

## פרק עשירי – הזרוע והלחיים – Introduction to

In **כחן** (see v. 2 below) we are commanded to give the **זרוע** (foreleg), **לחיים** (jaws) and **קיבה** (stomach) of any animal we slaughter as gifts to the **כהן**. These gifts, while part of the list of 24 **מתנות כהונה**, are the only ones called, simply, "**מתנות**"; our chapter outlines the contours of this gift.

30.10.1

130a (משנה א) → 131a (מספקא ליה אי איקרו עם אי לא איקרו עם)

1. כי את חזה התנופה ואת שוק התרומה לקחתי מאת בני ישראל מזבחי שלמיהם ואתן אתם לאהרן הכהן ולבניו לחק עולם מאת בני ישראל: ויקרא ז, לד  
 2. וזה יהיה משפט הפהנים מאת העם מאת זבחי הזבח אם שור אם שׂה ונתן לכהן חזרע והלחיים והקבה: דברים יח, ג  
 3. וידו תביאינה את אשי ה' את החלב על החזה יביאנו את החזה להגוף אתו תנופה לפני ה': ויקרא ז, ל  
 4. ויאמר לעם ליושבי ירושלים לתת מנת הפהנים והלחיים למען יחזקו בתורת ה': דה"ב לא, ד  
 5. ולא יחללו את קדשי בני ישראל את אשר ירמו לה': ויקרא כב, טו

- I א basic parameters of מתנות (see introductory note):
- a *Liability extends*: in or out of ישראל, whether or not the ביה"מ is standing – but only with חולין
- i *In anticipation of*: the argument that it should apply via ק"ו:
- 1 *If*: חולין, which do not attach to שוק (v. 1), yet attach to מתנות
  - 2 *Then*: certainly, חולין, which have ח"ש attached, must have מתנות
- ii *Therefore*: v. 1 states חזק ושוך – the only gift from שלמים – מתנות – חזק ושוך – not חזק ושוך
- II ב difference between קדשים that had a מום קבוע prior to הקדש and their status after פדיון; against those that were sanctified properly and then developed a מום קבוע and were redeemed (even if they had a מום עובר at the time of הקדש)
- a *If מום קבוע preceded*: are liable for בכורה (if female and then gives birth), מתנות, are fully חולין and may be sheared and used for work, their offspring and milk are permissible for use and if someone slaughters them בחוץ they are exempt for liability for חוץ שחוטט, they cannot generate תמורה, if they died first, are redeemed (disposed of) – except כבור ומעשר
- b *But if מום קבוע came afterwards*: exempt from ומתנות, בכורה, may not be sheared or used for work, their offspring and milk are prohibited for use, slaughtering "outside" generates liability, may generate תמורה and if they died, must be buried
- III Analysis:
- a *exclusion of מוקדשין*: by implication - due to v. 1 – else, we would include מוקדשים via ק"ו (in משנה ב)
- i *challenge*: cannot infer from חולין, as חולין have liability for בכורה (מוקדשים do not)
- ii *counter*: could prove from male מוקדשים (which can't have a בכור)
- 1 *block*: all חולין (male as well as female) are liable for הגז – unlike מוקדשים (viz. יא:א)
  - 2 *counter*: could prove from goats (ראשית הגז no)
    - (a) *block*: goats enter the pen for מע"ב – unlike מוקדשים
    - (b) *counter*: could prove from "veteran" goats (over a year-old) who no longer enter pen
      - (i) *block*: veterans *did* enter pen at one point, unlike מוקדשים
      - (ii) *counter*: could prove from a bought (or orphaned) goat – no מע"ב
        1. *block*: its species did have מע"ב
        2. *response*: once the species is an allowable range, מוקדשים would be inferred → need פסוק
- iii *inversion of argument*: now we should obligate giving of חזק ושוך (v. 1) from חולין – via ק"ו
- 1 *if*: קדשים, which have no liability of מתנות, nonetheless are attached to חזק ושוך
  - 2 *then certainly*: חולין, which have liability of מתנות, should have חזק ושוך attached
    - (a) *rejection*: v. 2 indicates "זה" – מתנות are all that the כהנים get from חולין
    - (b) *challenge*: without v. 2, we should *not* have inferred that חולין require ח"ש – but ש"ח require תנופה (v. 3)
      - (i) *and*: he can't be outside, as it must be ה'; לפני ה'; can't do so inside, as that constitutes לעזרה חולין
      - (c) *rather*: "זה" teaches (per חסדא ר') that there is no financial liability for מתנות – if they are lost, needn't pay
        - (i) *per*: ח"ש's ruling, which may be based on "זה" or on the fact that it is לוי תובעים
        - (ii) *challenge*: v. 2 is used to teach that מתנות are considered "משפט"
          1. *assumption*: they can be claimed in court
          2. *rejection*: it means that they are distributed by court – per v. 4 (only given to חבר כהן)

(iii) *יהודה* ד' infers from משפט that מתנות are "דין" – but not ושוך ("זה" – only)

1. *cannot mean*: distributed by דינים; as that is true about ושוך as well (per above)

2. *must mean*: it can be claimed in court

a. *rejection*: it is a case where he already got the מתנות and now is reclaiming them

b. *challenge*: if he already received it – it is his – obvious he can reclaim

i. *answer*: case where he received entire animal (without מתנות removed) (e.g. as פקדון)

ii. *and*: our authority maintains that מתנות that weren't yet taken are considered taken

#### IV Analysis: collectability of מתנות

- a *פאה ח'ד*: if a non-עני was traveling and needed food, he may take לקט ושכחה, פאה, or מעשר עני and then repays when he returns home, per ר"א
- i *inference*: the poor's claim on him is actionable
- ii *defense* (ר' חסדא): it is meant as a supererogatory measure
- 1 *block*: the משנה reads ישלם – that isn't a מדת חסידות
- 2 *furthermore*: why would ר"ח be defending a challenge from ר"א's opinion
- iii *rather*: the חכמים' opinion (ibid) – he was an עני at the time (and is exempt)
- 1 *inference*: if he weren't an עני at the time, it would be actionable
- (a) *challenge*: why should he be liable; it should be comparable to damaging מתנות כהונה
- (b) *defense* (ר"ח): it is meant as a מדת חסידות
- b *ברייאתא*: if someone ate their מתני"כ while still טבל – no debt to כהנים, per v. 5 – only belongs to them after הרמה
- i *implication*: after הרמה – there is a claim; why isn't this the same as מתנות כהונה?
- ii *answer*: it would be actionable if the כהן was given the entire bunch as טבל
- 1 *and*: our authority maintains that מתנות that weren't yet taken are considered taken
- c *ברייאתא*: if the king seized his granary
- i *if*: it was for a legitimate debt to the crown (e.g. taxes), he is liable for the תרומות
- ii *but if*: it was an illegitimate seizure, he is exempt
- 1 *answer* (to רישא, where the כהן has a claim): this case is different, because he gained with the תרומות (paying off his debt) and therefore owes it to them as a financial debt
- d *חולין י'ג*: if he buys the intestines and they include קיבה, he must give it to כהן and cannot discount it off the price
- i *But if*: he bought it by weight, he gives to כהן and then discounts his payment
- 1 *In other words*: מתני"כ are claimable as a debt
- 2 *Defense*: in this case, the קיבה is present and visible (בעין)
- e *ברייאתא*: there are 9 gifts called כהן נכסי, including תר"מ, תר"מ, חלה, ראשית הגז, מתנות, דמאי, בכורים, קרן, and חומש
- i *Assumption*: called כהן נכסי to allow him to claim them
- ii *Rejection*: it means that he can use them for any need, per בכורים ג:יב
- f *Story*: there was a לוי who was grabbing מתני"כ
- i *רב*: it isn't enough that we don't seize מתני"כ from him – now he is grabbing them?
- 1 *Challenge*: if רב thinks that לויים are considered "עם" (v. 2), they should be seized from him; if not – he is exempt
- 2 *Answer*: רב was in doubt as to whether לויים are called עם