

מתני' כלל גדול אמרו בשבת: כל השוכח עיקר שבת, ועשה מלאכות הרבה בשבתות הרבה – אינו חייב אלא חטאת אחת. היודע עיקר שבת, ועשה מלאכות הרבה בשבתות הרבה – חייב על כל שבת ושבת. היודע שהוא שבת, ועשה מלאכות הרבה בשבתות הרבה – חייב על כל

MISHNA The Sages stated a significant principle with regard to the *halakhot* of Shabbat: **One who forgets the essence of Shabbat,^H i.e., one who is entirely ignorant of the mitzva of Shabbat according to Torah law, and performed numerous prohibited labors on multiple *Shabbatot*, is liable to bring only one sin-offering for all those labors when he becomes aware that those actions were prohibited. One who knows the essence of Shabbat^{HN} but forgets which day is Shabbat, i.e., one who lost track of the days of the week, and performs numerous prohibited labors on multiple *Shabbatot* is liable to bring a sin-offering for each Shabbat when he becomes aware that he performed those actions on Shabbat. One who is aware that the day is Shabbat^H but temporarily forgot that certain labors were prohibited and performed numerous prohibited labors on multiple *Shabbatot* is liable to bring a sin-offering for each**

אב מלאכה ומלאכה. העושה מלאכות הרבה מעין מלאכה אחת – אינו חייב אלא חטאת אחת.

and every primary category of labor that he performed. **One who performs numerous prohibited labors subsumed under a single category of labor^H is liable to bring only one sin-offering.**

גמ' מאי טעמא תנא 'כלל גדול? אילימא משום דקבעי למיתני 'עוד כלל אחר' תנא 'כלל גדול', וגבי שביעית נמי – משום דקבעי למיתני 'עוד כלל אחר' תנא 'כלל גדול'; והא גבי מעשר דקתני 'כלל אחר' ולא תני כלל גדול?

GEMARA The Gemara attempts to clarify the language of the mishna and asks: **Why did the mishna teach the phrase: A significant principle? If you say it is because of the following reason, it is problematic.**

Here, because the *tanna* wants to teach in a mishna later in the chapter with regard to a matter that includes two *halakhot* employing the term: **Furthermore**, they stated **another principle**; therefore, in this mishna, which relates to a greater number of *halakhot*, he **taught** employing the term: **A significant principle**.

And with regard to the Sabbatical Year as well, because in a later mishna (*Shevi'it* 7:2) the *tanna* wants to teach: Furthermore, another principle, at the beginning of the chapter he **taught** employing the phrase: **A significant principle**. There too, the choice of language is understood.

However, with regard to the *halakhot* of tithes, where the mishna (*Ma'asrot* 1:1) states two principles one after the other, the *tanna* taught later in the same mishna: And furthermore, they stated another principle, and even so, at the beginning of the mishna the *tanna* did not teach: A significant principle, opting instead to say simply: They stated a principle.

HALAKHA

One who forgets the essence of Shabbat – הישוכח עיקר שבת: One who forgets the essence of Shabbat, i.e., he forgot that the Jewish people were commanded to observe this day, brings one sin-offering for all the sins he committed as a result of that lapse (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 7:2).

One who knows the essence of Shabbat – היודע עיקר שבת: One who is aware of the mitzva of Shabbat, but forgot which day it was and performed many prohibited labors on multiple *Shabbatot*, is liable to bring one sin-offering for each Shabbat. Similarly, one who, during a single lapse of awareness, unwittingly performed many prohibited labors on multiple *Shabbatot* brings one sin-offering for each Shabbat (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 7:2).

One who is aware that the day is Shabbat – היודע שהוא שבת: One who was aware that the day was Shabbat and unwittingly performed prohibited labors, as he did not know that those labors are prohibited on Shabbat, is liable to bring a sin-offering for each primary category of labor that he performed (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 7:3).

NOTES

One who knows the essence of Shabbat – היודע עיקר שבת: A difficulty with regard to this case was raised in *Tosafot*. According to this principle, one who sins several times does not bring two sin-offerings for committing the same transgression twice unless there is a period of awareness between the two transgressions. How, then, can one who is unwitting with regard to *Shabbatot* be liable to bring more than one sin-offering if there was no awareness in the interim? Rashi's explanation that he is liable to bring multiple offerings because, at some point during the week, he will undoubtedly become aware that he performed prohibited labors on Shabbat was rejected in *Tosafot*. According to the explanation cited in *Tosafot*, this *halakha* is a Torah edict that does not correspond to accepted halakhic norms. Some commentaries explain that the very awareness that the days of the week passed and he did not observe Shabbat is sufficient to render him liable (*Me'iri*). Others explain that since there were weekdays in the interim that were undoubtedly not Shabbat, that awareness of the full-fledged permissibility of the week days is sufficient to render him liable (Rabbeinu Shmuel; Ramban; Rashba).

HALAKHA

One who performs numerous prohibited labors subsumed under a single category of labor – העושה מלאכות הרבה מעין מלאכה אחת

performed several subcategories of labor subsumed under one primary category of labor during a single lapse of awareness is liable to bring only one sin-offering (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 7:9; *Sefer Korbanot* *Hilkhot Shegagot* 7:7).

Convert who converted among the gentiles – **גַּר שֶׁנִּתְגַּיֵּיר**: Ostensibly, this case poses a problem. Since a convert must be informed of the mitzvot of Judaism, ranging from lenient to stringent, prior to his conversion, how could it be that the convert does not know the essence of the mitzva of Shabbat? Some commentaries resolve the problem with the assertion that although it is required, those responsible neglected to inform the convert of that particular mitzva (*Tosafot*; Ramban). Others explain that, according to one opinion (Rif), the conversion of a convert who converted on his own and did not come before a court of three Jews is valid. Therefore, one who converted on his own could remain unfamiliar with Shabbat (*Me'iri*).

ואילו גבי מעשר תנן, בלל אמרו במעשר: כל שהוא אוכל, ונשמר, וגידולו מן הארץ – חייב במעשר. ואילו לקיטתו כאחת ומכניסו לקיים – לא תנן.

While, with regard to tithes, we learned in a mishna: They stated a principle with regard to tithes: Anything that is food, and is protected, and grows from the ground is obligated in tithes; we did not learn with regard to tithes, the following criteria: Gathered as one, and which one brings in to storage to preserve. Apparently, figs and vegetables are obligated in tithes, making the scope of the materials obligated in tithes greater than the scope of those obligated in *pe'ea*.

רב ושמואל דאמרי תרווייהו: מתניתין בתנינוק שנשבה לבין הגוים, וגר שנתגייר לבין הגוים. אבל הכיר ולבסוף שכח – חייב על כל שבת ושבת. תנן: 'השוכח עיקר שבת' לאו מפלל דהויא ליה ידיעה מעיקרא?! לא, מאי "כל השוכח עיקר שבת" – דהיתה שוכח ממנו עיקרה של שבת.

The mishna discusses an individual who forgets the very essence of Shabbat. The Gemara seeks to understand how a Jew could forget the very existence of Shabbat. It was Rav and Shmuel who both said: Our mishna is referring to both a child who was taken captive among the gentiles and never educated and a convert who converted among the gentiles^N and never learned the *halakhot* of Shabbat. However, one who once knew of the essence of Shabbat and ultimately forgot is liable for each and every Shabbat, as we learned in the mishna with regard to one who knows the essence of Shabbat. The Gemara seeks to clarify this approach. We learned in our mishna: One who forgets the essence of Shabbat. Doesn't this phrase indicate by inference that he was aware of Shabbat originally? In order to forget one must have previously been aware. This poses a difficulty to the opinion of Rav and Shmuel. The Gemara refutes this: No, what is the meaning of: One who forgets the essence of Shabbat? That the essence of Shabbat was always forgotten from him, i.e., he never knew it.

אבל הכיר ולבסוף שכח מאי, חייב על כל שבת ושבת? אדתני: 'היודע עיקר שבת ועשה מלאכות הרבה בשבתות הרבה חייב על כל שבת ושבת' ליתני: הכיר ולבסוף שכח, וכל שכן הא! מאי 'היודע עיקר שבת' – מי שהיה יודע עיקרה של שבת ושכחה.

The Gemara further asks: However, based on that understanding, in the case of one who knew the essence of Shabbat and ultimately forgot, what is the *halakha*? Is he liable for each and every Shabbat? If so, instead of the mishna teaching the next *halakha*: One who knows the essence of Shabbat and performs many labors on multiple *Shabbatot* is liable to bring a sin-offering for each and every Shabbat, let it teach: One who knew the essence of Shabbat and ultimately forgot and, all the more so, one who knows the essence of Shabbat would be liable for each Shabbat. The Gemara answers: According to the opinion of Rav and Shmuel, what is the meaning of the phrase: One who knows the essence of Shabbat? One who once knew the essence of Shabbat and has now forgotten it.

Perek VII Daf 68 Amud b

אבל לא שכחה מאי – חייב על כל מלאכה ומלאכה, אדתני: 'היודע שהוא שבת ועשה מלאכות הרבה בשבתות הרבה חייב על כל מלאכה ומלאכה' – ליתני: היודע עיקר שבת, וכל שכן הא! אלא מתניתין – כשהכיר ולבסוף שכח, ודרב ושמואל נמי – כשהכיר ולבסוף שכח דמי, והכי איתמר, רב ושמואל דאמרי תרווייהו: אפילו תנינוק שנשבה בין הגוים, וגר שנתגייר לבין הגוים – כשהכיר ולבסוף שכח דמי, וחייב.

The Gemara raises another difficulty: But if he did not forget the essence of Shabbat, and he knows that today is Shabbat, what would the *halakha* be? Certainly he would be liable for each and every prohibited labor. If so, instead of teaching the *halakha*: One who knows that it is Shabbat and performs many labors on multiple *Shabbatot* is liable for each and every labor, let the mishna teach the *halakha*: One who knows the essence of Shabbat is liable for each and every labor that he performs and all the more so that one who is aware that today is Shabbat would be liable for each labor. Rather, when our mishna refers to forgetting, it is referring to a case where he knew and ultimately forgot. And the case described by Rav and Shmuel also has the same legal status as one who knew and ultimately forgot. And it was stated as follows: It was Rav and Shmuel who both said: Even a child who was taken captive^H among the gentiles and a convert who converted among the gentiles have the same legal status as one who knew and ultimately forgot, and they are liable to bring a sin-offering for their unwitting transgression, even though they never learned about Shabbat.

HALAKHA

A child who was taken captive – **תנינוק שנשבה**: If a child taken captive among the gentiles, who grew up with no knowledge of the Jewish people and their religion and performed a prohibited labor on Shabbat or ate forbidden fat or blood, when he subsequently discovers that he sinned, he brings a sin-offering. The authorities ruled in accordance with the opinion of Rav and Shmuel in their dispute with Rabbi Yohanan and Reish Lakish, contrary to the standard ruling, because the opinion of Rav and Shmuel corresponds with the opinion of Rabbi Akiva. The *halakha* is in accordance with the opinion of Rabbi Akiva in disputes with Munbaz. Furthermore, apparently even Rav Yohanan holds in accordance with the opinion of Rabbi Akiva. The only reason the Gemara associated his opinion with the opinion of Munbaz is because of the difficulty raised against him from the passage in the *baraita*: How so? A child who was taken captive among the gentiles (*Kesef Mishne*; Rambam *Sefer Korbanot, Hilkhot Shegagot* 2:6).

The essence of the unwitting transgression – מהותו של – השוגג: To fully understand the dispute between the pairs of *amora'im*, Rav and Shmuel and Rabbi Yohanan and Reish Lakish, and even more so the dispute between Rabbi Akiva and Munbaz, a definition of an unwitting transgression is required. The essential discussion revolves around the question whether an action performed due to lack of knowledge is deemed unwitting or whether it is tantamount to performing an action due to circumstances beyond one's control. On the one hand, one could say that the act of a person who does not know that performing a certain action violates a prohibition is tantamount to an act performed due to circumstances beyond one's control. On the other hand, any time one violates a prohibition due to forgetfulness, at the time that he performs the action, he too is unaware that he is performing a transgression. Nevertheless, that lack of awareness renders the act unwitting and not an action due to circumstances beyond his control.

This dispute also revolves around the dilemma with regard to the obligation to bring a sin-offering; does the sinful act itself render one liable to bring a sin-offering, or is a degree of intent and awareness necessary for the action to be considered a transgression? The halakhic conclusion, in accordance with the opinion of Rabbi Akiva, indicates that the sinner brings a sacrifice because the action itself is a negative action for which one must atone, even if he was a child taken captive among the gentiles who had no knowledge that behavior of that kind constitutes a transgression. Consequently, one has a certain degree of responsibility for actions that he performs of his own free will, even if he did so without intent to commit a transgression. Only if the action is performed against his will is it considered to be due to circumstances beyond his control.

על הדם אחת וכו' – One sin-offering for all the blood, etc.: Apparently, this explanation comes to refute the possibility that one would be liable to bring one sin-offering for violating all the Torah prohibitions or for violating all food-related prohibitions, e.g., eating forbidden fat and blood. Similarly, it was necessary to emphasize that he is liable to bring only one sacrifice for violating the prohibition of idolatry, even though Munbaz derived his opinion from the above *halakha* (Rabbi Elazar Moshe Horowitz).

ורבי יוחנן ורבי שמעון בן לקיש דאמרי תרוייהו: דוקא הכיר ולבסוף שבת, אבל תינוק שנשבה בין הגוים וגר שנתגייר לבין הגוים – פטור. מתיבי: כלל גדול אמרו בשבת: כל השוכח עיקר שבת ועשה מלאכות הרבה בשבתות הרבה – אינו חייב אלא אחת, ביצד? תינוק שנשבה לבין הגוים, וגר שנתגייר בין הגוים ועשה מלאכות הרבה בשבתות הרבה – אינו חייב אלא אחת וכו'. וכן הדין על הדם אחת ועל החלב אחת ועל עבודה זרה אחת, ומונבז פוטר.

וכך היה מונבז דן לפני רבי עקיבא: הואיל ומיזיד קרוי חוטא, ושוגג קרוי חוטא, מה מיזיד – שהיתה לו ידיעה, אף שוגג – שהיתה לו ידיעה. אמר לו רבי עקיבא: הריני מוסיף על דבריך, אי מה מיזיד – שהיתה הידיעה בשעת מעשה, אף שוגג – שהיתה לו ידיעה בשעת מעשה.

אמר לו: הן וכל שבן שהוספת. אמר לו: לדבריך אין זה קרוי שוגג, אלא מיזיד.

קתני מיהא 'ביצד תינוק' בשלמא לרב ושמואל – נחא, אלא לרבי יוחנן ולרבי שמעון בן לקיש קשיא! אמרי לך רבי יוחנן וריש לקיש: לא מי איבא מונבז דפטר – אגן דאמרין במונבז.

And it was Rabbi Yohanan and Rabbi Shimon ben Lakish who both said: He is liable to bring a sin-offeringⁿ specifically if he knew of the essence of Shabbat and ultimately forgot. However, a child who was taken captive among the gentiles and a convert who converted among the gentiles are exempt from bringing a sin-offering. They have the legal status of one who performed the prohibited labor due to circumstances beyond his control. The Gemara raises an objection from that which was taught in a *baraita*: They stated a significant principle with regard to the *halakhot* of Shabbat: One who forgets the essence of Shabbat, i.e., one who does not know that there is a mitzva of Shabbat in the Torah, and performs many prohibited labors on multiple *Shabbatot* is liable to bring only one sin-offering. How so? With regard to a child who was taken captive among the gentiles and a convert who converted among the gentiles and does not know the essence of Shabbat; and if he performed many prohibited labors on multiple *Shabbatot*, he is only liable to bring one sin-offering for all his unwitting transgressions. And he is liable to bring one sin-offering for all the bloodⁿ he unwittingly ate before he learned of the prohibition; and one sin-offering for all the forbidden fat that he ate; and one for all the idolatry that he worshipped. And Munbaz, one of the Sages, deems him exempt from bringing any sacrifice.

And Munbaz deliberated before Rabbi Akiva as follows: Since one who commits a transgression intentionally is called a sinner in the Torah and one who commits a transgression unwittingly is called a sinner, just as one who commits the transgression intentionally is liable for punishment only in a case where he had prior knowledge that it was prohibited, so too, one who commits the transgression unwittingly is liable to bring a sin-offering only in a case where he had prior knowledge. However, the action of one who had no prior knowledge at all is not considered unwitting; rather, it has the same legal status as an action performed due to circumstances beyond one's control, and he is completely exempt. Rabbi Akiva said to him: I will elaborate upon your statement and follow your reasoning to its logical conclusion and thereby test the validity of your reasoning. If so, just as one who commits the transgression intentionally is liable for punishment only in a case where he had the awareness that he was sinning at the time that he performed the action, so too, with regard to one who commits the transgression unwittingly, say that he is only liable to bring a sin-offering in a case where he had awareness that he was sinning at the time that he performed the action. If that is the case, it is no longer an unwitting transgression.

Munbaz said to him: Yes, there is nothing unusual about that. In my opinion it is correct and all the more so now that you have elaborated upon my statement. Awareness at the time that one is performing the action is one of the criteria of my definition of an unwitting transgression, as will be explained below. Rabbi Akiva said to him: According to your statement, since while performing the action one is aware that it is prohibited, his action is not called unwitting; rather, it is a full-fledged intentional transgression.

Returning to our issue: In any case, as an example of one who forgot the essence of Shabbat, it was taught: How so? A child who was taken captive. Granted, according to the opinion of Rav and Shmuel it works out well, as they consider the legal status of a child taken captive equal to that of one who unwittingly forgot the essence of Shabbat. However, according to the opinion of Rabbi Yohanan and Rabbi Shimon ben Lakish, who consider the legal status of a child taken captive equal to that of one who committed the action due to circumstances beyond his control and is therefore exempt, it is difficult because he is liable to bring a sin-offering according to the opinion of the Rabbis in the *baraita*. Rabbi Yohanan and Rabbi Shimon ben Lakish could have said to you: Isn't there the opinion of Munbaz who deemed him exempt in that case? We stated our opinion in accordance with the opinion of Munbaz.

מאי טעמא דמונבז? דכתביב: "תורה אחת יהיה לכם לעשה בשגגה" וכמיה ליה: "והנפש אשר תעשה ביד רמה" הקיש שוגג למזיד, מה מזיד שהיתה לו ידיעה, אף שוגג שהיתה לו ידיעה.

What is the rationale for the opinion of Munbaz – מאי טעמא דמונבז: Although Munbaz already explained that his rationale is due to the fact that the Torah referred to both one who sins intentionally and one who sins unwittingly as a sinner, it was necessary to delve more deeply into his reasoning. According to Rashi, that is because Munbaz's first rationale is insufficient. It was stated merely as an allusion rather than as an absolute proof. Some commentaries explain that were Munbaz to rely only on the parallel between intentional and unwitting behavior, he would have to assume that it is considered an unwitting transgression only when one realizes at the time of action that he is committing a transgression. Subsequently, the Gemara proves that even Munbaz agrees that if one remains unaware that his action constitutes a transgression, he is considered an unwitting sinner. Therefore, even though Munbaz agreed with Rabbi Akiva's statement, he has yet to cite the fundamental proof for his assertion that one with no prior knowledge does not have the legal status of an unwitting sinner (Ramban).

The Gemara asks: **What is the rationale for the opinion of Munbaz?**ⁿ Is it based entirely upon the fact that the Torah refers to sinners, both intentional and unwitting, as sinners? The Gemara explains that the source for the opinion of Munbaz is as it is written: "The native of the children of Israel, and the stranger who lives among them, **there shall be one law for you, for one who acts unwittingly**" (Numbers 15:29), and adjacent to it is the verse: "**And the person who acts with a high hand**, whether a native or a stranger, he blasphemes God, and that soul shall be cut off from the midst of his people" (Numbers 15:30). The Torah **juxtaposes unwitting transgression to intentional transgression. Just as one who commits the transgression intentionally is only liable in a case where he had prior knowledge, so too, one who commits the transgression unwittingly is only liable in a case where he had prior knowledge.**

The Gemara asks: **And what do the Rabbis do with the juxtaposition derived from that verse: One law?** The Gemara answers: **They require it for that which Rabbi Yehoshua ben Levi taught his son.** It is written: "**There shall be one law for you, for one who acts unwittingly.**" **And it is written:**

ורבנן האי תורה אחת מאי עבדי ליה? מיבעי להו לכדמקרי ליה רבי יהושע בן לוי לבריה: "תורה אחת יהיה לכם לעשה בשגגה" וכתביב:

Perek VII

Daf 69 Amud a

"וכי תשגו ולא תעשו את כל המצוות האלה" וכתביב: "והנפש אשר תעשה ביד רמה" הוקשו כולם לעבודה זרה, מה להלן – דבר שחייבים על זדונו כרת ושגגתו חטאת, אף כל דבר שחייבין על זדונו כרת ועל שגגתו חטאת.

"And if you err, and do not perform all these commandments that God spoke to Moses" (Numbers 15:22). The Sages understood this verse as referring specifically to the laws of idolatry. **And it is written: "And the person who acts with a high hand, he blasphemes God and that soul shall be cut off from the midst of his people" (Numbers 15:30), from which we learn that all the mitzvot are derived from this juxtaposition to idolatry. Just as there, with regard to idolatry, the reference is to a matter which, for its intentional violation, one is liable to be punished with karet, as it is stated: "And that soul shall be cut off," and for its unwitting violation one is liable to bring a sin-offering; so too, any matter that for its intentional violation one is liable to be punished with karet, for its unwitting violation one is liable to bring a sin-offering.**^h

ואלא מונבז, שגגה במאי? כגון ששגג בקרבן. ורבנן – שגגת קרבן לא שמה שגגה.

The Gemara asks: **However, according to Munbaz, who holds that included in the category of an unwitting sinner is one who at the time of action was aware that it was prohibited; if he were fully aware, in what sense was his action unwitting?** The Gemara answers: It is referring to a case **where he was unwitting with regard to the sacrifice.** He was aware that he was committing a transgression for which one is liable to be punished with *karet* when performed intentionally; however, he was unaware that he would be liable to bring a sin-offering if he performed the transgression unwittingly. Since he was not aware of all punishments and forms of atonement associated with that transgression, he is considered an unwitting sinner and is liable to bring a sin-offering. The Gemara asks: **And what do the Rabbis who disagree with Munbaz hold? They hold: Unwitting with regard to a sacrifice^h is not considered unwitting.**

HALAKHA

Any matter that for its intentional violation one is liable to be punished with *karet*, for its unwitting violation one is liable to bring a sin-offering – דבר שחייבים על זדונו כרת – שגגתו חטאת: One is only obligated to bring a sin-offering for unwittingly violating a prohibition that would be punishable by *karet* when performed intentionally. Blasphemy is an exception to this principle (Rambam *Sefer Korbanot, Hilkhot Shegagot* 1:2).

Unwitting with regard to a sacrifice – שגגת קרבן: If one committed a transgression and knows that it is punishable by *karet* when performed intentionally but does not know that one is liable to bring a sin-offering if he does so unwittingly, he is considered to have committed the transgression intentionally, in accordance with the opinion of the Rabbis (Rambam *Sefer Korbanot, Hilkhot Shegagot* 2:2).

From the common people – מֵעַם הָאָרֶץ: According to Rashi, the prefix “from” teaches the exclusion of an apostate: Some of the common people but not all the common people, excluding an apostate. Other commentaries explain that the emphasis is on the term common people, meaning those who act according to the customs of the Jewish people, whereas an apostate is not affiliated with the Jewish people and is not included among the common people.

וְרַבְנָן, שְׂגָגָה בְּמַאי? רַבִּי יוֹחָנָן אָמַר: בֵּין שְׂשֻׁגַּג בְּכִרְתָּ, אִף עַל פִּי שְׂהוּיִד בְּלֹא-וְרִישׁ לְקִישׁ אָמַר: עַד שְׂשֻׁגַּג בְּלֹא וְכִרְתָּ. אָמַר רַבָּא: מַאי טַעְמָא דְרַבִּי שְׂמַעוֹן בֶּן לִקְיִשׁ – אָמַר קְרָא: “אֲשֶׁר לֹא תַעֲשִׂינָהּ (בְּשִׁגָּגָה) וְאֲשֵׁם” – עַד שְׂשֻׁגַּג בְּלֹא וְכִרְתָּ שָׁבָה.

וְרַבִּי יוֹחָנָן, הַאִי קְרָא דְרַבִּי שְׂמַעוֹן בֶּן לִקְיִשׁ מַאי עֲבִיד לִיהָ? מִיַּבְעֵי לִיהָ לְכַדְתֵּינָא: “מֵעַם הָאָרֶץ” – פָּרֻט לְמִשְׁוֹמְדֵי, רַבִּי שְׂמַעוֹן בֶּן אֶלְעָזָר אָמַר מִשּׁוּם רַבִּי שְׂמַעוֹן: “אֲשֶׁר לֹא תַעֲשִׂינָהּ (בְּשִׁגָּגָה) וְאֲשֵׁם” הַשָּׁב מִיַּדִּיעָתוֹ – מִיַּבִּיא קְרָבָן עַל שְׂגָגָתוֹ, לֹא שָׁב מִיַּדִּיעָתוֹ – אֵינוֹ מִבִּיא קְרָבָן עַל שְׂגָגָתוֹ.

תָּנִן: “אֲבוֹת מְלֹאכּוֹת אַרְבָּעִים חֹסֵר אַחַת”, וְהוּיִן בָּהּ: מִנֵּינָא לְמָה לִּי? וְאָמַר רַבִּי יוֹחָנָן: שָׂאֵם עֲשָׂאֵן כּוּלֵן בְּהַעֲלֵם אַחַד – חֲיִיב עַל כָּל אַחַת וְאַחַת. הֵיכִי מְשַׁכַּחַת לָהּ – בְּזִדוֹן שַׁבָּת וְשִׁגָּגַת מְלֹאכּוֹת.

The Gemara asks: **And** in the opinion of the Rabbis, lack of awareness with regard to what aspects of the prohibition renders the action **unwitting**? **Rabbi Yoḥanan said:** It is an unwitting transgression **since he was unwitting with regard** to the fact that the punishment for his transgression is *karet*,^h **even though he was aware** that his action was in violation of a Torah prohibition, and he performed the transgression **intentionally**. **And Reish Lakish said** that according to the Rabbis it is not considered unwitting **until he was unwitting with regard to both the prohibition and *karet***, i.e., he was unaware that his action was prohibited by Torah law. **Rava said:** **What is the reason** for the opinion of **Rabbi Shimon ben Lakish**? **The verse said:** “And if one soul shall sin by mistake from the common people, by performing one of God’s commandments that may not be done, and he becomes guilty” (Leviticus 4:27), indicating that it is not considered unwitting **until he was unwitting with regard to the prohibition and its concomitant *karet***. The verse indicates that the individual was unaware that he violated “one of the commandments that may not be done,” i.e., that there is a Torah prohibition with regard to that action.

The Gemara asks: **And what does Rabbi Yoḥanan do with that verse cited as proof by Rabbi Shimon ben Lakish**? The Gemara answers: **He needs it for that which was taught** in a *baraita*: The phrase: “**From the common people**” (Leviticus 4:27)ⁿ teaches that only some sinners, not all, bring sacrifices for their unwitting sins. It comes **to exclude an apostate**. When an apostate sins unwittingly, he is under no obligation to bring a sin-offering even after he repents. **Rabbi Shimon ben Elazar says in the name of Rabbi Shimon:** This *halakha* is derived from the phrase in that verse: “**That may not be done, and he becomes guilty.**” **One who repents due to his awareness**, i.e., one who repents as soon as he becomes aware that he performed a transgression, **brings a sacrifice for his unwitting** transgression. However, one who does **not repent due to his awareness** that he sinned, e.g., an apostate who continues to sin even after he becomes aware that he committed a transgression, does not **bring an offering for his unwitting** action. Rabbi Yoḥanan understood the verse in accordance with the opinion of Rabbi Shimon ben Elazar.

The Gemara cites proof from what we learned in a mishna: The number of **primary categories of prohibited labors** on Shabbat is **forty-less-one**, which the mishna proceeds to list. **And we discussed this mishna:** **Why do I need this tally** of forty-less-one? Isn’t merely listing the prohibited labors sufficient? **And Rabbi Yoḥanan said:** The tally was included to teach **that if he performed all of the prohibited labors in the course of one lapse of awareness^h** during which he was unaware of the prohibition involved, **he is liable for each and every one**. Therefore, the mishna indicated that one could conceivably be liable to bring thirty-nine sin-offerings. Under what circumstances **can you find** a case where one would be liable for unwittingly violating all thirty-nine labors? It must be in a case where **with regard to Shabbat** his actions were **intentional**, as he was aware that it was Shabbat; **and with regard to the prohibited labors** his actions were **unwitting**, as he was unaware that these labors are prohibited on Shabbat.

HALAKHA

Unwitting with regard to *karet* – שְׂשֻׁגַּג בְּכִרְתָּ: One who commits a transgression while aware that he violated a Torah prohibition, but unaware that the violation of that prohibition is punishable by *karet*, is considered to have acted unwittingly and is liable to bring a sin-offering, as the *halakha* is ruled in accordance with the opinion of Rabbi Yoḥanan in disputes with Reish Lakish (Rambam *Sefer Korbanot, Hilkhot Shegagot* 2:2).

Primary categories of prohibited labors...that if he per-

formed all of the prohibited labors in the course of one lapse of awareness, etc. – אֲבוֹת מְלֹאכּוֹת...שָׂאֵם עֲשָׂאֵן כּוּלֵן בְּהַעֲלֵם אַחַד – רַבִּי: One who was aware that it was Shabbat but was unwitting with regard to the prohibited labors of Shabbat, as he did not know that they were prohibited or he knew that they were prohibited but did not know that they were punishable by *karet* when performed intentionally, is liable to bring a sin-offering for each primary category of labor he performed (Rambam *Sefer Korbanot, Hilkhot Shegagot* 7:3).

He was aware of the Shabbat boundaries – דִּדְעָה – בתְּחוּמֵי: In *Tosafot*, the opinion is that this refers specifically to Shabbat boundaries. However, other commentaries explain that Reish Lakish meant it is possible for a person to know about Shabbat from the aspect of its positive mitzvot, the mitzva of *kid-dush* and the like, and not only boundaries (*Me'iri* and others).

Oath on a statement – שְׁבוּעַת בִּטּוּי: The term oath on a statement is derived from the verse: "Or a soul that swears to utter by his lips, to do bad or to do good, with regard to all that a person utters by oath, and it becomes hidden from him, and he knows and is guilty of one of these" (Leviticus 5:4). This oath, which a person takes to obligate himself, is called an "oath on a statement," to distinguish it from other oaths, e.g., the oath of testimony. The details of its numerous and complex *halakhot* are articulated in tractate *Shevuot*. The *halakha* is that one who intentionally swears falsely is not liable to death by *karet*, but only violates a Torah prohibition. If he violates the prohibition unwittingly, he is liable to bring a sliding-scale sin-offering. That liability is unique among sin-offerings, which, as a rule, are brought only for unwittingly violating a prohibition that is punishable by *karet* when performed intentionally.

בְּשִׁלְמָא לְרַבִּי יוֹחָנָן דְּאָמַר: כִּיּוֹן שְׂשֻׁגַּג בְּכִרַת אִף עַל פִּי שְׁהוּיֵיד בְּלֹא – מִשְׁכַּחַת לָהּ כְּגוֹן דִּידַע לָהּ לְשַׁבַּת בְּלֹאוּ, אֲלֵא לְרַבִּי שְׂמַעוֹן בֶּן לְקִישׁ דְּאָמַר: עַד שְׂשֻׁגַּג בְּלֹאוּ וּבְכִרַת – דִּידַע לָהּ לְשַׁבַּת בְּמֵאִי? דִּידְעָה בְּתַחוּמֵי, וְאֵלִיבָא דְרַבִּי עֲקִיבָא.

Granted, according to Rabbi Yohanan, who said: Once he was unwitting with regard to the fact that the punishment for his transgression is *karet*, even though he was aware that his action was in violation of a Torah prohibition, and he performed the transgression intentionally, he is considered to have sinned unwittingly, you find that possibility in a case where he was aware that performing labor on Shabbat involves violation of a Torah prohibition, but he was unaware that the punishment for violating that prohibition is *karet*. However, according to Rabbi Shimon ben Lakish, who said: It is not considered unwitting until he was unwitting with regard to both the prohibition and *karet*, the result is that he is completely unaware of all the prohibited labors of Shabbat. If so, when Rabbi Yohanan said that the case where one would be liable to bring thirty-nine sin-offerings is one where with regard to Shabbat, his actions were intentional as he was aware that it was Shabbat, the question arises: With regard to what aspect of Shabbat was he aware? If he was completely unaware of all the labors prohibited on Shabbat, in what sense were his actions intentional with regard to Shabbat? The Gemara answers: He was aware of the *halakhot* of the prohibition of Shabbat boundaries,ⁿ in accordance with the opinion of Rabbi Akiva. According to Rabbi Akiva, the prohibition to go beyond a certain distance outside the city limits on Shabbat is by Torah law and not merely a rabbinic decree.

מֵאֵן תִּנָּא לְהָא. דְּתַנּוּ רַבָּנִי: שְׂשֻׁגַּג בְּזָה וּבְזָה – זֶהוּ שְׂשֻׁגַּג הָאָמּוּר בְּתוֹרָה, הַיּוֹד בְּזָה וּבְזָה – זוּ הֵיא מוֹיֵד הָאָמּוּר בְּתוֹרָה. שְׂשֻׁגַּג בְּשַׁבַּת וְהוּיֵיד בְּמִלְאָכוֹת, אוּ שְׂשֻׁגַּג בְּמִלְאָכוֹת וְהוּיֵיד בְּשַׁבַּת, אוּ שְׂאָמַר: יוֹדַע אֲנִי שְׂמִלְאָכָה זוּ אֶסוּרָה אֲבָל אֲנִי יוֹדַע שְׁתַּיִבִּין עָלֶיהָ קֶרֶבֶן אוּ לֹא – חַיִּיב, כְּמֵאֵן – כְּמוֹנְבוּ.

The Gemara asks: Who is the *tanna* who taught this *baraita*? As the Sages taught: If one acted unwittingly with regard to both this, the fact that it is Shabbat, and that, the specific prohibited labors, that is the case of unwitting transgression stated in the Torah. If one acted intentionally with regard to both this and that, that is the case of intentional transgression stated in the Torah. If one acted unwittingly with regard to Shabbat and intentionally with regard to the labors, i.e., he forgot that it was Shabbat, but he was aware that those labors are prohibited when it is Shabbat; or if one acted unwittingly with regard to the labors and intentionally with regard to Shabbat, i.e., he was unaware that these labors are prohibited, but he was aware that labor is prohibited on Shabbat, or, even if he said: I know that this labor is prohibited on Shabbat; however, I do not know whether or not one is liable to bring a sacrifice for its performance, he is liable to bring a sin-offering like anyone who sins unwittingly. In accordance with whose opinion is this *baraita*? It is in accordance with the opinion of Munbaz, who holds that one is considered an unwitting sinner even in a case where he was unwitting only with regard to the sacrifice.

אָמַר אַבְיִי: הַכֹּל מוֹדִים בְּשְׁבוּעַת בִּטּוּי שְׂאִין חַיִּיבִין עָלֶיהָ קֶרֶבֶן, עַד שְׂשֻׁגַּג בְּלֹאוּ שְׁבָה. הַכֹּל מוֹדִים מֵאֵן – רַבִּי יוֹחָנָן, פְּשִׁיטָא! כִּי קָאָמַר רַבִּי יוֹחָנָן – הֵיכָא דְאֵיבָא כִּרַת, אֲבָל הֵכָא דְלֵיבָא כִּרַת – לֹא!

Abaye said: Everyone agrees with regard to an oath on a statement,ⁿ a case where one swore to prohibit or to obligate himself to perform an action, that the *halakha* is as follows: If he violates his oath he is only liable to bring an offering if he was unwitting with regard to its prohibition, i.e., he was unaware that it is prohibited by Torah law to violate an oath. The Gemara asks: To whose opinion is Abaye referring in the phrase: Everyone agrees? Certainly, it is the opinion of Rabbi Yohanan with regard to the opinion of the Rabbis in their dispute with Munbaz. Even though Rabbi Yohanan generally holds that the fact that one is unwitting with regard to *karet* is sufficient to render his action unwitting, the case of an oath is different. The Gemara asks: In the case of an oath, it is obvious that he would agree. When Rabbi Yohanan says that one need not be unwitting with regard to the prohibition, it is in a case where there is a prohibition punishable by *karet*; however, here, where there is no punishment of *karet*, Rabbi Yohanan would not say so. Obviously, he agrees that one must be unwitting with regard to the prohibition. There appears to be nothing new in Abaye's statement.

סְלָקָא דְעַתְדָּא אֲמִינָא: הוּאִיל וְחַיִּיב קֶרֶבֶן חִידוּשׁ הוּא, דְּבִקְלָה תְּתוּרָה בּוֹלָה לֹא אֶשְׁבַּחֵן לָאוּ דְמִיִּתֵי עָלֶיהָ קֶרֶבֶן, וְהֵכָא מִיִּתֵי, כִּי שְׂשֻׁגַּג בְּקֶרֶבֶן – נְמִי לִיחַיִּיב.

The Gemara explains: It might enter your mind to say the following: Since the obligation to bring an offering in the case of the oath is a novel *halakha*, as throughout the whole Torah in its entirety we do not find a prohibition for whose unwitting violation one is liable to bring an offering and for whose intentional violation is not punishable by *karet*; and here, one is liable to bring an offering for its unwitting violation, I might have said that if he was unwitting, i.e., unaware that he would be obligated, with regard to the offering, let him be liable also according to the Rabbis, who disagree with Munbaz.

NOTES

Unwitting violation of an oath on a statement – שְׁגַת בִּישׁוּי: The oath on a statement explicitly mentioned in the Torah refers to a person who swears that he will perform or will not perform a certain action in the future. The *tanna'im* dispute whether or not an oath on a statement can also be taken with regard to the past. The difficulty in finding a case of an unwitting oath on a statement with regard to the past stems from the Torah edict that in order to be liable to bring a sin-offering, the one who unwittingly violated the oath must be aware of the circumstances when he takes the oath. One who forgot and swore falsely in good faith is not liable for taking an oath on a statement unwittingly, since he is considered as one who swore due to circumstances beyond his control. Consequently, the Gemara seeks to find a circumstance in which an oath on a statement with regard to the past can be unwitting (see *Tosafot*).

BACKGROUND

Novelty – חִידוּשׁ: This term indicates that a particular *halakha* written in the Torah has an aspect that distinguishes it from all other *halakhot*. Consequently, it cannot be evaluated with the criteria used to evaluate standard cases as it could conceivably include additional novel aspects that deviate from the norm.

קא משמע לן. מיתבי: איזהו שגת שבועת ביטוי לשעבר – שאם אמר: "יודע אני ששבועה זו אסורה, אבל איני יודע אם תיבין עליה קרבן או לא" – חייב! הא מני – מונבו היא.

(לישנא אחרינא: מני? אילימא מונבו – פשיטא, השתא בכל התורה דלאו חידוש הוא אמר: שגת קרבן שמה שגגה, הכא דחידוש הוא לא כל שבין? אלא לאו – רבנן היא, ותיבתא דאביי תיבתא).

ואמר אביי: הכל מודים בתרומה שאין תיבין עליה חומש עד שישגוג בלאו שבה. הכל מודים מאן – רבי יוחנן, פשיטא! כי אמר רבי יוחנן – היכא דאיכא פרת, היכא דליכא פרת – לא! מהו דתימא: מיתה במקום פרת עומדת, וכי שגג במיתה – נמי ליחייב, קא משמע לן. רבא אמר: מיתה במקום פרת עומדת, וחומש במקום קרבן קאי.

Therefore, Abaye teaches us that this is not so. The Gemara raises an objection from a *baraita*: **What is an unwitting violation of an oath on a statement^{NH} relating to the past?** What is an example of one who unwittingly swore falsely with regard to an incident that occurred in the past? It cannot be a case where he forgot the incident, as in that case he is exempt from bringing an offering. It is a case **where if he said: I know that taking this false oath is prohibited, but I do not know whether or not one is liable to bring an offering for swearing falsely, he is liable to bring an offering for an unwitting transgression.** Apparently, with regard to an oath on a statement, unwitting with regard to the sacrifice renders the action unwitting. The Gemara rejects this: In accordance with **whose opinion is this mishna? It is the opinion of Munbaz.** In his opinion, one who commits a transgression while unaware whether or not one is liable to bring an offering if he performs that transgression unwittingly is considered to have performed the transgression unwittingly.

There is another version of the discussion of Abaye's statement where, after quoting the *halakha* with regard to an oath on a statement, the question was raised: In accordance with **whose opinion is this mishna?** **If you say it is in accordance with the opinion of Munbaz, that is obvious: Now, if throughout the entire Torah where there is no novelty^B in the obligation to bring an offering, he said that unwitting with regard to an offering is considered unwitting; here, where there is a novelty and the offering in the case of an oath on a statement is more significant than other sin-offerings, certainly unwitting with regard to the offering should be considered unwitting. Rather, is it not the opinion of the Rabbis, and this is a conclusive refutation of the opinion of Abaye?** The Gemara concludes: Indeed, it is a **conclusive refutation.**

And Abaye said: Everyone agrees with regard to *teruma* that one is only liable to add a payment of one-fifth the value of the *teruma* for eating it unwittingly if he is unwitting with regard to its prohibition. The Gemara asks: To **whose opinion is Abaye referring in the phrase: Everyone agrees?** Certainly, it is the opinion of Rabbi Yohanan. Even though, in general, he holds that unwitting with regard to *karet* is sufficient to render the action unwitting, the case of *teruma* is different. The Gemara asks: In the case of *teruma*, **it is obvious** that he would agree. **When Rabbi Yohanan says that one need not be unwitting with regard to the prohibition, it is in a case where there is a prohibition punishable by karet; however, here, where there is no punishment of karet, Rabbi Yohanan would not say so.** The Gemara answers that nonetheless Abaye introduced a novel element: **Lest you say that since one who intentionally eats teruma is subject to death at the hand of Heaven, perhaps death stands in place of karet. And where he was unwitting with regard to the punishment of death for this sin, he should also be liable to pay the added fifth as one who performed the transgression unwittingly because his case is analogous to one who is considered unwitting due to lack of awareness of karet.** Therefore, **Abaye teaches us that it is not so. Rava said: Indeed, death stands in place of karet^H and the added one-fifth stands in place of a sacrifice.** One who is unwitting with regard to death at the hand of Heaven and the added fifth has the same legal status as one who is unwitting with regard to *karet* and an offering.

HALAKHA

שגת שבועת – Unwitting violation of an oath on a statement with regard to the past is liable to bring a sacrifice if he swears that he did not eat a particular food. When taking the oath, he is aware that he ate it, and he is aware that it is prohibited to take that oath. However, he is unaware that one is liable to bring a sacrifice for this violation (Rambam *Sefer Hafla'a, Hilkhot Shevuot* 3:7).

מיתה במקום פרת עומדת – Death stands in place of *karet* – One who is not a priest and unwittingly ate *teruma* is obligated to repay its value with the addition of a fifth. That is the *halakha* even if he was aware that it was *teruma* and that it is prohibited to eat it but was unaware that eating *teruma* is punishable by death at the hand of Heaven, as the *halakha* is in accordance with the opinion of Rava in disputes with Abaye (Rambam *Sefer Zera'im, Hilkhot Terumat* 10:1).