



OVERVIEW of the Daf

1) Loan document (cont.)

Two additional explanations are presented to explain the disagreement regarding liability for transporting a paid loan document.

2) Leather

Rava asked R' Nachman four questions regarding leather on Shabbos.

1. If one transports leather, how much must he transport to be liable?
2. How much leather must be tanned to be liable for tanning?
3. If one transports untanned leather, how much must he transport to be liable?
4. If one transports untanned leather that does not stand to be tanned, how much must he transport to be liable?

R' Nachman responded to all of the inquiries that the amount for liability is the size necessary to make an amulet.

Rava presents three, unsuccessful, challenges to R' Nachman's assertion that there is no difference between processed and unprocessed items.

The Gemara also presents two, unsuccessful, challenges to R' Nachman's position.

3) Parchment

A Baraisa states that the minimum size for transporting parchment is the size upon which a mezuzah can be written, which contradicts the ruling of the Mishnah which ruled that it is the size for writing a small parsha of tefillin.

The Gemara answers that when the Baraisa uses the term mezuzah it refers to the scroll in tefillin. Another Baraisa is cited as proof that the scroll of tefillin is called mezuzah.

Rav ruled that duchsustus is the same as klaf, meaning just as tefillin may be written on klaf so too they may be written on duchsustus.

A series of unsuccessful challenges to Rav are recorded. R' Pappa and the Gemara propose proofs to Rav but the Gemara does find them to be compelling.

A Baraisa quotes the opinion of R' Meir who permits writing a mezuzah on parchment. Accordingly, it is possible, suggests the Gemara, that Rav ruled that klaf is like duchsustus, meaning, just as one may write a mezuzah on duchsustus so, too, one may write it on klaf. ■

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Distinctive INSIGHT

A lesson in Safrus

הלכה למשה מסיני תפילין על הקלף ומזוזה על דוכסוסטוס. קלף במקום בשר, דוכסוסטוס במקום שיער

When the hide is processed, the skin of the animal is split into two parts. The outside piece is called קלף and the inside piece, closer to the flesh, is called דוכסוסטוס. The מזוזה is supposed to be written on the outer part of this inner skin. (Shulchan Aruch O. C. 32:7, according to the interpretation of Rashi and Tosafos in our Gemara). When the Baraisa says that the קלף is toward the flesh, it is referring to the layer of the קלף upon where the writing must take place. In other words, we write the chapters of the shema for the tefillin on the inside of the קלף. Similarly, when the Baraisa says that דוכסוסטוס is toward the hair, it does not mean that the דוכסוסטוס itself is toward the hair, because this it is not the case. Rather, it means that the writing of מזוזה is on the outer-side of this inner layer of skin, which is the side closer to the hair.

There is another term used in this context. A sefer Torah is written upon גויל. This is the full skin, unsplit. The hair is removed and the surfaced is smoothed by being scraped off. On the side facing the flesh of the animal nothing is removed, and it is smoothed out.

Some Rishonim (Rambam, Ramban, Ritva) explain the sugya in the reverse. They say that קלף refers to the inner layer of the skin, which faces the flesh, while דוכסוסטוס is the outer layer of the skin which faces the hair of the animal. When the Baraisa says קלף במקום בשר, it means that the קלף itself is the inside layer of this split skin. Similarly, when it says דוכסוסטוס במקום שיער, it means that this layer is that which is toward the skin, meaning the outer layer of this split hide. According to these Rishonim, the Baraisa does not tell us where the writing itself must be, but they explain that it is not along the split itself, but it is rather along the outside layers of the relative pieces. ■

REVIEW and Remember

1. Why would a borrower be opposed to accepting a receipt?
2. What is the process of preparing a hide?
3. What is another name for the scroll inside of tefillin?
4. Why is it prohibited to use a piece of worn out Sefer Torah for a mezuzah?

HALACHAH Highlight

A Sefer Torah with Mistakes

כיוצא בו תפילין שבלו וספר תורה שבלה אין עושין מהן מזוזה לפי שאין מורידין מקדושה חמורה לקדושה קלה... רש"י שם: ספר תורה שבלה - אין מחתכין ממנה יריעה שפרשיות שמע והיה אם שמוע בתוכה, לקובען במזוזה:

Similarly, tefillin that have worn out and a Sefer Torah that has worn out, one cannot make from them a Mezuzah, because we may not bring down from a more severe sanctity to a lesser sanctity.

Rashi: A Sefer Torah that has worn out - we may not cut the page in which are the paragraphs of Shema and VeHayah Im Shamo'a to place them in a Mezuzah.

Shulchan Aruch¹ rules in accordance with this Gemara. Teshuvos Chasam Sofer² cites a rabbi who asks whether perhaps this is only the law in the case of a Sefer Torah that was kosher at some point. However, in the case of a Sefer Torah that is so full of mistakes that it cannot be read from in public, perhaps it may be permitted to cut out the pages with the paragraphs of Shema and VeHayah Im Shamo'a and make a Mezuzah from these paragraphs?

Chasam Sofer responds, however, that the Gemara states that a Sefer Torah that wore out cannot be made into a Mezuzah. The implication is that if the Sefer Torah has not worn out, and is merely full of mistakes, the requirement to preserve its sanctity would be even greater! For if in the case of a worn out Sefer Torah that is beyond repair, the respective paragraphs may not be removed and used to craft a Mezuzah, how much more so in the case of a Sefer Torah that is merely full of mistakes, that can still be repaired and used to read in public.

Chasam Sofer adds that although Teshuvos Rivash³ writes that a Sefer Torah that has mistakes is categorized as a Chumash, Rivash did not mean that a Sefer Torah with mistakes is on a lower level of sanctity than one that has no mistakes, but only that it may be sold and its money used for other purposes.⁴ Moreover, continues Chasam Sofer, even a Chumash (one of the five books of the Torah written independently) that is written on parchment and made as a scroll is of the same level of sanctity as a Sefer Torah - although it is not proper to read from it in public.

Maharal⁵ takes this a step further and states that one may continue to read in public from a Sefer Torah which is missing letters or has extra letters, as its sanctity is the same as a Sefer Torah with no mistakes. He explains that although a Sefer Torah with mistakes has the status of a Chumash, in fact, even a Chumash is only ineligible for public reading because it is not proper to fulfill the congregation's obligation to hear the Torah reading from a scroll that contains only a part of the Torah. In the case of a Sefer Torah that has some mistakes, however, the entire Torah is present in the scroll, and therefore it can be used to fulfill the congregation's obligation.⁶

On the basis of these Poskim and other sources, Teshuvos Tzitz Eliezer⁷ rejects a certain essay that stated that some individuals attempt to refrain from accepting aliyos lest the Sefer Torah to which they are called contains mistakes. He concludes that it is not mandatory to submit a Sefer Torah to a computer scan to ascertain whether it contains too few or too many letters, and that such practice is laudable, but not essential, so long as the Sefer Torah underwent a comprehensive check by a reliable Sofer.⁸

1. שו"ע יורה דעה סימן ר"צ:
2. שו"ת חתם סופר חלק ב' (יו"ד) סימן רע"ט, הובא בפתחי תשובה שם סי"ק א'.
3. סי' רפ"ו, עיין ברמ"א יורה דעה סימן רפ"ב סעיף י"ח: יחיד שמוכר ספר תורה שלו ותשמעו יש מי שמתיר להשתמש בדמיו ויש מי שאוסר (ואם היו בה טעויות לכ"ע שר"י ריב"ש סי' רפ"ו) ועיין בא"ח סימן קנ"ג:
4. שו"ת חתם סופר שם: מ"ש הריב"ש סס"י רפ"ו דס"ת שיש בו טעות אינו אלא כחומש היינו התם כ"י דאע"ג דז"ט"ה במעמד אנשי העיר יכולים למכור בה"כ וכל הנשני במשנתנו ולהתני' ולהוריד המעו' מקדושתו כ"י שם דס"ת שלא ניתן למכור כלל כיון דלית ל"י עילוי כלל ומכיון שלא ניתן למכור לא יועילו ז"ט"ה אך אם נמצא בו פסול ואינו אלא כחומשים שנמכרים להעלות לקנות בדמיהם ס"ת שלם ומכיון שניתנים למכירה שוב נמכרים ע"י ז"ט"ה ומתנין לשנות דמיהם אפי' למשתי' ב"י שכרי אבל לא ח"ו להורידם מקדושת עצמם לעשות מהם מזוזה.
5. תפארת ישראל - פרק ס"ז
6. עיין בשו"ת צ"ץ אליעזר חלק יח סימן נו שכתב: ואם בכמה פריטים לא נהגינן כהכרעת המהר"ל מפראג בזה, אבל לדבר זה שיש קדושת ס"ת גמורה גם כשחסר בה אותיות או תיבות, בודאי ובודאי שההכרעה היא בכזאת. וכפי שמצאנו להנ"י והח"י ויתר הגדולים שס"ל ג"כ בכזאת וכנ"ל.
7. שם: בכתבי עת פורסם מאמר שנאמר שם בפשיטות כי ספר תורה שנמצא בה טעות טעון תיקון בחסר או ביתר, וכדומה, אזי עד שמתקנים זאת הס"ת יורדת מקדושתה ודינה כסתם חומשים, ולא עוד אלא שמתברר על למפרע שכל הברכות שברכו עליה היו ברכות לבטלה, ובהוספת נימה שבגלל כן היו כאילו אנשי מעלה כאלה ששמעו א"ע עד כמה שאפשר שלא לקבל עליה לתורה.
8. שם, בסוף התשובה: ובדרך כלל, כל ס"ת שנבדקה בידי מגיה מומחה ושם חותמו על כשרותה, הרי היא קיימת ועומדת בחזקת כשרות, ואין מקום לחששות כלל, כאשר כן הוא בכל התורה כולה דמעמידין בכזאת ללכת בתר רוב או בתר חזקה, ולא ניתנה תורה למלאכי השרת. מובן שאם אחד רוצה להרבות בבדיקות נוספות ע"י מכות - מחשבים שהמציאו, וכדומה, ובידו היכולת לכך, הרי זה משובח. אבל חיוב ליכא, ולו גם מבחינה זאת כדי שלא להוציא לעו' על רבבות ספרי תורה קודמים של ימינו ושל ימים ראשונים, כפי שנוכחים באמת לדעת מרמזים שרמזים לכך בדברי המעוררים להוציא לעו' כזה ח"ו, וחז"ל חששו מאד על כך אפילו במקום שהלעו לא נכון, כדמצינו בכמה מקומות קלות וחמורות שאין כאן המקום לפרטן. עיי"ש.

Gemara GEM

The Mezuzah—A Single Parchment

אין עושים מהם מזוזה

The Gemara teaches that if the written paragraphs of a Sefer Torah or tefillin have worn out and cannot be used anymore, we are not allowed to salvage the remaining parchment with the paragraph for a mezuzah and affix it to our door. This is because we are prohibited to take an item on a higher level of holiness (Torah or tefillin) and to use it for something of a lower level of holiness

(in this case, a mezuzah).

Rashi explains that we should not take the paragraphs of Shema and **אם שמוע** והיה והיה **אם שמוע** and cut them out from their respective places in the Torah or tefillin parchments, and place them into the mezuzah on our doorpost. Tosafos points out that these paragraphs are not adjacent to each other in the Torah. In order to use them in a mezuzah, they would have to be cut out from their respective places and then sewn together. Rather, Tosafos explains that we are speaking about a situation where the first paragraph of Shema is written at the bottom of a column in a Torah. The suggestion would be to take this paragraph and to

write below it (on the blank space) the next paragraph of **אם שמוע** והיה, thus completing the mezuzah. Nevertheless, this is not acceptable, because it would be a diminution of the holiness of the Torah.

Rashi, as noted, apparently holds that the single parchment which comprises a mezuzah can be made of several pieces sewn together. This is consistent with the comment of Rashi to Menachos 32a (**די"ה ודילמא להשלים**). Tosafos refuses to consider this explanation, as they question whether a mezuzah can be made up of several pieces of parchment sewn together (**די"ה ודילמא**). ■

