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Kerisus Daf 16

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

***R’ Akiva and R’ Eliezer regarding the
Liability for Labor on Shabbos (when
performed inadvertently)***

Rabbi Akiva said: I asked Rabbi Eliezer if one performed many acts of labor (*tolados*) of the same category (*av melachah*) on different Sabbaths, but in one spell of unawareness, what is the law? Is he liable to one (*chatas offering*) for all of them, or to a separate one for each of them? He replied to me: He is liable for each of them; and this can be derived through the following *kal vachomer*: If for cohabiting with a *niddah*, in which there are neither many categories, nor many ways of sinning, one is liable for each and every act, how much more so must one be liable to separate offerings in the case of *Shabbos*, in connection with which there are many categories (*of labor*) and many ways of sinning (*for there are thirty-nine main categories of labor*)!

I replied to him: No, you may hold like this view in the case of the *niddah*, since there is a twofold prohibition (*and is therefore strict that he will be liable for each and every act*): the man is warned against cohabiting with a *niddah*, and the *niddah* is warned against cohabiting with a man; but can you hold the same in the case of *Shabbos*, where there is only one prohibition (*for it is only the person performing the labor who is the transgressor*)?

He said to me: Let then the case of cohabiting with (*niddah*) minors serve as your premise, where there is but one warning (*for the minor herself is not subject to any penalty, for she does not come within the age of prohibition*), and yet one is liable for each act.

I retorted to him: You may hold like this in the case of minors because, although no warning now applies, it will apply in the future (*when she becomes an adult*), but can you hold the same regarding *Shabbos*, where neither now nor in the future (*are there two warnings*)?

He said to me: Then let the law concerning a man copulating with an animal serve as your premise (*for although there is only one warning – for the man, not the animal; yet he is liable for each and every act*)!

I replied to him: The law concerning copulation with an animal is indeed comparable to that of *Shabbos*. [*The Gemora will cite two opinions as to the meaning of this statement.*]

[*Av melachah* is the main category of labor that is forbidden on *Shabbos*. A *toladah* is a secondary act of labor – one which is derived from the main category. They are all Biblically forbidden on *Shabbos*.] The *Gemora* asks: What was Rabbi Akiva’s inquiry? If his inquiry was whether separate Sabbaths were comparable to separate bodies (*different av melachah, in which case he would be liable for each and every Shabbos, just as he would be liable for each and every av melachah*), then he should have put the inquiry as follows: What is the law if one performed a single act of labor on many Sabbaths (*and it would not have been necessary for him to inquire about many tolados of the same av melachah*)? And if his inquiry was whether many acts of labor (*tolados*) were on a par with the main categories of labor (*avos melachos; and just as he would be liable for each and every av melachah, he will be liable for each and every toladah*), then he should have put the inquiry as follows: What is the law if one performed many acts of labor (*tolados*) of the same

category (*av melachah*) on one *Shabbos* (and it would not have been necessary for him to inquire about many Sabbaths)?

Rabbah replied: In the Rabbinical school they said that the two inquiries were put forward (by R' Akiva to R' Eliezer). He asked whether different Sabbaths were comparable to distinct bodies, and he also asked whether *tolados* were on par with *avos melachos*. [R' Eliezer ruled that in both cases, he would be liable for each and every one – either for each and every *Shabbos*, or for each and every *toladah*.]

The *Gemora* seeks to clarify further: Now as to the Sabbaths what was his inquiry? **[Under what conditions was the *Shabbos* law unwittingly transgressed on the various *Shabbos* days? The error could have occurred in one of two ways: He might know that this particular act is forbidden on *Shabbos*, but he was unaware that today was indeed *Shabbos*, or he might know that today was *Shabbos*, but he was unaware that this particular act is forbidden on *Shabbos*.]** Are we to say that, where a man performed an act of labor on several *Sabbaths* in ignorance of the *Shabbos* (he was unaware that today was *Shabbos*), though knowing full well that that act was prohibited, Rabbi Akiva was clear that the intervening days of the week effected an awareness (as if he knew that the forbidden acts were in fact performed on *Shabbos*) to separate the occurrences (and he would be liable to bring a *chatas* offering for each and every *Shabbos*), and his inquiry was only where he was well aware (on each occasion) that it was *Shabbos*, but he was unaware that it was a prohibited act; (the inquiry being) whether different *Sabbaths* were comparable to distinct bodies (and therefore he would be liable for each and every one) or not (and he is only liable for one)? Or perhaps, where he was well aware (on each occasion) that it was *Shabbos*, but he was unaware that it was a prohibited act, Rabbi Akiva was clear that the different *Sabbaths* were comparable to distinct bodies (and therefore he would be liable for each and every one), and his inquiry was only where a man performed an act of labor on several *Sabbaths* in ignorance of the *Shabbos* (he was unaware that today was *Shabbos*), though knowing full well that that act was prohibited, (his inquiry being) whether the intervening days of the week effected an awareness (as if he knew that the

forbidden acts were in fact performed on *Shabbos*) to separate the occurrences (and he would be liable to bring a *chatas* offering for each and every *Shabbos*) or not (and he is only liable for one)?

Rabbah said: It is reasonable to assume that where a man performed an act of labor on several *Sabbaths* in ignorance of the *Shabbos* (he was unaware that today was *Shabbos*), though knowing full well that that act was prohibited, Rabbi Akiva was clear that the intervening days of the week effected an awareness (as if he knew that the forbidden acts were in fact performed on *Shabbos*) to separate the occurrences (and he would be liable to bring a *chatas* offering for each and every *Shabbos*), and his inquiry was only where he was well aware (on each occasion) that it was *Shabbos*, but he was unaware that it was a prohibited act; (the inquiry being) whether different *Sabbaths* were comparable to distinct bodies (and therefore he would be liable for each and every one) or not (and he is only liable for one). Rabbi Eliezer's reply was that the case where he was well aware (on each occasion) that it was *Shabbos*, but he was unaware that it was a prohibited act is like distinct bodies (and therefore he would be liable for each and every one). Rabbi Akiva, however, did not accept this from him. Rabbi Eliezer then resolved (R' Akiva's second inquiry) that *tolados* of one *av melachah* are on a par with *avos melachos* themselves (and just as he would be liable for each and every *av melachah*, he will be liable for each and every *toladah*), but this as well, Rabbi Akiva did not accept from him.

Rabbah said: From where do I derive this? It is from the following *Mishna*: A major rule has been laid down with regard to *Shabbos*: One who forgot the essence of *Shabbos*, and thus performed many forbidden labors on multiple Sabbaths, he brings only one *korban chatas*. [This is because all of the times that he transgressed the *Shabbos* are due to only one mistake – he did not know that the concept of *Shabbos* was a *mitzvah* in the *Torah*.] One who knew of the essence of *Shabbos* in general (but lost track of the days of the week and did not realize that it was *Shabbos*) and performed many forbidden labors on multiple Sabbaths, he must bring a separate *chatas* for each *Shabbos* that he transgressed. [This is because the intervening days make it

as if he became aware of which day of the week it is. Thus, each Shabbos represents a new error. He does not, however, bring a separate korban for each category of transgression, for since he didn't know it was Shabbos, all the transgressions that he did are considered a single error.] One who knew it was Shabbos (but did not know that certain activities are forbidden), and performed many forbidden labors on multiple Sabbaths, he must bring a separate korban for each av melachah of forbidden activity which he transgressed. Now, it does not say that he is liable for each av melachah for each and every Shabbos. [The reason for this is because he performed these particular labors on multiple Sabbaths; he never was aware that this labor is forbidden. Now, evidently, the Tanna of the Mishna holds that each individual Shabbos is not regarded as distinct bodies, for otherwise, he would be liable to bring a chatas for each and every Shabbos. And from the second ruling of the Mishna, we see that the intervening days are regarded as an awareness which separates the two Sabbaths with regard to liability for each and every Shabbos.] Whom does the Mishna follow (specifically regarding that each individual Shabbos is not regarded as distinct bodies, and that the intervening days are regarded as an awareness which separates the two Sabbaths)? It cannot be Rabbi Eliezer, for let us consider the final clause of the Mishna: If he did many tolados of the same av melachah (in one spell of unawareness), he is liable only to one offering (since they were all in the same category of labor); but according to Rabbi Eliezer he should be liable for each and every toladah, just as if they were avos melachos! Evidently, the Mishna is in accordance with Rabbi Akiva's view, and it therefore can be proven that it was clear to him that where a man performed an act of labor on several Sabbaths in ignorance of the Shabbos (he was unaware that today was Shabbos), though knowing full well that that act was prohibited - that the intervening days of the week effected an awareness (as if he knew that the forbidden acts were in fact performed on Shabbos) to separate the occurrences (and he would be liable to bring a chatas offering for each and every Shabbos), and that his inquiry was only where he was well aware (on each occasion) that it was Shabbos, but he was unaware that it was a prohibited act; (the inquiry being) whether different Sabbaths were comparable to distinct bodies (and therefore he would be liable for each and

every one) or not (and he is only liable for one). And Rabbi Eliezer's solution was that they were comparable to distinct bodies (and therefore he would be liable for each and every one), and then he resolved (R' Akiva's second inquiry) that tolados of one av melachah are on a par with avos melachos themselves (and just as he would be liable for each and every av melachah, he will be liable for each and every toladah), but both of these, Rabbi Akiva did not accept from him.

Abaye said to him: I can tell that where he was well aware (on each occasion) that it was Shabbos, but he was unaware that it was a prohibited act, it was clear to Rabbi Akiva that different Sabbaths were not comparable to distinct bodies (and therefore he would be liable for only one), and his inquiry was only in the case where a man performed an act of labor on several Sabbaths in ignorance of the Shabbos (he was unaware that today was Shabbos), though knowing full well that that act was prohibited, (the inquiry being) whether the intervening days of the week effected an awareness (as if he knew that the forbidden acts were in fact performed on Shabbos) to separate the occurrences (and he would be liable to bring a chatas offering for each and every Shabbos) or not (and he is only liable for one). And solution offered (by R' Eliezer) was that intervening days of the week effected an awareness to separate the occurrences (and he would be liable to bring a chatas offering for each and every Shabbos), and this was accepted by Rabbi Akiva, and then he resolved (R' Akiva's second inquiry) that tolados of one av melachah are on a par with avos melachos themselves (and just as he would be liable for each and every av melachah, he will be liable for each and every toladah), but regarding this, Rabbi Akiva did not accept from him.

Rav Chisda said: In the case where he was well aware (on each occasion) that it was Shabbos, but he was unaware that it was a prohibited act, even Rabbi Akiva agrees that it is comparable to distinct bodies (and therefore he would be liable for each and every Shabbos); but his inquiry was where a man performed an act of labor on several Sabbaths in ignorance of the Shabbos (he was unaware that today was Shabbos), though knowing full well that that act was prohibited, (his inquiry being) whether the

intervening days of the week effected an awareness (*as if he knew that the forbidden acts were in fact performed on Shabbos*) to separate the occurrences (*and he would be liable to bring a chatas offering for each and every Shabbos*) or not (*and he is only liable for one*). Rabbi Eliezer's solution was that the intervening days of the week effected an awareness to separate the occurrences (*and he would be liable to bring a chatas offering for each and every Shabbos*), and Rabbi Akiva accepted this from him. He then resolved (*R' Akiva's second inquiry*) that *tolados* of one *av melachah* are on a par with *avos melachos* themselves (*and just as he would be liable for each and every av melachah, he will be liable for each and every toladah*), but this was not accepted by him.

Rav Chisda said: From where do I derive this? It is from that which has been taught in the following *braisa*: If one wrote (*on Shabbos*) two letters (*which is one of the thirty-nine main categories of labor forbidden on Shabbos*) in one spell of unawareness, he is liable (*to a chatas offering*); if it was in separate spells of unawareness, Rabban Gamliel maintains that he is liable. [*The reason for this is because Rabban Gamliel maintains that ain yediah lechatzi shiur, there is no awareness for half a measure.*] The Sages, however, hold that he is exempt (*for they maintain that yeish yediah lechatzi shiur, there is an awareness for half a measure, and the two letters do not combine with each other*). Rabban Gamliel, however, admits that if he wrote one letter on one *Shabbos* and the other on another, he is exempt (*as will be explained below*). However, in another *braisa* it was taught: If one wrote two letters on two different *Sabbaths*, one on one *Shabbos* and the other on another, Rabban Gamliel rules that he is liable, and the Sages say that he is exempt. Now, on the assumption that Rabban Gamliel followed Rabbi Akiva's opinion (*that individual Sabbaths are regarded as distinct bodies*), Rav Chisda argued as follows: According to me that holds that in the case where he was well aware (*on each occasion*) that it was *Shabbos*, but he was unaware that it was a prohibited act, even Rabbi Akiva agrees that it is comparable to distinct bodies (*and therefore he would be liable for each and every Shabbos*), there is no contradiction, for that which taught that he is exempt (*by writing two letters – one on one Shabbos and one on the next,*

according to Rabban Gamliel) refers to a case where he was well aware (*on each occasion*) that it was *Shabbos*, but he was unaware that it was a prohibited act, in which case the different *Sabbaths* are like distinct bodies (*and therefore he would not be liable, for he did not perform a complete melachah*); and that which taught that he is liable refers to a case where the letters were written in ignorance of the *Shabbos* (*he was unaware that today was Shabbos*), though knowing full well that the act was prohibited, and he is liable because of the rule that awareness is of no consequence with regard to half a measure. But, according to Rabban, who says that Rabbi Akiva regards individual *Sabbaths* as one body, how can the *braisos* be reconciled? The *braisa* that states that he is liable can be understood either by the case where the letters were written with knowledge that it was *Shabbos* but he was unaware that it was a prohibited act, and he is liable because the *Sabbaths* are considered as one body, or it can be referring to the case where the letters were written in ignorance of the *Shabbos* (*he was unaware that today was Shabbos*), though knowing full well that the act was prohibited, and he is liable because of the rule that awareness is of no consequence with regard to half a measure. But of the *braisa* that states that he is exempt cannot be explained! Neither to this case, nor to the other case!?! (16a – 17a)

DAILY MASHAL

He Brought Me to the House of Wine

Wonderful stories were told of Rabbi Eliezer Gordon zt"l, the *Rosh Yeshivah* of Telz, about his great involvement in Torah and his love for it, even when walking in the streets and markets. Once he went to a *bris* where he was invited to be the *sandek*. On the way, he passed a *beis midrash* and heard two *bachurim* talking about a question. He stood by the window and discussed the question with them. He completely forgot about the *bris* and the guests waited over two hours - in vain... He apologized: "As far as Torah is concerned, I'm like a drunkard in front of a bottle of wine, who forgets everything around him (*HaGaon Rabbi Eli'ezer Gordon*).