

זכור ולבסוף שכוח – It was remembered and eventually forgotten

OVERVIEW

The גמרא (in explaining the זכור ולבסוף שכוח (regarding שכוח) it is not considered שכוח. However, if it was שכוח מעיקרו then it is שכוח. Our תוספות will clarify what is זכור ולבסוף שכוח and what is שכוח מעיקרו

פירוש¹ זכור בשעה שהשכחה מתחלת שכבר שכחוהו פועלים ולבסוף שכח גם הוא –
The explanation of זכור ולבסוף שכוח is that it was remembered by the owner when the forgetting began,² meaning that the workers already forgot this bundle, but the owner remembered it (this is the meaning of זכור); and eventually the owner also forgot, this is the meaning of זכור ולבסוף שכוח -

ושכוח מעיקרו הוי כששכחו הפועלים שכח גם הוא –
And שכוח מעיקרו (initially forgotten) is in a case where (as soon as) the workers forgot the bundle, he also forgot it. He did not remember the bundle at the time when the workers forgot it.³

negates an alternate interpretation and explains why:

אבל מה שהוא זכור בשעה שהפועלים זוכרין אין זה זכור ולבסוף שכוח –
However this which the owner remembers when the workers remember (and he forgot before the workers forgot), this is not considered 'זכור ולבסוף שכוח' -

דאם לא כן לא תמצא שכחה לעולם דכששדהו מלאה עומרין יאמר יזכה לי שדי:
For if you will not assume so (but rather maintain that as long as the owner remembers at any point, even when the workers remember, it is called זכור (שכחה) and it is not שכוח), then you will never find a case of שכחה, for when his fields are filled with bundles (of grain) the owner will say⁴, 'my field should acquire for me (any bundles which the workers forget.)'!

SUMMARY

¹ The word פירוש in תוספות indicates a negation of an alternate (and usually more cursory) interpretation of the גמרא. Here תוספות is negating the explanation mentioned later in this תוספות.

² The initial moment the workers forgot the bundle, at that very moment the owner remembered the bundle. His remembering could have begun earlier but it must also be there the moment the workers forget.

³ In order to be considered שכוח מעיקרו the owner's forgetfulness can begin at any stage provided he does not remember at the moment the workers forget.

⁴ See 'Thinking it over' # 1.

means that he remembered when the workers forgot.

THINKING IT OVER

1. Why did תוספות have to say that the owner will 'say' לי שדי⁵; זכתה⁶ seemingly even without saying anything his שדה will be זוכה for him as taught us⁷ previously?

2. The rule is that if when the פועלים forgot, the בעה"ב did not remember, then it is שכחה [even though he remembered before the פועלים forgot]; if however the בעה"ב remembered when the פועלים forgot, then it is not שכחה. What is the logic behind this distinction?⁸

⁵ See footnote # 4.

⁶ בד"ה זכתה.

⁷ See בל"י אות שע.

⁸ See בל"י אות שסה and נח"מ.