

OVERVIEW of the Daf

1) Awareness between two uncertain transgressions (cont.)

A point in the Baraisa that was cited to note inconsistencies in the respective positions of Reish Lakish and R' Yochanan is clarified.

The inconsistencies in the respective positions of Reish Lakish and R' Yochanan are raised.

The inconsistencies are resolved.

The resolution for Reish Lakish is unsuccessfully challenged.

2) **MISHNAH:** The Mishnah begins with a dispute between R' Eliezer and R' Yehoshua regarding circumstances in which one would be liable to bring a chattas. R' Yosi rejects one of the examples and re-frames the dispute regarding that case. The Mishnah cites additional Tannaim who qualify or clarify this dispute.

3) Clarifying the dispute

A Baraisa is cited in which R' Eliezer and R' Yehoshua elaborate on their respective positions.

R' Eliezer's response to R' Yehoshua's rationale is recorded.

The exchange between R' Yosi and Tanna Kamma regarding their respective explanations of the dispute between R' Eliezer and R' Yehoshua is recorded.

R' Yosi's explanation is unsuccessfully challenged.

A Baraisa is cited that clarifies R' Yehudah's and R' Shimon's respective positions.

The Gemara clarifies R' Shimon's position about this matter.

4) Preoccupied

R' Nachman in the name of Shmuel rules that one who is preoccupied while violating an eating or illicit relations prohibition he is liable but if he was preoccupied when he violated Shabbos he is not liable.

Two unsuccessful challenges to this ruling are presented. ■

Distinctive INSIGHT

No offering is required for a case of מתעסק

לחתוך את התלוש וחתך את המחובר

The Mishnah presented a case where a person had two prohibited items in front of him, one was a piece of cheilev, and the other a piece of nosar, a piece from a korban whose time limit had expired. Both are prohibited to be eaten, and both are punishable with kareis. If the person inadvertently ate one of the pieces and does not know which piece he ate, R' Eliezer rules that he brings a chattas, because regardless of what he ate, it is certain that he consumed an item whose atonement is with a chattas. R' Yehoshua holds that the person is exempt from bringing a chattas. He understands that the verse (Vayikra 4:23) regarding chattas states that an offering is appropriate when a person becomes aware "of the sin which he sinned," but here the person is not sure which sin was committed.

R' Eliezer learns that the exemption derived from this verse is not referring to the case of our Mishnah, where a sin was committed due to eating one of two pieces where both were prohibited, but it refers to a case of מתעסק, where a person was involved in a completely different activity other than the sinful one, and a sin occurred unexpectedly. The example given is where a person was attempting on Shabbos to cut a vegetable which was detached from the ground, and he inadvertently cut a vegetable which was connected to the ground.

In the area of Shabbos observance, there is a rule that the Torah only forbids מלאכת מחשבת, knowledgeable and

Continued on page 2)

REVIEW and Remember

1. Explain the principle מקצת ידיעה כידיעה דמי.
2. What is the point of dispute between R' Eliezer and R' Yehoshua?
3. For what transgressions is there no exemption of מתעסק?
4. Is one liable if he errs in an attempt to fulfill a mitzvah?

HALACHAH Highlight

Violating a prohibition while preoccupied

פרט למתעסק

To exclude one who is preoccupied

The Mishnah derived from the pasuk (Vayikra 4:23) "אשר חטא בה" (מתעסק) that one who is preoccupied when he commits a transgression is not liable to offer a korban. Later authorities debate the precise definition of one who is preoccupied. Rav Akiva Eiger¹ was asked whether it is obligatory to inform someone that he is transgressing a prohibition if the transgressor has no idea that he is violating a prohibition. In his analysis of this matter he writes that when our Gemara derives from the pasuk that one who is preoccupied is exempt the Gemara does not mean that he has not violated a prohibition. The Gemara only derives from the pasuk that he is exempt from offering a korban for that transgression but he is still categorized as one who inadvertently violated a Biblical prohibition. He then cites Chavos Da'as who questions the position of earlier authorities who ruled that one who is in possession of chometz on Pesach but is unaware of its existence violates the prohibition of בל יראה. Seemingly, the owner is preoccupied and should be exempt. Rav Akiva Eiger answers that based on his approach the question is resolved. It is true that the person is categorized as one who is preoccupied but one in that category has inadvertently violated the prohibition even though his violation does not obligate him to offer a chattas.

Rav Shlomo Eiger³ cited Rema as proof to his father's position. Rema⁴ rules that if a kohen is sleeping and someone dies in the room the kohen must be woken and informed of the presence of the corpse so that he can exit. Seemingly the kohen is preoccupied and therefore is not vio-

(Insight...continued from page 1)

willful performance of a labor. Regarding our case, Tosafos cites Rashi from Shabbos (72b) who explains that the exemption from bringing an offering is where the person aimed to cut a detached vegetable, but he accidentally cut a different vegetable which was connected to the ground. Rashi's view is that if he indeed cut the piece for which he aimed he would not be exempt due to a failure of מלאכת מחשבת, because he did cut the piece for which he aimed. However, because it turned out to be connected to the ground, this would be unintentional (shogeg), which is a greater degree of negligence, and the person would be obligated to bring a chattas. By cutting the wrong piece by accident, there is no obligation at all.

Other Rishonim (Tosafos, Ramban, Tosafos HaRosh, Ritva) say that the case is where he cut the piece which he intended, but instead of being disconnected, it turned out to be connected. They say that he is exempt due to our posuk, and שוגג is where the person forgot it was Shabbos or where he knew it was Shabbos but did not realize that what he was doing was prohibited. In our case, however, the person was aiming to perform a completely permitted action, so his degree of responsibility is categorized as מתעסק, and this is where the posuk teaches that no offering is needed. ■

lating the prohibition. However, according to Rav Akiva Eiger's approach the matter is understood. One who is preoccupied is exempt only from having to offer a chattas for his violation but he has, nonetheless, violated the prohibition. Accordingly, it is necessary to awake the kohen so that he should not continue to violate the prohibition. ■

1. שו"ת רעק"א מהדו"ק סי' ח'.
2. ספר מקור חיים סי' תל"א בפתיחה לדיני בדיקה וביטול אות א'.
3. שו"ת מהר"ש איגר ח"א כתבים סי' כ'.
4. רמ"א יו"ד סי' שע"ב סעי' א'.

STORIES Off the Daf

"Shabbos, Shabbos!"

ושכח ומל לשל אחר השבת בשבת

Today's daf discusses the halachos of one who accidentally does forbidden labor on Shabbos.

Not long ago, a group of "kano'im" gathered to protest the opening of the Karta parking lot outside the Old City of Yerushalayim on Shabbos.

One person who was passing through recounted a strange experience: An obviously irreligious woman—clearly unaware of the small protest that had sprung up right around her—walked up to her car as one of the protesters was passing by. The moment he noticed her getting into her vehicle, he immediately began shouting repeatedly, "Shabbos! Shabbos!"

The woman took only an instant to show exactly how effective his protest

was. Turing beet red she shouted right back at him—"You are Shabbos! You are!"

The witness recounted, "Clearly, this woman was unable to make the connection between the Sefardi pronunciation of Shabbat and the man's exclamation of Shabbos. Instead, she figured that he was cursing her in some foreign language. Is it any wonder that she responded as she did?"¹ ■

1. כן שמעתי