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Bava Kamma Daf 110

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### ***A Kohen's Sacrifices***

The *Gemora* cites a *braisa*: From where can we learn that a *Kohen* is entitled to come and sacrifice his offerings at any time and on any occasion he prefers? It is written: *And the Kohen shall come whenever his soul desires... and shall minister.* But where can we learn that the reward for the sacrificial service (*its meat*) and the skin of the animal will belong to him? It is stated: *And a man's holies shall be his.* How is this (*why is the verse necessary – it is stated many times that the Kohen who performs the service has these rights*)? It teaches us that if the *Kohen* was blemished (*and therefore disqualified from performing the service himself*), he must give the offering to a *Kohen* of that particular *mishmar* (*the Kohanim who perform the service during that week*), while the meat and the skin will belong to him, but if he was old or sick (*and unable to eat from its meat*), he may give it to any *Kohen* he prefers (*for since he is fit to perform the service, he can appoint an agent to do the avodah for him*), and the meat and the skin will belong to the members of the *mishmar*.

The *Gemora* asks: How are we to understand this 'old or sick *Kohen*'? If he was still able to perform the service, why shouldn't the meat and the skin be his? If, on the other hand, he was no longer able to perform the service, how can he appoint an agent?

Rav Pappa answered: He was able to perform it only with difficulty, so that in regard to the service, which when carried out with difficulty it is still a valid service, he may therefore appoint an agent, whereas in regard to the eating, which when eaten with difficulty would constitute an abnormal eating, which is not regarded as an "eating" at all, the meat and the skin must belong to the members of the *mishmar*.

Rav Sheishes said: If a *Kohen* (*in the mishmar*) is *tamei*, he has the right to hand over a communal sacrifice (*which overrides the tumah prohibition*) to whomever he prefers, but the meat and the skin will belong to the members of the *mishmar*.

The *Gemora* asks: What are the circumstances? If *Kohanim* who were not *tamei* were in the *mishmar*, how then could *Kohanim* who are *tamei* perform the service? If, on the other hand, there were no *Kohanim* that were not *tamei*, how then could the meat and the skin belong to the members of the *mishmar*, as they were *tamei* and unable to eat from the *korban*?

Rava answers: Say that (*everyone in the mishmar was tamei and therefore this Kohen could appoint an agent to perform the avodah*) the meat and the skin

of the sacrifice will belong to blemished *Kohanim* from that *mishmar* who are *tahor* (who could not perform the *avodah*, but they are permitted to eat from it).

Rav Ashi said: Where the *Kohen Gadol* was an *onein* (one whose close relative passed away and has not been buried yet), he may give over his *korban* to any *Kohen* he prefers, whereas the meat and the skin of the sacrifice will belong to the members of the *mishmar*.

The *Gemora* asks: What does this tell us which we do not already know? Did we not learn in a *braisa*: The *Kohen Gadol* may sacrifice even while an *onein*, but he may neither partake of the sacrifice, nor does he take any share in it for the purpose of eating from it in the evening!?

The *Gemora* answers: You might have thought that the leniency made by the Torah for the *Kohen Gadol* was only that he himself should perform the sacrifice, but not that he should be entitled to appoint an agent; Rav Ashi tells us that this is not the case. (109b – 100a)

### **Mishna**

If one steals from a convert and swears falsely to him, and he (*the convert*) died (*without leaving any heirs*), he pays the principal and *chomesh* (*the extra fifth*) to the *Kohanim* and he brings an *asham* to the Altar, as it is written: *But if the man has no kinsman to whom restitution may be made for the guilt, the restitution for guilt which is made shall be for Hashem, for the*

*Kohen, aside from the ram of atonement, whereby atonement shall be provided for him.*

If he was taking the money and the *asham* up (to *Yerushalayim*), and died, the money shall be given to the robber's sons, and the *asham* shall graze until it gets a blemish, and it will be sold and its money shall fall to the free offering coffer.

If he gave the money to the men of the *mishmar* and he died (*without bringing the asham*), the heirs cannot take the money from their hands, as it is written: *Whatever a man gives to the Kohen shall be his.*

If he gave the money to (*the first mishmar of*) *Yehoyariv* and the *asham* to (*the second mishmar of*) *Yedayah*, he has fulfilled his obligation (*for the money is supposed to be given before the asham is brought on the Mizbe'ach*). If he gave the *asham* to *Yehoyariv* and the money to *Yedayah*, the *halachah* is as follows: if the *asham* is in existence, the members of *Yedayah's* family shall sacrifice it, but if not, he repeats and brings another *asham*, for one who brought what he had stolen before he brought his *asham* has fulfilled his obligation. If, however, he brought his *asham* before he brought what he had stolen, he has not fulfilled his obligation. If he gave the principal, but did not give the *chomesh*, the *chomesh* does not hinder his atonement. (110a)

### **Stealing from a Convert**

Rava had stated: If the restitution for robbery of a convert was made at night time (*to the Kohanim*) it would not be a fulfillment of the obligation. If it was

made in halves, he has not fulfilled his obligation. The reason for these *halachos* is because the Torah termed the payment an “*asham*” (*and an asham cannot be brought at night, and it cannot be brought in halves*).

Rava further said: If the restitution for robbery of a convert there was not the value of a *perutah* for each *Kohen* (of the *mishmar*), the obligation would not be fulfilled, because it is written: The *asham* that is returned which indicates that there should be a “return” for each and every *Kohen*.

Rava inquired: What would be the *halachah* if it were insufficient with respect to the *mishmar* of Yehoyariv (*there was not a perutah for each and every Kohen*), but sufficient for the *mishmar* of Yedayah?

The *Gemora* asks: What are the circumstances? If he paid it to Yedayah during their *mishmar*, surely it would be sufficient!?

The *Gemora* explains the case of the inquiry: Rava was referring to a case where he paid it to Yedayah during the *mishmar* of Yehoyariv. Now, what would be the *halachah*? Shall we say that since it was not in the time of his *mishmar*, the returning of the robbed property is of no avail, or perhaps, since it would not be fit for Yehoyariv (*for each Kohen would not get a perutah*), it was destined from the very outset to go to Yedayah? The *Gemora* leaves this inquiry unresolved.

Rava ruled: One *Kohen* cannot divide his share of the restitution for robbery of a convert with another *Kohen* for his share of the restitution for robbery of

a convert. This is because the Torah termed the payment an “*asham*” (*and an asham cannot be traded for another*).

Rava inquired: Are the *Kohanim* in relation to restitution for robbery of a convert in the capacity of heirs or in the capacity of recipients of gifts? A practical difference arises where the robber stole *chametz* and Pesach meanwhile passed by. If you maintain that they are in the capacity of heirs, it will follow that what they inherited they will have (*and the robber has fulfilled his obligation*), whereas if you maintain that they are recipients of gifts, the Torah surely instructed the giving of a gift, and in this case, nothing would be given to them since the *chametz* is considered as being mere ashes.

Rabbi Zeira put the inquiry as follows: Even if you maintain that they are recipients of gifts, then still no question arises, since it is this gift which the Torah has ordered to be given to them. What, however, is doubtful to us is where ten animals fell to the *Kohen* as payment for robbery of a convert. Is he then under an obligation to set aside a tithe (*from these animals*) or not? Are they heirs, in which case the dictum of the *Tanna* of the *Mishna* applies that where heirs have bought animals out of the funds of the general estate, they would be liable to tithe, or are they perhaps gift recipients, in which case we have learned in a *Mishna* that he who buys animals or receives them as a gift is exempt from the law of tithing animals? Now, what should be the *halachah*?

The *Gemora* attempts to resolve this inquiry from the following *braisa*: Twenty-four *Kohanic* gifts were bestowed upon Aaron and his sons. All these were

granted to him by means of a generalization followed by a specification which was in its turn followed again by a generalization (*the entire Torah*) and a *covenant of salt* (*all the korbanos*), so that to fulfill them is like fulfilling the entire Torah, which is expounded by generalization, specification and generalization and like offering all of the sacrifices forming the covenant of salt, whereas to transgress them is like transgressing the entire Torah, which is expounded by generalization, specification and generalization and like offering all of the sacrifices forming the covenant of salt. They are: Ten to be partaken in the Temple, four in Yerushalayim and ten within the borders of *Eretz Yisroel*. The ten in the Temple are: A *chatas* offering of an animal, a *chatas* offering of a fowl, an *asham* offering for a known sin, an *asham* offering for a doubtful sin, the *shelamim* offering of the congregation, the *log* of oil in the case of a *metzora*, the remnant of the *korban omer*, the two loaves, the show bread and the remnant of meal offerings. The four in Yerushalayim are: the firstborn animals, the first of the first fruits, the portions separated in the case of the *todah* offering and from the ram of the *nazir* and the skins of the holy sacrifices. The ten to be partaken in the borders of *Eretz Yisroel* are: *terumah*, the *terumah* of the tithe, *challah*, the first of the fleece, the gift portions of unconsecrated animals, the redemption of the firstborn son, the redemption of the firstborn of a donkey, a consecrated ancestral field, a *cherem* field and payment for a robbery committed upon a convert. Now, since it is here designated as a gift, this surely proves that the *Kohanim* are gift recipients in this respect. (100a – 110b)

## DAILY MASHAL

The Rambam rules: It is a positive mitzvah from the Torah that one must donate a half shekel each and every year. He may not give it in many times – today a little and tomorrow a little, but rather, he must give it all at once.

The Minchas Chinuch points out that the Kesef Mishnah does not cite the Rambam's source for this.

Reb Pinchas Hirschprung posits that the source is from our Gemora which states: Rava states: If the restitution for robbery of a convert in halves, he has not fulfilled his obligation. The reason for this is because the Torah termed the payment an "*asham*" (*and an ashram cannot be brought in halves*). Evidently, atonement cannot be accomplished in halves. This would apply to the mitzvah of shekalim as well, where the Torah writes that it is brought for the purpose of atonement. Therefore, one must give it at one time and not a little at a time.