

Toldot Shimshon

by Rabbi Shimshon Chaim Nachmani zt"l

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Chapter IV – Mishnah 16

רבי יהודה אומר, הני זהיר בלימוד, ששגגת לימוד עולה זדון.

Rabbi Yehudah said: “Be careful in study, for an error in study counts as willfulness.”

בִּירוּרָה דעה סימן צ"ט אמרינו, אין מבטלין איסור לכתחלה. עבר ובטלו, בשוגג מותר, ובמזיד אסור. ופשט הלשון של בשוגג, היינו שנתערב זה האיסור בשוגג, עם דבר המותר. אבל הט"ז כתב שם, שמי ששעה וסבר דמותר לבטל, שאף זה מקרי שוגג. וסמך עצמו על דיבור התוספות בבכורות דף כ"ג. והפרי חדש שם ס"ק י"ב חלק עליו וכתב, שמדברי התוספות ליפא למידק מדי, ואדרבא האי שוגג, גריעא טפי משוגג דעלמא, ועי"ש.

In the Shulchan Aruch, Yoreh Deah, siman 99, seif 5, we said: “We may not intentionally nullify a prohibited food item [by diluting it so that it is less than 1/60th of a mixture] If they did so unintentionally, the food is now permitted. But if they did so intentionally, the food is prohibited.”

The commentators question what the word “unintentional” means.

The simple explanation of the language of “unintentional,” is that the prohibited food item was unintentionally mixed into something permitted. I.e., the person didn’t know the item was prohibited until after he mixed it in, and at that point, the prohibited part was less than 1/60th of the total mixture.

But the Taz¹ wrote in his commentary there, that whoever erred and was of the opinion that it was permissible to nullify it, that even this was called unintentional. I.e., the person did know the item was prohibited, but he thought that he could intentionally nullify it by mixing it with at least 60 times the amount of a permitted food. [The Taz] supported himself based upon the words of the Tosafists in tractate Bechorot 23a.²

But the commentary of the Pri Chadash³ there disagreed and wrote that we can’t infer that, and to the contrary, this person we are referring to as an unintentional sinner is worse than an actual unintentional sinner of the world.

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¹ Rabbi David ha-Levi Segal (c. 1586–1667) (“Taz”), Polish rabbi known for his commentary on the Shulchan Aruch entitled *Turei Zahav* (Lublin 1646).

² The Tosafists write: “There is an opinion there that if done unintentionally they are nullified. Perhaps here he is considered to have acted ‘unintentionally’ when he thinks that it is permitted to nullify.”

³ Hezekiah da Silva (1659–1698), *Pri Chadash* (Amsterdam 1692).

וְלִכְּנֹן אָמַר, הֲגוֹי זְהִיר בְּלִימוד, כְּלוֹמַר, לְזִכּוֹר מַה שְּׁלִמְדַתָּ, אוֹ לְלַמּוֹד פֶּלַח הַצָּרִיד לָךְ. שְׁהָרִי שׁוּגְג בַּתְּלִמוד שְׁסוּבֵר שְׁהִדִּין כָּךְ, וְהוּא לְהִפְךָ, אֵינּוּ נִקְרָא שׁוּגְג. אֶלָּא עוֹלָה זְדוּן, אִף עַל פִּי שְׁאִינּוּ מְזִיד מִמֶּשׁ, מִכָּל מְקוֹם עוֹלָה כְּמוֹ זְדוּן, שְׁהָרִי הוּא יוֹתֵר מִהַשׁוּגְג.

Therefore, [Rabbi Yehudah] said: “Be careful in study,” as if to say, be careful to remember what you have learned, or to learn all that is necessary for you to learn. For one who errs in learning Torah, who is of the opinion that the law is such a way, when it is the opposite, is not considered one who has made an unintentional mistake. Rather, this rises to the level of willfulness, for even though he is not exactly an intentional sinner, nevertheless it rises similarly to the level of willfulness, for he is more culpable than an unintentional sinner.

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