

## INSIGHTS FROM OUR CHABUROS

### A Non-Kohen's Blessing

איבעיא להו מהו להעלותו תיבע למ"ד מעלין מתרומה ליוחסין ותבעי למ"ד אין מעלין מנשיאות כפים ליחסין?

The Gemara presents an inquiry whether we may promote a person to the status of a full kohen based upon seeing his participating in the mitzvah of blessing the Jewish people. The Gemara introduces this inquiry with a clarification that this question can be posed according to either Rav Yehuda or Rabbanan who earlier disputed whether a person may be promoted to a full kohen status after he is seen eating teruma. The Gemara explains the first side of the issue. A person who eats teruma would be liable for death from heaven if he is not a kohen. Rabbi Yehuda earlier said someone seeing him eat teruma might therefore come and testify that he is a kohen. This may be only in terms of eating teruma, which carries a severe penalty for a non-kohen. However, a non-kohen who blesses the nation only violates a positive command. Here, perhaps we are not concerned that someone viewing him participate in this mitzvah will automatically assume that he is a full-fledged kohen. Or, it could be that there is no difference between this case and that of eating teruma. What does the Gemara mean when it refers to blessing the people as an עשה? Rashi explains that the verse (Bemidbar 6:23) teaches "You shall bless the Bnei Yisroel," from which we derive that only the kohanim may bless the people, and that non-kohanim are excluded. A negative command which is derived from a positive statement results an עשה. Tosafos (Shabbos 118b, אילו) cites R"l who says that he does not know which violation is involved in someone going up to the platform to join the kohanim as they bless the people, other than, perhaps, if he pronounces a bracha in vain. The Achronim wonder about the question of R"l, for, as Rashi states, there is an עשה from the verse, as stated above. Darkei Moshe (Orach Chaim 128) suggests that the עשה which Rashi mentions is only in effect when the non-kohen blesses the people by himself, but not when he joins other kohanim who are already standing and blessing the people. Chasam Sofer explains: We know that a kohen only has an obligation to bless the community when he is called upon to do so. The prohibition for a non-kohen to bless is only in a case where a kohen under similar circumstances would be obligated to bless. When the leader of the services calls out to a group of kohanim with this non-kohen among them, "Kohanim!" he certainly intends only for the genuine kohanim to go up. Being that he has not been called, the non-kohen is not in violation of the עשה. איסור עשה. If he is by himself, the chazzan is calling him, so he would be in violation if he blesses.

## PARSHA CONNECTION

In this week's daf the גמרא discusses the issue of whether to believe someone who says that he is a כהן and thereby to give him תרומה. The word תרומה also refers to a donation which is first mentioned in this week's Parsha. The פסוק says: דבר אל בני ישראל ויקחו לי תרומה מאת כל איש אשר ידבנו לבו תקחו את תרומתי. There are several obvious questions regarding this פסוק. Why does it say ויקחו instead of ויתנו? Why is it called תרומתי, before it is given, seemingly it only becomes תרומתי after it's received? The אלשיך הקודש explains that the תורה is teaching us the ideal way to donate. Most of the time people donate during a public fundraiser, which may lead to someone giving too much because they feel pressured or because they want to show how much they can give. These ulterior motives can diminish the מצוה. The ideal way to give is for someone to set aside what they want to give in the privacy of their home, and THEN bring their donation to the collectors. This is what the פסוק means, ויקחו לי תרומה, at home you should take it, and bring את תרומתי, which is already called mine because it was set aside to give to the גבאים.

## STORIES OFF THE DAF

### The One Handed Blessing

"אבל נשיאת כפיים דאיסור עשה..."

Rav Shmuel Aharon Yudelevitz, zt"l, was a very great scholar. Every motion he made was completely thought through. Every act was totally in keeping with halachah and minhag.

Every Friday night he would give his children a whispered blessing with only his right hand on their heads. When one of his sons read about this custom in the siddur of Rav Yaakov Emden, zt"l, he questioned his father's unusual practice. The siddur states that it is the custom of the Jewish people to bless their children on Friday night after the evening prayers. Rav Yaakov Emden added that his father, the Chacham Tzvi, zt"l, would place both hands on his children and bless them. The son asked his father to explain why he deviated from the custom of the Chacham Tzvi. Rav Shmuel Aharon responded, "The Torah Temimah recounts in his commentary on Bemidbar 6:23 that he heard from a reliable source that when the Vilna Gaon, zt"l, blessed the Noda B'Yehudah, zt"l, at his chuppah, he did it with only one hand on the chosson's head. When the Gaon was asked to explain this he said, 'We don't find a blessing delivered with two hands anywhere except in the Mikdash itself.' Rav Shmuel Yaacov continued, "The Gaon was referring to the Gemara in Kesuvos 24b which states that a Yisrael who gives a blessing with raised hands violates a mitzvas asei. The Pachad Yitzchak and Rav Chaim Palagi, zt"l, both write that they saw those who are careful would not place both hands on their student's head when giving them a blessing, since this would be considered raising one's hand to bless in the manner of the Kohanim in the Mikdash. Nowadays, of course, there is no actual halachic prohibition for blessing with both hands. However, it is still better to bless in a low voice, since the Kohanim had to say their blessing out loud. Furthermore, to do so with one hand only would be following in the footsteps of the Gaon to avoid all possible questions!"

## HALACHA HIGHLIGHT

### A Non-Kohen Reciting Birkas Kohanim

אבל נשיאת כפיים דאיסור עשה

But "Raising the hands (Birkas Kohanim recited by a non-kohen)" that violates a positive command

**M**ishnah Berurah<sup>1</sup> rules that a non-kohen who recites Birkas Kohanim violates a positive command whether he recited Birkas Kohanim by himself or whether he recites the beracha with other kohanim. Accordingly, Beur Halacha<sup>2</sup> raises the question of the custom to bless guests as they are escorted on their journey with the pesukim of Birkas Kohanim. Since intent is not necessary to fulfill mitzvos<sup>3</sup>, it should be prohibited for non-kohanim to offer these berachos since it constitutes a violation of the positive commandment against non-kohanim blessing the people. Although the Yerushalmi indicates that Birkas Kohanim must be recited in the context of davening, it is clear that that is only a Rabbinic enactment. Therefore, Biblically it should be prohibited for a non-kohen to bless another with the pesukim unless one concludes that the common custom indicates that halacha follows the position that mitzvos require intent and since there is no intent to fulfill the mitzvah there is no violation of the positive mitzvah.

One possible resolution is to assume that the common custom accepts the position of the Bach, who maintains that the positive command is not violated unless one recites the beracha with his hands spread out (פריסת ידים). Alternatively, one could argue that once Chazal enacted that the berachos must be recited in the context of davening, anyone who recites them outside of that context is assumed to have intent to not fulfill the mitzvah and thus the positive command is not violated.

The Noda B'Yehudah<sup>4</sup> mentions a disagreement regarding the intent of Tosafos<sup>5</sup> who writes that the positive command that is violated when improperly reciting Birkas Kohanim is for mentioning Hashem's name in vain. Is Tosafos referring to Hashem's name that is recited in the beracha, or does he refer to Hashem's name that is contained in the verses? Noda B'Yehudah writes that his inclination is to assume that it refers to Hashem's name in the verses but Teshuvos Yehudah Ya'aleh<sup>6</sup> questions this conclusion from the fact that parents and teachers bless their children and students with these verses reciting Hashem's name without hesitation.

1. מ"ב סי' קכ"ח סי"ו
2. ביאור הלכה שם ד"ה דזר
3. שו"ע או"ח סי' ס' סע' ד'
4. שו"ת נודע ביהודה מהדו"ק או"ח סי' ר'
5. תו"ס שבת קי"ח: ד"ה אילו היו
6. שו"ת יהודה יעלה או"ח סי' ס"א

## MUSSAR FROM THE DAF

### Don't Lie to Yourself

בשכלי אומנותו בידו - והכא כגון שכלי אומנותו בידו של זה המזלזל את שלו

**T**he Gemara explains that the donkey driver who claims that his produce is lower quality while his friends produce his higher quality is perceived to be in collusion with his friend because he has בידו thereby demonstrating that he wants to sell produce at some point (as per Rashi) evidencing that he has an ulterior motive in making his statements.

Why would somebody do something which is so obvious that he has something "up his sleeve"?

Doesn't he realize that anybody who has שכל will understand that he is colluding with his friend as nobody would downplay their own merchandise and praise his friends if he plans on selling his own merchandise?

There is a principle in Avodas Hamiddos that "Middos don't split." If a person has a particular character trait in a certain facet in their life, that trait will also show up in other facets of their life. This is learned from The Midrash Gadol (Shmos 1, 5) which states that one who denies the good that another does for him, will ultimately deny that good that Hashem does for him. How does the Midrash know this will ultimately happen? Because once a person has this bad trait of being an ingrate to others, it will ultimately express itself in being an ingrate to the good that Hashem does for a person.

That is the p'shat in our sugya. Since the merchant is a יאמר and is lying to others it makes sense that he is lying to himself thinking that nobody will notice how odd it is that he is selling merchandise, and at the same time saying he has bad merchandise.

Whenever we rationalize doing something inappropriate we are in some way lying to ourselves. We see from the lesson of this Gemara that if we are thoroughly honest with others, this can be a needed step to help us to be honest with ourselves as well.

## POINT TO PONDER

**The Gemara says** whether we can ascertain that someone is a כהן from a שטר, i.e., the שטר described him as a כהן and עדים signed the שטר. Why isn't it a problem of נפיו כתבם? This is especially difficult according to those who say that every שטר is only valid because חז"ל instituted it to help people who need to borrow. This would seemingly only cover the loan, not any additional information.

### Response to last week's Point to Ponder:

If one עד says that a woman is divorced and the other עד says that she is not, we consider her an אשת איש based on the testimony of two עדים since they both agree that she was married. Since one עד appears to be lying, which would make him a רשע, how can we combine their testimony? We have one עד who is כשר while the other who is פסול.

The ר"ן explains that it must be referring to a case where the two witnesses both believe that they are correct. For example, they both saw a man throw כסף קידושין to a lady, and they are arguing whether the money landed closer to him or to her.

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