

דף יומי • חלין • דף קל"ד

Daf Yomi • The Full Daf • Elucidated Talmud • Navy & Gold Edition • with Rashi

THE SUGYA

We start off on our daf by continuing the sugya of a Kohen who sells his animal to a Yisrael. The Gemara works through a kasha from a Baraisa regarding the difference between a seller who makes a condition of "except" versus one who says "on the condition," and whether this is a dispute between Tannaim. We then move on to a major discussion between Rav and Rav Assi regarding a buyer who purchases innards from a butcher, analyzing whether the Kohen goes after the buyer or the butcher, which leads into a fundamental chakirah of whether priestly gifts can be stolen.

Next, we learn a new Mishnah about a convert who owned a cow. If there is a doubt whether the animal was slaughtered before or after his giyur, the Mishnah rules that he is exempt because of the rule of hamotzi mechavero alav hareayah. The Gemara is immediately bothered by a contradiction from a Mishnah in Pe'ah where we see that a doubt regarding gifts to the poor is ruled stringently, leading to a beautiful shakla v'tarya between Rabbi Yochanan and Resh Lakish, and deep teretzim from Rava and Abaye.

All introductions, summaries, and contextual notes are the editor's commentary and are not part of the original text.

עמוד א' DAF 134A

OBJECTION

ורמינהו: "על מנת שהמתנות שלי" – נותן לכל כהן שירצה!

And they raised a contradiction from a different Baraisa: If a Kohen sells his animal to a Yisrael and says, I am selling it "**on the condition that the gifts are mine,**" the buyer gives them to **any Kohen that he wants**, and the seller cannot force him to give them to him! How can our Mishnah say that the Kohen can retain the gifts?

ANSWER

"על מנת" א"חוי" קא רמית?

The Gemara answers: **Are you raising a contradiction** from a case where he said "**on the condition**" against our Mishnah's case where he said "**except**"? They are not the same!

EXPLANATION

"חוי" – שירא, "על מנת" – לאו שירא.

When a person says "**except**," it is a **retention**; he is keeping that part for himself and not selling it. But when he says "**on the condition**," it is **not a retention**; he is selling the whole thing but making a stipulation, and a Kohen has no power to make such a stipulation on gifts that do not yet belong to him.

OBJECTION

ורמינהו: "על מנת שהמתנות שלי" – המתנות שלו!

And they raised a contradiction from yet another Baraisa: If he says, "on the condition that the gifts are mine," then the gifts are his! This contradicts the first Baraisa which said "on the condition" is not effective.

ANSWER

בְּהָא פְּלִיגִי: מָר סָבַר "עַל מְנָת" – שִׁיּוּרָא הוּא, וּמָר סָבַר "עַל מְנָת" – לֹא שִׁיּוּרָא הוּא.

The Gemara answers: **In this point they argue**; it is a dispute between Tannaim. One **Master holds** that saying "on the condition" is like saying a retention, and one **Master holds** that saying "on the condition" is not a retention.

מִשְׁנָה MISHNAH

MISHNAH

אָמַר לוֹ: מְכוֹר לִי בְּנֵי מַעֲיָה וְכוּ'.

The Gemara returns to the next part of the Mishnah: If a buyer **said to** a butcher, "Sell me its innards," etc.

גְּמָרָא GEMARA

STATEMENT

אָמַר רַב: לֹא שָׁנוּ אֶלָּא שֶׁשָּׁקֵל לְעַצְמוֹ, אֲבָל שָׁקֵל לוֹ טֶבַח – הֵדִין עִם הַטֶּבַח.

Rav said: They only taught that the buyer pays the Kohen and deducts it from the price **where** the buyer **weighed** the meat **for himself**. **But** if the **butcher weighed** it **for him**, then **the judgment is with the butcher**; the Kohen can go and demand the value of the maw directly from the butcher.

STATEMENT

וְרַב אֲסִי אָמַר: אֲפִילוּ שָׁקֵל לוֹ טֶבַח – הֵדִין עִמּוֹ.

And Rav Assi said: Even if the **butcher weighed** it **for him**, **the judgment is with him**, meaning the buyer, and the Kohen cannot sue the butcher.

QUESTION

לִימָא בְּדֶרֶב חֲסִידָא קָא מִיפְּלִגִּי, דְּאָמַר רַב חֲסִידָא: גִּזְלִי וְלֹא נִתְיַאֲשׁוּ הַבְּעָלִים, וּבָא אַחֵר וְאָכְלוּ – רָצָה מְזֵה גּוֹבֶה, רָצָה מְזֵה גּוֹבֶה.

The Gemara suggests: **Shall we say that they argue about** the principle of Rav Chisda? **For Rav Chisda said:** If one **robbed** an object **and the owners had not yet despaired** of retrieving it, **and another person came and consumed it**, if the owner **wants, he collects from this one**, the robber, and if **he wants, he collects from that one**, the consumer.

EXPLANATION

דְּמָר אֵית לִיה דְּרַב חֲסִידָא, וּמָר לִית לִיה דְּרַב חֲסִידָא.

So lichoira, one **Master**, Rav, **holds of Rav Chisda's rule**, so the Kohen can collect from either the butcher or the buyer, **and** one **Master**, Rav Assi, **does not hold of Rav Chisda's rule**.

ANSWER

לא, דְּכוּלִּי עֲלָמָא אֵית לָהּ דְּרַב חֲסִידָא, וְהָכָא בְּמִתְנֻת כְּהוֹנֶה נִגְזָלוֹת קָא מִיפְלָגִי, דְּמַר סָבַר נִגְזָלוֹת, וּמַר סָבַר אֵין נִגְזָלוֹת.

The Gemara rejects this: **No, everyone holds of Rav Chisda's rule. But here, they are arguing over whether priestly gifts can be stolen** in a way that creates a halachic status of theft. One **Master**, Rav, **holds they can be stolen**, so the butcher is considered a robber and is liable, **and** one **Master**, Rav Assi, **holds they cannot be stolen**, so the only obligation is on the one who actually has the physical gifts.

STATEMENT

אִיכָא דְּמִתְנִי לֵהּ לְהָא שְׂמַעְתָּא בְּפָנֵי עֲצָמָה: רַב אָמַר: מִתְנֻת כְּהוֹנֶה נִגְזָלוֹת, וְרַב אָסִי אָמַר: מִתְנֻת כְּהוֹנֶה אֵין נִגְזָלוֹת.

There are those who teach this halacha on its own, as an independent dispute: Rav says: Priestly gifts can be stolen, and Rav Assi says: Priestly gifts cannot be stolen.

MISHNAH מִשְׁנָה

MISHNAH

מִתְנִי גַר שֶׁנִּתְגַּיֵּיר וְהִיתָה לוֹ פָּרָה, נִשְׁחָטָה עַד שֶׁלֹּא נִתְגַּיֵּיר – פָּטוּר, מִשְׁנִתְגַּיֵּיר – חַיִּיב, סָפֵק – פָּטוּר, שְׁהַמוּצִיא מִחֲבִירוֹ עָלָיו הִרְאָהּ.

MISHNAH: In the case of a **convert who converted** and he had a cow, if it was slaughtered **before he converted**, he is **exempt** from giving the gifts. If it was slaughtered **after he converted**, he is **obligated**. If there is a **doubt** whether it was slaughtered before or after, **he is exempt**, because the **burden of proof is on the claimant**, which is the Kohen.

GEMARA גְּמָרָא

GEMARA

גְּמ' כִּי אָתָא רַב דִּימִי אָמַר: רָמִי לֵיהּ רַבִּי שְׁמַעוֹן בֶּן לָקִישׁ לְרַבִּי יוֹחָנָן – תִּנּוּ: "סָפֵק פָּטוּר", אֲלָמָא סָפִיקָא לְקוּלָּא.

GEMARA: When Rav Dimi came from Eretz Yisrael, he said: Rabbi Shimon ben Lakish raised a contradiction to Rabbi Yochanan: We learned in our Mishnah: "If there is a doubt, he is exempt." Consequently, a doubt is ruled leniently.

OBJECTION

וּרְמִינָהּ: חוּרֵי הַנֶּמְלִים שֶׁבְּתוֹךְ הַקֶּמֶה – הֲרִי אֵלּוּ שֶׁל בְּעַל הַבַּיִת, וְשֶׁלֹּא אַחֲרֵי הַקּוֹצְרִים – הָעֲלִיּוֹנִים לְעֻנְיִים, וְהַתְּחִתּוֹנִים שֶׁל בְּעַל הַבַּיִת.

And he raised a contradiction from a Mishnah in Pe'ah: Regarding **ant holes** that are inside the standing crop, these belong to the **owner** of the field. But regarding those that are behind the harvesters, the **upper grains** belong to the poor, and the **lower grains** belong to the owner.

OBJECTION

רבי מאיר אומר: הכל לעניים, שספק לקט – לקט.

Rabbi Meir says: Everything in those holes goes to the poor, because a doubt regarding Leket is ruled stringently as Leket! This contradicts our Mishnah which says a doubt in gifts is ruled leniently.

ANSWER

אמר ליה: אל תקניטני, שבלשון יחיד אני שונה אותה, דתנא: רבי יהודה בן אגרא אומר משום רבי מאיר: ספק לקט – לקט, ספק שכחה – שכחה, ספק פאה – פאה.

Rabbi Yochanan said to him: Do not annoy me, for I teach that Mishnah in Pe'ah as the opinion of a single individual, which is not the accepted Halacha. As it was taught in a Baraisa: Rabbi Yehuda ben Agra says in the name of Rabbi Meir: A doubt regarding Leket is Leket, a doubt regarding Shichchah is Shichchah, and a doubt regarding Pe'ah is Pe'ah.

OBJECTION

אמר לו אל תשנה אותה אלא בלשון בן תדל, והא טעמא קאמר, דאמר רבי שמעון בן לקיש: מאי דכתיב "עני ורש הצדיקו"?

Resh Lakish said to him: Do not teach it as a mere minority view of "Ben Taddal", because there is a scriptural reason for this stringency! As Rabbi Shimon ben Lakish said: What is the meaning of that which is written: "Do justice to the afflicted and the needy"?

QUESTION

מאי "הצדיקו"? אילימא בדינים, והא כתיב "ידל לא תהדר בריבו"?

What is the meaning of "do justice"? If we say it means in judgment, but isn't it written: "Do not favor a poor man in his grievance"?

ANSWER

אלא, צדק משלה ויתן לו.

Rather, it means: Justify him from your own property and give to him. This shows that in cases of doubt, we rule in favor of the poor!

RESOLUTION

אמר רבא: הכא, פרה בחזקת פטורה קיימא, קמה בחזקת חיובא קיימא.

Rava said: There is a simple distinction. Here, regarding the convert, the cow stands with a presumption of exemption, because before he converted it was definitely exempt. But there, the standing crop stands with a presumption of obligation to tithes and gifts, so we rule stringently.

OBJECTION

אמר ליה אבוי: והרי עיסה נעשית עד שלא נתגייר – פטור מן החלה, משנתגייר – חייב, ספק – חייב.

Abaye said to him: But what about dough? If it was made before he converted, he is exempt from Challah. If it was made after he converted, he is obligated. Yet if there is a doubt, he is obligated! Why? The dough also had a presumption of exemption before he converted!

ANSWER

אמר ליה: ספק איסורא לחומרא, ספק ממונא לקולא.

Rava said to him: A doubt regarding a prohibition is ruled stringently, but a doubt regarding money is ruled leniently. Challah is a severe prohibition of Tevel, whereas priestly gifts are just monetary obligations.

STATEMENT

דאמר רב חסדא, וכן תני רבי חייא: שמונה ספקות נאמרו בגר, ארבע לחיוב וארבע לפטור.

For Rav Chisda said, and so Rabbi Chiyya taught: Eight doubts were stated regarding a convert; four are ruled stringently to create an obligation, and four are ruled leniently to result in an exemption.

EXPLANATION

קרפן אשתו, וחלה, ובכור בהמה טמאה, ובכור בהמה טהורה – לחיוב.

The doubt regarding his wife's offering, and Challah, and the firstborn of an impure animal, and the firstborn of a pure animal are all ruled stringently.

עמוד ב' DAF 134B

STATEMENT

ראשית היגז והמתנות, ופדיון הבן, ופדיון פטר חמור – לפטור.

These four cases of doubt regarding a convert are: the first of the shearing, and the gifts of the foreleg, cheeks, and maw, and the redemption of the firstborn son, and the redemption of the firstborn of a donkey — in all of these, the rule is to exempt the convert from having to give them, because they are monetary claims, and the burden of proof is on the claimant.

STATEMENT

כי אתא רבין, אמר: קמה אקמה רמי ליה.

When Ravin came from Eretz Yisrael to Babylonia, he said a different version of the discussion: Rabbi Shimon ben Lakish did not raise a contradiction from the Mishnah of the convert's dough, but rather he raised a contradiction from one baraita discussing standing grain against another baraita discussing standing grain.

STATEMENT

לוי זרע בכישר, ולא הוּו עניים למשקל לקט.

The Gemara relates: Levi sowed crops in a place called Kishar, and there were no poor people there to take the gleanings.

ANSWER

אתא לקמיה דרב ששת, אמר ליה: "לעני ולגר תעזב אתם", ולא לעורכים ולא לעטלפים.

He came before Rav Sheshet to ask what he should do with the gleanings. Rav Sheshet said to him: The Torah says, "You shall leave them for the poor and for the stranger," and not for ravens and not for bats. Since there are no poor people here to take them, you may take them for yourself.

OBJECTION

מיתבי: אין מביאין תרומה, לא מגורן לעיר, ולא ממדבר לישוב, ואם אין שם כהן – שוכר פרה ומביאה, מפני הפסד תרומה.

The Gemara raises an objection from a baraita: **We do not bring terumah, neither from the threshing floor to the city, nor from the wilderness to the settled area**, because the owner does not have to expend effort to deliver it to a Kohen. **But if there is no Kohen there** at the threshing floor, the owner **hires a cow and brings it** to the city **because of the loss of terumah** that would occur if it were left to rot. Why, then, did Rav Sheshet say that the gleanings may be left to rot or taken by the owner?

RESOLUTION

שאני תרומה, דטבלה, ולא סגיא דלא מפריש לה.

The Gemara answers: **Terumah is different, because it renders** the rest of the crop **tevel** (untithed and forbidden), **and it is not possible** for the owner to eat his produce **without separating it**. Since he must separate it anyway, the Sages obligated him to bring it to a settled area so it does not go to waste.

OBJECTION

והרי מתנות, דלא טבלי, ותנא: מקום שנהגו למלוג בעגלים – לא יפשיט את הזרוע.

The Gemara objects: **But what about the gifts** of the priesthood, **which do not render** the animal **tevel**? **And yet it was taught** in a baraita: In a place where they were accustomed to scald the skin of calves in hot water to eat the skin with the meat, the owner **may not skin the foreleg** before giving it to the Kohen, so that the Kohen receives the skin as well.

OBJECTION

להפשיט את הראש – לא יפשיט את הלחי, ואם אין שם כהן – מעלין אותן בדמים ואוכלן, מפני הפסד כהן.

And in a place where they are accustomed to skin the head, he may not skin the cheek before giving it to the Kohen. **And if there is no Kohen there** to receive them, **we appraise them for their monetary value** and the owner **eats them**, and gives the money to a Kohen later, **because of the loss to the Kohen**. This shows that even for gifts that do not make the rest tevel, the owner must make sure they do not go to waste!

RESOLUTION

שאני מתנות כהונה, דנתינה כתיבא ביה.

The Gemara answers: **Priestly gifts are different, because** an active term of **giving is written** regarding them: "And they shall give to the Kohen." This obligates the owner to ensure the Kohen receives them.

STATEMENT

השתא דאתית להכי, תרומה נמי נתינה כתיבא ביה.

The Gemara notes: **Now that you have arrived at this** explanation, we can say that **terumah also** has the same rule because **giving is written regarding it**: "The first fruits of your grain... you shall give to him," and not because it makes the crop tevel.

QUESTION

ואלא "תעזב" יתירא למה לי?

The Gemara asks: **But if so**, that the owner has no obligation to deliver the gifts of the poor, **why do I need the extra word "you shall leave"** written in the Torah regarding pe'ah and gleanings?

ANSWER

לְכַדְתִּנְיָא: הַמַּכְאִיר אֶת כְּרָמוֹ, וְלִשְׁחַר הַשָּׂכִים וּבָצְרוֹ – חַיִּיב בְּפֶרֶט וּבְעוֹלָלוֹת וּבְשִׁכְחָהּ וּבְפִאָּהּ, וּפְטוּר מִן הַמַּעֲשָׂרוֹת.

The Gemara answers: It is needed **for that which was taught** in a baraita: **One who makes his vineyard ownerless, and in the morning he woke up early and harvested it himself, is obligated in the gifts of the poor: individual fallen grapes, and incompletely formed clusters, and forgotten sheaves, and pe'ah; but he is exempt from tithes**, because ownerless property is exempt from tithes, but the extra word "you shall leave" teaches that the gifts of the poor still apply.

STATEMENT

הָהוּא שָׁקָא דְּדִינָרֵי דְּאֶתָּא לְבֵי מְדֻרְשָׁא, קָדִים רַבִּי אַמִּי וְזָכָה בָּהֶן.

The Gemara relates: There was a **certain sack of dinars that came to the Beis Medrash** as a gift for the poor. **Rabbi Ammi went ahead and acquired them** for himself.

QUESTION

וְהִיכִי עֲבִיד הָכִי? וְהָא כְּתִיב "וְנָתַן" וְלֹא שִׁיטּוֹל מַעֲצָמוֹ!

The Gemara asks: **And how could he do this? But isn't it written, "And he shall give,"** which teaches **and not** that the Kohen **may take it by himself** without the owner's consent?

ANSWER

רַבִּי אַמִּי נָמִי לְעֻנְיִים זָכָה בָּהֶן.

The Gemara answers: **Rabbi Ammi also** did not take them for himself; rather, **he acquired them on behalf of the poor**, which is permitted.

ANSWER

וְאִיבָעִית אִימָא: אָדָם חָשׁוּב שְׂאֵנִי, דְּתִנְיָא: "וְהִכְהֵן הַגָּדוֹל מֵאֶחָיו" – שִׁיְהָא גָּדוֹל מֵאֶחָיו בְּנוֹי, בְּחָכְמָהּ, וּבְעוֹשָׁר.

And if you want, say instead: **An important person is different**, and he may take gifts himself, as it was taught in a baraita: **"And the Kohen Gadol who is greater than his brothers"** teaches that he should be greater than his brothers in beauty, in wisdom, and in wealth.

PROOF

אַחֵרִים אוֹמְרִים: מִנֵּינן שְׂאֵם אֵין לוֹ, שְׂאֶחָיו הַכְּהֻנִּים מְגַדְּלִין אוֹתוֹ? תִּלְמוּד לומר: "וְהִכְהֵן הַגָּדוֹל מֵאֶחָיו" – גְּדָלְהוּ מִשָּׁל אֶחָיו.

Others say: From where do we know that if he does not have wealth of his own, his brother Kohanim must make him wealthy? The Torah says: **"And the Kohen Gadol from his brothers"** — meaning, make him great from that which belongs to his brothers. Thus, an important Torah scholar may take gifts directly.

MISHNAH

מתני' איזהו הזרוע? מן הפרק של ארכובה עד כף של יד, והוא של נזיר, וכנגדו ברגל – שוק.

MISHNAH: Which is the foreleg that must be given to the Kohen? It is from the joint of the knee until the palm of the hand (the forefoot). And this is the same foreleg of the Nazir's ram. And corresponding to it in the hind leg is the hind leg (the shok) which is given to the Kohen from peace-offerings.

MISHNAH

רבי יהודה אומר: שוק מן הפרק של ארכובה עד סוכה של רגל.

Rabbi Yehuda says: The hind leg (the shok) is from the joint of the knee until the fleshy part of the leg.

MISHNAH

אי זהו לחי? מן הפרק של לחי עד פיקה של גרגרת.

Which is the cheek? From the joint of the jaw until the ring of the windpipe.

גמרא GEMARA

BRAISA

גמ' תנו רבנן: הזרוע – זה זרוע ימין. אתה אומר זה זרוע שמין, או אינו אלא זרוע שמאל? תלמוד לומר "הזרוע".

GEMARA: The Rabbis taught in a baraita: "The foreleg" — this is the right foreleg. Do you say this is the right foreleg, or is it only the left foreleg? The Torah says "the foreleg" with a definite article.

EXPLANATION

מאי תלמודא? כדאמר רבא: "הירך" – המיומנת שפירה, הכא נמי: "הזרוע" – המיומן שפזרוע.

The Gemara asks: **What is the biblical derivation?** The Gemara answers: It is as Rava said regarding the sciatic nerve: "The thigh" means the most rightward of the thighs. Here too, "the foreleg" means the most rightward of the forelegs.

QUESTION

"והלחי" למה אתא? להביא צמר שבראש כבשים, ושער שבזקן תישישם.

The Gemara asks: **"And the cheeks"** (written in the plural) **for what does it come** to include? The Gemara answers: **To include the wool on the head of sheep, and the hair in the beard of he-goats**, which must also be given to the Kohen.

QUESTION

"והקבה" למה אתא? להביא חלב שעל גבי הקבה, וחלב שבתוך הקבה.

The Gemara asks: **"And the maw"** (with the prefix "and") **for what does it come** to include? The Gemara answers: **To include the fat that is on the outside of the maw, and the fat that is inside the maw.**

STATEMENT

דאָמַר רַבִּי יְהוֹשֻעַ: כִּהְנִיחַם נִהְגוּ בּוֹ עֵין יָפָה וּנְתַנוּהוּ לְבָעָלִים.

As Rabbi Yehoshua said: The Kohanim behaved with a generous eye regarding it, and they would give it back to the owners.

INFERENCE

טעמא דנהגו, הא לא נהגו – דידיה הוא.

The Gemara notes: **The reason** the owners may eat it is only **because** the Kohanim behaved generously; **but if they did not behave** so, it would belong to the Kohen by law.

STATEMENT

דורשי חמורות היו אמרים: הָזֶרֶע – כְּנָגֵד הַיָּד, וְכֵן הוּא אָמַר: "וַיִּקַּח רוֹמַח בְּיָדוֹ".

The interpreters of metaphors would say: The foreleg is given to the Kohen corresponding to the hand of Pinchas, and so it says: "And he took a spear in his hand."

STATEMENT

וּלְחֵיָּם – כְּנָגֵד תְּפִלָּה, וְכֵן הוּא אָמַר: "וַיַּעֲמֵד פִּינְחָס וַיִּפְלֹל", קִבָּה – כְּמִשְׁמָעָה, וְכֵן הוּא אָמַר: "וַיָּאֵת הָאִשָּׁה אֶל קִבְתָּהּ".

And the cheeks are given corresponding to prayer which is spoken with the mouth, and so it says: "And Pinchas stood up and prayed." And the maw is according to its literal meaning, and so it says: "And the woman to her maw."

BRAISA

וּתַנָּא מִיֵּיתִי לָהּ מִהֶכָּא: "שׁוֹק הַיָּמִין" – אֵין לִי אֶלָּא שׁוֹק הַיָּמִין, זְרוּעַ מוֹקֵדֶשִׁין מִנֵּין? תִּלְמוּד לומר "תְּרוּמָה". זְרוּעַ חוּלִין מִנֵּין? תִּלְמוּד לומר "תִּתְּנוּ".

And the Tanna derives it from here: "The right thigh" — I only know the right thigh is given from peace-offerings. From where do we know the foreleg of consecrated animals is given? The Torah says "terumah." From where do we know the foreleg of non-consecrated animals is given? The Torah says "you shall give."

QUESTION

אֵיזוֹהוּ לְחֵי – מִן הַפֶּרֶק שֶׁל לְחֵי וְעַד פִּיקָה שֶׁל גְּרִגְרָתָהּ, וְהַתְּנָא: נוֹטְלָהּ וּבֵית שְׁחִיטָה עִמָּהּ?

The Gemara asks: The Mishnah says: Which is the cheek? From the joint of the jaw until the ring of the windpipe. But wasn't it taught in a baraita: He takes it and the place of slaughtering is with it? This implies the cheek includes the throat area where the shechitah is performed!

RESOLUTION

לֹא קָשִׁיָּא: הָא רַבְּנָן, וְהָא רַבִּי חֲנִינָא בֶּן אֲנְטִיגֶנוֹס.

The Gemara answers: It is not difficult: This Mishnah is according to the Rabbis, and that baraita is according to Rabbi Chanina ben Antigonus.

PROOF

דִּתְנָא: מוֹגֵרֶמֶת פְּסוּלָהּ, הָעִיד רַבִּי חֲנִינָא בֶּן אֲנְטִיגֶנוֹס עַל מוֹגֵרֶמֶת שְׁחִיָּא כְּשֶׁרָה.

As it was taught in a baraita: A shechitah that is **slanted** up into the ring of the windpipe is **invalid** according to the Rabbis. But **Rabbi Chanina ben Antigonus testified regarding a slanted shechitah that it is valid**, because he holds that area is still considered part of the neck, and therefore it is given with the cheek.

RESOLUTION

איבעצית אימא: הא וְהא רבנן, ומאי "עמה" עמה דבהמה.

And if you want, say instead: Both this and that are according to the Rabbis, and what is the meaning of "with it"? It means the place of slaughtering remains **with the** body of the **animal**, and is not given to the Kohen.

STATEMENT

הדרן עלה חזרוץ והלחיים.

May we return to you, "Hazroa Vehlchayayim"!

SUMMARY

The daf first clarifies that saying "except" acts as a direct retention of the priestly gifts, whereas "on the condition" is a mere stipulation which, according to one Tanna, is ineffective because a Kohen cannot make a stipulation on gifts he does not yet own. Regarding a buyer who bought innards from a butcher, Rav and Rav Assi argue whether the Kohen can demand the maw from the butcher; the Gemara explains that this hinges on whether priestly gifts are subject to the halachos of theft. Moving to the next Mishnah, we learn that a doubt regarding a convert's cow is ruled leniently because the Kohen is the claimant. The Gemara resolves a contradiction from Pe'ah—where doubts are ruled stringently in favor of the poor—by distinguishing between a cow, which has a chazaka of exemption from before the giyur, and standing crops, which have a chazaka of obligation. Ultimately, Rava establishes that we rule stringently on doubts involving prohibitions like Challah, but leniently on purely monetary doubts like priestly gifts.

למעשה WHAT TO TAKE HOME

The Gemara brings a beautiful sevara from Resh Lakish on the pasuk, "Do justice to the afflicted and the needy." The Gemara asks, how can you "do justice" to a poor man in a court of law? The Torah explicitly warns us not to favor a poor person in judgment! Rather, the Gemara is mechadesh a profound yesod: "Justify him from your own property and give to him." When there is a doubt, when things are unclear, the Torah is telling us that the way we show true tzedek is by stepping up and giving from our own pocket to help another Yid.

Lichoira, we might think that keeping our money is the default, and we only give when we are absolutely forced to by the letter of the law. But the Torah's view of tzedakah and chesed is entirely different. When Hashem blesses us with parnassah, He is making us His partners to sustain those who are struggling. When a doubt arises, a person with a cold heart looks for a heter to keep his money. But a Yid who wants to do true avodas Hashem looks at the doubt as an opportunity to "justify him from your own", to go beyond the strict line of the law and make sure another person is taken care of.

Today, when an opportunity for chesed or tzedakah comes your way and you find yourself hesitating or looking for reasons why you might be exempt, stop and remember this yesod. Don't look for the easy way out. Choose to "justify" the other person by giving generously from your own, knowing that Hashem will more than repay whatever you give.

