



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Chullin Daf Kuf Lamed

PEREK HAZERO'AH V'HALECHAYAYIM -- PEREK ASIRI

MISHNA

- The mitzvah of giving the "zero'ah, lechayayim, and keiva" (the foreleg, the jaws, and the keiva stomach) to the Kohen applies in EY and in chutz laaretz, when the Beis Hamikdash is built and after the Churban, for animals of chullin, but not for animals of kodesh.
 - We would think to say that if the mitzvah of giving the "chazeh and shok" applies to kodashim even though it does not apply to chullin then certainly the mitzvah of giving the zero'ah, lechayayim, and keiva (we will refer to these as "the gifts") should apply to kodashim! The pasuk regarding the chazeh and shok therefore says "va'etein **osam** l'Aharon hakohen ulevanav l'chak olam", which teaches that they only get this from a korbon and nothing more.
- All kodashim animals that had a permanent mum before they were made kodesh and were then redeemed are subject to the laws of bechor and of "the gifts", they return to their chullin status as being permitted to be shorn and to be put to work, their offspring and their milk become mutar, one who shechts them outside the Azarah is patur, they can no longer be the subject to temurah, and they may even be redeemed after they die. This applies to all kodashim animals except a bechor and maaser.
- All kodashim animals that got a permanent mum after they were made kadosh or got a temporary mum even before they were made kadosh and were then redeemed, are not subject to the laws of bechor and of "the gifts", they do not return to their chullin status as being permitted to be shorn and to be put to work, their offspring and their milk do not become mutar, one who shechts them outside the Azarah is chayuv, they can still be the subject to temurah, and if they die they must be buried.

GEMARA

- **Q:** The Mishna seems to say that if not for the pasuk of "osam" we would learn from a kal v'chomer that kodashim are chayuv in "the gifts". However, we should be able to refute this kal v'chomer by saying that chullin is different in that it is chayuv in bechor whereas kodashim are not!? **A:** We would make the kal v'chomer based on male animals, which are not subject to bechor, since they don't give birth.
 - **Q:** We can ask that the male animals of chullin are different in that they are subject to "reishis hageiz" (a portion of the first shearing must be given to the Kohen). **A:** We would learn the kal v'chomer from goats of chullin (which are not sheared).
 - **Q:** We can ask that goats of chullin are different in that they are subject to maaser, whereas kodashim are not!? **A:** We would have learned the kal v'chomer from older goats, which are no longer subject to maaser.
 - **Q:** We can ask that even older goats were at one time subject to maaser!? **A:** We would learn the kal v'chomer from a purchased or orphaned animal, which is not subject to maaser.
 - **Q:** We can ask that even such animals belong to a species which are subject to maaser!? **A:** Kodashim belong to those species as well.
- **Q:** We should say that animals of chullin should be subject to the giving of the chazeh and shok based on the reverse kal v'chomer – if kodashim are chayuv in this even though they are not subject to "the gifts", then chullin which are chayuv in "the gifts" should certainly be chayuv in chazeh and shok!? **A:** The pasuk regarding "the gifts" says "**v'zeh** yihyeh mishpat haKohanim" – it is only these that are given and nothing else.

- **Q:** This seems to say that if not for the pasuk we would say that chullin animals are subject to the giving of the chazeh and shok. Now, the chazeh and shok must be waived (tenufa). How can a chullin animal have tenufa done to it? It couldn't be done outside the Azarah, because the pasuk says the tenufa must be done "lifnei Hashem"! It also can't be done in the Azarah, because we may not bring chullin into the Azarah! If so, why is the pasuk of "zeh" needed? **A:** It is needed for the ruling of **R' Chisda**, who taught that if one damages "the gifts" or eats them, he is patur from having to pay. Either we can say that this is based on "zeh" or we can say that it is based on the fact that it is considered to be money that has no true claimants (there is no one Kohen who can lay claim to them).
 - **Q:** A Braisa says, the pasuk of "v'zeh yihiyeh mishpat haKohanim" teaches that "the gifts" that can be enforced by Beis Din. Presumably this means that it can be removed from the owner by Beis Din, which refutes **R' Chisda's** ruling! **A:** It means that Beis Din can make sure that "the gifts" are given to a Kohen who is a chaver, rather than to an ahm Haaretz.
 - **Q:** **R' Yehuda ben Beseira** said, "mishpat" teaches that "the gifts" can be enforced by Beis Din. We would think that the same is true for the chazeh and shok. The pasuk therefore says "zeh". Now, this can't be referring to Beis Din making sure it is given to a Kohen who is a talmid chochom, because that applies to chazeh and shok as well! Rather, it must mean that "the gifts" can be removed from the owner by Beis Din, which refutes **R' Chisda's** ruling! **A:** The Braisa is referring to where "the gifts" were already given to a certain Kohen and then stolen from him. In that case Beis Din may absolutely get involved to return it to the Kohen.
 - **Q:** If this is the case, what is the chiddush? **A:** The case is where the Kohen was koneh them before they were separated from the animal, and the Tanna of the Braisa holds that "gifts" that were not separated are treated as if they have been separated.
 - **Q:** A Mishna says, **R' Eliezer** says, if someone is travelling and needs to take the leket, shikcha, peya, or maaser ani, he may do so and pay it back when he gets home. We see that he would have to pay back, and presumably the same would hold true for "the gifts"! **A:** **R' Chisda** said, the Mishna teaches what should be done for "midas chassidus".
 - **Q:** **Rava** asked, the Mishna says "he must pay", so how can this be said to referring only to midas chassidus!? Moreover, why do you say that the question was based on the view of **R' Eliezer**? **A:** The question was actually from the end of the Mishna which says that the **Chachomim** say that the person does not have to repay what he took, because he was a poor person at that time when he was travelling. This suggests that if he was not a poor person he would have to pay. However, according to **R' Chisda** he should not have to pay! It was to this that **R' Chisda** said that the Mishna teaches what should be done for "midas chassidus".
 - **Q:** A Braisa says, how do we know that if a person ate his produce when it was tevel that he need not pay the Kohen for the terumah that is in there? The pasuk says "v'lo yichalilu es kadshei Bnei Yisrael asher yarimu", which teaches that only after separation does the Kohen have monetary rights in the terumah. Now, this suggests that after the separation the Kohen would have rights and the person who ate it would have to pay. This refutes **R' Chisda**! **A:** Here too, the case is where the Kohen was koneh them before they were separated, and the Tanna of the Braisa holds that "gifts" that were not separated are treated as if they have been separated.
 - **Q:** A Braisa says, if the king forcibly took one's granary, if it was taken for a debt the person must give terumah and maaser from other produce for the confiscated produce. This refutes **R' Chisda**! **A:** This case is different, because the owner profited by having his debt paid off.
 - **Q:** A Mishna says, if a butcher weighed meat for sale and included the keiva in the weight, the buyer may decrease the amount he owes for the keiva, and the

keiva must be given to a Kohen. Now, according to **R' Chisda** we should say that the butcher damaged the gift and he should therefore not have to pay for it!? **A:** This case is different, because "the gifts" are still in existence. **R' Chisda** says he is patur only when it was destroyed.

- **Q:** A Braisa says, a Mishna lists "the gifts" as being the "possessions of the Kohen". Presumably this means that it is his for purposes of being able to get them even with the help of Beis Din, which refutes **R' Chisda**!? **A:** The Mishna means they are his possessions in the sense that once he gets them he may sell them to buy slaves, land, or non-kosher animals, they may be seized by a creditor, or by a wife collecting her kesubah, and the Kohen may use them to buy a Sefer Torah.