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Gittin Daf 54

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Daf Notes is currently being dedicated to the neshamot of

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

### **Rabbi Meir's Viewpoint**

[The Gemora above had stated that Rabbi Meir imposed a penalty on one who inadvertently violated a Rabbinical transgression.] The Gemora asks on this from the following braisa: If a non-Kohen inadvertently ate *terumah* which was *tamei*, he must repay the Kohen with *chullin* (unconsecrated) produce that is *tahor*. (That which he compensates the Kohen with replaces the *terumah* and acquires *terumah* sanctity; this is why he pays him with produce that is *tahor*.) If he paid the Kohen with *chullin* that is *tamei*, Sumchos says in the name of Rabbi Meir: If he used *tamei* produce inadvertently, the repayment is valid (this *tamei* produce now becomes *terumah*, and he has no further obligation). If he used *tamei* produce intentionally, the repayment is invalid (the Rabbis penalized him; the *tamei* produce is returned to him and he must repay the Kohen with *tahor* produce). The Chachamim say: Whether he did so inadvertently or willingly, the repayment is valid, and he must repay again with *tahor* produce (this second repayment does not acquire *terumah* sanctity).

The Gemora asks on Rabbi Meir: Rabbi Meir ruled that if a non-Kohen inadvertently ate *terumah* which was *tamei*, and he deliberately paid the Kohen with *chullin* that is *tamei*, he is penalized, and the repayment is invalid. Why should that be the case? On the contrary, let him be blessed for doing such a noble thing! He ate something that was unfit for the Kohen to eat while he

was *tamei* (for a Kohen is always forbidden from eating *terumah tamei*), and he is repaying him with something (that he thinks) is fit for the Kohen to eat while he is *tamei* (in truth, the Kohen will not be able to eat this because the *tamei chullin* produce becomes *terumah tamei*).

Rava answers: It is as if the braisa was missing some words, and this is what the braisa is teaching us: If a non-Kohen inadvertently ate *terumah* which was *tamei*, he repays the Kohen with anything (even with *chullin* produce that is *tamei*). If he ate *terumah* which was *tahor*, he must repay the Kohen with *chullin* (unconsecrated) produce that is *tahor*. If he paid the Kohen with *chullin* that is *tamei*, Sumchos says in the name of Rabbi Meir: If he used *tamei* produce inadvertently, the repayment is valid (this *tamei* produce now becomes *terumah*, and he has no further obligation). If he used *tamei* produce intentionally, the repayment is invalid (the Rabbis penalized him; the *tamei* produce is returned to him and he must repay the Kohen with *tahor* produce). The Chachamim say: Whether he did so inadvertently or willingly, the repayment is valid, and he must repay again with *tahor* produce (this second repayment does not acquire *terumah* sanctity).

Rav Acha the son of Rav Ika presents his proof: The argument here is whether the Rabbi penalized an inadvertent action on account of a deliberate one.

Rabbi Meir holds that we do not penalize such an action, whereas the *Chachamim* maintain that we do. [This would contradict our conclusion above regarding Rabbi Meir's viewpoint!]

The *Gemora* answers: This case is not comparable to ours, for in this case, the man is intending to pay! Should we get up and penalize him?! [Certainly not! However, in our case, although it was not deliberate, he did contaminate his fellow's produce, or he did mix *terumah* into his fellow's produce!]

The *Gemora* asks from another *braisa*: If the blood of a sacrifice became *tamei* and a *Kohen* nonetheless threw the blood against the *mizbeiach* (Altar), the *halachah* is as follows: If he did so inadvertently, the offering is accepted, but if he did so intentionally, the offering is not accepted. [Evidently, the penalty is imposed upon someone who violated a Rabbinical prohibition inadvertently!]

The *Gemora* answers: This case is not comparable to ours, for in this case, the *Kohen* is intending to atone for the owner of the *korban*! Should we get up and penalize him?! [Certainly not! However, in our case, although it was not deliberate, he did contaminate his fellow's produce, or he did mix *terumah* into his fellow's produce!] (54a)

### **Rabbi Yehudah's Viewpoint**

[The *Gemora* above had stated that Rabbi Meir imposed a penalty on one who inadvertently violated a Rabbinical transgression.] The *Gemora* asks on this from the following *braisa*: If *orlah* (the fruit that grows from a tree; the first three years of its life, they are forbidden for all benefit) nuts fell among others (it cannot be nullified even though it fell into a mixture which was two hundred times the amount of the

*forbidden nuts; this is because these particular nuts are significant, and significant items cannot be nullified even in a mixture of a thousand*) and were then smashed (and now they may become nullified, for they lost their significance), whether they were smashed inadvertently or deliberately, they are not nullified in the mixture. These are the words of Rabbi Meir and Rabbi Yehudah. Rabbi Yosi and Rabbi Shimon, however, say that if it was smashed inadvertently, they are nullified, but if it was done deliberately, they are not. Now, this is most certainly only a Rabbinical matter, for Biblically speaking, all items may be nullified if they are a minority. Nevertheless, Rabbi Yehudah holds that we penalize the inadvertent "smasher" on account of the deliberate one!?

The *Gemora* answers: Rabbi Yehudah's reason there is because without this penalty, the "smasher" may act cunningly (and say that he smashed them inadvertently). (54a – 54b)

### **Mishna**

*Kohanim* who purposely make a *korban piggul* (a *korban* whose *avodah* was done with the intention that it would be eaten after its designated time) must pay the owner for the damage (a new animal). (54b)

### **Believing One Witness**

The *Gemora* cites a *braisa*: If a man is helping another to prepare *tahor* things, and he says to him, "The *tahor* things that I have prepared with you have become *tamei*," or if a *Kohen* is helping another with sacrifices, and he says to him, "The sacrifices with which I have been helping you have been rendered *piggul*," he is believed. If, however, he says, "The *tahor* things, which I was preparing for you on such-and-such a day, have become *tamei*," or the sacrifices with which I was

assisting you on such-and-such a day have been rendered *piggul*," he is not believed.

The *Gemora* asks: Why is the rule different in the first case from that of the second?

Abaye answers: So long as it is in his power to effect now that which he said he has done, he is believed. [The *braisa* is speaking of a case where he says this while he is still helping the other; he is then believed because he can still render the *korban piggul*.]

Rava answers: We do not believe him if for instance, he came across him but said nothing to him, and then, when he came across him again, he told him.

The *Gemora* cites an incident: A certain man said to another, "The *tahor* things, which I was preparing for you on such-and-such a day, have become *tamei*." He presented the case to Rabbi Ami, who said to him: According to the strict letter of the law, he is not believed.

Rav Assi asked him: My teacher, is this really what you say? But Rabbi Yochanan has distinctly said in the name of Rabbi Yosi: What can I do, seeing that the Torah has believed him (*the Torah trusts one witness even after some time, when it is not in his power any longer*)!?

The *Gemora* asks: Where do we find that the Torah believes one witness?

Rabbi Yitzchak bar Bisna replied: The proof is from the *Kohen Gadol* on *Yom Kippur*, since if he says that the sacrifice (*the bull or the goat, which was sprinkled in the Holy of Holies*) is *piggul*, we believe him. Now, how do we know that it is *piggul*, seeing that it is written: *And there shall be no man in the Tent of Meeting (at the*

*time when the Kohen Gadol enters the Kodesh*)? Rather, it must therefore be that he is believed.

The *Gemora* asks: But perhaps this is because we heard him make it *piggul*?

The *Gemora* answers: If he were not believed, we could not believe him, even if we heard him, since he might have said this after concluding the service.

The *Gemora* asks: But perhaps he was seen through the doorway?

The *Gemora* concludes: This is indeed a difficulty.

The *Gemora* cites another incident: A certain scribe came before Rabbi Ami and said to him, "In a Torah scroll which I have written for So-and-so, I did not write the names of Hashem with proper intention." He asked him: Who has the scroll now? He replied: The purchaser. Whereupon, Rabbi Ami said to him: Your word is good to deprive you of your wages, but it is not good to ruin a Torah scroll.

Rabbi Yirmiyah asked him: Granted that he has lost his wages for the Names, but why should he lose it for the entire scroll? He replied: Yes, because a scroll in which the Names of Hashem have not been written with the proper intention is not worth anything.

The *Gemora* asks: But can't he go over them with a pen and so sanctify them? Will you say that Rabbi Ami does not hold of Rabbi Yehudah's viewpoint? For we have learned in a *braisa*: A scribe was supposed to write the Name of Hashem in a Torah scroll, and instead, intended to write the name Yehudah. [The name Yehudah is similar to the letters in the Name of Hashem,

except that the word *Yehudah* has a letter “*dalet*” between the “*vav*” and the “*hey*.”] He forgot to insert the “*dalet*” and ended up writing the Name of Hashem but without the required intention necessary to write the Holy Name. Rabbi Yehudah posits that the scribe can pass his quill over the Name of Hashem and have the proper intention of writing the Name. The *Chachamim* disagree, claiming that this is not the best way to write the Name of Hashem, and the Sefer Torah is subsequently invalid.

The *Gemora* notes: You may even say that he is in accordance with Rabbi Yehudah. For Rabbi Yehudah would allow this only in the case of one mention of Hashem’s Name, but not throughout a whole scroll, because the Torah would appear spotted.

The *Gemora* cites another incident: A certain scribe came before Rav Avahu saying, “In a Torah scroll which I have written for So-and-so, I did not prepare the parchments for their sake.” He asked him: Who has the scroll now? He replied: The purchaser. Whereupon, Rav Avahu said to him: Since your word is good to deprive you of your wages, it is also good to ruin a Torah scroll.

The *Gemora* asks: What is the difference between this case and that of Rabbi Ami?

The *Gemora* answers: In that case it might be argued that the scribe mistakenly adopted the view of Rabbi Yirmiyah (*that he would lose only his wages regarding the Names of Hashem*), but here, since he is losing his entire wages and yet comes and tells us (*that the parchments were not tanned correctly*), we presume that he is telling the truth. (54b – 55a)

#### QUESTIONS AND ANSWERS FROM YESTERDAY’S DAF

to refresh your memory

Q: Is compensation for an unrecognizable damage Biblically mandated, or is it only Rabbinical? Why is he exempt if he did it inadvertently, but he is liable when done deliberately?

A: Chizkiyah says that he is Biblically liable. He is exempt from paying when he did it inadvertently so that he will confess and notify us regarding it. R’Yochanan holds that he is Biblically exempt from paying. The reason why he is liable for a deliberate damage is because of a penalty so that people don’t cause such damages.

Q: According to R’ Meir, is one liable for accidentally making someone’s wine Yayin Neshech? Why?

A: He is liable. Although he holds that one is exempt when he inadvertently violates a Rabbinical prohibition, nevertheless, since Avodah Zara is very strict, here he is liable.

Q: Why according to R’ Meir do we penalize one who planted a tree during *shemita*, but not if he planted one on *Shabbos*?

A: It is because every one knows that he planted on *shemita* and if we don’t tell him to uproot it, people will think that it is permitted to plant during *shemita*. Also because we are concerned that people will violate *shemita*, but not *Shabbos*.