

OVERVIEW of the Daf

1) Giving the gifts to the daughter of a kohen (cont.)

Ulla responds to the challenge to his position that the priestly gifts could be given to a daughter of a kohen.

The Gemara presents a Tanna who disagrees with Ulla and another Tanna who agrees with Ulla.

The Gemara reports about a number of Amoraim who received priestly gifts because they married a daughter of a kohen.

Ravina issues four rulings, three of which relate to previous discussions in the Gemara.

2) Gifts from mixed breeds

A Baraisa presents a dispute whether one gives priestly gifts from an animal that is a mixed breed.

The point of dispute between these Tannaim is explained.

Rabanan's opinion that one is obligated to give priestly gifts from mixed breeds is successfully challenged and the Gemara revises their position to be that one is obligated to give half the gifts from a mixed breed.

R' Zeira unsuccessfully challenges this explanation.

Ravin in the name of R' Yochanan asserts that according to Rabanan one is obligated to give all the gifts to the kohen when slaughtering a koy.

The discussion between R' Eliezer and Rabanan concerning their respective expositions is recorded.

3) MISHNAH: The Mishnah first discusses what happens regarding the priestly gifts when a bechor becomes intermingled with other animals. The next part of the Mishnah relates to circumstances in which there is no obligation to give priestly gifts and the final part of the Mishnah revolves around the sale of the priestly gifts.

4) A bechor that becomes intermingled

The Mishnah's ruling that when a bechor becomes intermingled with other animals one of them is exempt from the priestly gifts is challenged.

R' Oshaya gives a circumstance in which the Mishnah's ruling would hold true.

5) The kohen's claim

Rava notes that the Mishnah's wording concerning one who slaughtered for a kohen or idolater indicates that the kohen's claim is on the slaughterer.

Rava expositis a pasuk that teaches that a kohen who slaughters for another person must give the gifts to another kohen.

A related story is recounted.

R' Chisda rules that a kohen who does not separate gifts for another kohen deserves to be banned.

An instance in which this was carried out is cited and explained.

6) Priestly gifts

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Distinctive INSIGHT

Compelling others to perform positive mitzvos

אבל במצות עשה וכו' כופין אותו עד שתצא נפשו

The Gemara presented several incidents regarding butchers who did not remove the meat gifts for the kohanim from the animals they shechted, and the various penalties levied against them. As part of the discussion regarding the way the courts enforced compliance with mitzvos, the Gemara comments that it is necessary to enforce compliance with positive mitzvos. When someone refuses to dwell in a sukka, take a lulav or to put tzitzis on his four-cornered garments "he is hit until he is weakened, almost to the point where he is about to succumb." (According to explanation of Shitta Mikubetzes)

Chasam Sofer (C.M. 177) writes that the source for the halacha that beis din enforces compliance with positive mitzvos is from the verse in Devarim (27:26): "Cursed is the one that will not uphold the words of this Torah." Sifrei explains that anyone who has the ability to protest against others who are not fulfilling the Torah's words is included in this curse. Therefore, the beis din which can monitor and oversee this situation has a direct responsibility to enforce fulfillment of the Torah by all the members of the community. Chasam Sofer cites an additional verse as a source for this rule. Regarding one who gives of his seed for the idol Molech, the verse states (Vayikra 20:4): "If the people of the congregation act indifferent toward this man..." We see that the Torah holds the community and its leaders responsible if they do not attend to the punishment of this sinner. Accordingly, Chasam Sofer states that the authority to enforce fulfillment of positive mitzvos seems to be given to each individual. Neither verse brought as the source for this rule indicated that it is only the beis din which has this power.

We do find that beis din is the only body authorized to implement punishments for laws defined as "משפטים." This includes acts which are deserving of lashes or capital punishment.

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REVIEW and Remember

1. What is the point of dispute between R' Eliezer and Rabanan?
2. What happens with regards to the priestly gifts if a bechor becomes intermingled with other animals?
3. What is the consequence for a kohen who does not separate the gifts?
4. Why is it necessary to eat the priestly gifts with mustard?

HALACHAH Highlight

Eating roasted meat on Shabbos

מתנות כהונה אין נאכלות אלא צלי

The priestly gifts are not eaten unless they are roasted

Shulchan Aruch¹ rules that on Shabbos one should have greater quantities of meat, wine and other delicious foods in accordance with one's means. Shulchan Aruch HaRav relates that in the time of Chazal the foods of choice were large fish and foods cooked with beets since these were the foods that people found enjoyable. However, these matters are not fixed and in every place and in every time one must pursue the foods and beverages that are considered honorable and provide people with pleasure. As such, there is no obligation per se for one to eat meat or drink wine on Shabbos, it is just that most people in our times find the consumption of meat and wine enjoyable. Mishnah Berurah³ also writes that there is no inherent obligation for one to have meat and wine on Shabbos.

Although there is no obligation for one to consume meat on Shabbos we do find Poskim who write that there is a fulfillment of a mitzvah if one does eat meat on Shabbos. For example, Pischei Teshuvah⁴ in the name of Beis Yaakov writes that one who does not consume meat on Shabbos has nullified a positive command (מבטל עשה). Mishnah Berurah⁵ also writes that one who took a vow that he would not eat meat may be released from his vow on Shabbos since there is a mitzvah for one to eat meat on Shabbos.

STORIES Off the Daf

Like a Prince

למשחה לגדולה כדרך שבני מלכים אוכלים

A pidyon haben is a very special time. The Tamei HaMinhagim, zt"l, brings that the meal celebrating this mitzvah is equivalent to fasting eighty-four fasts. When someone asked the Mahari Bruna, zt"l, how he should redeem his son, he told him a little-known halacha. "In Chullin 132 we find that one should eat the matnos kehunah with grandeur, like princes. Obviously the same is true regarding how a kohen should accept the redemption money or the like. The Mordechai goes even further. He teaches that one who redeems his child should make sure the kohen is seated while taking the money. If the kohen is standing, this shows a marked lack of grandeur. Although if the kohen took it while standing the child

is still redeemed, it is not proper to do so."¹

But the Yam Shel Shlomo questioned this halachah. "How can you say that—like matnos kehunah—one must give the pidyon haben to kohen in a dignified manner? It seems clear that the halachah is not in consonance with this. In Shulchan Aruch we find that the kohen can feed that which he receives to redeem a firstborn child to the dogs.² Surely if the kohen was required to consume what he receives in a befitting manner this would be forbidden. We see that a kohen need not be seated while redeeming a firstborn child."³

But the Ohr HaChaim agreed with the Mordechai. "Although we find that the kohen is permitted to feed what he received for redemption of a firstborn to the dogs, this does not contradict the requirement to eat this with grandeur. It is plausible that one may only feed it to the dogs if he profits more by this. If the kohen has no greater benefit from feeding it to the dogs he must

refrain from doing so. And if he eats it himself, he must do so derech grandeur, like a prince."⁴ ■

1. שו"ת מהר"י ברונא, סי' קכ"ב
2. שו"ע, יו"ד, סי' ס"א, סי"ב
3. ים של שלמה, חולין, פ"י
4. פרי תואר, סי' ס"א ■

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ment, or even payment of money from one person to another. But enforcement of positive commandments is in the hands of every individual. Minchas Chinuch (Mitzvah #8) disagrees. He explains that even this area of enforcement is placed upon the beis din.

The Vilna Gaon (C.M. 421:20) writes that the source for this halacha is the verse in Vayikra (19:17) which commands us to rebuke one another not to sin. This includes not only verbal exhortation, but it also commands us to physically try to stop someone who is about to sin. ■

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R' Chisda teaches that each of the gifts may be given to a different kohen but one may not divide a single gift.

This ruling is unsuccessfully challenged.

Rabba bar bar Chana in the name of R' Yochanan teaches that one may not eat from an animal whose gifts have not been separated.

A similar teaching is recorded but the Gemara rules against these two teachings.

R' Chisda describes how the gifts should be eaten.

R' Chisda teaches that a kohen who is not an expert in the 24 priestly gifts should not be granted one of those gifts.

The Gemara begins to quote a Baraisa that contradicts R' Chisda's statement. ■

Sefer Leket Yosher⁶ writes that if someone prefers to eat cooked meat rather than roasted meat he is certainly permitted to do so. However, a person who likes cooked meat and roasted meat just the same should have roasted meat since that is a more honorable form of preparing the meat. Proof to this assertion is found in our Gemara when it teaches that the priestly gifts must be roasted and eaten with mustard since that is the honorable manner in which food is prepared. ■

1. שו"ע או"ח סי' ר"נ סעי' ב'
2. שו"ע הרב סי' רמ"ב סעי' ב'
3. מ"ב סי' תקנ"ב ס"ק כ"ג.
4. פתחי תשובה יו"ד סי' י"ח סק"ט.
5. מ"ב סי' שמ"א סק"ב.
6. ספר לקט יושר עמ' 66. ■