

Daf Notes is currently being dedicated to the neshamah of

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May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

1. The extra fifth that is paid by a non-kohen who accidentally eats *terumah* becomes *terumah*.

The *Mishna* says that a non-kohen who accidentally ate *terumah* as to pay the kohen for its value, and must add one fifth of its value as a fine. The *Mishna* adds that if a non-kohen then eats from the one fifth paid by the previous non-kohen, he must pay for the fifth and add one fifth of what he ate to the kohen. Rashi explains that this is because the one fifth paid receives the same status as *terumah*. (32a)

2. Thieves must pay back the owner based on what the item they stole was worth when it was stolen (not what it is worth when they actually pay him back).

If a thief stole something that was worth four dollars and by the time he wanted to pay it back it was worth one dollar, he must pay four dollars. This is based on the verse “*v’heishiv es ha’gezeilah asher gazal*” – “and he will return the stealing that he stole.” From the extra words of “*asher gazal*” – “that he stole,” the *Gemora* in Bava Kama (98b) derives that a thief pays the value of the item based on when he stole it. (32a)

3. The *Gemora* concludes that there is an argument whether paying back the amount of *terumah* eaten accidentally by a non-kohen is calculated based on

the amount (weight) of *terumah* eaten or its value at the time.

The *Gemora* tries to prove this at length from various Beraisos. It concludes that this is an argument between Rabbi Akiva who says that it is based on value, and Rabbi Yochanan ben Nuri who says that it is based on calculating the weight of what was eaten. The difference would be in a case where the *terumah* was worth one dollar when it was eaten, but at payback time it is worth four dollars. If the calculation is based on weight, then the identical weight (plus a fifth) must be given back even though this is now worth far more money than when it was eaten. (32a)

4. Many *Tanaim* argue with the position of Rabbi Yosi Ha’Glili who says that one can derive benefit from *chametz* on *Pesach*.

Abaye lists many *Tanaim*, namely Rabbi Eliezer ben Yaakov, Rabbi Akiva, and Rabbi Yochanan ben Nuri who argue that one cannot derive benefit from *chametz* on *Pesach*. This is apparent from their stance in the *Gemora* earlier (31b) that a non-kohen does not have to pay (though it is forbidden) for eating *terumah* of *chametz* on *Pesach*, as the *chametz* had no value. If benefit could be derived from it, it obviously would have value and they would have to pay. Although Rabbi Yochanan ben Nuri says that

such a person does have to pay, the *Gemora* deduces that he ruled this way for a reason other than Rabbi Yosi Ha'Glili's position that *chametz* may be benefited from on *Pesach*. (32b)

5. There is an argument how much *terumah* a non-kohen must eat in order to have to pay the fine of an additional one fifth of its value.

The *Gemora* quotes a Beraisa which says this is an argument between the *Tanna Kamma* and Abba Shaul. The *Tanna Kamma* notes that the Torah uses the term "*yochal*" – "he will eat." This implies that the Torah is only discussing the minimum amount normally implied when it discusses eating, which is a *k'zayis* (size of an olive). Abba Shaul counters that the verse states regarding payment "and he will give," implying the normal value implied when stating giving, which is no less than a *perutah* (small coin). [The difference would be if food prices were high, and the *terumah* eaten would be less than a *k'zayis* but worth more than a *perutah*.] Although Rav Papa ventured that Abba Shaul really requires that the food should also be the size of a *k'zayis*, he later retracted this statement. (32b)

to the kohen, yet we know that according to Torah law even one kernel of wheat can be *terumah* for an entire silo. Accordingly, how can the *Gemora* (Abba Shaul and the Rabbanan agree on this principle) say that "giving" in the Torah always indicates a *perutah*?

Tosfos answers that unless the Torah is explicitly discussing giving a payment, it does not necessarily refer to a *perutah*. Being that giving *terumah* is not a payment, it also does not refer to a *perutah*. Only givings such as paying back stolen goods or stolen *terumah* imply that they must be a *perutah*.

The Sfas Emes quotes the Tosfos Rid in Kidushin (58b) and others who answer the question from *terumah* in a different fashion. They explain that there are two different aspects of *terumah*. One is taking off the *terumah* in a way that the rest of the grain can be eaten, and the second is giving the *terumah* to the kohen. Taking one grain of *terumah* from a silo that is worth less than a *perutah* allows the rest of the grain to be eaten. However, if one gives less than a *perutah* of *terumah* to a kohen he has indeed transgressed a separate law of giving an insignificant *terumah* to the kohen, mandated by the words "and he should give" stated by *terumah*.

INSIGHTS TO THE DAF

Perutah of Terumah

Tosfos (DH "v'ain nesinah") asks that there are a few places that the Torah states "and he gave" and the value of what is given does not have to be worth a *perutah*. One example, Tosfos states, is *terumah* itself. The Torah says "and he should give" *terumah*