

## OVERVIEW of the Daf

### 1) Clarifying the Mishnah (cont.)

A Beraisa is cited that presents unusual cases that arise when children become intermingled after birth.

Another Beraisa presents unusual genealogical dynamics.

The novelty of the Beraisa is spelled out.

A last related Beraisa is presented.

The Gemara highlights the novelty of the Beraisa and then presents an alternative novelty.

2) **MISHNAH:** The Mishnah discusses in detail two cases of children who become intermingled at birth. The first case involves intermingling the child of a woman and the child of her mother-in-law. The second case involves the children of a kohen and her slave-woman.

### 3) Clarifying the Mishnah

The language in the Mishnah is corrected.

The Gemara emphasizes that chalitza must precede the yibum.

The ruling related to the intermingled kohen and slave is amended to teach that they must both be present to receive a portion of teruma.

A Beraisa is cited that explains the rationale behind this ruling.

A related Beraisa is presented.

The Gemara successfully challenges the veracity of the incident recorded in the Beraisa and amends the Beraisa accordingly.

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## REVIEW and Remember

1. How is it possible for a couple to produce children who fit into five genealogical categories?  
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2. If a kohen and his slave become mixed up are they permitted to eat teruma?  
\_\_\_\_\_
3. Explain **הוי מעלין מתרומה ליוחסין**.  
\_\_\_\_\_
4. Which kohanim may not receive teruma from the granary but may have it sent to their home?  
\_\_\_\_\_

## Distinctive INSIGHT

*Paying for teruma as compensation and as an atonement*

ואינן אוכלין בתרומה ואם אכלו אינן משלמין קרן וחומש

The Mishnah presents the case of a kohen woman whose newborn child became confused with the child of her maidservant, and it is not known which child is the kohen and which is the servant. While the servant is still owned by the kohen, both boys can eat teruma. This is because we know that one of them is the kohen, while the other is owned by the kohen, and **קנין כספו** can also eat teruma. A complication arises when they become of age and each one pronounces that he releases the other from slavery. At this point, the one who was a servant can no longer eat teruma, as he is no longer owned by the kohen. Due to the doubt regarding their status, neither one may eat teruma at this point. The Mishnah adds that if either one does eat teruma, he would not have to pay retribution, which normally would include principal plus an additional fifth as a penalty. The reason no payment has to be given is that each can claim that he is the kohen, and that he owes nothing.

Tosafos (**ד"ה ואם**) explains that there are two aspects to the payment made when a person eats teruma. One is compensation for having taken something that does not belong to him. This aspect of the payment is not enforced here. The other aspect is **כפרה**—one who eats teruma of a kohen must atone for his sin. Therefore, Tosafos says that this doubtful kohen must separate and designate the teruma to atone for his sin (just in case he is the freed slave), but he does not have to give it to another kohen as payment. Tosafos in Kesuvos (30b) also explains that payment for improper eating of teruma is necessary for an atonement, and the proof of this is that no kohen can forgo the payment (**יכול למחול**). We see from here that the atonement is procured at the moment the one who ate the teruma sets aside the principal and the fifth, and not when he actually pays it to a kohen, because in our case all we have is the designation of the produce, but the payment is never made. ■

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# HALACHAH Highlight

## The status of kohanim

ונותנין עליו חומרי כהנים וחומרי ישראלים

We place on him the stringencies of kohanim and the stringencies of Yisroelim

The Rivash<sup>1</sup> ruled that since kohanim cannot confirm their status of being kohanim, they are uncertain kohanim. Accordingly, Maharshdam<sup>2</sup> ruled leniently concerning a woman who was kidnapped by non-Jews and wanted to marry a kohen. Since the kohen's status is doubtful it is only necessary to be strict with those prohibitions that are definitive, but it is not necessary to be cautious concerning doubtful prohibitions.

Accordingly, Rav Yaakov Emden<sup>3</sup> wrote approvingly of those kohanim who return the money they receive for פדיון הבן to the baby's father. Even though Chazal criticized kohanim who had the practice of returning the money they received for the פדיון הבן, that criticism is limited to kohanim of those times who were known to be kohanim. In contrast, since we cannot state with certainty that our kohanim are actually kohanim the money should certainly be returned because of the possibility that the kohen is not really a kohen and the money he received would be considered stolen money. One cannot even argue that the father of the baby realizes that this person may not be a kohen

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### 4) Receiving teruma at the granary

A Beraisa enumerates ten people who do not receive teruma at the granary.

The Gemara begins to examine the Beraisa. ■

and he is giving the money anyway, because it is clear that it is the mitzvah that compels the father to give the money and he does not intend to give it as a gift even in the event that he is not a kohen. Furthermore, it is also appropriate and necessary for a first born to redeem himself with every kohen that he meets, perhaps this kohen has genuine lineage as a kohen. For this reason even the firstborn of the daughter of a kohen or levi should redeem himself since he cannot establish with certainty that he is a descendant of Shevet Levi that exempts him from פדיון הבן. A kohen, however, should not redeem himself, because creating that doubt could lead to leniencies regarding the prohibitions against marrying a divorcée or becoming tamei from a corpse.

The Aruch HaShulchan<sup>4</sup> strongly disagreed with Rav Emden's conclusion and wrote that it is improper for kohanim to return the money they receive for a pidyon haben. ■

1. שו"ת ריב"ש סי' צ"ד
2. שו"ת המרשד"ם אה"ע סי' רל"ה
3. שו"ת שאילת יעב"ץ ח"א סי' ק"ה
4. ערוך השלחן יו"ד שו"ע סי' נ"ה ■

# STORIES Off the Daf

## Hashem protects the righteous

השתא בבהמתן של צדיקים אין הקב"ה מביא תקלה על ידן צדיקים עצמן לא כ"ש?

The Chofetz Chaim, zt"l, was always exceedingly careful regarding what he ate. Since he didn't want to personally offend anyone by refusing to eat possibly non-kosher food, he never ate anywhere outside his own home. By avoiding eating at the home of even those who held to impeccable standards, those who were less careful never were made to feel as if their level of kashrus was insufficient. In addition, the Chofetz Chaim would never eat

food on which a question had been raised.

In his later years, the gadol was very frail and needed to be fed, and his students took turns feeding him. Once, a student brought in a bowl of chicken soup from the kitchen and placed some on the spoon as he had done hundreds of times. Suddenly, the Chofetz Chaim asked, "Is this soup kosher?"

The student was flustered, "What do you mean, Rabbi? The Rebbetzin cooked it herself!"

The Chofetz Chaim refused to eat until the student checked into the matter.

Somewhat puzzled, the student ap-

proached the Rebbetzin, who was very taken aback. This was the first time she had ever been asked such a question.

When she made inquiries, she was quite surprised. That day, halachic complication arose concerning one of the chickens discovered in the kitchen and the Rav had ruled that it was kosher. The serving girl confused this chicken with another that had been without any question, and the soup for the gadol had been prepared from this chicken. Everyone was shocked! It was just as our Gemara writes: "Hashem protects the righteous from eating prohibited foods." Not only that—He protects the righteous even from what they avoid because of a Chumrah! ■