be a נדה all the ensuing days, not like שבת where after שבת there are no more איסורים until the next שבת, but by a נדה the same איסור continues. Seemingly we cannot derive שבת from נדה.

ומשני שבא עליה וטבלה וראתה וחזר ובא עליה –

And the גמרא answers that we can find by נדה a case of שבינתיים; when he was בועל a נדה בשוגג, and then she was טובל in a מקוה, and was no more a נדה, subsequently she saw דם and again became a נדה, and he was בועל her a second time. The days between the נדה ימי are the שבינתיים that are מחלק and therefore he is חייב for each בעילה, even though he was not aware between the בעילות that he transgressed.

will now conclude his question on רש"י, who maintains that in order to be חייב for every שבת it is (only) required that he be aware that a שבת passed. Similarly by a נדה which we are comparing to שבת, in order for him to be חייב for each ביאה, it should be necessary for him to know that she was a נדה¹⁴, and that would be sufficient to be מחייב him for every ביאה. question is that נפשו, if he was aware that she was a נדה,

¹² ר"א maintains that if one was בועל a נדה many times בהעלם אחת he is חייב for each ביאה. We derive שבת from נדה ביאת through a ק"ו. The reason that שבת is considered more חמור than נדה, is because on שבת there are many different types of מלאכות for which to be חייב, as opposed to נדה.

¹³ כריתות יז,א.

¹⁴ Even though he is not aware that he committed a איסור ביאת.

why is it necessary for her to be ¹⁵טובל, as long as he was aware ¹⁶ that she must have been a נדה, that is a sufficient ידיעה לחלק according to רש"י. If he was not aware that she was a נדה, (which is the most logical assumption), then how does it help that she was טובל between the בעילות, if he was not aware that she was a נדה, there is no ידיעה לחלק. Therefore we must say not like רש"י, but rather that the ימים שבינתיים have nothing to do with him realizing there was a (potential) איסור situation, i.e. שבת or נדה, but rather the ימי היתר themselves (either the ימי החול or her טהרה) are sufficient cause to be מחלק for many חטאות.

והתם אפילו איחרה כמה שנים ולא טבלה חשיב הכל העלם אחד –

And there even if she tarried many years and was not טובל between one ביאה and the subsequent ones, he is חייב only one חטאת, because **they are all considered one העלם** if she was not טובל during this time, because since he was not aware that she was a נדה and there were no ימי היתר בינתיים it is one העלם –

אלא כשטבלה ימי היתר שבינתיים אף על פי שלא ידע כמי שידע דמי –

It is only when she was טובל between the ביאות that we say that he is חייב for each ביאה, because we consider **that her permissible days that were in between** the ביאות, when she was טובל and was not a נדה **even though he was not aware**, that she was a ¹⁷נדה (and for sure he was not aware the he was נדה a בועל), **are considered as if he was aware**, and therefore he is חייב a חטאת for each ביאה.

We derive from this גמרא that the reason why the ימים שבנתיים are a ידיעה לחלק has nothing to do with his awareness ¹⁸, but rather that since there is a period where there can be no איסור, as in the time when she was not a נדה, that itself is considered a ידיעה לחלק. Therefore - concludes תוספות:

הכא נמי גבי שבת אף על פי שלא שמע ימי היתר שבנתיים הויין ידיעה לחלק –

here too by שבת even though he did not hear and was not aware neither that he transgressed, nor that there was even a שבת in between, nevertheless

¹⁵ Some ראשונים maintain that he is for sure aware that she was a נדה, only when she is טובל, for he assumes that she is being לנדתה. טובל לנדתה. Others reject this view, maintaining that being aware of her טבילה does not lead to any assumption of נדות, since she could be טובל for many other reasons. See 'Thinking it over' # 3.

¹⁶ i.e. he was aware after the first ביאה that she was previously a נדה, but not that he was עליה, and then he subsequently forgot that she was a נדה and he was עליה a second time, etc.

¹⁷ This is in opposition to רש"י, who requires that in order that the ימים שבינתיים be a ידיעה לחלק it is necessary that one be aware that a שבת, which is a day of מלאכה איסור, has occurred. It would follow then that by a נדה in order for the ימים שבינתיים to be a ידיעה לחלק it would require him to know that she was a נדה - a time of איסור - just like by שבת. However by a נדה how can we say that he must have been aware that she was a נדה? And if one would argue that somehow he must have been aware that she was a נדה, then why do we require that she has to be טובל, even without the טבילה there was a ידיעה לחלק according to רש"י. See מהרש"א, מהר"ם.

¹⁸ Because then he should be חייב even if she was not טובל.

the permissible days in between, i.e. the weekdays, are a sufficient ידיעה
- לחלק

דגזירת הכתוב הוא שתהא שמירה לכל שבת –

for this is the שמירה as the גמרא teaches us later **that there is a שמירה**
for each שבת, regardless of whether one is aware that he did מלאכות on שבת, or even if
a שבת passed, since he is יודע עיקר שבת he is חייב a חטאת for each שבת that he desecrated.

asks: תוספות

ותימה דהתם יליף רבי אליעזר שבת מנדה ואדרבה בשבת כתיב קרא ובנדה לא כתיב –
It is perplexing however, **that there**¹⁹ **אליעזר ר' derives** the דין of שבת
concerning נדה from the דין of ידיעה לחלק that they are a שבת שבינתיים
says that we learn out שבת from נדה by means of a ק"ו; **but the contrary**
seems to be true **since by שבת there is a פסוק** that we are חייב for each שבת
individually, however **concerning נדה we do not have a פסוק** concerning שבת
ימים that they should be considered a לחלק ידיעה. The question is why did ר"א answer
ר"ע that he is חייב שבת ונדה because we derive it from נדה, on the contrary, he should
have said that on שבת we are חייב because there is a פסוק, and somehow we will derive נדה
from שבת, but not the reverse.

answers: תוספות

ונראה לרבינו יצחק דהא דנפקא לן קרא בגמרא היינו כרבי אליעזר ברבי שמעון דהתם
And the ר"י proposes that our גמרא which derives that you are חייב אכל
- כריתות **there in ר"א בר"ש פסוק follows the opinion of** שבת ושבת

דאמר לא כך שאלו רבי עקיבא לרבי אליעזר אלא הבא על הנדה –
who maintains; this is not what ר"ע asked of ר"א concerning שבת rather
he asked concerning one **who was הנדה בא על** many times, what is his status
concerning bringing חטאת

והשיב לו רבי אליעזר דחייב על כל אחת ואחת קל וחומר משבת –
and ר"א responded that he is חייב a חטאת for each ביאה, and we derive this
ruling by נדה by means of a ק"ו **from שבת**, that if (even) by שבת you are חייב a
חטאת for each שבת (which we derive from a פסוק, as the גמרא teaches us later), then
certainly²⁰ by a נדה you are חייב for each ביאה. However the גמרא in כריתות that maintains
the גמרא, disagrees with our גמרא, שבת and he answered him from נדה, ר"א asked ר"ע concerning שבת

¹⁹ כריתות טז,א

²⁰ ר"א בר"ש maintains that נדה is חמור than שבת, because by a נדה, both the man and the woman are
חייב, as opposed to שבת, where only one person is חייב.

נדה²¹ from שבת, but rather we derive שבת from פסוק that there is a

SUMMARY

If one did many מלאכות on many שבתות without being aware that he was עובר he is nevertheless חייב for each שבת. רש"י (according to תוספות understanding) maintains that he is חייב, because there was some sort of ידיעה, since he must have been aware that there was a שבת. However, תוספות maintains that the reason why he is חייב for every שבת is because it is a גזירת תוס', חלוקה לחטאות²² ימי היתר בינתיים, that the תוס' rejects רש"י's premise that the awareness that it was שבת is a sufficient ידיעה גמרא. גמרא in the סוגיות from three חטא, ידיעת חטא without לחלק.

1. The case of קצירה גוררת קצירה, even though by the second קצירה, which was done בזדון שבת, he was already aware that this day is שבת, nevertheless it is not considered a לחלק ידיעה and he is חייב only one חטא.

2. Why would we need a פסוק to tell us that שבת אכל חייב, if it is indeed a ידיעה לחלק?

3. Why by נדה to we consider the ימים שבינתיים to be מחלק, since there was no ידיעה בינתיים.

concludes by saying that it seems that not everyone agrees that there is a גזירת תוס' by שבת that ידיעה לחלק, ימים שבינתיים הויין ידיעה לחלק, but rather that some ק"ו מנדה from a חיוב שבת ושבת תנאים derive the

THINKING IT OVER

1. If we were to assume that רש"י maintains his premise only if more than one שבת passed, could we then refute some of תוס' difficulties on רש"י?

2. According to תוס' that the ימי היתר are a reason לחלק, why by עיקר השוכח עיקר

²¹ We may say that by נדה the גמרא assumed that he is חייב for each שבת, based on the רמב"ם פ"ה מהלכות הגגות ה"ה, "הבא על הנדה בשוגג וכו' אע"פ שהוא בהעלם א' וכו' שזמן נדות זה חוץ מזמן נדות השנית והרי הן כב' נשים נדות" לשון הזהב. See עכ"ל.

²² One may say that רש"י and תוס' are basing their respective opinions on the phrase used in כריתות, which states "ידיעה". According to רש"י, perhaps, the stress is on the word "ידיעה", that because there are days in between, one has a certain ידיעה of the איסור, in this case a ידיעה of שבת. תוס', on the other hand, perhaps stresses the words "ימים שבינתיים", that since there are ימי היתר בינתיים, when the איסור could not have been committed, therefore we cannot combine them, and they remain separate חיובים, somewhat akin to גופים מחולקים. See the various אחרונים.

²³ חייב אכל שבת ושבת is he not שבת

3. How can footnote # 15 refute 'רש"י last question on תוס'?

²³ See (בד"ה והנה) שפ"א.