

But perhaps he is the slave of a *Kohain*

ודלמא עבד כהן הוא –

OVERVIEW

The גמרא asks how can we give תרומה to a person based on the testimony that this individual ate תרומה in the past; perhaps he was the slave of a כהן. Our תוספות examines this issue.

פירוש¹ ועכשיו נשתחרר ונוטל שלא כדין -

The explanation of this concern is that perhaps now he is freed and will be receiving תרומה illegally.

asks:² תוספות

וקשה לרבינו יצחק דבפרק נושאים על האנוסה (יבמות דף צט, ב ושם) מפרש הש"ס -

And the גמרא explains - פרק נושאים על האנוסה, for in ר"י has a difficulty,

הא דאין חולקין תרומה לעבד משום דלמא אתי לאסוקיה ליוחסין³ -

That which the ברייתא there⁴ rules that we do not distribute תרומה to an עבד; it is because of the concern that perhaps we will elevate him to יוחסין; asks תוספות -

מה צריך להאי טעמא הוה ליה למימר דאין חולקין אפילו אין מעלין -

Why is this reason of גמרא necessary, the גמרא should have said that we do not distribute תרומה to an עבד even if we maintain ליוחסין; the reason is for we are concerned that -

שמא ישאל גם אחר שישתחרר כדפריך הכא הש"ס -

Perhaps he will request תרומה even after he was freed, as the גמרא asks here!

bolsters his point that this is a valid concern: תוספות

וכן מפרש התם⁵ הש"ס דאין חולקין לאשה בלא בעלה⁶ משום גרושה⁷ -

And indeed the גמרא explains there that the reason we do not distribute תרומה to a woman without her husband is because she may become divorced –

¹ תוספות is responding to the anticipated question; what is the problem if he is an עבד כהן; an עבד כהן is entitled to eat תרומה [The משנה is only discussing תרומה (not ליוחסין)].

² We have just established that wherever there is a concern that the עבד may be freed, we cannot distribute תרומה to that עבד. This is seemingly a valid reason why רבו because perhaps he was freed already.

³ We will mistakenly allow him to marry מיוחסין under the impression that he is a כהן.

⁴ The ברייתא states והאשה וכו' והעבד והאשה. The גמרא is on א, ק. (See "א ופנ"י".)

⁵ according to one opinion, א, ק.

⁶ We are discussing a בת ישראל who married a כהן and eats תרומה as long as she is married.

⁷ We see that the concern of גרושה is sufficient not to give her תרומה by herself; the same should apply to the concern of שחרור by an עבד. There is no need for the חשש of יוחסין.

תוספות has an additional question:

ומאי טעמא נמי דמאן דאמר חולקין -

And also what is the reason of the one who maintains that we distribute תרומה to an עבד; there is the concern of שחרור (even though there may not be the concern of יוחסין)!

תוספות answers:

ויש לומר דלא שכיחא כולי האי שישאל תרומה אחר שישתחרר -

And one can say; that it is not that common that the עבד should ask to receive תרומה after he was freed; he will not ask for it -

לא בתורת עבד⁸ ולא בתורת כהן -

Neither as an עבד (who is currently a slave to a כהן), nor as a כהן (he will not masquerade himself as a כהן). The reason (why he will not claim it as a כהן) is -

כי ירא פן יבדקוהו⁹ ויתברר שהוא¹⁰ עבד¹¹ ויוציאו עליו קול עבדות¹² -

Because the עבד is afraid lest they should investigate him and it will become apparent that he was an עבד and people will publicize that he is still an עבד. Therefore the concern of the asking for תרומה after he is freed is negligible.¹³

תוספות rejects an additional concern why עבד בלא רבו אין חולקין לעבד (and therefore avoid the concern of יוחסין):

ולא חיישינן נמי פן ימכרנו רבו לישראל וישאל תרומה¹⁴ -

And we are also not concerned that perhaps his master (who is a כהן) will sell him to a ישראל and the עבד will continue to request תרומה; there is no concern -

שהרי מזונותיו על רבו ואין אדם חוטא ולא לו -

Because his master is obligated to feed him, and person does not sin unless he

⁸ He certainly will not claim it as an עבד (כהן), since he is free now and does not want to be considered an עבד.

⁹ Generally one who was an עבד will not ask for תרומה after he is freed, because of this concern (since everyone knows he was an עבד); however in our משנה where the person in question was not known to be an עבד, so he will not be afraid to ask for תרומה (people will presume he is a כהן), therefore the גמרא asks perhaps he is a [freed] עבד (see [הארוך] מהרש"א). Alternately; by a known עבד כהן we will distribute תרומה to him alone since he is eligible to eat תרומה and we assume he will not ask for it when he is freed, however in our משנה where we want to give him תרומה initially; the concern that perhaps he was an עבד ונשתחרר is sufficient to prevent him from receiving תרומה (see תוספות הרא"ש).

¹⁰ Others amend this to read שהיה.

¹¹ However by a woman there is the concern that she will ask for תרומה after her divorce from the כהן. She is not concerned that people will find out and say that she is a divorcee, for indeed she is one

¹² People will say he is still an עבד of the כהן (and therefore he is claiming the תרומה). The freed עבד certainly does not want to be considered an עבד (אסור בבת ישראל and etc.).

¹³ We must therefore say that the reason why אין חולקין לעבד בלא רבו (according to that מ"ד) is (only) because of the concern that we may be מעלה him to יוחסין.

¹⁴ In this concern (he is similar to a גרושה) there is no fear that people will proclaim him an עבד; for he is indeed an עבד.

gains from it; in this case the עבד has no concern for food since his master feeds him. Why would he trouble himself to collect תרומה illegally –

תוספות rejects an (even) more extreme possibility:

וכולי האי לא חיישינן שמא יאמר לו רבו ישראל צאי¹⁵ מעשה ידיך במזונותיך¹⁶:

And we are definitely nor concerned for this outside possibility that perhaps the master will tell him, ‘feed yourself with your handiwork’ and therefore he may go and request תרומה. This concern is too farfetched.¹⁷

SUMMARY

We are not concerned that an עבד שנשתחרר will request תרומה.

THINKING IT OVER

There seems to be two interdependent issues; a. whether we are מעלה מתרומה ליוחסין and b. whether חולקין לעבד תרומה בלא רבו. Is מעלין מתרומה ליוחסין the cause why אין חולקין לעבד (and vice versa), or is אין חולקין לעבד וכו' the cause why מעלין וכו' (and vice versa)?¹⁸

¹⁵ Others amend this to read צא (in the masculine) instead of צאי (in the feminine).

¹⁶ If the master were to tell him צא מעשה ידיך למזונותיך then the עבד would have proper cause to collect תרומה. However it is highly unlikely that (the כהן will sell him to a ישראל and) the ישראל tells this to his slave, since the master may lose much of the benefits of the slave's handiwork.

¹⁷ The only reason why אין חולקין וכו' is because we are concerned that if we give him תרומה בלא רבו we will be מעלה מעלה the עבד to יוחסין as well.

¹⁸ See מהרש"א [הארוך].