

OVERVIEW of the Daf

1) Receiving teruma at the granary (cont.)

The Gemara concludes presenting its question why the wife of a kohen may not receive teruma at the granary.

R' Pappa and R' Huna the son of R' Yehoshua offer different explanations.

The difference between their explanations is identified.

The reason teruma is sent to the home of the uncircumcised kohen and not the tamei kohen is explained.

A related Baraisa is presented.

The Gemara clarifies a difficulty in the Baraisa.

Rava utilizes the same rationale to explain how he prioritizes cases that come before his court.

2) The intermingled "Kohen" and "slave" freeing one another

Rava teaches that we compel the "kohen" and "slave" to free each other so they may marry.

3) Applying the stringencies of Kohanim and Yisroelim

R' Pappa identifies the case where the stringencies of both are applied.

The permissibility of offering a Korban in this fashion is discussed.

An alternative explanation is presented for a differing position.

4) MISHNAH: The case of a child who does not know which of two men is his father is presented. The ramifications of this case if one or both of the men are Kohanim are presented.

5) Clarifying the Mishnah

The Gemara emphasizes that chalitzah must precede yibum.

6) A Kohen whose paternity is unknown

Shmuel rules that if a Kohen from a group of ten Kohanim fathers a child but we do not know which Kohen it was, that child is denied the privileges of Kehuna.

An unsuccessful challenge to the exposition is presented.

Shmuel's ruling is challenged. The Gemara records the lengthy exchange of trying unsuccessfully to refute Shmuel's ruling. ■

REVIEW and Remember

1. What is the difference between the אונס of an uncircumcised Kohen and a Kohen that became tamei?
2. How is the Korban mincha of a Kohen offered differently than the Korban mincha of a non-Kohen?
3. What is the source that a Kohen whose paternity is in doubt is disqualified for privileges of Kehuna?
4. When is it possible for an adult woman to do מיאון?

Distinctive INSIGHT

Teruma is not distributed to women at the granary

אלא באשה מאי טעמא לא פליגי? וכו' חד אמר משום גרושה וחד אמר משום יחוד

Woman not apportioned teruma at the granary. The Amoraim, Rav Pappa and Rav Huna b. R' Yehoshua, offer differing opinions why this is not done. One explains that it is a precaution in case we have a woman who has been eligible to receive teruma only due to her being married to a kohen. She might become widowed or divorced, thus terminating her right to eat teruma, but the one who distributes teruma would not know that she is no longer eligible. Therefore, to avoid this error, we disallow women from collecting at the granary. The other Amora explains that we are afraid that a woman might come to the granary, and at that moment she and the one distributing the grain might be in seclusion. To avoid this unacceptable situation, we do not allow women to collect at the granary.

When Rambam teaches this halacha, (Hilchos Teruma, 12:22) he records both reasons. Mishneh Lemelech writes that Rambam means to tell us that we must take both reasons into account, and if either one is applicable, a woman should not collect teruma at the granary. מהר"י קורקוס also writes that we should be strict and take both reasons into consideration before allowing a woman to receive terumah. He then adds that if we are distributing produce from which terumah is taken only rabbinically, we can be lenient and allow a woman to collect unless both reasons are present.

We must understand, however, why there should be a distinction between teruma which is taken מדאורייתא or that which is taken מדרבנן. These precautions are only rabbinic, and we should be able to be lenient even for teruma which is מדאורייתא (only restrict the woman when we have to suspect that she became divorced and she is coming when no one else is around and we have a risk of seclusion).

The answer is that distribution of teruma is only given to a kohen when we are certain that the recipient is eligible. When the kohen (man or woman) is questionable, the burden of proof is upon him. We do not give the financial property of the kohen to someone who is not eligible to receive it. ■

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HALACHAH Highlight

Ladies First

במקום שחולקין מעשר עני נותנין לאשה תחלה מאי טאמא משום זילותא

In a place where maaser ani is distributed it is given to women first. What is the reason? [To spare them] from disgrace.

The Gemara declares that when מעשר עני is distributed, it is given to women before men to save them from disgrace. Rava applied this reasoning to prioritizing cases that came before his court. He would hear cases involving women before men to save them from the disgrace of having to wait for their case to be heard.

A common issue that arises is how tzedaka organizations should distribute their funds. Should the money be distributed amongst poor orphan girls, as our Gemara would seem to indicate, or perhaps it should be distributed to the poor male orphans, to assist them to marry since they have a mitzvah of פרו ורבו as opposed to the women? To add to the difficulty of this issue there seems to be contradictory inferences in Shulchan Aruch. In one place Shulchan Aruch¹ writes that there is no greater mitzvah of tzedaka than distributing money to orphan girls to marry and Shach² cites sources that write that this rul-

ing is limited to females as opposed to males. On the other hand when Shulchan Aruch³ discusses selling a Beis Haknesses or a Sefer Torah to marry orphans he mentions males and although later authorities include females in this halacha the primary halacha was enacted for males. Thus we have what seems to be a contradiction whether males or females have priority.

Elya Rabba⁴, citing a Gemara Kesubos, maintains that females take priority when it comes to receiving money to marry since it is more embarrassing for a female to remain unmarried. Chasam Sofer⁵ qualifies this ruling and writes that it only applies when the question is whether to give first to a male or a female when there is enough for both. In such a circumstance, preference is given to the female but if there are limited funds and a choice has to be made whether to give the money to a male or a female, males take precedence. Aruch Shulchan⁶, echoing the same ruling, explains that since males, rather than females, have the mitzvah of פרו ורבו they are given preference in circumstances of limited funds. ■

1. שו"ע יו"ד סי' רמ"ט סעי' ט"ו
2. ש"ך שם סי' ק"א בשם מהר"ם אלאשקר
3. שו"ע או"ח סי' קנ"ג סעי' ו'
4. א"ר שם סי' ק"ב
5. הגהות חת"ס לשו"ע או"ח שם
6. ארוה"ש יו"ד סי' רנ"א סעי' ו' ■

STORIES Off the Daf

Jewish continuity

לא תנסב עובדת כוכבים ושפחה דלא לזיויל
ורעך תברה

The eighteenth-century European enlightenment movement hailed the intrinsic equality of all humanity. For Jews, this was to come to mean that the non-Jews of Europe were willing to extend new rights and privileges to Jews...as long as they were willing to jettison their "outdated" and particularistic traditions and laws. Torah-observant Jews were considered anti-progressive and often remained victims of blatant discrimination even after the ghetto walls were dismantled. Every Jew had what appeared to be a clear-cut choice: he could remain faithful to Torah and be poor and despised, or he could assimilate and be wealthy and respected. Drove of Jews abandoned Judaism, intermarried, and even

converted to other religions.

On June 12, 1844, twenty-four leaders of the young German Reform movement met in Brunswick, for a conference. Their goal was to find a way to preserve what to them seemed a rapidly disappearing Judaism. They declared that they had found a way to ensure that Jews could enjoy the esteem of their Gentile neighbors without abandoning Judaism altogether. Continuity could be achieved if anything too Jewish was abandoned. This decision to attempt to radically alter Judaism was received with shock and horror by the religious community. Not only did the group declare that they were opposed to circumcision on the basis of its being, "a barbaric act of bloodletting," they also destroyed the concept of Jewish nationhood with the proclamation that, "Jews should not automatically feel solidarity with Jews everywhere."

In perhaps the most surprising reversal, the Brunswick convention publicly permitted Jews to intermarry. The group

leaders declared, "The marriage of a Jew...with the adherent of any monotheistic religion is not forbidden if the civil law permits the parents to raise in the Jewish religion the children issuing from such a union."

This radical position of course stands in complete contradiction to the Gemara in Yevamos 100b, which prohibits intermarriage based on a Torah verse. Rambam maintains that such an affair is the worst of all illicit relationships since any children born of a non-Jewish mother are completely lost to the Jewish people.

When Rav Yisrael Salanter heard about this appalling decision he said, "The eventual result of Jews' permitting intermarriage is that the non-Jews will forbid it!" Ninety years later, in 1935, the Nuremberg laws were instituted, and intermarriage with "non-Aryans" was forbidden—even those people who had only a single Jewish grandparent! ■

