



OVERVIEW of the Daf

1) Undetectable damage (cont.)

R' Meir offers a second explanation why an inadvertent violation of Shemittah is penalized whereas an inadvertent violation of Shabbos is not penalized.

The necessity for a second explanation is clarified.

A contradiction between two rulings of R' Yehudah is resolved and a related incident is cited.

The Gemara presents a number of unsuccessful attempts to demonstrate that R' Meir does not penalize inadvertent violators of Rabbinic enactments.

A contradiction is noted regarding R' Yehudah's position about penalizing inadvertent violators of Rabbinic enactments.

A resolution to the contradiction is recorded.

A contradiction between two rulings of R' Yosi is noted.

The contradiction is resolved.

2) **MISHNAH:** The Mishnah rules that a kohen who intentionally makes a korban pigul is responsible to reimburse the damaged party.

3) The believability of a kohen

A Baraisa presents what appears to be contradictory rulings about the believability of a person to claim that he was tamei or for a kohen to claim that he made a korban pigul.

Abaye offers one resolution to the contradiction.

Rava offers an alternative explanation for the contradiction.

A related incident is presented.

(Continued on page 2)

REVIEW and Remember

1. Why does R' Meir offer two explanations why Shemittah violations are treated more stringently than Shabbos violations?

2. Is it permitted to immerse one's utensils on Shabbos?

3. What is pigul?

4. What is the source that the Torah gives a person credibility even at a later date?

Distinctive INSIGHT

What is the case of damage with intent for פיגול ?

הכהנים שפגלו במקדש מזידין חייבין

By definition, the act of פיגול is where a disqualifying thought occurred at the moment of slaughtering an offering. If the one doing the שחיטה intends to eat from the animal or sprinkle its blood at a time beyond the acceptable time framework for this offering, the קרבן is immediately disqualified. The Mishnah teaches that if a kohen intentionally ruins an offering by having intentions of פיגול, he must pay for the damage he caused.

The Achronim note that the critical moment which determines whether פיגול is violated is at the time of slaughter (שחיטה). We know, however, that a non-kohen is allowed to perform this procedure - שחיטה כשירה בזר. Why, then, does the Mishnah illustrate this case with a kohen, when the exclusive input of the kohen is only beyond this point, when the blood is collected and farther? The Mishnah should have used a generic reference and said that anyone who slaughters the offering with פיגול intent is liable to pay for the damage he causes.

Chasam Sofer explains an approach to answer this question based upon a discussion in the Gemara in Nedrim (36a). The issue is whether the kohanim are acting as our emissaries or as the messengers of Hashem in their service in officiating over the offerings. We can illustrate this point by analyzing the act of פיגול. If a kohen is acting purely as our agent (שלוחי דידן), and he has a disqualifying thought while slaughtering the animal being brought for an offering, the owner of the animal can protest and declare that the appointment of the kohen was abrogated as soon as the kohen acted contrary to his mission. If this was true, we would never have a case of פיגול, because if the kohen ever had a wrongful intent, it would be undermined by his agency being cancelled at that moment. This therefore teaches that our Mishnah which features a kohen causing damage is where he is functioning as an agent of Hashem – שליח דרחמנא – and it is dealing with an action which is something other than the שחיטה, as in this capacity the kohen is שליח דידן, and his doing damage with פיגול intent would not be effective. In fact, the only person who could cause a פיגול condition is the owner of the offering himself, but in this case there are no payments for damage to be paid.

This, then, is the reason the Mishnah lists a kohen causing damage, as anyone else doing so would have his role as an agent cancelled as soon as he acts detrimentally. ■

HALACHAH Highlight

Believing an admission that causes others to suffer financially
 אמר ליה ספר תורה ביד מי

He asked him: Who has possession of the Sefer Torah?

It once happened that someone hired a worker to produce kosher wine on his behalf. The worker was paid a significant sum of money for the work that he performed. Some time later the worker approached his employer and informed him that while making the wine he intentionally made it into nesech wine. The worker was prepared to return his salary and the question that required consideration was whether the worker is believed when he declares that another person's property is prohibited. The question was presented to the Shvus Yaakov¹ and he responded that at first glance it would seem that the worker is trusted to declare that the wine of his employer is prohibited. Our Gemara relates that although a person is believed regarding items that are in his possession and once they have left his possession he is no longer believed, nevertheless, the Gemara rules that if the one making the declaration stands to lose a significant sum of money by his admission he is believed. Accordingly, since the worker was prepared to return his salary it would seem that he is believed in his admission that he made the wine into nesech wine.

(Overview. Continued from page 1)

Related to this incident the Gemara seeks the source that the Torah believes a person's claim that in the past he made something invalid or tamei.

Two more related incidents are recorded. ■

Upon further consideration he wrote that it is possible that the worker is not believed even though he is willing to suffer a financial loss by his admission. The issue of reliability will depend upon whether the employer sold the wine. If the employer did not yet sell the wine the only one who will lose as a result of the admission of the worker is the worker himself. If, however, the employer sold the wine for a profit the worker's admission will also cause a loss to his employer since he will have to refund the money he earned by selling the wine. The Torah teaches that a single witness is not believed to force another person to pay (לא יקום עד אחד באיש), therefore, if the worker's admission will cause others to suffer financially he is not believed. This principle can also be inferred from our Gemara when R' Ami asked the scribe who has possession of the Sefer Torah. The significance of the question, explains Shvus Yaakov, was to determine who might lose by believing the scribe's claim that the Torah was invalid because the scribe would not be believed if his admission were to cause others to suffer financially. ■

1. שו"ת שבות יעקב ח"ב סי' ע"א. ■

STORIES Off the Daf

The Mistaken Sofer

"אזכרות שלו לא כתבתי לשמן..."

Sofer is a very big responsibility. One mistaken stroke of the pen can sometimes invalidate an entire sefer Torah. Every holy name of Hashem must be written with proper intention. If one forgot, the Torah cannot be used.

The student of a certain sofer was writing his first sefer Torah. When he came to the phrase, "Adonei Ha'adonim" in parshas Ekev, he was unsure if he needed to be מקדש the word Adonei. His teacher told him to write it without having in mind that he is writing l'shem kedushas hashem. The student did as he was told and continued writing the sefer. They gave the sefer to the purchaser and all was well until the

student who was carefully making his way through Meseches Sofrim found that it states there that Adonei in Eikev does need to be sanctified. He was horrified and quickly told the purchasers that presumably the sefer could not be used, at least until they consulted with a chacham. They all went to the "master" sofer and asked him how he could possibly have made such a blatant mistake. His answer shocked everyone, "I always figured it was obvious that it is not kadosh. In all the sifrei Torah I have ever written I have never sanctified this שם..."

If this statement was true it invalidated over half a dozen sifrei Torah which would cost a veritable fortune to replace. The local Rav consulted said, "I don't think this is so terrible. In Gittin 54 we find that we don't invalidate a sefer even if the sofer claims that he didn't sanctify the sheimos in a sefer Torah unless the Torah is still in the sofer's hands."

But the Rav was not willing to take responsibility, so the Shoel U'meshiv, zt"l was contacted. "This Rav's claim is incorrect. The reason why we don't believe a sofer in Gittin is that he may be lying. He says this to get the one who commissioned the sefer Torah upset. Clearly, in our case, where the teacher told his student a halachah and says he never knew to sanctify this name, he is telling the truth and should be believed. In our particular circumstance, since others may hold that one need not sanctify this shem (see Onkelos there), there is a simple way to correct this problem. He should erase the word and rewrite it with the proper intention in all the Toros he ever wrote. Since the word itself is not intrinsically kodesh and was not yet sanctified, he may certainly erase it even according to the Meseches Sofrim." ■

1. שואל ומשיב, מהדורא א', חלק א', סימן פ"א

