

OVERVIEW of the Daf

1) A kohen's right to offer his own korban (cont.)

The Gemara clarifies the Baraisa's last ruling related to the kohen who is old or sick.

R' Sheishes teaches that a kohen who is tamei who has the assignment of offering a communal korban has the right to give any other kohen that privilege.

The exact circumstances of this ruling are clarified.

R' Ashi teaches that a kohen gadol who is an onen may ask any kohen to offer his korbanos.

The novelty of this ruling is explained.

2) MISHNAH: The Mishnah discusses some of the halachos related to one who swore that he did not steal property from a convert and the convert died without heirs.

3) The verses that address one who steals from a convert

A Baraisa is cited that explains the words of the verse that deal with one who robs a convert.

The reason is explained why it is important to know whether the word אשם refers to the principal or the korban.

Another Baraisa is cited that analyzes whether the term אשם refers to the principal or the one-fifth surcharge.

The reason this is important is explained.

Another Baraisa discusses whether the parshah refers to גזל from a convert or גניבה from a convert.

Two rulings of Rava are recorded, one mentioned earlier, related to one who stole from a convert.

Rava inquires about a case where there is enough money for the members of one mishmar to receive a perutah but for a larger mishmar there would not be sufficient funds.

After further clarifying the inquiry the Gemara leaves the matter unresolved.

Rava inquires whether kohanim could exchange their share of the robbed property of a convert or not and after posing the question

Rava answers that they may not.

According to a second version this was not an inquiry but a definitive ruling of Rava.

Rava inquires whether the kohanim inherit the robbed property of the convert or are they recipients of gifts.

The practical difference of this inquiry is explained.

R' Zeira rejected this explanation as the practical difference of this inquiry and offered an alternative explanation.

The Gemara proves that the kohanim are considered recipients of gifts.

4) Atonement for the robber of a convert

Abaye infers from the Mishnah and explains the logic behind the inference that returning the stolen money provides half the atonement for the robber.

Abaye's logic is unsuccessfully challenged. ■

Distinctive INSIGHT

Payment of the convert's funds to the kohen applies only when an oath has been taken

הגוזל את הגר ונשבע לו ומת הרי זה משלם קרן וחומש לכהנים

The Mishnah discusses the law of returning money owed to a convert who dies without heirs. Based upon the verse (see Bamidbar 5:8), the money is to be paid to the kohanim. The Mishnah illustrates the case in terms of one who stole money from a convert, and then denied that he owed the money and took an oath to reinforce his false denial. When the person confronted by the convert later admits his wrongdoing and his having taken a false oath, aside from repaying the initial amount stolen, he also pays an additional one-fifth as a penalty for having sworn falsely. When the convert dies without leaving any heirs, the money must still be paid, but it is given to the kohanim.

Sefer שלמה ים writes that, in general, we know that an offering of an asham and a penalty payment of a fifth is added only when the sum being requested is denied with an oath. He explains that, similarly, the payment denied to a convert who then dies is given to the kohanim only when an oath was taken to reinforce the denial of the sum. This is determined from the

(Continued on page 2)

REVIEW and Remember

1. When is a Kohen not empowered to appoint an agent to perform the עבודה in his place?
2. What is the rationale behind Rava's ruling that a robber cannot give stolen property to kohanim at night?
3. What is the difference whether kohanim who collect the stolen property of a convert are heirs or recipients of a gift?
4. What is done with an animal that was designated as a Korban Chatas whose owner died?

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HALACHAH Highlight

Appointing an agent to fulfill a mitzvah

עבודה דכי עביד ליה על ידי הדחק עבודה היא ומשוי שליח וכו'

Service that can be performed with difficulty is service and thus he can appoint an agent etc.

There was once a man who paid for the honor of taking out, returning and rolling the Sefer Torah. After this purchase, he became ill and wanted to have the privilege of appointing an agent who would perform these tasks in his place. Mahari Bruna¹ ruled that this person did not have the right to appoint an agent to perform these tasks and cited our Gemara as proof to that principle. Our Gemara relates that a kohen who is elderly or becomes ill can give his korban to any kohen he chooses, but if the kohen is unable to do any of the avodah himself due to his elderly or weakened condition the korban is given to the members of the mishmar that is on call to offer the korban. This clearly teaches that if one is unable to perform a task personally he does not have the right to assign someone as his agent, thus in our case the person who purchased the right to perform certain tasks in the Beis Haknesses did not purchase the right to appoint an agent to act in his place once he is incapable of performing those mitzvos himself.

Shayarei Knesses Hagedolah² seemingly adopts a different position. He discusses the case of Reuven who purchased the mitzvah of transporting the Sefer Torah and since it was too heavy for Reuven to carry he sent a relative to carry the Sefer Torah in his place. Shayarei Knesses Hagedolah ruled that Reuven did have the right to send a relative to carry the Sefer Torah and the reason he offered was that we treat this circumstance as if there is nothing that prevents Reuven from doing it personally and thus he is allowed to send a relative as his agent.

Ben Ish Chai³ argued that just as in Mahari Bruna's case once the person was too ill to do the mitzvah personally he is not empowered to appoint an agent, so too, in this case if Reuven is too weak to carry the Sefer Torah himself he should not have authori-

(Insight. Continued from page 1)

verse in the Torah which states that the principal and the one-fifth should be given to the kohen, and the asham is brought on the altar. It seems, therefore, that the laws share a common premise, and that is that they are only applied when an oath was taken. This is why the Mishnah chose to illustrate the debt owed to the convert in these terms, because this is the only situation in which a kohen would be the recipient of the funds which would have otherwise gone to the convert.

also notes that Rambam (Hilchos Gezeila 8:15) rules that the law of גזל הגר (where the money goes to the Kohen instead of the convert) does not apply to claims of land, slaves or documents. The law of paying an additional חומש also does not apply in these cases. This is a strong indication that the law only applies when an oath is taken, because being that in the cases of land, servants and documents, no oath is administered, the consequence of applying the law of גזל הגר becomes inapplicable. ש"ך (C.M. 386:#13), however, explains that the reason the law of גזל הגר does not apply in a case of land is that, technically, the law of stealing does not apply to land.

Minchas Chinuch (Mitzvah 129: #21) writes that if the thief admitted to the convert during his lifetime, and the thief paid the principal but not the חומש and the convert then died, the חומש goes to the kohanim. Both the principal and the additional one-fifth are separate gifts due to the kohanim. ■

ty to appoint an agent to act in his place. He suggests that Mahari Bruna referred to where the person was so weak he would not be able to fulfill the mitzvah altogether. Shayarei Knesses Hagedolah, however, referred to a case of a person who could not lift that particular Sefer Torah, since it was so heavy but if there was a lighter Sefer Torah he would be able to fulfill the mitzvah. In a case where a person is capable to perform the mitzvah in some fashion he retains the right to appoint an agent to act on his behalf. ■

1. שו"ת מהר"י ברונא סי' קע"ח
2. שייירי כנסת הגדולה אור"ח סי' קמ"ז הגה"ט אות ב
3. רב ברכות מערכת כ' אות א' ■

STORIES Off the Daf

The rewards of charity

כל המקיימן כאילו מקיים כלל ופרט וכלל

On today's daf we find that anyone who upholds the twenty-four types of matnos kehunah is considered as if he had fulfilled the entire Torah. The matnos kehunah were material gifts and can be compared to charity nowadays. Indeed, the Gemara in Bava Basra states that tzedakah is equivalent to all the mitzvos. It

can hardly be estimated how much one gains from supporting the needy. Rav Yechiel Michel Stern, shlit"א, recounted an incident that highlights this idea.

When Reb Menachem Kenigsofer was ninety-three, he heard about a certain elderly woman who required physical help to get her through her day. She did not have enough money to pay the large monthly fee for admittance into a proper nursing facility. Although in Israel the government often helps in such cases, it can take a long time to procure the necessary funds.

The moment Reb Kenigsofer heard

about this, he offered to pay what was missing. He explained, "Here I am, an elderly person. Yet, thank God, I do not require physical assistance. If I did I would surely have to pay for myself. Why shouldn't I pay for someone less fortunate than me?"

This arrangement continued for four years. When Reb Kenigsofer turned ninety-seven, the woman finally received assistance from the government and his help was no longer required.

A week later Reb Kenigsofer passed away!¹ ■

1. רעיונות לדרוש ע' תכ"א