

The Weekly Daf



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Shabbos 65-71

Week of 6-12 Shevat 5758 / 2-8 February 1998
Rav Weinbach's insights, explanations and comments for the 7 pages of Talmud studied in the course of the worldwide Daf Yomi cycle

Is Ignorance of the Law an Excuse?

If a person violates the Sabbath because he is unaware of the law in the Torah prohibiting creative labor on that day, is he considered completely free from sin because of his ignorance? Or is he placed in the same category as one who merely forgot that today is the Sabbath, or forgot that this particular type of activity is prohibited on the Sabbath, and is therefore obligated to bring a sin offering as atonement?

This issue is debated by the greatest of the Talmudic Sages. The halachic authorities rule that even one who is ignorant of the law because he was taken into heathen captivity as a child and never heard of the laws of Shabbos is obligated to bring a sin offering as atonement. This rule is also applied later in this *perek* (72b) to one who commits idolatry or eats forbidden animal fat on the assumption that it is permissible to do so. (The only exception to the rule, points out Tosefos, is the case of manslaughter, where ignorance of the law is considered different than an act of involuntary murder, and therefore does not obligate the perpetrator to be exiled to one of the cities of refuge.)

How can we understand the need for atonement in such a case? An understanding can be gained from the explanation provided by Rambam (*Vayikra* 4:2) for the need of sacrificial atonement for *any* involuntary sin. The very experience of sin, he writes, even if it is not a willful act, contaminates man's soul and renders him incapable of approaching his Creator until he achieves rehabilitation through the sacrifice.

Beyond the question of sacrificial obligation, the issue of ignorance of the law crops up in other areas of halacha. We shall cite two issues which seem to take this concept in opposite directions because of the radically different circumstances.

Torah law forbids a man to remain married to a wife who has willingly been unfaithful to him, but condones perpetuation of the marriage (unless the husband is a *kohen*) if she was forced into adultery against her will or through error. What if she willingly committed adultery because she thought it was permissible? In *Shulchan Aruch Even Haezer* 178:3 the Rema rules, on the basis of a landmark decision of the Maharik (*Shoresh* 168), that she is forbidden to her husband. His reasoning is that the Torah explains the termination of the marriage on the grounds that she was unfaithful, and not on the basis of how severe her sin was.

In regard to the halachic ramifications of a Jew publicly violating the Sabbath, we find an interesting point made a little over a century ago by Rabbi Yaakov Ettinger in his *Responsa Binyan Zion* (Vol. II, Resp. 23), about considering a Jew brought up in a non-observant environment a "*tinok shenishba*" and not to be regarded as one who willingly violates the Sabbath.

Shabbos 68b

An Appeal for Prayer

A Jew whose improper behavior has brought upon him the leprosy-like condition of being a "*metzora*" is obligated not only to rend his garments, let his hair grow and isolate himself from his family and community, but also to call out to those who pass near him that he is *tamei* (ritually impure).

What is the reason for requiring him to make his condition public knowledge?

One approach (*Toras Kohanim* quoted by Rashi on *Vayikra* 13:45) is that his announcement serves as a warning to people to stay away from him and thus avoid contaminating themselves through contact with him.

In our *gemara*, however, we are told that the purpose of his declaration is to make others aware of his plight and thus inspire them to pray for his recovery.

This concept is extended to painting a tree which prematurely sheds its fruit. Painting a tree calls public attention to its condition and inspires prayer for its recovery.

While it is readily understood that the ailing tree must have humans praying for it, there is a definite difficulty in understanding why the *metzora* cannot pray for himself. Why must he be so dependent on the prayers of others?

Iyun Yaakov cites the Zohar in Parshas Metzora, which states that the anti-social behavior of the *metzora* has disqualified him from having his own prayer accepted. He is therefore totally dependent on the prayer of others. In support of this approach he cites the example of Miriam who needed her brother Moshe to pray for her when she was afflicted with this *metzora* condition, and was not capable of praying for herself.

Shabbos 67a

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