

And concerning שביעית also, etc.

וגבי שביעית נמי כולי –

OVERVIEW

The גמרא is assuming that the משנה of the תנא uses the expression 'כלל גדול', when it is followed by another ('regular') כלל. Our תוספות explains why in כלל¹ the first כלל is more 'גדול', than the second.

הכי תנן בשביעית (פ"ז מ"א) כלל גדול אמרו -

This is what we learnt in the משנה of שביעית: מסכת שביעית: They (the חכמים) said an important rule –

כל שהוא ממאכל אדם וממאכל בהמה וממין הצובעין ואינו מתקיים בארץ –

Anything which is food for either man or beast or from the species that can be used as dyes and it will not keep in the land -

פירוש שכלה לחיה –

the meaning of 'ואינו מתקיים בארץ' is, that it ceases to exist for the animals, that after a period of time it is not available in the open fields,

יש לו שביעית ולדמיו שביעית יש לו ביעור ולדמיו ביעור –

the laws of שביעית apply to it², and the laws of שביעית apply as well to monies that were acquired by selling this produce³, the laws of ביעור⁴ apply to it as well as to any monies acquired by selling שביעית. The next משנה continues:

ועוד⁵ כלל אחר אמרו כל שאינו⁶ מאכל אדם ומאכל בהמה כולי ומתקיים בארץ –

And they said another rule: any produce which is not food⁷ for men or beasts, etc., or it lasts in the land, that it is continually available for the animals to feed on -

¹ here in שבת מס' points out that the כלל גדול of our משנה contains more particulars than the משנה of the 'regular' כלל (on עה,ב). Or perhaps one can say that the כלל in this משנה is in regards to all מלאכות שבת whilst the כלל in the other משנה is concerned only with details of מלאכת הוצאה.

² Among the laws of שביעית is the rule: לאכלה ולא לסחורה that the produce of שביעית is to be eaten and not used for commercial purposes. Any monies acquired by selling produce of שביעית, must also be used in a likewise manner for purchasing food for eating only, and for nothing else.

³ There are certain instances where one may sell שביעית, for instance if he gathered food for himself, and after eating it there was food left over, see בסופו מ"ג בסופו.

⁴ The general rule of ביעור is that as soon as a specific crop is not readily available in the open fields for the animals to feed on, then one is obligated to rid oneself from this particular crop that it should not be in his possession.

⁵ מס' שביעית פ"ז מ"ב

⁶ Some are not "שאינו" גורס, accordingly, the translation of "ומתקיים" would then be: "and it lasts".

⁷ They are not usually eaten.

יש לו שביעית ולדמיו שביעית ואין לו ולדמיו ביעור –

The laws of שביעית apply to it, and the laws of שביעית apply as well to monies that were acquired by selling this produce. However **the laws of ביעור do not apply to it, or to any monies** acquired by selling these שביעית. This concludes both משניות of the כלל גדול and the 'regular' כלל. So תוספות explains that –

דכלל ראשון גדול דראשון יש לו ביעור ואחרון אין לו ביעור –

The first rule, in this case of שביעית **is more⁸ encompassing** than the second rule, **for the first rule requires** the laws of ביעור be fulfilled, whereas the **last rule exempts one from** the laws of ביעור.

תוספות asks:

ואף על גב דקתני התם בבא אחריתא כלל גדול אמרו בשביעית –

and even though there is a later משנה there⁹ (in שביעית (מס' שביעית) that states: They said an important rule concerning שביעית¹⁰ –

ולא קתני בתריה כלל אחר¹¹ –

and there is no other subsequent rule that follows that כלל גדול, which seems to contradict the assumption of our גמרא, that the expression 'כלל גדול' is used only when followed by a 'regular' כלל.

תוספות answers:

כיון דקתני כלל קטן קמיה שייך למתניה בתריה כלל גדול –

Since there is a 'small' כלל, preceding¹² this כלל גדול, it is appropriate to follow it with a משנה that uses the expression 'כלל גדול'.

SUMMARY

The term כלל גדול may be used to distinguish it from another כלל (among other reasons), if it is more stringent in its rules. The כלל גדול may either precede or follow the 'regular' כלל.

THINKING IT OVER

⁸ For one may think that both כללים are equal, for they both discuss שביעית and ביעור. תוס' teaches us that more (restrictive) laws, is considered a valid reason for calling it a כלל גדול, even if the details are the same in number. See שבת של מי. See 'Thinking it over' # 1.

⁹ פ"ח מ"א.

¹⁰ The משנה there discusses various usages of שביעית.

¹¹ See 'Thinking it over' # 3.

¹² פ"ז מ"ב.

1. Why should a rule that is more stringent¹³ be considered 'גדול'¹⁴?
2. Why did not 'תוס' realize that there was a כלל before the כלל גדול?
3. Can we associate תוספות question¹⁵ with what was said previously in this 'תוס'¹⁶?

¹³ See footnote # 8.

¹⁴ See אור החמה.

¹⁵ See footnote # 11.

¹⁶ See תוס' ד"ה והא שבת של מי.