

Daf Notes is currently being dedicated to the neshamot of

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Mav the studing of the Daf Notes be a zechus for their neshamot and mav their souls find peace in Gan Eden and be bound up in the Bond of life

HIGHLIGHTS

1. *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 *Shabbasos*, he brings only one *korban chatas*.

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 *Shabbasos*, he must bring a separate *chatas* for each *Shabbos* that he transgressed.

One who knew it was *Shabbos* (*but did not know that certain activities are forbidden*), and performed many forbidden labors on multiple *Shabbasos*, he must bring a separate *korban* for each *av melachah* of forbidden activity which he transgressed.

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*).

2. The reason the *Mishna* refers to the rules that it states as a *klal gadol* (*a major rule*) is because these rules deal with *Shabbos*, which is more severe than the laws of *Shemittah*, *ma'aser*, or *pe'ah*.
3. *Shabbos* is more severe than *Shemittah* because its laws are relevant even to detached produce. *Shemittah* is more severe than *ma'aser* because its

laws are relevant even to animal fodder. *Maaser* is more severe than *pe'ah* because its laws are relevant to produce that is harvested in stages and vegetables that cannot be stored for long periods.

4. The *Mishna* had said that "one who forgets the main principle of *Shabbos*," i.e. the fact that there is a Torah-commandment to observe *Shabbos*, brings a single *korban chatas* for all of the times that he transgressed as a result of this lack of knowledge. Rav and Shmuel hold that one who never knew that there was a Torah-commandment of *Shabbos* has the same status as one who forgot. Rebbe Yochanan and Rish Lakish hold that one who never knew of *Shabbos* does not bring a *korban* at all for his transgressions.
5. Rav and Shmuel hold like the Chachamim, and Rabbi Yochanan and Rish Lakish hold like Munbaz. Munbaz even considers a case where a person knew some of the nature of his transgression when he transgressed to be considered a *shogeg*, and thus he must bring a *korban*.

COMMENTARY

1. *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 *Shabbasos*, 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 *Shabbosos*, 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 *Shabbosos*, he must bring a separate *korban* for each *av melachah* of forbidden activity which he transgressed. [***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.***]

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*).

2. The *Gemora* asks why the *Mishna* referred to the laws it teaches as a *klal gadol*, a general rule of paramount importance.

At first, the *Gemora* assumes that the reason is because this rule contains more information (Rashi) than another general rule stated later regarding the laws of *Shabbos*.

The *Gemora* assumes that this is also the reason why the term *klal gadol* is used when the *Mishna* discussed the laws of *Shemittah*.

However, the *Gemora* points out that in a similar case discussing the laws of *ma'aser*, the term is not used.

Rabbi Yosi bar Avin therefore attempts a new answer: When a general rule is introduced regarding a subject that is divided into *avos* and *toldos*,¹ the term *klal gadol* is used. The laws of *Shabbos* include 39 *avos* of forbidden labor, which include numerous sundry *toldos*. Similarly, the laws of *Shemittah* include *avos* of planting and harvesting (*of grains or grapevines*), with all agricultural activities included in those categories. *Ma'aser*, however, is not divided into *avos* and *toldos*, and therefore its rules are not introduced with the phrase *klal gadol*.

The *Gemora* questions this approach, however, since Bar Kappara's edition of a *braisa* uses the term *klal gadol* even regarding *maaser*.

The *Gemora* concludes that the term *klal gadol* is used when a general rule is introduced in a subject that is more severe than another subject which also contains a general rule. Thus *Shabbos*, which is more severe than *Shemittah*, is introduced with the term *klal gadol*. *Shemittah*, too, is more severe than *ma'aser*, and is thus introduced with the phrase *klal gadol*. *Ma'aser* is more severe than *pe'ah*, so Bar Kappara introduces it with the term *klal gadol* (see *Iyunim* 2). But *pe'ah*, which is the least severe of the laws which contain general rules, does not have its general rule introduced as a *klal gadol*.

The *Gemora* explains: *Shabbos* is more severe than *Shemittah* in that the laws of *Shemittah* only affect produce that is still attached to the ground at the onset of *Shemittah*, whereas the laws of *Shabbos* affect all types of produce. *Shemittah* is more severe than *ma'aser* because the laws of *ma'aser* do not apply to animal fodder. [*By Torah law, ma'aser applies only to the five grains, grapes, and olives, but the Rabbanan extended it to include all types of food*]

¹ *Avos* are general categories, while *toldos* are specific things that fall into the larger categories.

fit for human beings.] *Ma'aser* is more severe than *pe'ah* because it was taught in a *Mishna*: A general principle was stated in respect to *pe'ah*: it only applies to food - as opposed to certain grasses used for making dyes, for instance; that is protected – as opposed to ownerless produce; which grows from the ground - rather than mushrooms and the like; and which are harvested all at one time - as opposed to foods like figs (*where some become ripe at one time, while others only ripen later on, thus requiring them to be harvested in several stages*); and which can be stored away for long periods - as opposed to most vegetables (*which rot quickly*). Regarding *ma'aser*, however, it was taught in a *Mishna*: Whatever is a food, is protected, and grows from the ground is subject to *ma'aser*; but we did not learn that they need to be harvested all at one time and that they can be stored away for long periods.

3. [*The Mishna had said that “one who forgets the main principle of Shabbos,” i.e. the fact that there is a Torah-commandment to observe Shabbos, brings a single korban chatas for all of the times that he transgressed as a result of this lack of knowledge.*] The *Gemora* cites a statement by Rav and Shmuel in which they agree to something regarding a person who never knew that there is a *mitzvah* of *Shabbos*. The *Gemora* provides two examples of such a person: a child who was captured and raised by gentiles, or one who converted in a foreign land, where only a few Jews were present (*Tosafos*). In both cases, the person didn't forget the laws of *Shabbos*; he never knew them to begin with.

At first, the *Gemora* understands that Rav and Shmuel said that this is the person meant in the *Mishna* when it refers to one who “forgets.” One who actually knew of the concept of *Shabbos*, but forgot, must bring a separate *korban* for each *Shabbos* that he transgresses (*but not for each separate*

transgression).

The *Gemora* demonstrates, however, that one who forgets the concept of *Shabbos* does not bring more than one *korban*.

Rav and Shmuel are therefore reinterpreted as having said that while the *Mishna* referred to one who forgot the concept of *Shabbos*, the same rules apply to one who never knew them – i.e. he brings a single *korban* for all his transgressions.

Rabbi Yochanan and Rish Lakish, however, hold that one who never knew of the concept of *Shabbos* brings no *korban* at all.

4. The *Gemora* questions Rabbi Yochanan and Rish Lakish by citing a *braisa* in which the Chachamim, including Rebbe Akiva, held that one who never knew of *Shabbos* brings a *korban* for his transgressions, while Munbaz disagrees.

Rabbi Yochanan and Rish Lakish, however, answer simply that they hold like Munbaz.

The *braisa* concludes that Munbaz even considers a case where a person knew some of the nature of his transgression at the time when he transgressed to be considered a *shogeg*,² and thus he must bring a *korban*. [*The Gemora will discuss what this means on the next Daf.*]

INSIGHTS TO THE DAF

Klal Gadol

The *Gemora* gave three possible explanations for why the rules given in our *Mishna* are referred to as a *klal gadol*.

The first reason presented is that there is another general

² *Shogeg* is usually translated as “accidental,” but the term refers to specific cases, where at least some guilt can be ascribed to the person. A better translation would be negligence.



rule about *Shabbos* mentioned later, which contains less laws. Since that *Mishna* presents a *klal*, a general rule, our *Mishna* is a *klal gadol* – a great (or important) general rule. The *Gemora* rejects this explanation, however, since two general rules are discussed regarding the laws of *ma'aser*, but the term *klal gadol* is nevertheless not used in either case.

Tosafos asks why this should present a question. The second general rule introduced in the laws of *ma'aser* does not contain fewer laws than the first. Tosafos leaves the question unanswered.

Rashash, however, notes that our *Gemora* does not say that another *klal* is taught *later* regarding *ma'aser*. Rather, the *Gemora* says, “But by *ma'aser*, where another *klal* is taught, it should say *klal gadol*.” Rashash points out that the second *klal* mentioned regarding *ma'aser* contains more laws than the first. The *Gemora*'s question was that the second *Mishna* should have used the term, not the first.

It would seem that Tosafos did not accept this answer since the order of the two *Mishnayos* is significant. When a more significant ruling is presented before a less significant one, the *Mishna* introduces it with a statement declaring that this rule is more significant. In this way, the reader is told that another general rule, albeit a less significant one, is coming up. If the term was used in the second *Mishna*, however, it would add no information at all, since both *Mishnayos* have already been seen by the time the reader sees the term.

This interpretation can be supported by the terminology used in the *Gemora*; in explaining the term *klal gadol* in our *Mishna*, the *Gemora* does not say simply that another *klal* exists. A precise reading of the *Gemora* is that the term *klal gadol* is used “because it was going to teach yet another *klal*.” This phraseology would seem to indicate that the other *klal* would be taught after the *Mishna* under discussion.

The second explanation of the term *klal gadol* in the *Mishna* is supplied by Rabbi Yosi bar Avin, who writes that the term is used when discussing general rules in laws that are divided

into *avos* and *toldos*.

Tosafos points out that, according to this explanation, every general rule mentioned regarding *Shabbos* and *Shemittah* should be referred to as a *klal gadol*. As we have seen, however, the second time a *klal* is taught in these subjects, the term is not used.

Tosafos explains that the other instances in which a *klal* is taught are meant to be continuations of the first general rules introduced. Thus, the second *klal* of *Shabbos*, for instance, should be read as “yet another *klal*, (like the first *klal gadol* mentioned previously).”

The *Gemora* rejects this answer, however, since Bar Kappara's Tosefta edition of the *Mishna* regarding *ma'aser* uses the term *klal gadol*, even though *ma'aser* is not divided into *avos* and *toldos*. Instead, the *Gemora* explains, the term is used when the *klal* under discussion is more severe than another *klal*. Thus, *Shabbos* has the term, since it is more severe than *Shemittah*. *Shemittah* also has the term, since it is more severe than *ma'aser*. Bar Kappara's version states that *ma'aser* also has the term, since it is more severe than *pe'ah*. The *Mishna* that we have, however, did not use the term *klal gadol* in discussing *ma'aser* since its superiority over *pe'ah* is only rabbinic (Tosafos, citing Rashba³).

Rashba asks, however, why this third answer is necessary. The first answer was that in any place where a second *klal* is mentioned, the first *klal* is referred to as *klal gadol*. According to this explanation, *ma'aser* should have had the term in its first *klal*. In fact, it was for this reason that the *Gemora* rejected this first answer. According to the second answer given, that subjects divided into *avos* and *toldos* have the term, *ma'aser* should not have it. Why not say, therefore, that Bar Kappara used the first answer, while our *Mishna* used the second?

He answers that, apparently, the *Gemora* preferred that Bar Kappara and our *Mishna* agree to the essential methodology used regarding when and when not to use the term *klal*

³ This is not Rabbeinu Shlomo ben Aderes, the Rashba usually referred to in Torah literature, and who is cited in the next paragraph.



gadol. (Better, the Gemora felt, that their argument regard the relatively small debate of whether the rabbinic superiority of ma'aser over pe'ah renders ma'aser deserving of the title of klal gadol.)