



Daf In Review – Weekly Chazarah

Maseches Chullin, Daf קלד – Daf קכח

Daf In Review is being sent l'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H
vl'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

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NISHCHATA HABEHEIMA...

- What is the point of machlokes?
 - **Rabbah** said they argue on whether the entire animal becomes a yad for the dangling limb – **R' Shimon** says it does not (and therefore the hechsher on the animal does not accomplish anything for the limb) and **R' Meir** says that it does.
 - **Abaye** said they argue regarding a case of attached items that when the smaller piece is lifted the larger piece will not be able to be lifted along with it. **R' Meir** says that the two pieces are still considered to be one as long as the smaller piece can be lifted by lifting the larger piece, and **R' Shimon** says it is not. We find that **R' Yochanan** also says that they argue in this point.
 - **Rava** said they argue in whether a yad can be effective for hechsher as well as for tumah (which would be the view of **R' Meir**) or is it only effective for tumah (which would be the view of **R' Shimon**).
 - **R' Pappa** said they argue in effectiveness of hechsher that takes place before there is an intent to use the item as food. We find a Braisa in which **R' Akiva** initially held that such a hechsher is effective and later held that it is not. **R' Meir** holds like the original view of **R' Akiva**, and **R' Shimon** holds like his view after his retraction.
 - **R' Acha the son of R' Ika** said, they argue regarding a case where the blood was wiped off the limb in between the shechting of the first and second siman. **R' Meir** holds the entire act is considered shechita and the blood from the cutting of the first siman is therefore considered to be blood of shechita and is muchshar. **R' Shimon** holds that only the end of the act is considered to be a shechita and therefore the blood from the cutting of the first siman is considered to be blood of a wound and is not muchshar.
 - **R' Ashi** said they argue whether the act of shechita itself, without the blood, can make the animal muchshar. **R' Meir** says it does and even does so for the dangling limb. **R' Shimon** says, only a shechita that makes the meat mutar has the capacity to do so, and since the dangling limb does not become mutar through the shechita, it does not become muchshar from it either.
- **Q: Rabbah** asked, can a living animal become a yad for a dangling limb? **TEIKU**.
 - **Q: Abaye** said, a Mishna says, if a cucumber grows in a pot without a hole (so it is legally detached from the ground and can become tamei) and some of its leaves grow to beyond the pot and hang over the ground, the entire cucumber plant becomes tahor. **R' Shimon** said, only the parts that hang over the ground become tahor, the parts in the pot are subject to tumah. **Abaye** asked, according to **R' Shimon**, are the parts that grow outside the pot considered to be a yad for the parts inside the pot (if the leaves touched tumah will the cucumbers in the pot become tamei)? **TEIKU**.
 - **Q: R' Yirmiya** said, they have said that if one bows down to half a gourd it becomes assur b'hana'ah (and according to **R' Shimon** it would therefore not be subject to food tumah). **R' Yirmiya** asked, according to **R' Shimon**, can that half act as a yad to make the other half tamei? **TEIKU**.
 - **Q: R' Pappa** said, a Mishna says, if a branch of figs broke off and is only attached to the tree by its bark, **R' Yehuda** says it is still deemed attached and therefore could not become tamei, but the **Chachomim** say that if it can heal by being reattached to the tree it cannot become tamei, but if it cannot it can become tamei. **R' Pappa** asked, according to the **Chachomim**, can a branch that cannot become tamei act as a yad for a branch that can become tamei? **TEIKU**.
 - **Q: R' Zeira** said, a Mishna says, with regard to a cornerstone on which a wall adjoining two houses is built and which has not gotten tzaraas, when the stone is removed as part of the tahara process, only the part of the stone that belongs to the house with the tzaraas must be removed, but the neighbor's

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portion stays. **R' Zeira** asked, can the part without the tzaraas act as a yad for the part with the tzaraas to spread the tumah? **TEIKU**.

MEISA HABEHEIMA

- **Q:** What is the practical difference between an eiver min hachai and an eiver from a neveila? **A:** The difference would be with the flesh that separates from the limb – the flesh that separates from eiver min hachai does not make something tamei whereas the flesh of an eiver of neveila does.
- **Q:** How do we know that eiver min hachai makes things tamei? **A:** **R' Yehuda in the name of Rav** said, it is the pasuk of “v'chi yamus **min** habeheima”, which teaches that even part of an animal – the eiver min hachai – makes things tamei.
 - **Q:** This pasuk is used by **R' Yehuda in the name of Rav** to teach something else, namely that a treifa that is shechted does not make things tamei!? **A:** The pasuk could have said “**mi**beheima” and instead says “min habeheima”, which allows us to make two drashos.
 - **Q:** We should use this pasuk to teach that even flesh that is separated from a living animal should give off tumah!? **A:** A Braisa teaches that it would not give off tumah. **R' Yose Haglili** in the Braisa says it is taught by the pasuk of “v'chi yamus min habeheima”, which teaches that only something that is irreversibly dead, like an animal, gives off tumah, but flesh regenerates and is therefore not in this category. **R' Akiva** says, the word “beheima” teaches that only something that has bones and sinews from a living animal will give off tumah, which therefore excludes flesh of a living animal. **Rebbi** says, the word “beheima” teaches that only something that has flesh, bones and sinews from a living animal will give off tumah, which therefore excludes flesh of a living animal.
 - The difference between **Rebbi** and **R' Akiva** would be the lower leg of an animal – which only has bones and sinews and doesn't have flesh.
 - **R' Pappa** explains that the difference between **R' Akiva** and **R' Yose Haglili** is the kidneys and lips (they do not regenerate themselves, but they don't have bones).
 - There is a Braisa that brings this same 3 way machlokes regarding the flesh separated from a living sheretz and is based on the pasuk regarding sheratzim. The Gemara explains that there needed to be a separate drasha for beheimos and for sheratzim. If we only had a pasuk for beheima we would say the flesh does not give off tumah, because even when the animal is dead it does not give off tumah when it is the size of a lentil, but sheratzim do and therefore we would think even the flesh of the live sheretz should give off tumah. If we only had a pasuk for sheretz we would say the flesh does not give off tumah, because even when the sheretz is dead it does not give off tumah through carrying, but beheimos do and therefore we would think even the flesh of the live beheima should give off tumah.

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- A Braisa says, if a kezayis of meat is cut off of an eiver min hachai, if he first cut it off and only then intended to use it as food it is tahor, but if he intended to use it as food and then cut it off it is tamei.
 - **R' Assi** once did not go to the Beis Medrash and when he met **R' Zeira** he asked him what was said in Beis Medrash that day. He explained, that the reason he was asking was that he had difficulty understanding the Braisa quoted above that says that if he intended to use it as food and then cut it off it is tamei – the meat only touched the limb in a concealed area and therefore should not pass along tumah!? **R' Zeira** said, I had the same question and asked this to **R' Abba bar Mamal**, who told me that the Braisa follows **R' Meir** who says that tumah does pass even when it is touched in a concealed area. **R' Assi** said, I have heard this from him as well, but I asked him that **R' Meir** only holds that way regarding something that does not require hechsher!?
 - **Rava** said, maybe we can simply say that the Braisa is discussing where the meat was already muchshar!? **Rabba bar R' Chanan** said to **Rava**, even if the meat was not muchshar it can become tamei as food tumah, because it was once capable of giving off stringent tumah (tumah of eiver min hachai) when attached to the limb, and something like that can become tamei with food tumah even without hechsher! **Rava** said, when it was part of the limb it acted like a “piece

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of wood” (it was not yet intended for food) and therefore it would still require hechsher to become tamei with food tumah.

- **Abaye** said, a Braisa says, if a block of chametz was designated to be used to sit on, it becomes batul as chametz and it may be kept on Pesach. That means that it can now become tamei with tumas “moshav” (if it is sat on by a zav, zava, etc.). It must be that such tumah is only D’Rabanan, because if it would be D’Oraisa we would have a case of food that gives off stringent tumah (which we have learned previously cannot be). The Gemara says, based on **Rava’s** statement we can say that the food used as a chair acted like a piece of wood, and therefore would not be a case of “food” giving off stringent tumah.
- **Abaye** said, a Braisa says that an offering of food for avoda zara gives off tumas ohel. However, it must be that such tumah is only D’Rabanan, because if it would be D’Oraisa we would have a case of food that gives off stringent tumah (which we have learned previously cannot be). The Gemara says, based on **Rava’s** statement we can say that the food acted like a piece of wood (because it became assur b’hana’ah and is no longer food), and therefore would not be a case of “food” giving off stringent tumah.
- **Abaye** said, a Mishna says, food connected to a keili becomes like the keili itself (and can become tamei with stringent tumah like the keili). However, it must be that such tumah is only D’Rabanan, because if it would be D’Oraisa we would have a case of food that gives off stringent tumah (which we have learned previously cannot be). The Gemara says, based on **Rava’s** statement we can say that the food acted like a piece of wood, and therefore would not be a case of “food” giving off stringent tumah.
- **R’ Pappa** said to **Rava**, a Mishna says that the cheilev of a neveila in the villages can become subject to food tumah if there is intent to be used as a food and it becomes muchshar. However, the tumas neveila it gets from the kidney (that it protects) must be only D’Rabanan, because if it would be D’Oraisa we would have a case of food that gives off stringent tumah (which we have learned previously cannot be). The Gemara says, based on **Rava’s** statement we can say that the cheilev acted like a piece of wood (as a protection for the kidney), and therefore would not be a case of “food” giving off stringent tumah.
- **R’ Masna** said, they have said that a house that used edible seeds for its roof, even if the seeds were tamei, they now become tahor (because they are considered part of the house, and would even be subject to tumas tzaraas). However, it must be that the tumas tzaraas is only D’Rabanan, because if it would be D’Oraisa we would have a case of food that gives off stringent tumah (which we have learned previously cannot be). The Gemara says, based on **Rava’s** statement we can say that the seeds acted like a piece of wood, and therefore would not be a case of “food” giving off stringent tumah.

R’ SHIMON METAHER

- **Q:** If **R’ Shimon** holds that death of an animal other than by shechita makes a dangling limb to be treated as if it fell off before the death, this limb should give off tumah as eiver min hachai, and if he holds that death does not do that, the limb should be tamei as neveila!? **A:** **R’ Shimon** is referring to the earlier part of the Mishna, which said that a dangling limb and meat are subject to food tumah even while dangling and require hechsher. It is regarding this that **R’ Shimon** said that it is tahor.
 - **R’ Assi in the name of R’ Yochanan** said, the view of **R’ Shimon** is based on the pasuk that says “mikol ha’ochel asher yei’acheil”, which teaches that food that can (at least) be fed to goyim has the status of food, but food that cannot be fed to goyim does not (and, as eiver min hachai, this may not be fed to goyim). **R’ Zeira** asked **R’ Assi**, maybe **R’ Shimon’s** view is simply based on the fact that it is still attached to the animal and considered to be part of the animal, and a live animal is not subject to tumah, as you explained to be the reason why in another Mishna **R’ Yehuda** says that the fruit on a broken branch attached by only its bark, is still considered to be part of the tree!? **R’ Assi** said, **R’ Yochanan** was giving

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the basis for **R' Shimon's** view in the middle part of the Mishna, where **R' Shimon** said that the dangling limb and meat do not become muchshar from the blood of the shechita. **R' Zeira** asked, it may be that **R' Shimon** agrees in that case that the limb can become tamei and only argues that the blood of the shechita cannot act as a hechsher, and therefore **R' Yochanan's** statement cannot be going on the middle part of the Mishna!? **A: R' Assi** said, **R' Yochanan's** explanation was said in reference to the end of the Mishna (where the animal died without shechita), and when **R' Shimon** says it is tahor he is only referring to the dangling meat, not a limb. The reason he holds that the meat does not become subject to food tumah is based on the pasuk that says “mikol ha'ochel asher yei'acheil”, which teaches that food that can (at least) be fed to goyim has the status of food, but food that cannot be fed to goyim does not.

MISHNA

- The limb and flesh that dangle from a person are tahor. If the person dies, the dangling flesh is tahor, but the dangling limb is tamei as eiver min hachai of a person, but not as an eiver of a meis. This is the view of **R' Meir**. However, **R' Shimon** says it is tahor.

GEMARA

- **Q: If R' Shimon** holds that death makes a dangling limb to be treated as if they fell off before the death, this limb should give off tumah as eiver min hachai, and if he holds that death does not do that, the limb should be tamei as an eiver from a meis!? Why does he hold it is tahor!? **A: R' Shimon** is making a general statement – not referring to the Mishna's case of dangling limbs. He means to say that an eiver that is cut off a meis does not give off tumah (unless it has a kezayis of flesh on it). We find this view in a Braisa where **R' Eliezer** says that a limb cut off a living person gives off tumah, but a limb cut off a meis does not. **R' Yehoshua** argues and says that if a limb cut off a living person gives off tumah, certainly a limb cut off a meis will give off tumah.
- **Q: According to R' Meir**, what is the difference between an eiver cut off a living person and an eiver cut off a meis? **A: The difference would be regarding a kezayis of flesh or a bone the size of a barley that separates from a limb cut off a living person. We see this in a Mishna which says, with regard to a kezayis of flesh that is separated from an eiver that was cut off of a living person, R' Eliezer says it is tamei and R' Nechunya ben Hakana and R' Yehoshua say it is tahor. With regard to a bone the size of a barley that is separated from an eiver that was cut off of a living person, R' Nechunya says it is tamei and R' Eliezer and R' Yehoshua say it is tahor. [R' Meir would hold that in regard to an eiver cut from a meis, a kezayis of flesh and a bone the size of a barley that separated from it are tamei. If the limb was cut off a living person, they are tahor.]**
 - Now that we have made this distinction between the limb cut from a living person and the limb cut from a meis, we can say that this is the difference between the **T"K** and **R' Shimon** in our Mishna (it is regarding a kezayis of flesh or a bone the size of a barley that are separated from a limb that was cut from a living person).

HADRAN ALACH PEREK HA'OR V'HAROTEIV!!!

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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 kodash.
 - 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

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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 yihyeh 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

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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 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 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 include 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.

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- There was a Levi who would grab “the gifts” that were meant for the Kohen. When this was told to **Rav** he said, is it not enough that we don’t take his gifts from him, but he also takes from the Kohanim!?
 - **Q:** What does **Rav** hold? If he holds that Levi'im are included in the “ahm”, we *should* take the gifts from him as well!? If they are not included in “ahm”, then they are patur even D'Oraisa!? **A:** **Rav** was unsure whether they are included in “ahm”, therefore it is possible that they are chayuv to give the gifts, but Beis Din would not force them to do so.
 - **Q: R’ Pappa** repeated this and **R’ Idi bar Avin** asked him, there is a Braisa that says as follows. There are 4 gifts for the poor that apply in a vineyard – peret, oleilos, shikcha, and peyah (the

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Gemara gives the source to each of these from pesukim), there are 3 gifts for the poor that apply to grains – leket, shikcha, and peyah (the Gemara gives the source for each of these from pesukim), and there are two gifts for the poor that apply to fruit of the tree – shikcha and peyah (the Gemara gives the source to each of these from pesukim). The owner of these fields does not get any “tovas hana’ah” (he may not benefit from the gratitude by deciding who to give it to, which the Gemara learns from the pasuk which says that these must be “left” in the field), and even if the owner is poor himself he may not keep any of these gifts (the Gemara learns this from the pasuk of “lo silaket le’ani” as being a directive even to a poor person). Regarding maaser ani which is distributed to the poor in the owner’s house, the owner does get the tovas hana’ah (the Gemara learns this from the fact that the pasuk says the maaser is “given” to the poor person), and even the poorest of people must give this maaser (the Gemara learns this from a gezeira shava from leket). With regard to the other gifts that are given to the Kohen, such as the zero’ah, the lechayayim, and the keiva, we do not take them from a Kohen for a Kohen, or from a Levi for a Levi. Now, this suggest that we don’t take them from a Levi for another Levi, but that we would take it from a Levi for a Kohen, which shows that a Levi is included in the category of “ahm”!? **A:** The Braisa is referring to something that is similar to the zero’ah, namely maaser rishon.

- **Q:** Maaser rishon belongs to the Levi! Why would it be taken from him to be given to a Kohen!? **A:** It is like **R’ Elazar ben Azarya** said in a Braisa, that the Levi’im were penalized and lost their rights to get maaser rishon.
 - **Q:** He said they lost their right to get maaser rishon, he never said that they even get maaser rishon taken from them!? **A:** Rather, when the Braisa says “zero’ah” is referring to something that is like the zero’ah, namely the gift of reishis hageiz, which is taken from a Levi and given to a Kohen.
- **Q:** A Braisa says, any gifts that are kadosh, like teruma, terumas maaser, and challah, are taken from a Levi to be given to a Kohen. However, any gift that is not kadosh, like the zero’ah, lichayayim, and the keiva, are not taken from the Levi. The Braisa clearly says that they are not included in “ahm”!? **A:** The Braisa is referring to something that is *like* the zero’ah, but not the zero’ah itself – namely, it is referring to maaser rishon after the Levi’im were penalized by Ezra.
- **Q:** a Mishna says, one who shechts an animal for a Kohen or for a goy is patur from having to give “the gifts”. This implies that one who shechts for a Levi would have to give them!? **A:** The proper implication is that one who shechts for a Yisrael does not have to give them.
 - **Q:** If that is so, the Mishna should have said that one who shechts an animal for a Levi or for a goy is patur from having to give “the gifts”!? Also, a Braisa clearly says that one who shechts an animal for a Levi or a Yisrael is chayuv to give the gifts!? This refutes **Rav**!? **A:** **Rav** will say that it is actually a matter of machlokes among Tanna’im. A Braisa regarding the pasuk that talks about the kapara of Yom Kippur says that “ahm hakahal” refers to Yisraelim and “yichaper” refers to the Levi’im. Another Braisa says that “yichaper” refers to the non-Jewish slaves. The machlokes between them must be whether or not the Levi’im are included in the category of “ahm”. **Rav** was unsure which Braisa to pasken like and that is why he was unsure whether they are included in the category of “ahm”.
- **Mareimar** darshened that the halacha follows the view of **Rav** (that we do not collect the gifts from Levi’im) and like **R’ Chisda** (that one who damages the gifts does not have to pay the Kohen for them).
 - **Ulla** would give his gifts to a female Kohen. **Rava** asked him, a Mishna says that the mincha of a female Kohen is eaten but the mincha of a male Kohen is not. Now, the pasuk says that every “minchas Kohen” must be totally burned and not eaten. If you hold that “Kohen” includes a female Kohen, her mincha should also not be eaten!? **Ulla** said, that parsha says “Aharon ubanav”, which is why it is limited to male Kohanim.

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- **Divei R' Yishmael** said that the gifts must be given to a male Kohen, not a female Kohen, because we learn from the parsha of mincha that “Kohen” refers to male Kohanim.
- **Divei R' Eliezer ben Yaakov** taught that it may even be given to a female Kohen. The reason is that the word “Kohen” (which is generally limited to males) is written twice. This creates a double exclusion, which becomes an inclusion.
- **R' Kahana** ate the gifts on account of his wife (whose father was a Kohen). The same was done by **R' Pappa, R' Yeimar, and R' Idi bar Avin**.
- **Ravina** said, **Mareimar** told me that the halacha follows **Rav**, the halacha follows **R' Chisda**, the halacha follows **Ulla**, and the halacha follows **R' Ada bar Ahava** who said that if the daughter of a Levi had a bechor he is patur from needing to be redeemed.

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- A Braisa says, the gifts of zero'ah, lichayayim, and keiva apply to animals of kilayim and to a koy. **R' Eliezer** says, kilayim of a goat and a sheep are subject to the gifts, but from a goat and a deer (a koy) is patur.
 - We have said earlier that regarding kisuy hadam and “the gifts” the machlokes is only regarding offspring produced by a male deer and female goat, and the **Rabanan** and **R' Eliezer** both are unsure whether we give any significance to the species of the father, and they argue whether when the pasuk says “seh” it includes an animal that is even partially a seh – the **Rabanan** say that it does and **R' Eliezer** says that it does not.
 - **Q:** The view of **R' Eliezer** makes sense, because since he holds that a partial seh is not included, he says it is patur from the gifts. However, according to the **Rabanan**, it makes sense that the Kohen should get half the gifts, but with regard to the other half the owner should tell him to bring proof that we do not give significance to the species of the father and then I will give you the other half!? **A:** **R' Huna bar Chiya** said, when the **Rabanan** say that a koy is chayuv in the gifts, it means in giving half of the gifts.
 - **Q:** **R' Zeira** asked, a Mishna lists the different halachos of a koy and says it is chayuv in the gifts, although **R' Eliezer** says it is patur. Now, according to the previous answer the Mishna should say it is chayuv in *half* the gifts!? **A:** Since the other things listed in the Mishna (cheilev, blood) are not just half, this is also not listed as half.
 - **Ravin in the name of R' Yochanan** said that the **Rabanan** hold that a koy is chayuv in the full gifts, as a Braisa teaches based on the word in the pasuk “ihm seh”.
 - **R' Eliezer** says the word “ihm” is needed to teach that one is chayuv in the gifts even if he only shechts an ox *or* a seh, and he need not shecht both to be chayuv. The **Rabanan** learn this from the singular expression in the pasuk “zovchei hazevach” (the shechita). **R' Eliezer** uses this to teach the ruling of **Rava** that the claim of the Kohen is on the shochet.

MISHNA

- If a bechor animal became mixed in 100 animals, if 100 different people shechted them they are patur from the gifts. If one person shechts all of them, only one of the animals is patur.
- If one shechts for a Kohen or for a goy he is patur from having to give the gifts. If one becomes a partner with a Kohen or a goy he must mark the meat so that people realize this.
- If a Kohen sells an animal to a Yisrael and says he is selling it “except for the gifts that are in it”, the buyer is patur from having to give the gifts.
- If someone told a butcher to sell him the innards of a cow and the keiva was among it, the buyer must give the keiva to a Kohen and can't reduce the purchase price because of that. However, if he bought the innards based on weight, he must still give the keiva to a Kohen but can deduct the value from the purchase price.

GEMARA

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- **Q:** Why can't the Kohen tell each person – if it is a bechor the entire thing belongs to me and if it is not a bechor the gifts belong to me!? **A:** **R' Oshaya** said, the case of the Mishna is where the bechor had been given to a Kohen and he then sold it to a Yisrael when it had a mum.

HASHOCHET L'KOHEN U'LE'OVDEI KOCHAVIM...

- **Q:** Why does the Mishna mention the shochet? Why not just say that a Kohen and a goy are patur from having to give the gifts? **A:** **Rava** said, this teaches that the Kohen's claim is on the shochet.
- **Rava** darshened, the pasuk regarding the gifts says "me'eis ha'ahm", which excludes Kohanim. The pasuk of "zovchei hazevach" teaches that if the shochet is a Kohen who is selling it, he must give the gifts to another Kohen.
 - The host of **R' Tavla** was a Kohen who was poor. **R' Tavla** advised him to go into partnership with butchers who were Yisraelim who would willingly take him as a partner so that they can become patur from giving the gifts. **R' Nachman** obligated them to give the gifts to another Kohen. The Yisrael asked – **R' Tavla** said we are patur!? **R' Nachman** said, go give the gifts! **R' Tavla** asked **R' Nachman** why he said this. **R' Nachman** said, when **R' Acha bar Chanina** came from the south he said in the name of **R' Yehoshua ben Levi** that the elders of the South say that a butcher who is a Kohen is only patur from giving the gifts for the first 2 or 3 weeks, but after that must start giving the gifts. **R' Tavla** asked, then you should have at least allowed this partnership to be patur for the first 2 or 3 weeks!? **R' Nachman** said, that is only allowed when the butcher had not yet set up a store, but this butcher did and he is therefore chayuv right away.
 - **R' Chisda** said, a Kohen (who is a butcher) who does not separate the gifts and give them to another Kohen should be put in cheirem.
 - **Rabbah bar R' Shila** said, the butchers in Hutzal were put in cheirem by **R' Chisda** for 22 years.
 - **Q:** Why is the number important to know? It can't be because that is the maximum that one can be put into cheirem for, because a Braisa says that for not listening to a mitzvas assei one gets malkus even until he dies, and so he would similarly be left in cheirem indefinitely!? **A:** Rather, it is because after 22 years we may penalize them without giving a prior warning. We find that **Rava** did so and that **R' Nachman bar Yitzchak** did so.
 - **R' Chisda** said, the zero'ah should be given to one Kohen, the keiva should be given to one Kohen, and the jaws may be given to two Kohanim to divide.
 - **Q:** **R' Yitzchak bar Yosef** said that in EY they would make it into even smaller portions!? **A:** That is when they were giving from an ox (whose pieces are bigger).
 - **Rabbah bar Chana in the name of R' Yochanan** said, it is assur to eat from an animal whose gifts were not separated. **Rabbah bar Chana in the name of R' Yochanan** also said, one who eats from an animal that did not have the gifts separated is like one who eats tevel.
 - The Gemara says that we do not pasken like these rulings.
 - **R' Chisda** said, the gifts given to a Kohen must only be eaten roasted and with mustard, based on the pasuk of "l'mashcha" which teaches that it must be eaten with greatness, like royalty do.
 - **R' Chisda** said, there are 24 gifts given to a Kohen. They should not be given to any Kohen who is not an expert in them.
 - The Gemara says, this is not so. A Braisa says, **R' Shimon** says, any Kohen who does not accept the Avodah has no share in the portions of the korbanos for a Kohen. This is based on the pasuk of "hamakriv es dam haShelamim v'es hacheilev miBnei Aharon lo sihiyeh shok hayamin l'manah". We would think that he must only be accepting of these Avodos listed in the pasuk. How do we know to include the other 15 Avodos as well? The pasuk therefore says "MiBnei Aharon", which means to include every Avodah given to the Kohanim to do. Now, the Braisa says that if the Kohen doesn't accept the Avodah he doesn't get a portion, which suggests that if he does accept it, but is just not an expert, he would get a portion.

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- **R' Abba in the name of R' Huna in the name of Rav** said, the veins in the jaw are assur to be eaten (because of the blood they contain), and any Kohen who doesn't know how to remove them should not be given the jaws.
 - The Gemara says this is not so, because if it is roasted the blood will flow out, and if he will want to cook it he only needs to cut them open and salt them.
- **Rava** said, **R' Yosef** tested us by asking, if a Kohen grabs the gifts for himself before they can be given to another Kohen, is that a display of love for the mitzvah or a display of disrespect? **Rava** answered that the pasuk says "v'nosson", which teaches that the Kohen should not take for himself.
 - **Abaye** (who was a Kohen) said, initially I would grab the gifts for myself, feeling that that was a display of love for the mitzvah. Once I heard that "v'nosson" teaches that a Kohen should not take it for himself I stopped doing so, but would instead ask the people to give it to me. I then heard the Braisa where **R' Meir** darshens a pasuk to refer in a disparaging way to the sons of **Shmuel** for having explicitly asked people for their gifts, I even stopped doing that, but would accept the gift if it was offered to me. I then learned a Braisa that said that the pious Kohanim would not accept the gifts, and at that point I would no longer accept the gifts except for Erev Yom Kippur, so that I establish myself as being a Kohen.
 - **Q:** Why couldn't he establish himself as a Kohen by doing birchas Kohanim during davening? **A:** Due to his extensive learning he did not daven with the regular minyan.
 - **R' Yosef** said, if a Kohen has in his neighborhood a poor talmid chochom who is a Yisrael, he can transfer ownership of the gifts (that he will receive) directly to this talmid chochom, even if the gifts never physically entered the Kohen's reshus. However, this only applies when this Kohen is the popular Kohen who gets all the gifts, and therefore it is considered as if it entered his possession even though it had not yet done so.
 - **Rava and R' Safra** went to visit **Mar Yochana the son of R' Chana bar Ada** and they prepared a 3rd born calf for them. The attendant was a Kohen. **Rava** said to the attendant, transfer us ownership to the gifts that your master normally gives to you, because we want to eat the tongue (which goes along with the jaw as part of the gift) with mustard. The attendant did so. **Rava** ate it, but **R' Safra** did not. **R' Safra** then had a dream where a pasuk was read to him. The pasuk said that like a worn out garment on a cold day, like vinegar on alum (both are useless), so too is one who teaches Torah to one who doesn't understand what he is being taught. **R' Safra** went to **R' Yosef** and asked, maybe this was read to me because I didn't follow what you taught (above)? **R' Yosef** said, I only taught that regarding a Kohen who is not pressured to acquiesce, but an attendant is pressured. Also, I only taught that for someone who needs the gifts to survive, and you did not need the tongue to survive. The reason the pasuk was read to **R' Safra** was really as a reference to **Rava**, and the pasuk was not read directly to **Rava** because he was being punished for having "caused" Hashem to bring rain just for the honor of the mother of the Shvor Malka.
 - **R' Dimi** told **Abaye**, the plain meaning of this pasuk refers to a rebbi who teaches Torah to a talmid who is not proper. As **R' Yehuda in the name of Rav** said, such a rebbi ends up in Gehenom, and **R' Zeira in the name of Rav** said, such a rebbi is considered as if he worshipped the Markulis avoda zara.

V'HAMISHTATEIF IMAHEN TZARICH LIRSHOM

- **Q:** The Mishna seems to say that even when partnering with a goy one must mark the meat to show that a goy is a partner with him. However, a Braisa says that one must only mark the meat when in partnership with a Kohen, and not when in partnership with a goy or when he is selling a korbon that became passul!? **A:** The Braisa is referring to where the goy is sitting in the store (so it is evident to all that he is a partner).
 - **Q:** That would mean that the case of the partnership with the Kohen is also where the Kohen is sitting in the store. If so, why does he have to mark the meat? It must be because people will think the Kohen is there to buy meat, not as a partner. The same should be said when the goy is sitting in the store!? **A:** The case is where the goy is sitting on the money chest. That shows that he is a partner. When the

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Kohen sits on the money chest people may think that he is doing so because he is trusted by the butcher (even though he is not a partner). With the goy there is no such trust, and so the only reason he would be sitting on the money chest is that he is a partner.

- We can also answer that when the goy is a partner he gets involved in the pricing being charged by the butcher. Therefore all know that he is a partner. The Kohen would not do so.
- **Q:** The Braisa seems to say that it is apparent to all when one sells a korbān that became passul (which is why it would not have to be marked). However, a Mishna says that a pasul korbān is sold, shechted, and weighed just like all other animals, so how is it apparent to all that this is a passul korbān? **A:** **R' Ada bar Ahava** said to **R' Pappa** that the Braisa is only referring to the passul korbānos which are sold in the house (a bechor and maaser) and not in the market.
- **R' Huna** said, if the Kohen or goy is a partner in the head of the animal, the butcher is patur from having to give the jaws, but must give the zero'ah and keiva. If he is a partner in the zero'ah, he is patur only from the zero'ah. If he is a partner in the innards he is only patur from the keiva. **Chiya bar Rav** said, if he is a partner in any one of them, the butcher is patur from giving all of the gifts.
 - **Q:** A Braisa says, if a Kohen sells an animal to a butcher and says that he is keeping the head, or the zero'ah, or the keiva, or even 1/100 of either of these, the butcher is patur. Presumably this means he is only patur from the part that the Kohen is keeping an interest in!? **A:** It means he is patur from all the gifts.
 - **Q:** If so the Braisa should say “he is patur from all”!? Moreover, a Braisa clearly says that in this case he is *only* patur from the part in which the Kohen or the goy is a partner!? This is a **TEYUFTA** of **R' Chiya**.
 - **R' Chisda** explained that **R' Chiya's** view was based on a mistaken understanding of a Braisa that lists all the 24 Kohanic gifts, and the list groups the zero'ah, lichayayim, and keiva as one gift. He thought that they are grouped as one and are therefore all grouped together for purposes of becoming patur from them as well. However, that is not the case. In fact, there are other groupings in the list in the Braisa which are clearly only grouped together due to their similarity, not for halachic grouping purposes. The same is true for the zero'ah, lichayayim, and keiva.
 - **Q:** What if the Kohen sells the head of an animal to a butcher who is a Yisrael and keeps the rest for himself? Do we say that the butcher must give the gifts of the head (the jaws) or do we say that since the main part of the animal is owned by the Kohen the entire animal becomes patur? **A:** A Braisa says, if a Yisrael buys the wool of the sheep of a goy before it is shorn, he is still patur from having to give reishis hageiz (because the main part of the animal is owned by the goy), and in this respect the gifts of zero'ah, lichayayim, and keiva are more stringent than reishis hageiz. We see that with regard to zero'ah, lichayayim, and keiva we look to the part of the animal owned by the Yisrael, even if the main part of the animal is owned by the Kohen. **SHEMA MINAH**.

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V'IHM AMAR LO CHUTZ MIN HAMATANOS PATUR MIN HAMATANOS

- **Q:** A Braisa says that if a Kohen sells an animal to a Yisrael and says the sale is on condition that the gifts in it are mine, the Yisrael may still give the gifts to any Kohen that he wants!? **A:** The Mishna is talking about where he sells it “except” for the gifts, and the Braisa is where he says “on condition”, which is not an exclusion and is therefore not binding.
 - **Q:** Another Braisa says that if the Kohen sells the animal with such a condition the gifts are to go to that Kohen!? **A:** The Tanna of the first Braisa holds that a condition is not an exclusion and the Tanna of this second Braisa holds that it is.

AMAR LO MECHOR LI BNEI MEI'EHA...

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- **Rav** said, this is only where the person weighed it out for himself. However, if the butcher weighed it, the Kohen can claim the keiva from the butcher. **R' Assi** said, even if the butcher weighed it out, the claim will only be on the buyer.
 - **Q:** Maybe we can say that they are arguing regarding the ruling of **R' Chisda** who said that if someone stole an item and the owner was not yet “meya'ish”, and a third person came and ate the item, the owner may collect from the ganav or from the third person. Maybe **Rav** holds of this ruling and **R' Assi** does not? **A:** It may be that everyone agrees with **R' Chisda's** ruling, and they argue in whether the Kohanic gifts can be legally stolen – **Rav** says that they can and **R' Assi** says that they can't.

MISHNA

- With regard to a ger who converted and owned a cow – if he shechted the cow before he converted he is patur from the gifts, but if he shechted it after he converted he is chayuv. If it is a safek as to when it was shechted he is patur, because hamotzi meichaveiro alav haraya.

GEMARA

- **R' Dimi** said that **Reish Lakish** asked **R' Yochanan**, our Mishna says that in a case of safek we go l'kula, but in a Mishna regarding leket **R' Meir** says that in a case of safek we go l'chumra!? **R' Yochanan** said, that view of **R' Meir** is only his view according to one opinion, so you can't ask me based on it. **Reish Lakish** asked, there is a pasuk that teaches that we treat a safek of gifts for the poor l'chumra, so why don't we say the same is true for gifts for the Kohanim!? **Rava** said, the difference is that in our Mishna the cow has a chazaka that it is patur from the gifts, whereas the grain in the other Mishna have a chazaka that they are chayuv.
 - **Q: Abaye** asked, with regard to the making of a dough a Mishna says that if a ger made it before he converted it is patur from challah, if it is made after he converted it is chayuv, and if it is a safek he is chayuv!? **A: Rava** said, challah is an issur, and a safek issur is treated l'chumra. The gifts are a monetary matter, in which case a safek is treated l'kula. We find that **R' Chisda** and **R' Chiya** taught this distinction as well.
- **Levi** planted grain in Kishar and no poor people came to collect the leket. **R' Sheishes** told him, the pasuk says it must be left for the poor people, and does not say to leave it for the ravens and bats. Therefore, if there are no poor people you can take it for yourself.
 - **Q:** A Braisa says that if there is no Kohen to take one's terumah he must store it until a Kohen is found. The same should be done for leket!? **A:** Terumah must be separated or else the produce remains tevel, therefore it is treated differently.
 - **Q:** The gifts are not something that effect tevel and yet a Braisa says that if there is no Kohen to take them they should be eaten and their value put away for a Kohen!? **A:** The gifts are different, because the pasuk says it must be “given” to a Kohen. Once we answer this, we can give this answer for why terumah is treated differently as well.
 - **Q:** Based on this, why is there a second mention of “leave it” mentioned in the pasuk? **A:** It is used to teach the ruling of a Braisa, that if someone made his vineyard hefker and in the morning went early and picked its fruit, he is still chayuv in peret, olaylos, shikchah, and peya, but would be patur from maaser.
- There was a bag full of dinars that was brought to the Beis Medrash for the talmidim. **R' Ami** went and acquired them before anybody else.
 - **Q:** How could he do this when the pasuk of “v'nosson” teaches that one should not take for himself!? **A:** **R' Ami** was taking them on behalf of the poor people. **A2:** A prestigious person is different, as a Braisa says that when a Kohen Gadol is appointed the other Kohanim must make sure that he has wealth, even if it means that they each must give him money. The same is true for the Rosh Yeshiva **R' Ami**.

MISHNA

- What is considered to be the zero'ah? It is from the lower joint until the shoulder blade. This is also the zero'ah mentioned regarding the nazir's shelamim. The corresponding part of the back leg is called the shok. **R' Yehuda** says the shok is from the joint until the joint that is between the upper and middle bones.

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- What is the jaw? It is the part that goes from the joint of the jaw until the opening of the kaneh.

GEMARA

- A Braisa says, when the pasuk says “hazero’ah” it refers to the right leg. It is as **Rava** taught that “hayareich” refers to the more prestigious thigh (the “hey” teaches that). The same is true with the “hey” in “hazero’ah”.
 - **Q:** What does the “hey” in “halichayayim” teach? **A:** It comes to include the wool that is on the heads of sheep and the hair of the beards of goats.
 - **Q:** What does the hey in “hakeiva” teach? **A:** It comes to include the fats on the keiva and the milk in the keiva. As we find that **R’ Yehoshua** said that the Kohanim had the custom to give the fats and milk to the owner. We see that if they don’t have this custom it rightfully belongs to them.
- The ones who darshen the hidden things say that the zero’ah corresponds to the hand of Pinchas when he killed those sinning, as the pasuk says “vayikach romach biyado”. The jaw corresponds to his tefilla, as the pasuk says “vayamod Pinchas vayifalel”. The keiva corresponds to the keiva of the woman that he pierced, as the pasuk says “v’es ha’isha ehl kavasa”.
- Another Tanna learns that it is the right zero’ah based on a drasha of the pasuk regarding nazir.

EIZEHU LECHI MIN HAPEREK SHEL LECHI...

- **Q:** A Braisa says that even the place of the shechita is given to the Kohen (which is more than our Mishna says)!? **A:** They may both be referring to the same place, and they are just following different views of where the proper place of shechita is. The Mishna holds that would not be a proper place of shechita and therefore refers to it differently. The Braisa says that it is a proper place of shechita and therefore refers to it as such. **A2:** We can also answer that when the Braisa says that the place of the shechita is “with it” it means it is left with the rest of the animal (not with the portion given to the Kohen).

HADRAN ALACH PEREK HAZERO’AH V’HALICHAYAYIM!!!