



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h
Tzvi Gershon ben Yoel (Harvey Felsen) o”h

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

Ulla said: On the view that a definite asham does not require previous knowledge:¹ if one cohabits five times with a betrothed slavewoman,² he is liable to one [asham] only.³ Rav Hamnuna objected: If so, if one cohabits, sets aside a sacrifice, and states, ‘Wait for me until I cohabit again,’⁴ is he then liable to only one? — Said he to him, You speak of an act after separation [of the sacrifice]: in such a case I did not state [my ruling].⁵

¹ There are two classes of ashams: (i) An asham of doubt. This is due when one is doubtful if he has committed a sin which, when definitely committed, entails a chatas. (ii) A definite asham. This is due for the undoubted commission of definite offences, viz., (a) robbery (after restoration is made); (b) misappropriation of sacred property to secular uses; (c) cohabitation with a bondmaid betrothed to another; (d) a nazir's interrupting of the days of his purity by permitting himself to be ritually defiled; and (e) a metzora's asham. Now with respect to b, the Rabbis hold that no asham is incurred for doubtful misappropriation, while Rabbi Akiva and Rabbi Tarfon hold that one can bring an asham conditionally, stating: ‘If I learn at some future date that I was definitely guilty, let this be accounted now as a definite asham. But if I am destined to remain in doubt, let this be an asham of doubt’. Thus on the first hypothesis a definite asham is brought, though at the time one has no knowledge whether he has actually sinned. — This follows Tosafos. Rashi holds that Rabbi Akiva and Rabbi Tarfon differ in this very question.

² Unwittingly. Between each act of coition he learnt of his previous offence.

³ Since knowledge of guilt is not required, the knowledge that he does possess is insufficient to separate his actions and

When Rav Dimi came, he said: On the view that a definite asham requires previous knowledge: If one cohabits five times with a betrothed maiden, he is liable for each [act]. Said Abaye to him, But in the case of a chatas [definite] knowledge is required beforehand,⁶ yet Rabbi Yochanan and Rish Lakish differ [about it]?⁷ He remained silent. Said he to him, Perhaps you refer to an act after separation [of the sacrifice], and as Rav Hamnuna?⁸ Even so, he replied.

necessitate a sacrifice for each. But on the view that previous knowledge is essential for an asham, this matter will be disputed by Rabbi Yochanan and Rish Lakish, as on 71b. — Though we do not find a doubtful asham for doubtful cohabitation, and so it would appear that here at least knowledge is essential, for otherwise how does he know that he sinned at all, a sacrifice is nevertheless conceivable without previous knowledge. Thus: when in doubt one might bring a conditional sacrifice and stipulate: ‘If I have sinned, let this be a definite asham; if not, let this be a peace-offering’ (Tosafos).

⁴ So that this sacrifice may atone for both. — Even conscious cohabitation with a betrothed slavewoman necessitates a sacrifice, though in all other cases only an unwitting offence entails an offering.

⁵ For this definitely divides the offences, and a sacrifice is required for each.

⁶ That an offence was committed. If one brings a chatas before he knows that he has sinned, and then learns that he has sinned, the sacrifice is invalid for atonement.

⁷ And the same principle applies here. How then can you make a general statement?

⁸ Whereas Rabbi Yochanan and Rish Lakish differ where all his



When Ravin came, he said: All agree about a betrothed slavewoman [in one respect], and all agree about a betrothed slavewoman [in another respect], and there is disagreement about a betrothed slavewoman [in a third respect]. [Thus:] All agree in the case of [cohabitation with] a betrothed slavewoman, that one is liable only to one [sacrifice], as Ulla. All agree in the case of [cohabitation with] a betrothed slavewoman, that one is liable for each, as Rav Hamnuna. And there is disagreement about a betrothed slavewoman: on the view that a definite asham requires previous knowledge, there is disagreement between Rabbi Yochanan and Rish Lakish. (71b – 72a)

It was stated: If one intended to lift up something detached, but cut off something attached [to the soil],⁹ he is not culpable. [If he intended] to cut something detached, but cut something attached [instead],¹⁰ Rava ruled: He is not culpable; Abaye maintained: He is culpable. Rava ruled, He is not culpable, since he had no intention of a prohibited cutting.¹¹ Abaye maintained: He is culpable, since he had the intention of cutting in general.¹²

Rava said, How do I know it? Because it was taught: [In one respect] the Shabbos is more stringent than other precepts; [in another respect] other precepts are more stringent than the Shabbos. The Shabbos is

actions were committed before the separation of an animal for a sacrifice.

⁹ The latter is a forbidden act on the Shabbos. Rashi: e.g., if a knife fell down amidst growing corn, and while intending to lift it up one cut the corn.

¹⁰ He thought it was a detached bundle of corn, but after cutting it he discovered that it had been attached.

¹¹ Whereas in order to be culpable he must have intended to do

more stringent than other precepts in that if one performs two [labors] in one state of unawareness, he is culpable on account of each separately; this is not so in the case of other precepts. Other precepts are more stringent than the Shabbos, for in their case if an injunction is unwittingly and unintentionally violated, atonement must be made: this is not so with respect to the Shabbos. (72a – 72b)

The Master said: 'The Shabbos is more stringent than other precepts in that if one performs two [labors] in one state of unawareness, he is culpable on account of each separately: this is not so in the case of other precepts.' How is this meant? Shall we say, that he performed reaping and grinding? Then an analogous violation of other precepts would be the partaking of cheilev and blood — then in both cases two [penalties] are incurred! But how is it possible in the case of other precepts that only one liability is incurred? If one ate cheilev twice;¹³ then by analogy, with respect to the Shabbos [it means] that he performed reaping twice — then in each case only one liability is incurred? — After all, it means that he performed reaping and grinding, and what is meant by 'this is not so in the case of other precepts'? This refers to idolatry, and is in accordance with Rabbi Ammi, who said: If one sacrificed, burnt incense, and made libations [to an idol] in one state of unawareness, he is only liable to one [sacrifice].¹⁴

what he did, save that his offence was unintentional either because he did not know that it was the Shabbos or that that action is forbidden on the Shabbos.

¹² Whereas to avoid culpability he must have had no intention of cutting at all.

¹³ In one state of unawareness, not being reminded in between that cheilev is forbidden.

¹⁴ Though he performed a number of services.

How have you explained it: as referring to idolatry? Then consider the second clause: Other precepts are more stringent [than the Shabbos], for in their case if an injunction is unwittingly and unintentionally violated, atonement must be made: this is not so with respect to the Shabbos. Now, how is an unwitting and unintentional transgression of idolatry possible? Shall we say that one thought it [sc. an idolatrous shrine] to be a synagogue and bowed down to it — then his heart was to Heaven! But if he saw a royal statue and bowed down to it — what are the circumstances? If he accepted it as a god, he is a willful sinner; while if he did not accept it as a god, he has not committed idolatry at all! Hence it must mean [that he worshipped it idolatrously] through love or fear;¹⁵ now this agrees with Abaye's view that a penalty is incurred; but on Rava's view that there is no culpability, what can you say? Rather it must refer to one who thinks that it [sc. idolatry] is permitted.¹⁶ Then 'this is not so in the case of the Shabbos' means that there is no liability at all! Yet when Rava questioned Rav Nachman,¹⁷ it was only whether one is liable to one [sacrifice] or to two, but definitely not to exempt him completely! Surely then the first clause [dealing with the greater severity of the Shabbos] refers to idolatry, while the second treats of other precepts; and how is unwitting and unintentional transgression possible? When one thought that it [cheilev] was permitted fat, and ate it. [While] 'this is not so with respect to the Shabbos,' viz., that he is not culpable, for if [by analogy] one intended cutting something detached but cut something attached [instead], he is not culpable. But Abaye [maintains:]

how is an unwitting and unintentional offence meant? When one thinks that it [cheilev] is spittle and swallows it. [While] 'which is not so in the case of the Shabbos,' where he is exempt, for if [by analogy] one intends lifting something detached but cuts something attached [to the soil], he is not culpable. But if he intends to cut something detached and cuts something attached, he is liable. (72b – 73a)

¹⁵ And this is called unwitting and unintentional, for it was unwitting in so far as he thought this permissible.

¹⁶ E.g., if he was brought up among heathens. Since he has never known of any prohibition, it is regarded not only as unwitting but as unintentional too.

¹⁷ About such a case. Where one forgets both the Shabbos and the forbidden labors it is tantamount to ignorance of the Shabbos altogether, and is thus analogous to the belief that idolatry is permitted.