

OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah begins with the basic laws of the mitzvah to give the foreleg, jaws and abomasum to the kohen. The next section of the Mishnah addresses the case of animals that became blemished.

2) Gifts from consecrated animals

The Gemara questions the Mishnah's thought that were it not for the exposition one would have thought that one is obligated to give gifts from sanctified animals as well.

After numerous rejected suggestions the Gemara succeeds at explaining why one would have thought that one must also give gifts to the kohanim from sanctified animals.

An alternative kal vachomer than the one presented in the Mishnah is suggested.

This kal v'chomer is rejected due to an exposition.

The need for this exposition is challenged.

3) Damaging gifts to the kohen

R' Chisda rules that one who damages gifts to the kohen is exempt and proves this from an exposition and based on a halachic principle.

Four unsuccessful challenges to this ruling are presented. ■

REVIEW and Remember

1. What is the source that the gifts of the foreleg, jaws and abomasums are not given from sanctified animals ?

2. How do we know that חזה ושוק are not given from unconsecrated animals ?

3. What is the reason one who damages priestly gifts is not liable ?

4. What behavior did R' Chisda describe as pious ?

*Today's Daf Digest is dedicated in loving memory of our father
 Jerome Isaacs - ירוחם בן אברהם
 by his sons
 Mel, Les and Harvey Isaacs*

Distinctive INSIGHT

Meat gifts for the kohen

כל הקדשים שקדם מום קבוע להקדשן ונפדו חייבין בבכורה ובמתנות ויוצאין לחולין להגזז ולהעבד

There is a positive mitzvah for one who shechts an animal to give a kohen specific parts of the animal, as described in Devarim 18:3. These parts are the foreleg, the jaw and the stomach. These are generally referred to as "מתנות—gifts," and they are one of the twenty-four categories of priestly gifts (Rambam, Hilchos Bikkurim 9:1). These gifts are delineated in a Beraisa on 133b.

The Mishnah teaches that this mitzvah only applies to animals which are not consecrated for the Altar. The verse in Vayikra (7:34) discusses the portions of a shelemim offering which are given to the officiating kohen, and it indicates that the kohen receives only the breast and the thigh. This teaches us the general rule that a kohen does not receive the other "gifts" when the animal is consecrated for an offering. If an animal which has a permanent blemish is consecrated by its owner, Rashi explains (Bechoros 14a) that the animal is understood to be consecrated only for its value. The animal must be redeemed and the money given to the Mikdash. After being redeemed, the animal itself may be used even for shearing its wool and for working with the animal in a farm, because it never was an animal intended for the Altar. Also, in this case, because the animal was ineligible for the Altar from the moment it was consecrated, after it is redeemed the animal will be obligated in the mitzvah of the gifts.

If an animal without a blemish was consecrated, it is meant to be brought on the Altar. This animal is exempt from the law of the gifts even if it subsequently develops a blemish and would then have to be redeemed. Rashi here explains that the verse (Devarim 12:15) states that after such an animal is redeemed we are permitted to "slaughter and eat the meat." The Gemara in Bechoros (15a) learns that the animal may not be used for its wool or to be worked in the field.

Sefer Kehillas Yaakov (Bechoros #17) explains the nature of the restriction placed upon an animal which was meant for an offering upon the Altar but developed a blemish and was redeemed. The limitation not to shear its wool or work the animal in the field is not a new one. Rather, the animal was consecrated and ready to be brought on the Altar, and after it has a blemish it retains this element of being holy. In fact, the wording of the Mishnah suggests that this is the case, as it reports that the animal "does not become released to be able to be shorn or worked." Kehillas Yaakov also proves his contention that the redeemed animal retains some of its consecrated status from the law in Bechoros (16a) that if an exchange is attempted (תמורה) with this redeemed animal, the law is that the exchange is valid, although the second animal may not be brought as an offering because it originated with an animal which had been redeemed and has a deferred status. ■

HALACHA Highlight

Paying back stolen tzedaka money

משום דהוה ליה ממון שאין לו תובעים

Because it is money that has no claimants

Teshuvus Maharit¹ wrote that one who steals tzedaka money is not obligated to return the money. He cites our Gemara as proof to this assertion. R' Chisda rules that one who eats the gifts that are to go to kohanim is not liable to pay. The reason is that it is considered money that has no claimants since there is no kohen who could rightfully claim that the gifts were his. Similarly, tzedaka money is also considered money that has no claimants since no one can rightfully claim that the money was his and as such someone who steals tzedaka money cannot be forced to make restitution.

Chavos Da'as² disagrees and contends that the cases of the gifts to the kohanim and tzedaka money are not the same. When it comes to gifts to the kohanim as long as they remain in the possession of the one who has the mitzvah to give it to a kohen there is no kohen who has yet to acquire that property. Therefore, it is considered in a certain sense

like ownerless money. It is just that the original owner has an obligation to give the item to a kohen. Therefore, since it is essentially ownerless money if someone were to take it and eat it there is no one to reimburse. In contrast, when tzedaka money is given to the tzedaka collector (גזבר) it is as if the money already reached the hands of the poor since the tzedaka collector is an extension of their hand. As such, it is considered money that is in the possession of the poor even though the poor are unaware that they have acquired that money. This is akin to one who acquires property for one of ten people and will decide at some point in the future which of the ten people to whom he would like to give the property. If someone were to steal the object at that point he is considered someone who stole owned property and as such he would be obligated to reimburse the custodian of the money so that he could give it to the person he chooses. Another difference is that one is not obligated to give the priestly gifts to the first kohen that asks for them. On the other hand, a tzedaka collector is obligated to give money to the first qualified poor person who asks for it and for that reason tzedaka is considered owned money. ■

¹ שו"ת מהרי"ט יו"ד סי' ל"ט.

² חוות דעת סי' ק"י סק"י. ■

STORIES off the Daf

The Arm, the Jaw and the Stomach

"הזורע הלחיים והקיבה..."

Today's daf begins the tenth chapter of Chulin which discusses the gifts one gives to a kohen from slaughtered animals: the upper two bones of the foreleg, the jaw and the stomach. Rav Zalman Sorotzkin, zt"l, explains part of the meaning of this mitzvah. "It is human nature to take our many blessings—including good health—for granted. But if we think for a moment we see that even the everyday act of eating is no simple matter. If one has a hard time considering this, a short visit to the nearest hospital is sure to help. Merely seeing people who can-

not eat without assistance, whether via human or machine, awakens vast gratitude.

"We are obligated to give the two upper bones of the foreleg, the jaw, and the stomach to help internalize just how blessed we by the very act of eating. Through this mitzvah we recall that in order to eat one requires good health. A stomach that can digest, a jaw which can move and which contains teeth with which to chew, and arms which can move with which to place food in one's mouth..."¹

As is well known the Malbim was very involved in fighting the Maskilim, the "enlightened" Reform, on the ground. When he as appointed rav of a community that was lax in mitzvos he chose to mention this very sugya in his acceptance

speech. "I would like to ask from each of you no more than three gifts. Like the kohen, I want the zero'a, lechayayim and kevah. Zero'a, foreleg: put tefilin on your arms each day. Lechayayim, jaw: do not shave with a razor. Kevah: stomach: be assiduous not to eat anything which is not one hundred percent kosher..."² ■

¹ אזנים של תורה

² כן שמעתי ■

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