

18.05.07

54b (משנה 37) → 55b (משנה 37)

1. וְכָל אֶדָם לֹא יִקְהָה בְּאֵהָל מוֹעֵד בְּבֵאוֹ לְכַפֵּר בְּקֹדֶשׁ עַד צֵאתוֹ וְכִפֹּר בְּעֵדוֹ וּבְעֵדוֹ בֵּיתוֹ וּבְעֵדוֹ כָּל קְהָל יִשְׂרָאֵל: וְיִקְרָא טו, יז

- I 37 משנה ד: if generate כהנים intentionally, they are obligated to pay
- a ברייתא: if A is working with B's טהרות and tells him that they are טמא – believed (same with קרבנות → פיגול)
- i however: if A tells B afterwards – not believed
- 1 explanation for distinction #1 (אבי): while they are in his hands, he is believed (נאמן) (כל שבידו נאמן)
 - 2 explanation for distinction #2 (רבא): could have been a case where A saw B and said nothing, then told him
- ii story: man claimed that the טהרות with which he was working were טמאים –
- 1 ר' אמי – no credibility
 - 2 ר' אסי – ר' יוחנן – ר' אסי gave him credibility as per v. 1 (כה"ג is alone in מקדש and is believed about פיגול with the פר ושעיר של יוה"כ)
 - (a) Challenge: perhaps that's only if we heard him say that he was מפגל
 - (i) Answer: we wouldn't believe that statement either if we didn't believe him about פיגול
 - (b) Challenge: perhaps we saw him through the opening – קשיא
- iii Story: ר' אמי told סופר (mentions of 'ה' Name) in a ס"ת he had written and sold were not written לשמן לוקח
- 1 Ruling: he's believed to forfeit his wages – but not to invalidate the ס"ת, since it's in the possession of the לוקח
 - (a) Challenge (ר' ירמיה): why should he lose the wages for the rest of the ס"ת?
 - (i) Answer: a ס"ת with improperly written אזכרות is worthless
 - (b) Challenge: why not trace over the Names properly (as per יהודה ר' יהודה's solution for one improper אזכרה)
 - (i) Answer: perhaps he doesn't accept יהודה ר'
 - (ii) Note: even יהודה ר' wouldn't allow for that if all the אזכרות were improper - it will look spotted
- iv Story: ר' אבהו told סופר that the parchment of the ס"ת he had prepared and sold was not prepared לשמה
- 1 Ruling: since he's believed to forfeit his wages, he's believed to invalidate the ס"ת
 - 2 Explanation for distinction (from ר' אמי): in this case, he would have no reason to say it if he weren't telling the truth, knowing that he'd lose the entire שכר
- II 'ה: testimony of עולם בן גודגודא ר' יוחנן בן גודגודא about various עולם
- a if a חרשת was married off by her father – she may be divorced
- i implication: her consent isn't needed
- ii therefore: if he told the עדים that it was a גט but told her that it was a שט"ח (e.g. he was afraid of confrontation) – valid
- 1 challenge: this should be obvious
 - 2 response: we would think that his statement to her was a retraction of his original intent – קמ"ל
- b a קטנה who was married (קידושי מיאון) to a כהן – that she may eat תרומה, and if she dies, he inherits her estate
- i note: we don't allow a חרשת (who is married to a כהן) to eat תרומה
- 1 reason: precaution against a חרש feeding a חרשת
 - (a) challenge: that's not a violation, as it is a קטן אוכל נבילות, as it is a חרש
 - (b) answer: that itself is a precaution against a חרש feeding a חרשת – even תרומה דרבנן, as a precaution against תרומה דאורייתא
- c a stolen board built into a building – that the thief only need return its value - מפני תקנת השבים (encourage reparation)
- i note: this follows ב"ה ש"ב; ב"ה maintain that he must destroy the building and return the board as השבת הגולה
- d a stolen חטאת which is not publicly known (to be stolen) is brought to the מזבח and the (new) owner need bring no other
- i Reason: מפני תקנת המזבח
- 1 Explanation #1 (עולא): essentially, even if unknown, shouldn't be מכפר - since יאוש alone doesn't generate a קנין
 - (a) However: מפני תקנת המזבח – that the כהנים shouldn't feel bad that they ate בעזרה – we allow it
 - 2 Explanation #2 (ר' יהודה): essentially, even if known, should be מכפר – since יאוש alone does generate a קנין
 - (a) However: מפני תקנת המזבח – that people shouldn't say "the מזבח is devouring stolen animals" – we forbid
 - (i) Note: according to עולא, חטאת is reasonable; to ר' יהודה – it must be "even חטאת" (certainly עולה)
 - (ii) Note: according to ר' יהודה, we have to read משנה as "permitted (→if known, prohibited) מפני תקנה"
 - (b) Challenge (רבא): if A stole animal, was מקדיש, then טבח ומכר – only pays כפל; if he slaughtered it בחוץ → כרת
 - (i) Explanation: if יאוש alone doesn't generate a קנין, it's not his to be מקדיש → no כרת
 - (ii) Answer: רבנן placed it in his possession (from point of הקדש) to be מחייב him → כרת
 1. note: if only his from moment of הקדש, must pay for גזילות וולדות until גזילה