

נודע לו על הקצירה ועל הטחינה של שגגת שבת וזדון מלאכות –

He became aware of the reaping and grinding in which he was unaware of the *Shabbos* but aware the work is prohibited

Overview

שבת, made the following ruling; one was reaping and harvesting on שבת, unaware that it was Shabbos, but he knew that קצירה וטחינה are אסור on שבת,¹ and then he was קוצר וטוחן again, this time knowing that it was Shabbos, but forgot that קצירה וטחינה are אסור on שבת.² Later he first became aware of the קצירה וטחינה which he did מלאכות and then afterwards he became aware of the קצירה וטחינה which he did מלאכות, the rule is the first קצירה drags along with it (גוררת) the second קצירה and the first קרבן is טחינה the second קרבן, so he is obligated to bring only one קרבן.³ However if he first became aware of the second קצירה only (the קצירה of שגגת מלאכה) and then later he became aware of the first קצירה (of שגגת שבת) and the second טחינה (of שגגת מלאכה), he can bring one קרבן for the second קצירה and the first set of שגגת שבת,⁴ however he must bring a second קרבן for the last טחינה of שגגת מלאכה.⁵

פירש רבינו שמואל⁶ שנודע לו והפריש קרבן⁷ -

The ש"ר explained that he became aware (of the קצירה וטחינה של שגגת שבת

¹ For these two transgressions alone he would be חייב only one קרבן חטאת, since there was only one העלם (one forgetfulness), the שגגת שבת of העלם.

² For these two transgression by themselves he would be liable for two קרבנות חטאת, since there were two טחינה of העלם and the קצירה of העלם.

³ There was no ידיעה (knowledge of a transgression) between the first set of קצירה וטחינה (which was done בשגגת שבת וזדון מלאכות) and the second set of קצירה וטחינה (which was done בשגגת מלאכות), so they are considered as one העלם, the rule is if that someone transgressed one עבירה many times, he is liable for only one קרבן. See קצירה ד"ה ע"א, רש"י. Therefore since the two קצירות were done אחד בשגגת שבת and each טחינה, so respectively there is only one חטאת for each קצירה and each טחינה; in addition since there is only one חטאת for the first set of קצירה וטחינה and each one of them drags along the respective second set of קצירה וטחינה, there is only one חטאת.

⁴ The קצירה of שגגת שבת and the טחינה of שגגת מלאכה are one חטאת and since the קצירה of שגגת שבת was done אחד with the טחינה of שגגת מלאכה together with its טחינה, the קצירה of שגגת מלאכה is גורר the קצירה of שגגת שבת.

⁵ This is a separate מלאכה which cannot be included in a קרבן for a different מלאכה, namely קצירה.

⁶ Presumably this is the רשב"א (see תוספות הרא"ש) however from מי שבת it appears that this is the רשב"א. See קצירה ד"ה ע"א, רש"י, who (also) writes, והפריש חטאת, (על שגגת שבת).

⁷ The first set requires only one קרבן חטאת, since it was בשגגת שבת; only one העלם. See 'Appendix'.

- for it **and he set aside one קרבן חטאת** (וּזְדוֹן מִלֵּאכֹת)

וקודם שנתכפר חזר ונודע לו על הקצירה וטחינה של שגגת מלאכות -

קצירה However before he was atoned, he again realized he second set of

- suffices the one חטאת nevertheless the one מלאכות of וטחינה

אבל אם לא נודע לו עד אחר הכפרה אין נגררין וצריכין שתי חטאות -

קצירה וטחינה However if he did not become aware of the second set of

שבת until after the כפרה; the second set is not נגרר after

the first set, **and two additional קרבנות חטאת are required -**

דלכולי עלמא כפרה מחלקת⁸ -

For all agree that the כפרה separates the different transgressions.

ודווקא הפריש קרבן אבל אם לא הפריש קרבן -

קרבן And this is only if he set aside a (after he became aware of the first set

of וטחינה), however if he did not set aside a קרבן after he became aware

of the first וטחינה קצירה -

וחזר ונודע לו על קצירה וטחינה של שגגת מלאכות⁹ יביא איזה שירצה -

קצירה וטחינה And later he also became of the second which was done

קרבן on whichever set he desires - בשגגת מלאכות

דבו תליא מילתא אם ירצה יפריש חטאת אחת על שגגת שבת -

קרבן חטאת It all depends on him; if he so desires he can bring one for the

(of the first וטחינה קצירה set) **שגגת שבת -**

ונגררין של שגגת מלאכות עמה¹⁰ -

קצירה וטחינה And the of שגגת מלאכות will be נגרר with it; he will not need to

bring separate קרבנות for the second set -

קרבנות על הקצירה וטחינה של שגגת מלאכות - או אם ירצה יפריש ב'

קצירה וטחינה Or it he wants he can set aside two קרבנות for the of שגגת

מלאכות -

ויגררו עמהן של שגגת שבת -

⁸ If a person transgressed בשוגג the same עבירה (which requires a חטאת) twice בהעלם אחד (he was not aware in between the two עבירות that he did it once), and then he became aware of both עבירות, all agree that he is only one חטאת חייב. There is a dispute later on ע"ב, between ר' יוחנן וריש לקיש לקיש, in a case where one ate two חלב בהעלם אחד, and then he became aware of the first חלב, and afterwards he became aware of the second חלב; there was a ידיעה בינתיים, so according to ר"י he is חייב two חטאות (because מחלקות ידיעות מחלקות) and according to ר"ל he is חייב one חטאת. There is a discussion whether ר"י ור"ל have the same dispute regarding הפרשות מחלקות (if he merely separated a חטאת קרבן, but did not offer it yet). However all agree that if he became aware of the first חלב and brought the קרבן (he was נתכפר), he is required to bring a second קרבן where he realizes the second חלב (for כפרה מחלקת). [If there was a ידיעה between the first transgression and the second (he became aware that he ate חלב, and then he mistakenly ate חלב again) he is חייב two חטאות.]

⁹ See the מהר"ם here who prefers the גירסא שבת (instead of מלאכות). See 'Appendix'.

¹⁰ See footnote # 3.

– **שגגת שבת** of קצירה וטחינה ¹¹ **And they will drag along with them**

תוספות proves this:

כדאמר רבא בסמוך ¹² **אכל שני זיתי חלב בהעלם אחד ונודע לו על אחד מהן כולי -**

Like רבא rules shortly; ‘he ate two זיתי חלב בהעלם אחד and he became aware of one of them, etc. and then ate a third זית while still unaware of the second זית -

הביא קרבן על הראשון כולי -

If he brought a קרבן (after he became aware of all three זיתים) for the first זית, etc.’ the first and second זיתים are נתכפר (since he ate them אחד בהעלם אחד), however he was not נתכפר on the third זית (even though it was שני של שני which was נתכפר -

אלמא אף על גב דנודע לו על הראשון תחלה הואיל ועדיין לא הפריש קרבן עליו -

It is evident that even though he first became aware of the first זית, nevertheless, since he did not set aside a קרבן for it, so the first זית -

אינו גורר האמצעי עמו כדי להתחייב קרבן על השלישי ¹³ **-**

Is not גורר the middle (second) זית with the first, so he should be חייב to bring a קרבן for the third זית -

אלא אם ירצה יביא קרבן על האמצעי ויתכפרו כולן ¹⁴ **-**

But rather if he wants he may bring a קרבן on the middle (second) זית and he will be forgiven for all three זיתים.

תוספות asks:

ואם תאמר דהשתא משמע דסבר רבא דאין הפרשות מחלקות ¹⁵ **-**

And if you will say; now that it seems that רבא maintains that ‘setting aside does not separate’ -

מדנגררות של שגגת מלאכות עם של שגגת שבת והיינו כריש לקיש -

¹¹ The טחינה בשגגת of טחיתת קצירה of שגגת שבת קצירה גורר will be שגגת מלאכות of קצירה of טחיתת שגגת, and the טחיתת of שגגת טחינה בשגגת will be שגגת טחינה of שגגת שבת, since they were all done אחד בהעלם אחד.

¹² עא"א. The case there is where he first ate two זיתי חלב בהעלם אחד (which should require only one קרבן), and then he became aware of one of these two זיתי חלב (but not the other), and then he ate a third זית of חלב while he was still unaware of the second זית. Later he also became aware of these two last זיתי חלב.

¹³ We do not require him to bring a קרבן on the first זית which he remembered first; in which case the third זית would be left out and require a קרבן of its own. We do not require him to do so. See ‘Thinking it over # 1.

¹⁴ Therefore the same would be by us in the second case even if נודע לו on the קצירה of שגגת מלאכה, we do not necessarily say that he must bring a קרבן for the קצירה of שגגת מלאכה and only include the ק"ט of שגגת שבת, but not the טחינה of שגגת מלאכה, but rather if he was not מפריש until he was נודע on the טחינה of שגגת מלאכה, he can bring one קרבן for the ק"ט of שגגת שבת and include within it the ק"ט of שגגת מלאכה. See ‘Appendix’.

¹⁵ The ר"ש established this ruling of רבא in a case where he was מפריש a קרבן as soon as he became aware of the first set of שגגת שבת ק"ט. Nevertheless we say that when he finds out about the second set of שגגת שבת ק"ט (קצירה גוררת קצירה) and הפרשות אין מחלקות קרבן for them since שגגת שבת ק"ט he does not need to bring a separate קרבן.

Since the שגגת שבת קו"ט of the נגרר with the שגגת מלאכה קו"ט of this follows the view of ר"ל that the הפרשות are not מחלוקות only כפרות are מחלוקות.¹⁶

ורבא גופיה לא פסיק כוותיה בהחולץ (יבמות לו,א) אלא בג' מקומות -

However רבא himself does not rule like ר"ל in any dispute with ר"י, except in three places and this is not one of the three.

ומיהו מתוך פירוש רבינו חננאל¹⁷ שפירש דהלכתא כרבה רבו של אביי¹⁸ -

But however we can infer from the s'h"ח commentary where he explained that the הלכה is like רבה who was the teacher of אביי -

משמע דגרס רבה¹⁹ וכן משמע שמזכירו לפני אביי²⁰ -

It seems that the ר"ח was גורס רבה (instead of רבא as we have it), and it also seems (besides the ר"ח) that the גירסא should be רבה (not רבא) since the גמרא mentions רבה before אביי -

וכן בסמוך²¹ דקאמר מילתא דפשיטא לה לרבא ואביי²² -

And similarly shortly where the גמרא states; 'this issue which was obvious to רבא and אביי, was questioned by רב זירא, again רבא is mentioned before אביי, indicating that it should be רבה -

ואפילו גרסינן רבא יש לומר דלא איירי ביבמות אלא בדברים הנוהגים בזמן הזה²³ -

And even if we are רבא, one can say that רבא (when he said the הלכה is like ר"ל against ר"י) in מסכת יבמות (he) was only discussing cases which are applicable today, to the exclusion of our case here which involves חיובי חטאת which are not relevant today.

ומיהו תימה לרבינו יצחק לקמן דמיבעיא לן אי פליגי בהפרשות מחלוקות או לא -

¹⁶ See footnote # 8.

¹⁷ In our text it is on עא,א.

¹⁸ On עא,א we find that אביי disagrees with the ruling in the second case where רבא maintains that one חטאת is sufficient (and includes even the טחינה of שגגת מלאכה).

¹⁹ It was רבה who said the הלכה regarding קצירה גוררת קצירה וכו' (not רבא).

²⁰ Usually in a dispute between רבא and אביי the גמרא mentions אביי before רבא; but not by a dispute between רבא (the teacher) and אביי (the pupil) where רבה is mentioned before אביי.

²¹ עא,א.

²² If we are רבא there is no question, since we do not find that רבה maintains that the הלכה is always like ר"י (except for three places). רבה can maintain that the הלכה is like ר"ל in more than three places.

²³ רבא said the הלכה is like ר"י, meaning that רבא was ruling about issues which are relevant today. There is no point in discussing whether the הלכה is like ר"י or ר"ל regarding issues that were only נוגע in the past when there was a ביהמ"ק. When the ביהמ"ק will be rebuilt בימינו we will have sufficient authorities to inform us what the הלכה is.

However the ר"י is astounded for later²⁴ the גמרא queries if ר"ל or ר"י are arguing whether הפרשות מחלקות or not;²⁵ seemingly -

תפשוט דבהפרשות פליגי דאי בידיעות פליגי אבל הפרשות מחלקות לכולי עלמא -

We can resolve this query that ר"י or ר"ל argue by הפרשות (as well), for if they argue by ידיעות only, but both agree that הפרשות are מחלקות -

אם כן רבה ואביי דסברי הכא דאין הפרשות מחלקות²⁶ כמאן -

In that case so רבא אביי who maintain here that הפרשות are not מחלקות, whom do they follow, not ר"י and not ר"ל?!

answers: תוספות

ויש לומר דאיכא למדחי דהכא²⁷ מיירי שלא הפריש -

And one can say that we can reject the previous assumption (of the ר"ש) and assume that we are discussing here a case where he was not מפריש a קרבן -

עד אחר שחזר ונודע לו גם על שגגת מלאכות -

— Until after he became aware of the שגגת מלאכות —

responds to an anticipated difficulty: תוספות

והא דנקט ונודע לו על שגגת שבת היינו כלומר שלבסוף הפריש על שגגת שבת:

And this that he mentions that he became aware of the קצירה וטחינה of קצירה²⁸; this really means to say, that eventually when he also realized the קו"ט of מלאכות he set aside a קרבן for שגגת שבת.²⁹

²⁴ Initially the גמרא cited a מחלוקת between ר"י or ר"ל whether (ר"י) or not (ר"ל) argued the query to רב אשי, whether ר"י or ר"ל (also) argue whether הפרשות מחלקות or not.

²⁵ See footnote # 8.

²⁶ See footnote # 15. We have established our גמרא in a case where he was מפריש קרבן after he was נודע on the first קצירה. If we maintain the הפרשות מחלקות there can be no קצירה גוררת קצירה, since the הפרשות מחלקות so he needs to bring another קרבן for the other מלאכות. If the הפרשות מחלקות it is as if he already was נתכפר where all agree that additional קרבנות are required for the other עבירות as they become known.

²⁷ When he became aware of the שגגת שבת וטחינה קצירה he was not מפריש a קרבן yet.

²⁸ רבא (and אביי) maintain that the הפרשות אין מחלקות and certainly ידיעות אין מחלקות, why therefore mention that he was נודע on the קצירה of שגגת שבת first. The same rule applies even if he was נודע on everything at the same time. If he was מפריש there is a חידוש in the first case (שגגת שבת) that he can bring only one קרבן, and in the second case (שגגת מלאכה) (נודע על קצירה של שגגת מלאכה) he can bring only two קרבנות; but if there was no הפרשה only ידיעה, he can bring in either case one or two קרבנות as he wishes (see [text by] footnote # 10 & 11), so why mention נודע?!

²⁹ See רבא's explanation who explains two rulings as follows: if he was נודע on שגגת שבת first, but was not מפריש a קרבן, he can later bring one קרבן for all four transgressions (case one); however if he was נודע first on קצירה (case two) and was then מפריש a קרבן, he can not include the שגגת מלאכה in this קרבן, but rather it requires a separate קרבן. [In the first case the חידוש is that even though he ultimately

Summary

If he was not מפריש a קרבן, he can bring either one or two קרבנות in either case. If he brought the קרבן he must bring two קרבנות. If he was מפריש after the first ידיעה, in the first case he brings only one קרבן and in the second case two קרבנות.

Thinking it over

1. תוספות states that if he was not מפריש any קרבן, he is later able to bring either one or two קרבנות. תוספות proves this from the other ruling of רבא that if he wants, he can bring a קרבן on the 'middle' one and include the first and the third זית of חלב.³⁰ Seemingly תוספות could have proven this from the earlier ruling of רבא where he states that if he brings on the third זית it includes the middle זית; we do not say since he was נודע on the first זית so the third זית cannot be combined with the middle זית, but rather since he was not מפריש he can bring on whatever he wishes and include the middle one.³¹

2. On the other hand how can we compare our case to the case of זית האמצעי זיתים, so one קרבן is effective for all three. However here once he was נודע of קו"ט on שבת there is a חטאת for two, why should a חטאת for one exempt the existing חטאת for two?³²

Appendix

It appears from our גמרא that in the first case (where he first remembered the שבת and then remembered the מלאכות) he has only one option, to bring one קרבן for the שבת and be גורר the מלאכות, but he cannot bring two קרבנות for the שבת and be גורר the מלאכות. The same in the second case, where he first remembered the קצירה of מלאכה and then remembered the קצירה וטחינה of שבת and the טחינה of מלאכה, he must bring two קרבנות, one for the קצירה of מלאכה (and be גורר the קו"ט)

became aware of קו"ט of שבת (which normally require two חטאות), nevertheless he can bring one חטאת for קו"ט of שבת and include all four transgressions. The סיפא of the חידוש is that once he was מפריש, he (can still include קו"ט of שבת, but he) has to bring another קרבן for מלאכה, since we do not say גרירה דגריה רבא, for אביי disagrees with גרירה דגריה רבא.

³⁰ See footnote 13.

³¹ See מהרש"א (ובהגהות לשם).

³² See שפת אמת.

of שגגת שבת), and another for the טחינה of שגגת מלאכה, but he cannot bring one קרבן for the קו"ט of שגגת שבת and be גורר the קו"ט of שגגת מלאכות (the way it was in the first scenario).

Later רבא ruled that if one ate two זיתי חלב בהעלם אחד and then was נודע on one זית only, after which he ate a third זית of the second, he has three options (once he remembers all three זיתים), a. he could bring a קרבן on the first which would include the second (since the first and second were eaten אחד), but would require a second קרבן for the third; b. he can bring a קרבן for the third which would include the second (since they were eaten אחד), but would need a second קרבן for the first; or c. he could bring one קרבן for the second, which would include both the first and the third (since they were both eaten בהעלם of the middle one).

The question is why by חלב does he have the option to bring either one קרבן (for the middle) and include everyone or he can bring two קרבנות (one for the first or third and include the middle, and the other for the remaining extreme); However here קו"ט this option is not available; we say that he must bring a קרבן for the first that he remembers. If he was נודע first on the שגגת שבת he must bring only one קרבן, and if he remembered first the שגגת מלאכה he must bring two קרבנות, why cannot he have the option in both cases to bring either one or two קרבנות.

resolves this difficulty by saying that in the גמרא here he was מפריש a קרבן as soon as he became aware (whether it was שגגת שבת so he needs only one קרבן, or שגגת מלאכות so ultimately he will need two קרבנות), however in the case of חלב he was not מפריש any קרבן until he became aware of all three זיתים, therefore he has the option to do as he wishes. Indeed in our case as well if he was not מפריש a קרבן until he was aware of the קו"ט of שגגת שבת and the קו"ט of שגגת מלאכה, he has the option of choosing to either bring one קרבן (for שגגת שבת) or two קרבנות (for שגגת מלאכה).