

זומר וצריך לעצים חייב שתים –

One who prunes and needs the wood; he is liable twice

OVERVIEW

ר' כהנא ruled that if one prunes a tree בשוגג, and intends to use the wood, he is liable for two קרבנות חטאת, one for נוטע (the pruning helps the tree grow) and one for קוצר (he is harvesting the wood). Our גמרא reconciles our גמרא with a seemingly contradictory גמרא.

anticipates a difficulty:

והא דאמר בפרק זה בורר¹ (סנהדרין דף כו, א) תו חזיוה ליהוא גברא דהוה קא כסח -

And this which the גמרא relates in פרק זה בורר; they then saw a certain person who was pruning his vineyard -

אמר להן כהן וזמיר² אמרו ליה יכול לומר³ לעקל בית הבד אני צריך -

ר"ל said to them, 'he is a **כהן** and pruning on שביעית'. They replied to the pruner can say, I need the vines for tying down the olive press beam on the olives. This concludes the תוספות continues with his question -

אף על גב דהכא אמר חייב משום נוטע⁴ -

Even though that here רב כהנא ruled that he is חייב on account of נוטע, regardless that he is pruning because he needs the wood!

תוספות responds:

התם מיירי בכהאי גוונא שאין האילן מיתקן⁵ בכך⁶ אלא⁷ מתקלקל:

There (by שביעית) we are discussing a case in such a manner that the grapevine is not improved by this pruning, but rather it is ruined by his pruning. Therefore he is פטור there.

SUMMARY

One is חייב for זומר (if it is beneficial), even if his (primary) objective is for another

¹ The גמרא relates that ריש לקיש joined up with two אמוראים on their travels, when they saw those sights mentioned there.

² The וּכְרַמְךָ לֹא תִזְמֹר is אָסוּר as the תּוֹרָה writes שְׁבִיעִית. Pruning on שְׁבִיעִית there mentions that כְּהֲנִיִּם are גִּמְרָא (ויקרא [בהר' כהד.]).

³ He is not necessarily transgressing any איסור, since he has no intention of pruning the tree, but rather he needs the vines for something else.

⁴ Here he is זומר because he needs the wood, but nevertheless he is חייב משום נוטע, so there too even though he needs the עצים for the בית הבד, he still should be חייב for זומר on שביעית!

⁵ See 'Thinking it over' # 1.

⁶ However, in our case here, even though he needs the wood, but the tree is improved by his pruning.

⁷ See 'Thinking it over' # 2.

purpose.

THINKING IT OVER

1. If the case in שביעית is where there is no improvement to the tree,⁸ why did ר"ל say כהן וזומר הוא, and why did they not answer him, 'he is מקלקל' (instead of saying (לעקל בית הבד אני צריך)?!⁹

2. תוספות writes that in שביעית he was מקלקל;¹⁰ what would be the ruling if he is not מתקן and not מקלקל?¹¹

⁸ See footnote # 5.

⁹ See אור החמה.

¹⁰ See footnote # 7.

¹¹ See פני אברהם.