

העלם זה וזה בידו מהו –

What is the ruling if he is unaware of this and this

OVERVIEW

מלאכות asked רב נחמן what is the ruling if someone transgressed various מלאכות on שבת, and he was not aware that today is שבת and he was also not aware that these מלאכות are אסור on שבת. Do we consider this העלם שבת and he is חייב only one חטאת, or do we consider this העלם מלאכות and he is חייב for each מלאכה. Ostensibly we can establish this query that he was aware of שבת עיקר and that certain (other) מלאכות are forbidden; it is just that he was not aware that these particular מלאכות are (also) forbidden. תוספות however maintains that this query applies even when he was not aware of any מלאכות איסור.

אומר רבינו יצחק דאפילו לא ידע לשבת בשום מלאכה חשיב ליה העלם זה וזה¹ –
The מלאכה that is forbidden on שבת, nevertheless it is considered a case of העלם זה וזה –
כדמוכח בסמוך דקאמר (רבי יוחנן)² אי אמרת בשלמא העלם זה וזה בידו חייב כולי –

As is evident shortly where the גמרא states regarding ר"י³ 'his ruling is acceptable if we maintain בידו העלם זה וזה חייב, etc.'⁴

אלמא אף על גב דלא ידע לשבת במידי חשוב העלם זה וזה –
It is evident that even though he knew nothing about שבת, nevertheless it is considered העלם זה וזה. This proves that even if he did not know any מלאכות it is considered a case of העלם זה וזה and he will be חייב for each מלאכה according to the one who maintains that העלם זה וזה is חייב אכל אחד.

תוספות responds to an anticipated difficulty:

וצריך לחלק בין זה לשוכח עיקר שבת –
And it will be necessary to distinguish between this case of העלם זה וזה

¹ It is not considered a case of השוכח עיקר שבת (who is חייב only one חטאת in total). תוספות will shortly distinguish between the two. See רש"י ד"ה מהו who seems to disagree for he says 'מלאכות הללו'.

² Others omit 'ר' יוחנן' while others amend it to 'לר"י'.

³ derived from the משנה (which mentions thirty nine מלאכות) that if one did all the מלאכות אחד (meaning he was not aware that any of these מלאכות are אסור on שבת) he is חייב thirty-nine חטאות.

⁴ The מקשן assumed that since he was unaware of any מלאכות איסור, he was therefore unaware that it is שבת (in the sense that it is a day where one is forbidden to do certain מלאכות). This is a case of העלם זה וזה בידו; he is unaware that it is שבת and is unaware that these מלאכות are אסור. Nevertheless ר"י maintains he is חייב since אכל אחד the העלם זה וזה is חייב אכל אחד. If we would maintain however, that העלם זה וזה is only when he is aware of some מלאכות (but not if he unaware of all the מלאכות), how would that explain the ruling of ר"י!

חייב אכל (when he knows of no מלאכות) where according to some he is חייב אכל, and the case of השוכח עיקר שבת (one who forgets the entire essence of שבת) where he is only חייב one חטאת -

דהכא אינו שכוח כל כך דכי מדכרו ליה מדכר –

For here (by זה וזה) he did not forget it to such an extent, because when he is reminded of שבת he remembers שבת (and מלאכות) -

אבל שכח עיקר שבת היינו כעין תינוק שנשבה לבין הנכרים⁵:

However the case of השוכח עיקר שבת, that is a forgetfulness which is similar to a child who was captured among the gentiles (who knows nothing about שבת even when it is mentioned to him), similarly by a שוכח עיקר שבת; even when he is reminded about שבת he has no recollection at all.

SUMMARY

העלם זה וזה includes a case where he is unaware of any מלאכות, provided that when reminded he remembers; otherwise he is considered a שוכח עיקר שבת and is only חייב one קרבן (even for many שבתים).

THINKING IT OVER

Why is there this difference between השוכח עיקר שבת where all agree that he is חייב only one קרבן, and by זה וזה (where he remembers when he is reminded) that he is חייב אכל (according to others)?⁶

⁵ See 'Thinking it over'.

⁶ See פני אברהם.