



לע"נ ברוך בענדיט וברכה גרוס ע"ה
by Mr. & Mrs. Duvy Gross

לע"נ אסתר אביגיל בת חיה רבקה וציפורה רחל בת אסתר מחלה THE DIMONT FAMILY EDITION

THE DAF OF THE WEEK MATTERS

שבת קודש פרשת מצורע | מסכת יבמות דף צ"ט

Dedicated by RMK, in memory of his mother Yitta bas Reb Moshe Tzvi HaCohen whose yahrtzeit is Vav Nissan
לע"נ ר' מרדכי אלימלך בן יחיאל מאיר ז"ל רעספלער
לע"נ חיים ישעיה בן יוסף מאיר

INSIGHTS FROM OUR CHABUROS

Paying For Teruma

ואינן אוכלין בתרומה ואם אכלו אינן משלמין קרן וחומש

The Mishnah presents the case of a kohen woman whose newborn child became confused and intermingled 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 the כספו קנין can also eat teruma. A complication arises when they become of age and each one pronounces that he frees and 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 cannot forgo the payment (אינו 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.

STORIES OFF THE DAF Hashem Protects the Righteous

השתא בבהמתן של צדיקים אינו 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.

One of the big problems that might arise in eating another person's food was the prevalence of worms in vegetables. For example, in the winter many would eat some sort of cooked sauerkraut. Since this vegetable was often infested, the Chofetz Chaim usually wouldn't rely on anyone but members of his own household to check the cabbage for infestation. Another potential problem with eating out was that 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 approached 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!

PARSHA CONNECTION

In this week's daf the גמרא discusses the concept that even the animals of צדיקים are protected from causing their owners to sin. השתא בהמתם של צדיקים אינו הקב"ה מביא תקלה על ידן צדיקים. Which is very similar to the reasoning that רבא uses to interpret the הלכה in this week's Parsha. When a מצורע is cured from his צרעת he brings two birds, one is נשחט by the כהן while the other is set free. The (גמרא קדושין נז ע"ב) quoting רבא says that if someone were to find this bird, it is permissible to eat, because the תורה would not tell us to send away a bird that may in the future cause a תקלה.

When describing what happens when the מצורע is cured the תורה writes: וּלְקַח הַכֹּהֵן וְכוּ' לְאִישׁ הַמִּטְהַר וְכוּ' טהור. Why is the המטרה before he has completed the process of becoming טהור? The אלשיך הקדוש explains that it teaches us a very important lesson in תשובה. It is not the כהן who cures the מצורע but rather the person himself by doing תשובה cured himself of the צרעת! The צרעת is a gift from the הקב"ה to motivate one to do תשובה, and goes away only when the person himself does תשובה.

HALACHA HIGHLIGHT

The Status of Kohanim

ונותנין עליו חומרי כהנים וחומרי ישראלים

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

Rabbeinu Yitzchok bar Sheishes¹, the Rivash, ruled that since kohanim cannot confirm their status of being kohanim they are uncertain kohanim. Accordingly, Maharshdam² 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 Emden³ wrote approvingly of those kohanim who return the money they receive for פדיון הבה to the baby's father. Even though Chazal criticized kohanim who had the practice of returning the money they received for the פדיון הבה, 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 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 first born 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 הבה. 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.

Rav Yechiel Michel Epstein⁴, the Aruch Hashulchan 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 השולחן יו"ד שו"ע סי' נ"ה

IYUN ON THE DAF

By Rabbi Yitzchok Gutterman

There is a הלכות מעשר פרק א הל' ד שער המלך that quotes רש"י on our משנה that says that the עבד וכהן who got mixed up can sell the תרומה and don't have to give it to another כהן. He brings that the מהר"י בי רב brings from the תקנה דרבנן that there is a רשב"א ממונפשלייר that even a כהן must be מפריש תרומה and give it to a different כהן, lest he come to not even bother being מפריש it. The שער המלך asks that it seems clear from our משנה that this isn't true for if it was, the two people who got mixed up would have to be מפריש the תרומה and give it to someone else! He answers that perhaps this תקנה was only made for a כהן ואדי who can actually eat it, but a כהן ספק who can't eat it has no reason to forget to be מפריש.

POINT TO PONDER

The Mishna discusses the ramifications of two babies one the child of a כהנת and the other of a שפחה that were mixed up at birth. The משנה says that if either one violated a לאו that applies only to a רז, they do not get מלקות. Rashi explains that this is because each can claim that maybe he is a כהן and did not violate a לאו, and it will be a התראת ספק. Why do we need the reason of התראת ספק? Even if that would count as a good התראה there is still a ספק whether he is a כהן which should be enough not to give him מספק?

Response to last week's Point to Ponder:

The Gemara earlier on Daf יב says that a pregnant lady who lives with her husband runs the risk of becoming pregnant with an additional child, we see then that it is possible for a woman to be pregnant with two children from different fathers which seemingly contradicts our Gemara?

The גמרא is using twins as an example of two brothers who must be from the same father. One possibility is that the גמרא is talking about identical twins, which is only possible if one drop split. Another answer is, that although it's possible for a lady to become pregnant from two men one after the other, she will not give birth to both, as at least one of the fetuses will not survive. (See ערוך לנר).

ר' יוסף שמואל שמעלקא ב"ר יצחק מערמעלשטיין ז"ל, Shelly Mermelstien ל"ע נ' Yevamos has been dedicated in

For more points to ponder by Rabbi Yechiel Grunhaus, or insights by Rabbi Gutterman, please visit our website, dafaweek.org, or download the app

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