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Kohen's Daughter

The *Gemora* says that Ulla would give the gifts (*of foreleg, jaws, and stomach*) to daughters of *Kohanim*.

Rava challenged Ulla from a *braisa*, which states that the *minchah* offering of a *Kohen's* daughter is eaten, as opposed to that of a *Kohen*, which the verse mandates must be fully burned. This *braisa* indicates that when the verse refers to “*Kohen*” it does not include a *Kohen's* daughter, and therefore the gifts, which the verse mandates be given to the “*Kohen*” may not be given to his daughter.

Ulla deflected this proof, as the verse about the *minchah* is in a section which refers to the *sons* of Aharon, explicitly excluding daughters.

The *Gemora* cites differing *braisos* on this question. The *braisa* taught in Rabbi Yishmael's academy says that the word *Kohen* used in the context of the gifts excludes a *Kohen's* daughter, as we equate it with the same word used in the context of a *minchah*. The *braisa* taught in Rabbi Eliezer ben Yaakov's academy says that a *Kohen's* daughter is included, as there are two verses that refer to “*Kohen*”. Each one independently would exclude a daughter, but the repetition instead includes a daughter.

The *Gemora* cites *Amoraim* who weren't *Kohanim*, but ate gifts by virtue of their wives being a *Kohen's* daughter: Rav Kahana, Rav Pappa, Rav Yaimar, and Rav Idi bar Avin.

Ravina cite Meraimar saying that we rule like Rav (*that we do not remove the gifts from a Levi*), like Rav Chisda (*that one is not*

liable for eating or damaging the gifts), like Ulla (*that a Kohen's daughter receives the gifts*), and like Rav Ada bar Ahava, who says that a first born son of a Levi's daughter need not be redeemed. (131b – 132a)

Crossbred Animals

The *Gemora* cites a *braisa*, which says that the gifts apply to a cross bred animal, as well as a *koy*, born from a deer and sheep. Rabbi Eliezer says that the only hybrid that is obligated in gifts is one from a goat and lamb, but not from deer and goat.

The *Gemora* attempts to explain the different positions in the case of *koy*. In the case of covering its blood, the Sages obligate one to cover it, while Rabbi Eliezer exempts it. The *Gemora* explained that they are discussing a case of an animal whose father is a deer, and both are unsure whether we attribute any aspects of the father to the child. Their dispute is whether a verse (*like the one mandating gifts*) that refers to “*sheep*” includes an animal that is only part sheep. The Sages say that it does, while Rabbi Eliezer says it doesn't.

We understand Rabbi Eliezer's position here, as the *koy* is exempt if we attribute its father's species to it, since it then is only partially a sheep. Since it is doubtful whether it is obligated in gifts, the *Kohen* has no proof to remove them from the one slaughtering. However, the Sages, although they say that “*sheep*” includes even a partial sheep, a partial sheep should only be obligated in half the gifts. The *Kohen* should therefore only be able to claim half the gifts.

Rav Huna bar Chiya answers that when the Sages say that a *koy* is obligated, they only mean that half of the gifts must be given.

Rabbi Zeira challenges this from a *Mishna*, which lists the ways a *koy* is like an animal (*its chelev fats are prohibited*), like a beast (*its blood must be covered*), and like both (*its blood is prohibited, and it's obligated in gifts*), while Rabbi Eliezer says it is not obligated in gifts. Since the *Mishna* simply says that it is obligated in gifts, it implies that the full gifts must be given.

The *Gemora* answers that although only half the gifts are given, the *Mishna* didn't spell this out, since the *Mishna* also listed the rules of blood and fats, which apply fully.

When Ravin came, he quoted Rabbi Yochanan saying that the Sages obligate the animal in all the gifts. He based this on a *braisa*, which states that the verse which refers to one who slaughters "either an ox or a sheep" includes a hybrid, and even a *koy*, in the full obligation of the gifts, due to its use of the extra "either/or". Rabbi Eliezer says these words are needed to teach that the gifts apply even if one only slaughtered one animal, since otherwise we would have thought that the verse is only referring to one who slaughters an ox and a sheep. The Sages say that we already know that from the start of the verse which refers to those who slaughter *zevach* – a *slaughtering*, using the singular. Rabbi Eliezer says that phrase already is used to teach us that the claim of the *Kohen* is with whoever slaughtered the animal, even if he doesn't own it. (132a)

Exemptions from Gifts

The *Mishna* says that if a *bechor* first born animal (*which is exempt from gifts*) got mixed in with 100 other animals, if 100 different people slaughter them, none are obligated, but if one person slaughters all, all animals but one are obligated. If one slaughters for a *Kohen* or a non-Jew, he is exempt from gifts. If one partnered with them, he must make a sign on the animal to indicate that gifts are not being given due to the partnership. If a *Kohen* sold an animal to a non-*Kohen*, but stipulated that he retained the portions of the gifts, the animal is exempt from gifts. If one bought the innards of an animal from a butcher, he is obligated to give the gifts, but may not reduce the purchase

price by their value. However, if he agreed on a price based on weight, he may reduce the price by their weight. (132a)

Bechor

The *Gemora* asks why the *Kohen* does not receive any gifts from a group of animals, one of which is a *bechor*. For each animal, the *Kohen* can claim that he must get at least the gifts, since if it is a *bechor*, he is entitled to the whole animal.

Rav Oshaya says the *Mishna* is a case where the *bechor* was already given to a *Kohen*, and once it had a blemish, he sold it to a non-*Kohen*. The *Kohen* therefore has no further claim to the *bechor*, or to its gifts. (132a – 132b)

Claim on the Slaughterer

The *Gemora* asks why the *Mishna* teaches that the one who slaughters for a *Kohen* or non-Jew is exempt, and not simply teach that their animals are exempt.

Rava answers that the *Mishna* is teaching that the *Kohen's* claim is always with the one who slaughtered the animal, and not its owner.

Rava explains that the verse which refers to the *Kohen* receiving the gifts from the "nation" excludes a *Kohen*. When the verse continues to refer to those who slaughter, it includes a *Kohen* who slaughters for a non-*Kohen*. (132b)

Kohen Butcher

Rabbi Tavla's innkeeper was a poor *Kohen*. He advised him to partner with non-*Kohen* butchers, since his partnership will benefit them, as they will then be exempt from the gifts. He did so, but Rav Nachman obligated him in gifts. When he protested, citing Rabbi Tavla's advice, Rav Nachman commanded him to give the gifts, or he will remove Rabbi Tavla's words from his



ears. Rabbi Tavla went to Rav Nachman and asked him why he obligated the *Kohen*. Rav Nachman said that when Rabbi Acha bar Chanina came from the south, he quoted Rabbi Yehoshua ben Levi and all the Sages of the south saying that a *Kohen* who partners with butchers is exempt only for two or three weeks, but no more. Rav Nachman explained that he did not give the initial grace period to this *Kohen*, as that only applies if the *Kohen* has not established a shop, but once he did so, it is clear that he is in business, and therefore is immediately obligated in the gifts.

Rav Chisda says that a *Kohen* butcher who does not separate gifts should be excommunicated.

Rabba bar Rav Shila says that the butchers of Hotzal are therefore in excommunication for 22 years.

The *Gemora* explains that they therefore can be fined without any further warning. For example, Rava would fine the butcher by confiscating the whole thigh, and Rav Nachman bar Yitzchak would confiscate the butcher's garment. (132b)

Splitting up Gifts

Rav Chisda says that one may give the three different components of the gifts to different *Kohanim*: one can get the foreleg, one can get the stomach, and two the two cheeks.

The *Gemora* challenges this from Rav Yitzchak bar Yosef, who says that in Eretz Yisrael they split up even the bones of the gifts, and the *Gemora* answers that he was only referring to gifts from oxen, which are larger. (132b)

Eating before Gifts

Rabbah bar Chanah quotes Rabbi Yochanan saying that one may not eat from an animal before the gifts are separated, and if one does, it is tantamount to eating *tevel* – *produce before teruma and maaser are separated*. The *Gemora* says we do not rule like these statements. (132b)

How to Eat the Gifts

Rav Chisda says that gifts must be eaten roasted and with mustard, as the verse says that they were given *l'mashcha* – as an anointing, which implies a fancy method of preparation.

Rav Chisda says that the 24 gifts given to *Kohanim* may not be given to a *Kohen* who does not know how to properly eat them.

The *Gemora* rejects this, based on a *braisa* in which Rabbi Shimon says only that a *Kohen* who does not believe in the service may not receive the gifts, implying that this is the only requirement. Rabbi Shimon cites the verse, which states that the one who offers the blood and fats of the *shelamim* sacrifice, from the sons of Aharon, he will receive the right calf as a gift. This verse teaches that only a *Kohen* who offers the blood and fats (*i.e., accepts the service*) may receive the right calf, and all other gifts given to the sons of Aaron. (132b – 133a)

INSIGHTS TO THE DAF

Half a sheep, or a half that's sheep

The *Gemora* states that an animal that is only part domesticated animal is still obligated in the gifts (albeit only half), as the term "sheep" includes an animal is part sheep.

The *Gemora* also states that if one partners with a *Kohen*, who is not obligated to give the gifts, the animal is exempt from any gifts.

Tosfos (132a v'tzarich) explains that we do not say that half the gifts must be given in this case, as not all the "sheep" aspect of the animal is obligated. In the case of a hybrid, although not the whole animal is obligated, all the "sheep" aspect of it is obligated.

Kohen butcher

The *Gemora* states that a *Kohen* who slaughters an animal for a non-*Kohen* is obligated to give the gifts. The *Mishna* also states that if someone partners with a *Kohen* in an animal, the animal is totally exempt from gifts. The *Gemora* tells the story of Rabbi Tavla's *Kohen* innkeeper, who partnered with non-*Kohen* butchers, in order to exempt them from the gifts. Rav Nachman obligated him in the gifts, saying that once a *Kohen* establishes himself as a formal butcher selling his meat, he is obligated in the gifts. Even one who informally sells his meat is exempt only for a few weeks.

Rashi explains that when the Torah exempted a *Kohen* from gifts, this is only for an animal that he is slaughtering primarily for his own use. However, if he is slaughtering an animal to sell it to a non-*Kohen*, he is obligated, and Rav Nachman therefore obligated the animal in gifts.

Tosfos (132b K'shehu) disagrees and maintains that Rav Nachman's ruling is a Rabbinic law, to discourage non-*Kohen* butchers from partnering with *Kohanim*, in order to avoid giving the gifts.

Tosfos challenges Rashi's position, from two points in the *Gemora*. If this were a Torah rule, there would be no reason to exempt the gifts for a few weeks. In addition, Rabbi Tavla should have known this rule, and not advised him to partner with the butchers.

Fancy food

Rav Chisda says that a *Kohen* must eat the gifts roasted and with mustard, as the verse says the gifts were given to be eaten like royalty.

Tosfos (132b ain) challenges this from the *Gemora* in Zevachim, which uses the same verse to prove that *Kohanim* may eat their sacrificial meat however they like it, just as a king would.

Tosfos answers that the verse simply teaches that a *Kohen* should eat it in whatever way he'll enjoy it most, and Rav Chisda is simply saying that if he enjoys it many different ways, he should eat it roasted.

The Nimukai Yosef adds that Rav Chisda used the example of roasted, because that is the most common preference.

The Torah Temima (Bamidbar 18, note 24) raises this question, and suggests that Rav Chisda is only stating that the *Kohen* should not eat it raw, but prepared nicely, with roasting being one example.

The criteria of the mitzvah to give the gifts of kehunah

HaGaon Rabbi Chayim Kanievski writes a magnificent insight (*Derech Emunah*, Ch. 9, halachah 20) to distinguish between the mitzvah to give *terumah* to a *Kohen* and the mitzvah to give the gifts of *kehunah* that bear no sanctity.

The marriage of a *kohenes* and a *Yisraelis* doesn't change their origin: The Torah said (Vayikra 22:11, Terumos 8:1) that a *Yisraelis* who is wed to a *Kohen* may eat *terumah* (which is a sanctified gift of *kehunah*) as when she marries, she attains a new status that allows her to eat the holy gifts of *kehunah*. The Torah also rules that a *kohenes* who is wed to a *Yisrael* must not eat the sanctified gifts of *kehunah*, such as *terumah*, *bikkurim* and *chalah*, as the sanctity of *kehunah* left her when she married a *Yisrael*. However, the marriage doesn't change their origin. In other words, a *Yisraelis* wed to a *Kohen* does not become a *kohenes* of the tribe of *kehunah* but remains a *Yisraelis* who may eat the holy gifts of *kehunah*. The opposite is also true: a *kohenes* wed to a *Yisrael* loses her sanctity but still remains a daughter of the *kehunah*.

Therefore, a *kohenes* wed to a *Yisrael* may receive gifts of *kehunah* which bear no sanctity, such as the foreleg, cheeks and

stomach, as she is a *kohenes* and nothing prevents giving these gifts to her, as explained in our *sugya*.

Now that we have established these facts, we shall concentrate on the following question. Does a person who gives the foreleg, cheeks and stomach to a *Yisraelis* wed to a *Kohen* observe the mitzvah to give the gifts to the *kehunah*?

This question contains two polar aspects. On the one hand, she's no *kohenes* and gifts of *kehunah* must be given to a *Kohen*. On the other hand, she's wed to a *Kohen* and may even eat *terumah*.

The author of 'Aroch HaShulchan rules (Y.D. 61:36) that he who gave them to her did not observe the mitzvah! He must give the gifts to a *Kohen* and not to his wife who is a *Yisraelis* (see *ibid*, that he explains the Sifrei accordingly).

Apparently, his ruling explicitly contradicts the halachah that someone who gives *terumah* to a *Yisraelis* wed to a *Kohen* fully observes the mitzvah. Could it be? *Terumah*, which bears great sanctity and which is eaten only by *Kohanim*, may be given to a *Yisraelis* wed to a *Kohen* whereas the foreleg, cheeks and stomach, which bear no sanctity and may be eaten by anyone, must be given only to a *Kohen* and not to his wife – what is the logic? HaGaon Rabbi Chayim Kanievski states an ingenious difference while the reasons that served as a basis for our question are the very answer!

Terumah is holy and is eaten only by *Kohanim*. Therefore, if we discuss the criteria of the mitzvah to give *terumah*, we can say that the mitzvah is to give the holy *terumah* to anyone to whom the halachos of the sanctity of the *kehunah* apply and who may eat it. As the *Kohen's* wife is included in the group of people who may eat *terumah*, we can observe the mitzvah to give *terumah* by giving it to her.

However, the foreleg, cheeks and stomach are not sanctified and anyone may eat them. Therefore, if we want to define to whom is the mitzvah to give them, it's impossible to decide that the mitzvah is observed when we give the gifts to someone fit

to eat them as everyone is fit to eat them, even a *Yisrael*. Therefore, we must seek another definition that distinguishes between *Kohanim* and *Yisraelim* and that is, that the gifts should be given only to a member of the tribe of *Kohanim*! It is therefore obvious that the foreleg, cheeks and stomach mustn't be given to the *Kohen's* wife, as she is not a daughter of the *kehunah*.

The explanation is fine and the idea ingenious but Rabbi Kanievski finally concludes that it's incorrect as *ma'aser rishon*, given to a Levi, does not resemble *terumah* but resembles the foreleg, cheeks and stomach. It bears no sanctity and anyone may eat it. Nonetheless, it is evident from the Gemara (Yevamos 86a) and the Rishonim (*ibid*) that someone who gives *ma'aser rishon* to a *Levi's* wife observes the mitzvah to give it (see 'Aroch HaShulchan, *ibid*, *se'if* 33, who maintains that someone who gives *ma'aser rishon* to a *Levi's* wife does not observe the mitzvah but the Acharonim disagree, as proven in *Derech Emunah*, *ibid*).

DAILY MASHAL

A Sheep for a Kohen and a Bull for the Kohanim

Our Gemara explains that the gifts to the *kehunah* from a bull are distributed to many *Kohanim* due to their size as opposed to the gifts from a sheep. This is hinted in the verse (Devarim 18:3), "And this will be the statute of the **Kohanim** (in the plural) if it is a bull; if it is a sheep, he shall give to the **Kohen** (in the singular)..." (*Yemin Yosef*).