

OVERVIEW of the Daf

1) Damaging gifts to the kohen

The Gemara presents three more challenges to R' Chisda's ruling that one who damages gifts to the kohen is exempt.

2) Does a levi give gifts to the kohen

An incident is recounted in which Rav indicates that a levi is not obligated to give gifts to the kohen.

The rationale behind Rav's position is explained.

R' Idi bar Avin cites a Beraisa that indicates that levi'im are obligated to give gifts to the kohen.

Before R' Idi bar Avin completes his question the Gemara provides the sources for the statements of the Beraisa.

The Gemara deflects the challenge from the Beraisa.

The Beraisa's ruling that ma'aser rishon is given to the kohen is challenged.

The Gemara offers an explanation why maaser rishon is given to kohanim.

This interpretation is successfully challenged and an alternative explanation of the Beraisa is presented.

Two more challenges to Rav's position are presented.

In his response to the second challenge Rav suggests that the matter is subject to a disagreement between Tanaim and he did not know which opinion to follow.

Meraimar rules in accordance with Rav and R' Chisda.

3) Giving the gifts to the daughter of a kohen

The Gemara reports that Ulla gave the priestly gifts to the daughter of a kohen.

Ulla's position is challenged. ■

REVIEW and Remember

1. Is one obligated to tithe grain that was confiscated by the royal household?

2. What are the four gifts for the poor from a vineyard?

3. What is טובת הנאה?

4. Who is the כהנת to whom the priestly gifts may be given according to Ulla?

Distinctive INSIGHT

Agricultural gifts for the poor

שנים שבאילן השכחה והפאה דכתיב כי תחבוט זיתך לא תפאר אחריו
ותנא דבי ר' ישמעאל שלא תטול תפארתו ממנו, אחריו זה שכחה

The Gemara elaborates upon the halachos listed in a Beraisa. "Four of the gifts for the kohen apply to vineyards, three of the halachos apply to grain, and two of the halachos apply to trees." The two halachos which apply to trees are שכחה (the law of "forgetting") and פאה (the law of "corner"). D'vei R' Yishmael learns these halachos from the verse in Devarim (24:20), "When you beat your olive tree do not remove the splendor behind you. It shall be for the resident convert, the orphan and the widow." The "splendor" refers to the mitzvah of "the corner," and the phrase "behind you" refers to the mitzvah of "forgetting."

Tosafos (to Shabbos 68a) holds that the only produce which is obligated to have leket, shich'cha and pe'ah left as gifts for the poor are the five grains. These are the products which are understood to be referred to when the Torah discusses "harvesting" in Vayikra 23:22. Although Tosafos only mentions this issue regarding pe'ah, Minchas Chinuch (Mitzvah 218:1 and 592:2) explains that this approach would apply also to leket and shich'cha. The reference to these halachos to other produce, such as fruit from trees, is only rabbinic. Rambam (Hilchos Matnos Aniyim 2:2), however, is of the opinion that these halachos apply to trees on a Torah level. These halachos apply to any fruit which is privately-owned (not ownerless), harvested at one time, and is generally stored and non-perishable (i.e. fruits and grains, as opposed to vegetables).

Achronim write that there is also a disagreement regarding shich'cha. According to those who say that pe'ah applies only to the five grains, this would also be the case regarding shikcha. There are those who say, however, that although pe'ah only applies to the five grains, shich'cha does apply to trees, as we find that it fits the criteria of being owned, being harvested in one process and being a commodity that is stored.

Rambam writes that the source for these particular criteria for pe'ah is learned from the verse in Vayikra (23:32) which uses the word "ובקצרכם" - when you harvest," and items which are harvested usually have all three of these characteristics. Tosafos (Shabbos, ibid.) cites the Toras Kohanim which also refers to this verse, but Tosafos says that this is only a rabbinic reference, and that the verse is not a Torah source for this rule. ■

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ירוחם בן אברהם - Jerome Isaacs

by his sons

Mel, Les and Harvey Isaacs

HALACHA Highlight

עם קדושים הם

אי לא איקרו עם רחמנא פטריהו

If they are not called a "nation" the Torah exempts them

Beis Yosef¹ quotes Avudraham who cites R' Yosef Kimchi who asserted that during birkas kohanim the people should not refer to the kohanim as עם קדושים – Kohanim, the holy nation, since kohanim are never described as a nation. They should also not be described as כהני עם קדושים – Kohanim of your holy nation, since kohanim do not serve the nation, they serve Hashem. Rather they should be referred to as עם קדושים – Kohanim from amongst your holy nation. Avudraham disagrees and contends that there is nothing wrong with referring to the kohanim as כהנים עם קדושים and he bases his position on the fact that on Yom Kippur we describe the kohanim as עם קדושים – and the children of Aharon, your holy nation. Beis Yosef notes that Rambam also writes that for birkas kohanim they should be called עם קדושים and this is the custom. Magen Avrohom² challenges the assertion that it is accept-

able to refer to kohanim as a nation when our Gemara teaches explicitly that kohanim are not called a nation and it is for that reason that when a kohen slaughters an animal he is not obligated to separate the priestly gifts. He suggests that there is a difference between describing kohanim as an עם and describing them as עם קדושים.

Rema³ writes that the chazzan begins with the words ולוקינו ואלוקי אבותינו וגוי and continues until he reaches the word כהנים and the word כהנים should be recited in a loud voice. He then continues with the phrase עם קדושים in a quiet voice and confirms that this is our custom. Mishnah Berurah⁴ emphasizes that it is the sh'liach tzibbur who says עם קדושים כאמור and the practice in some places that the kohanim say עם קדושים כאמור is incorrect. Teshuvos Riv'vos Ephraim⁵ notes that there are siddurim that write that the tzibbur pronounces עם קדושים כאמור but it seems from the Mishnah Berurah that it is the sh'liach tzibbur who says this phrase and not the tzibbur. ■

¹ בית יוסף או"ח סי' קכ"ז ד"ה אבל.

² מג"א שם סק"ג.

³ רמ"א או"ח סי' קכ"ח סעי' י"י.

⁴ מ"ב שם ס"ק ל"ו.

⁵ שו"ת רבבות אפרים ח"ו סי' נ"ז אות ו'.

STORIES off the Daf

Not Excised Completely

"ובקוצרם את קציר ארצכם לא תכלה פאת שדך..."

It is human nature to believe in one's potential to destroy, but not his ability to repair. This is especially true regarding a person who transgressed a sin which is punishable by kareis. Naturally, the sinner figures that it no longer matters what he does since he has completely severed his soul from its source. The Ohr HaChaim, zt"l, explains that the error of this attitude from a verse brought on today's daf. "Even a person who transgressed a sin punishable by kareis must never give up. This is the deeper meaning of the verse regarding leaving pe'ah in the

corner of one's field. 'ובקוצרם את' — When you reap the harvest of your land.' This can also be understood to refer to one who violated a sin for which the punishment is kareis. Although he has uprooted his soul from its source, this does not mean that he has uprooted his soul completely. The verse continues: 'לא' — תכלה פאת שדך — you shall not reap the entire corner of your field.' Do not continue ripping out your neshama's connection to God by transgressing further. Even one who has violated a sin punishable by kareis has only uprooted the connection forged by acting—or refraining to act—in a certain manner which caused the cut off. But his soul is definitely still connected.

"This is clear from the Arizal's teaching about holiness. He explains that the nature of holiness is to leave

an eternal trace wherever it was. We see that every mitzvah acts to strengthen one's bond to God, regardless of his negative behavior. The Gemara explicitly writes that teshuvah helps even for kareis—or worse. This is why teshuvah reaches the throne of glory. One who does teshuvah renews the connection of his neshmaha which was hewn out from beneath the throne of glory."¹ ■

¹ אור החיים, ויקרא, ט"י:ט

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