

OVERVIEW of the Daf

1) Priestly gifts (cont.)

The Gemara continues its citation of a Baraisa that refutes R' Chisda's opinion that a kohen who is not an expert in the 24 priestly gift should not be granted one of those gifts.

Rav is cited as ruling that a kohen who does not know how to remove the veins in the jaw should not be granted any priestly gift but the Gemara rejects this ruling.

Rava, in response to an inquiry of R' Yosef, teaches that a kohen should not grab gifts for himself that are being delivered to another kohen.

Abaye describes the progression of his behavior with regards to taking priestly gifts.

An aspect of Abaye's behavior is clarified.

R' Yosef rules that a kohen may confer ownership of the priestly gifts to a poor rabbinic scholar.

A related incident is recounted.

Another exposition of the one of the verses cited is presented.

Another similar teaching is cited.

2) Marking the meat of an idolater

The Mishnah's ruling that one who owns an animal with an idolater must mark the meat so that people will realize why he is not giving the priestly gifts to a kohen is unsuccessfully challenged from a Baraisa.

The Baraisa's ruling concerning a disqualified korban is challenged from a Mishnah.

R' Ada bar Ahava resolved the contradiction.

3) Partnership with a kohen or an idolater

R' Huna maintains that if one is partnered with a kohen or an idolater for one of the gifts he is exempt from giving that gift to the kohen whereas Chiya bar Rav asserts that he becomes exempt from giving any gifts from that animal.

Chiya bar Rav's position is successfully refuted.

R' Chisda cites a Baraisa that led Chiya bar Rav to his conclusion.

The Gemara inquires whether there is an obligation to separate the priestly gifts if a kohen sold the head of an animal to a non-kohen and retained the rest of the animal for himself.

The Gemara proves that the matter is determined by who owns the part of the animal that would be given to the kohen. ■

Distinctive INSIGHT

The rule of the "recognized kohen"

האי כהנא דאית ליה צורבא מרבנן בשבבותיה ודחיקא ליה מילתא ליזכי ליה מתנתא ואע"ג דלא אתי לידיה במכירי כהונה ולויה

Rav Yosef explains that a kohen or levi may legally acquire the gifts which a yisrael designates on his behalf, even without the gifts ever actually being given into the hands of the kohen or levi. For example, if a kohen knows of a poor Torah scholar living in his neighborhood, and the kohen wishes to provide a benefit for the Torah scholar, the kohen may instruct that the people of the city give the gifts which would have for him directly to the Torah scholar instead. Rav Yosef qualifies that this mechanism can only work if we are dealing with a kohen or levi who is "recognized." This means that the people of the city know and like this kohen, and they sincerely want him to receive the gifts, and no other kohen. In this situation, although that kohen has not yet received the gifts, because they will obviously be given to him, he may transfer his rights of accepting the gifts to the Torah scholar.

Rashi in Gittin (30a) explains the legal understanding how this works. All other kohanim realize that the gifts which are due to someone in their tribe are going to be given to one of their members. When a specific kohen has established himself as the one kohen who is designated to receive the gifts from a particular individual or a particular town, all other kohanim relinquish their claims and expectations to receiving those gifts, and they give up any hope of getting them for themselves. By default, the one designated kohen becomes the one person among the tribe of kohanim who retains a claim to them, and at that point the gifts are exclusively his, even before formally accepting them. He can then designate that the poor Torah scholar receive them.

The Gemara in Bava Basra (123b) discusses a case of a "recognized kohen." Someone shechted an animal, and wished to give the meat gifts to a particular chosen kohen. Just then, that kohen, a father with children, died. The Gemara says that the meat gifts should be given to that kohen's heirs, even though the gifts had not been actually given to the father. Rashbam explains that when dealing with "recognized kohanim," the yisrael fully transfers the rights to the gifts to the kohen (זיכוי גמור).

Or Zarua (ibid.) explains that Rashbam does not mean to say that there is a formal transaction which takes place, but rather that we assume that in his heart, the yisrael wishes to designate these gifts to this kohen. The Achronim explain that there are times (see Kesuvos 103a) when the sages allowed the transfer of something based upon stated verbal intent, knowing that the giver has full intent that the item be owned by the receiver. ■

HALACHAH Highlight

Reciting a beracha when giving priestly gifts

“ונתן” ולא שיטול לעצמו

“And he shall give” and the kohen should not take it for himself

Ramban¹ writes that one does not recite a birchas hamitzvah when he separates the first shearings or the foreleg, jaws or abomasum. The reason is that anytime there is a mitzvah to separate something but if the separation was not done it would not be tevel and would be permitted to eat, the mitzvah is only the giving of that item away rather than the separation. Consequently, since the Torah uses the term give - נתן—in reference to the foreleg, jaws and abomasums (ונתן לכהן הזרוע והלחיים והקבה) as well as in the context of the first shearings (וראשית הגז נתן לו) the mitzvah is only to give these portions to the kohen but there is no mitzvah to separate them and as such there is no beracha to recite when separating them.

Whether there is a beracha to be recited when giving these gifts to a kohen is subject to debate amongst the Rishonim. Rashba² asserts that there is no beracha recited on the giving of these gifts. His reasoning is that the non-kohen is not giving the kohen a portion of his own property; rather he is merely delivering to the kohen what Hashem has already given to him (משלחן גבוה קא זכו). Rokeach³ on the other hand, contends that a beracha is recited when one

REVIEW and Remember

1. What did Abaye do to demonstrate that he is a kohen?
2. What is the consequence of teaching a student who is unworthy?
3. What are the 24 priestly gifts?
4. Explain the phrase: בתר חיובא אזלינן.

gives the gifts to a kohen and the correct wording of the beracha according to Damesek Eliezer⁴ is להפריש מתנות – to separate gifts. Pri Megadim⁵ disagrees with this position and also questions the wording of the beracha. Why would one say להפריש מתנות when in fact the mitzvah is not to separate these gifts but to give them to a kohen? Sefer Pe’as Hashulchan⁶ writes at length about this topic and his conclusion based on numerous proofs is that one should recite a beracha when giving these gifts to a kohen and this in fact was the practice of Vilna Gaon to recite a beracha when giving these gifts to a kohen. ■

1. רמב"ן ספר המצוות שורש י"ג.
2. שו"ת הרשב"א ח"א סי' י"ח.
3. ספר רוקח סי' שס"ו.
4. דמשק אליעזר פ"י אות י"ג עמ' תי"ד.
5. פרי מגדים יו"ד סי' ס"א משב"ז סק"ז.
6. ספר פאת השלחן פ"ג ס"ק ל"ט. ■

STORIES Off the Daf

Proper Rebuke

כל השונה לתלמיד שאינו הגון

The Ahavas Chaim of Viznitz, zt"l, was a huge scholar with profound yir'as shamayim, like all of those who received semichah from the Maharsham, zt"l, one of the undisputed gedolim of his generation.

The rebbe did not flatter anyone. He was always careful to rebuke the Chasidim when they acted inappropriately. For example, it is the custom for a rebbe to distribute shiyarim during the tisch. Many Chasidim would push and grab whatever they could get as if

it was a matter of life and death. In Viznitz, the rebbe would often rebuke them for this. “How can you grab shiyarim? Don’t you know that the modest kohanim would not grab a portion of the lechem hapanim? Clearly, one should not push and grab even in holy matters. Instead of shoving one’s fellows, he should relax and take shiyarim only if he can do so without pushing his friend.”¹

But there is another way to deal with those who are wayward. When Rav Dovid Tzvi Shneiblag, zt"l, was confronted with a student who did not comport himself properly, he would call the student in and open a meseches Chulin to a different statement on today’s daf. He would begin to read in

a very emotional tone, . As he did so he shed copious tears. “Rav Yehudah says, ‘One who teaches an improper student falls into Gehinom...Teaching an improper student is like throwing a stone to Merucules...’ ”

As he read, crying, the student could not help but feel moved, until he also cried. The rav would gently explain that certain actions were not befitting for a ben Torah and the young man would tearfully agree to change. Many students later recounted that it was this short time with the rav which galvanized them to make a complete change of direction.”² ■

1. קדוש ישראל, ע' קל"ט
2. אמרי אמת, בא, תרע"ד