

OVERVIEW of the Daf

1) Retaining ownership of the gifts

The Mishnah's ruling that the kohen may sell an animal but keep the gifts for himself is unsuccessfully challenged from a Beraisa.

A second Beraisa is cited that contradicts the first Beraisa and the Gemara identifies the point of dispute between the two Beraisos.

2) Purchasing the innards of an animal

Rav and R' Assi disagree whether the kohen has a claim on the buyer or the butcher if the butcher weighed the innards of the animal, including the abumasum, for the buyer.

It is suggested that the dispute relates to a ruling of R' Chisda.

This suggestion is rejected in favor of another explanation of the dispute.

A second version of the dispute between Rav and R' Assi is cited.

3) **MISHNAH:** The Mishnah discusses a convert's obligation to separate the priestly gifts.

4) Cases of doubt

R' Dimi reports that Reish Lakish challenged from a Mishnah in Pe'ah our Mishnah's ruling that in cases of doubt one is exempt from separating the priestly gifts.

R' Yochanan offers a resolution to the contradiction but it is rejected by Reish Lakish.

Rava suggests another resolution to the contradiction.

Abaye unsuccessfully challenges this resolution.

According to Ravin the contradiction noted by Reish Lakish related to portions of crop.

5) Gifts not taken

R' Sheishes ruled that if the poor of kohanim do not collect the gifts that are separated on their behalf one may take them for himself.

This ruling is unsuccessfully challenged.

6) Seizing priestly gifts

An incident related to seizing priestly gifts is discussed.

7) **MISHNAH:** The Mishnah presents a discussion regarding the precise definition of the foreleg and jaws.

8) Foreleg

A Beraisa is cited that proves that the kohen is given the right foreleg.

The mechanics of the exposition are explained.

The Gemara expounds the "ה" of the words והלחיים and והקבה.

The Gemara presents a reason why kohanim merited these priestly gifts which also indicates that the kohen is given the right foreleg.

A third source that the kohen is given the right foreleg is presented.

9) Jaw

The Mishnah's definition of the jaw is unsuccessfully challenged. ■

הדרן עלך הזרוע והלחיים

Distinctive INSIGHT

A doubt regarding gifts for the kohen and for the poor

והרי עיסה נעשית עד שלא נתגייר פטור מן החלה משנתגייר חייב ספק חייב. אמר ליה ספק איסורא לחומרא ספק ממונא לקולא

The opinion of R' Meir in the Mishnah (Pe'ah 4:11) is that in a case of doubt regarding leket, the farmer must be strict and give the grain in question to the poor. Reish Lakish shows that this view is reasonable, based upon a resolution between an apparent contradiction between verses. The verse in Tehillim (82:3) states, "The poor and destitute shall be treated righteously." If this refers to allowing the poor the benefit of a doubt in judgment, we have another verse, in Shemos (23:3) which clearly instructs that "A poor man should not be promoted in his disputes." We see that the poor may not be treated with preference just due to his financial hardship. How are these verses to be reconciled?

Reish Lakish himself answers that the command to give preference to the poor refers to a case of doubt regarding tzedakah or agricultural gifts for the poor. Although we normally say that one who comes to collect money may do so only with proof, in a case of doubt we should use the rule to act with righteousness and grant the poor person the gift. This explanation of Reish Lakish is brought as a reinforcement for R' Meir's view that in a case of doubt of leket the gift must be given to the poor.

This, however, is in contrast to our Mishnah which stated that a farmer is exempt in case of doubt regarding gifts for the kohen, which would also apply for agricultural gifts for the poor.

Rava answers that in our Mishnah, we are speaking about a non-Jew who converted. If we knew that the animal was shechted before he converted, the animal would be exempt from these gifts for the kohen. In a case of doubt whether it was shechted before or after the moment he converted, we can resort back to the previous status of the animal, that it was assumed to be exempt. In the Mishnah in Pe'ah the grain was in a state of being obligated to be given to the poor, and the question was whether an exemption applied. There, the status quo indicates that the gift must be given until we know otherwise.

Abaye points out that Rava's rule seems to not apply in a case of dough of a convert (Mishnah, Challah 3:6). If dough was kneaded before the person converted, it is exempt from the mitzvah of challah. If it is kneaded after the conversion, challah must be taken. In a case of doubt, challah must be taken, although the previous status of the dough was one of being exempt.

Rava answers that the case of challah involves a serious transgression of possibly eating dough obligated in challah, which is possibly punishable with death from heaven. Here, we must be more strict. Rosh explains that in this case of doubt, the challah would be taken, but it would not have to be given as a gift to a kohen. It is removed due to the doubt, but it remains in the possession of the yisrael, and it may be sold to the kohen. ■

HALACHA Highlight

Gifts to the poor

ולא הוו עניים למשקל לקט

There were no poor people to take the leket

The Gemara relates that Levi had planted grain and there were no poor people to come and collect the leket. He consulted with R' Sheishes as to what should be done and R' Sheishes told him that if there are no poor people who will come to collect the leket he may keep it for himself. Rambam¹ rules in accordance with this position and writes that if there are no poor people he may take the grain for himself and is not obligated to give the monetary value of the leket to the poor. Tur² writes that if there are no poor people who live in the vicinity one is not obligated to leave leket in his field. Nowadays, the custom is that people do not leave the gifts for the poor in their fields since the majority of the poor people are gentile and if the gifts were left in the fields gentiles would come and take them.

Rav Chaim Kavievski³ notes that there is an important practical difference between Rambam and Tur. According to Rambam even though one knows that there are no poor people who live in the vicinity of one's field there is an obligation for one to separate the gift so that one should not violate a prohibition. Once the produce has been designated one is permitted to take it back for himself. Since the poor are not going to come to collect these gifts it is as if they aban-

REVIEW and Remember

1. Is a convert obligated to give the priestly gifts ?
2. What are the eight cases of doubt that relate to a convert ?
3. What are the qualifying characteristics of the kohen gadol ?
4. What is the significance of the "ה" in the words הזרע, הלחיים and הקבה ?

done hope of ever receiving them. However, since it was properly designated as gifts for the poor when the owner takes it back he is not obligated to separate ma'aser from that produce. Tur on the other hand writes that when there are no poor people in one's vicinity there is no obligation to even separate the pauper's gifts from one's produce. Since there is no mitzvah to leave the gifts for the poor, one does not violate the prohibition against not leaving gifts for the poor. Since the produce always remained his he obligated to separate ma'aser from this produce. ■

¹ רמב"ם פ"א מהל' מתנות עניים ה"י.
² טור יו"ד סי' של"ב

³ דרך אמונה על הרמב"ם הנ"ל ביאור הלכה ד"ה נאמר. ■

STORIES off the Daf

An Important Person

"גדלו משל אחיו..."

The Belzer Rebbe was known for his ability to discern how things would turn out and give the best possible advice. In Belz there was a chevra who would sit together and learn with great intensity. But the chevra became entangled in debts. Not surprisingly, the heads of the chevra asked Rav Yeshayah Prague, a relatively young man, to raise money for them.

Before agreeing, Rav Yeshayah

went to Rav Yesachar Dov of Belz, zt"l, to ask for permission to set out on his mission. The rebbe agreed on condition that Rav Yeshayah would be duly recompensed for his time and effort. Rav Yeshayah was very poor, and the rebbe felt it was important that he at least make money from this endeavor. "Also you must get a paper stating that you have been appointed to this task," the rebbe said.

Rav Yeshayah received such a paper and made the long trip, which was very successful. When he returned he went to Belz to visit the head of the chevra instead of his home which was in a different, closer town.

When Rav Yeshayah visited the rebbe, he took him to task for not returning home immediately. "But I must make a calculation with the roshei chaburah," protested Rav Yeshayah.

"It was to avoid this problem that I had you take a letter of appointment," explained the rebbe. "In Chullin 134 we find that one who has been appointed is an adam chashuv who can take his share on his own. You should have gone home and taken your portion. You could have brought the rest of the money to the roshei chaburah shortly thereafter."¹ ■

¹ אדמור"י בעלזא, ח"ג, ע' ק"ד ■