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Bava Metzia Daf 54

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Does the Fifth Affect the Status?

The *Gemora* inquires: Does the extra fifth one must give when redeeming produce of *ma’aser sheini* hold back the status of the fruit? [*In other words, if the person has not yet given the extra fifth, can he eat the fruit outside of Yerushalayim?*] Do we say that if someone redeemed four *zuz* worth of *ma’aser sheini*, the four *zuz* worth have been redeemed, and now he independently has to add another *zuz*? Or do we say that the price one must pay to redeem four *zuz* worth of *ma’aser sheini* is five *zuz*, and until he comes up with five *zuz*, they are not redeemed?

Ravina says: I will prove this from a *braisa*. The *braisa* states: *Ma’aser sheini of demai* has no fifth when redeemed, and no time by which it must be burned (*in the third year, see Rashi*). This implies that it is redeemed for its actual value. What is the reason for this law? It must be that being that the value of the principle must be redeemed or the produce cannot be eaten when *ma’aser* is taken according to Torah, the Rabbis also commanded one to redeem the principle when taking *ma’aser sheini* from *demai*. However, it must be that the fifth does not have to be redeemed in order to eat the produce when *ma’aser* is taken according to Torah law. This would be the reason why the Rabbis did not say one had to add a fifth when taking *ma’aser sheini* from *demai*.

The *Gemora* asks: Let us say that this is actually the subject of the following argument among the *Tannaim*. The *braisa* states: If he gave the principle but not the fifth, Rabbi Eliezer says: He can eat it. Rabbi Yehoshua says: He cannot eat it. Rebbe says: Rabbi Eliezer seems correct when it comes to *Shabbos* (*due to the mitzvah of honoring the Shabbos*), and Rabbi Yehoshua seems correct when it comes to doing this on weekdays.

Being that Rebbe says that Rabbi Eliezer appears correct on *Shabbos*, it is clear that their argument is even during the week. Being that Rebbe says that Rabbi Yehoshua appears correct during the week, it is clear that their argument is even during *Shabbos*. It must be that they are arguing in this question. Rabbi Eliezer says that the fifth does not hold back the produce from being eaten, while Rabbi Yehoshua holds it does.

Rav Pappa answers: No. Everyone agrees that the fifth does not hold back the redemption. The question is whether or not we suspect negligence (*that he will forget to give the fifth*). Rabbi Yehoshua says that we do suspect negligence (*and therefore the Rabbis said he should not eat it until he has also paid the fifth*), and Rabbi Eliezer says we do not suspect negligence.

Rabbi Yochanan says: Everyone agrees regarding *hekdesh* (*consecrated property*) that was redeemed (*that the redemption is valid even before he pays the extra fifth*). This is because the treasurers of *hekdesh*



will claim it even in the marketplace (*therefore there is no reason to suspect negligence*).

The *Gemora* asks: Is there indeed no argument regarding *hekdesh*? Doesn't the *braisa* state: If he gave the principle, but not the fifth: Rabbi Eliezer says that it is redeemed. The *Chachamim* say: It is not redeemed. Rebbe says: Rabbi Eliezer seems correct when it comes to *hekdesh*, and the *Chachamim* seem correct when it comes to *ma'aser*. Being that Rebbe says that Rabbi Eliezer appears correct when it comes to *hekdesh*, it is clear that their argument is even regarding *ma'aser*. Being that Rebbe says that the *Chachamim* appear correct regarding *ma'aser*, it is clear that their argument is even regarding *hekdesh*. [*This is unlike Rabbi Yochanan's statement!*]

Rather, if Rabbi Yochanan said this type of statement, he must have said the following: Everyone agrees regarding *hekdesh* that was redeemed and is now able to be used on *Shabbos* (*that it can be used*). One reason for this because the verse states, "*And you will call Shabbos a pleasure.*" Additionally, the treasurers demand the money (*extra fifth*) in the marketplace (*and therefore there is no suspicion of negligence*). (54a)

Is the Fifth Like the Principle?

Rami bar Chama says: They (*the Rabbis*) have said that one cannot redeem *hekdesh* by giving land, as the Torah states, "*And he will give the money and it will go to him.*" Can a fifth be deconsecrated using land?

[*He asked another similar question.*] *Terumah* is only given from (*actual fruit that is*) *chulin*, as the Torah states, "*And he will give the Kohen the holy (terumah).*" This refers to something that is fit to be holy itself (*i.e.*

produce). Can a fifth for *terumah* be given from something that is not holy (*i.e. money or clothes*)?

[*He asked another similar question.*] The holiness of *ma'aser sheini* cannot be transferred onto an unstamped coin. This is as the Torah states, "*And you will gather the money in your hand,*" implying (*from the term "v'tzarta" which also can refer to making an image*) that the money may be transferred to any coin that has a shape (*i.e. stamped coin*). Can the fifth be transferred to an unstamped coin?

It happened that Rami bar Chama came before Rava. Rava answered all of these questions by saying: The verse says, "*On it,*" (*when discussing the fifth*), implying that all of the laws that apply to the redemption of the principle apply similarly to the redemption of the fifth.

Ravina says: We also learned this in a *braisa*. The *braisa* states: If someone steals *terumah* but did not eat it, he pays *keifel* (*double*) the value of the *terumah*. If he ate it (*accidentally after he stole it*), he pays twice the principle plus one fifth. The value of one principle plus one fifth is from *chulin* produce, and one principle is paid with money according to the value of *terumah*. [*Chulin is worth more, as anyone can eat it.*] This is proof that the fifth has to be paid like *chulin* (*and cannot be paid in other ways such as terumah*). (54a – 54b)

A Fifth of a Fifth

Rava says: Regarding stealing, the verse states, "*And its fifth he should add on it.*" The *Mishna* states: If he paid back the principle and then falsely swore that he had already given the fifth, he must add a fifth on that fifth, until this fifth becomes less than a *perutah*. Regarding *terumah*, the verse says, "*A man when he will eat of the*

holy (*terumah*) accidentally and he will add a fifth on it." The *Mishna* states: If someone (a regular Jew) accidentally eats *terumah*, he pays the principle and a fifth. This is whether he ate it, drank it, or anointed himself with it. Whether it was *terumah* that was pure or impure, he pays a fifth and a fifth of that fifth (if he accidentally ate the fifth). Regarding the redemption of *ma'aser*, however, there are no verses or *Mishnayot* that tell us what the law is regarding whether or not there are multiple fifths. We also do not have a question about this (as we know there is no fifth of a fifth when it comes to *ma'aser*, see *Rashi* at length).

Regarding *hekdes*, the verse states, "And if the one who dedicated will redeem his house from *hekdes*, and he will add a fifth of the monetary value." The *Mishna* states: If someone redeems his *hekdes* he pays an extra fifth. We only see the *Mishna* discussing a fifth, not a fifth of a fifth.

What would be the law if he were now to redeem the fifth from *hekdes* (would he have to add another fifth)? Regarding *terumah*, the verse says, "And he will add." This is also stated regarding *hekdes*. [We therefore should say that just as a fifth of a fifth applies to *terumah*, it also applies to *hekdes*.]

[The *Gemora* will now present an alternate way of understanding the teaching by *terumah*. While the first possibility is that this is derived from the word, "v'yasaf" -- "and he will add," the *Gemora* now entertains that this is actually derived from the letter "vav" in "v'yasaf" in a manner known as "gorin mosifin v'dorshin." This means that we take a letter away from a word, and place it at the beginning or end of the next word and understand that word accordingly. The following is the *Gemora's* second possibility based on this system of understanding the verse.]

Or perhaps this is only regarding *terumah*, as the verse says, "And he will add." If you take the "vav" of "v'yasaf" and add it onto the end of the next word, "chamishiso"-- "its fifth," you receive "chamishiv," which implies many fifths. The verse states regarding *hekdes*, "v'yasaf chamishis." Accordingly, even if one were to take the "vav" of "v'yasaf" and add it to "chamishis," he would only receive "chamishiso" -- "his fifth," which does not imply multiple fifths. [Accordingly, it is possible that *hekdes* does not have a fifth on a fifth.]

The *Gemora* asks: A fifth should not apply because it is second-time *hekdes*! Rabbi Yehoshua ben Levi says: One only adds a fifth upon redemption of something from *hekdes* the first time he redeems it, not the second time!?

Rav Papi said to Ravina: Rava holds that the first payment of a fifth is like it is the first time it is dedicated to *hekdes*. [Accordingly, the second time rule does not apply.]

The *Gemora* asks: What is the law?

Rav Tavyumi says in the name of Abaye: The Torah says, "And he will add a fifth of its monetary value." This indicates that we should compare the fifth to its monetary value. Just as the redemption of monetary value of *hekdes* is with a fifth, so too, the redemption of the fifth is with another fifth.

The *Gemora* discusses a previous statement. Rabbi Yehoshua ben Levi said: One only adds a fifth upon redemption of something from *hekdes* the first time he redeems it, not the second time.

Rava says: What is the reasoning of Rabbi Yehoshua ben Levi? The verse states, “*And if the one who dedicated his house will redeem it,*” implying that the first time redeemer will add a fifth, not someone who dedicates something that was redeemed.

The *Tanna* taught before Rabbi Elozar: “*And if it was regarding an impure animal, and he will redeem its value.*” Just as a non-kosher animal is unique regarding *hekdesh* in that it carries primary sanctity, the owners get nothing out of it (*as opposed to a korban that the owners may possibly eat from*), and one commits *me’ilah* of *hekdesh* if they use it, so too, anything that carries primary sanctity and the owners get nothing out of it is liable for *me’ilah*.

Rabbi Elozar said to this *Tanna*: It is understandable that the condition that it is totally *hekdesh* excludes a *korban* which the animals may eat from, known as “*kodshim kalim.*” Being that the owners can eat from it (*after it is offered as a korban*), the laws of *me’ilah* do not apply to it. What does “*carries primary sanctity*” exclude? Is *me’ilah* only applicable to primary *hekdesh* and not secondary *hekdesh*? Perhaps you mean by “*primary sanctity*” that it is the first time it is *hekdesh*, and you are essentially saying the law of Rabbi Yehoshua ben Levi? [*When you said me’ilah, perhaps you meant paying an extra fifth?*]

The *Tanna* answered: Yes, this is what I meant to say. (54b)

INSIGHTS TO THE DAF

Paying for Terumah

The *Gemora* cites a *braisa*: If someone steals *terumah* but did not eat it, he pays *keifel* (*double*) the value of

the *terumah*. If he ate it (*accidentally after he stole it*), he pays twice the principle plus one fifth. The value of one principle plus one fifth is from *chulin* produce, and one principle is paid with money according to the value of *terumah*.

The *Gemora* in *Pesachim* (32a) is uncertain what the *halachah* is if one steals *terumah* from a *Kohen* and he eats it. Does he pay according to the measure – that is, he pays with unconsecrated produce in the amount of *terumah* produce that he stole – even if the produce went up in value? Or perhaps he pays according to the value which he stole, and therefore, if the produce price went up in value, he can give less produce which equals the value in which he stole. The *Gemora* does not resolve this.

The *Mishnah* *Lamelech* wonders how it would be evaluated according to value. Do we evaluate how much the stolen *terumah* itself is worth (*which would be less than chulin*), or do we view it as if it would have been *chulin* produce? He cites an opinion of the Ra”sh that it is evaluated as if it would have been *chulin* produce.

The *Tosfos* *Yom Tov* derives from *Rashi* in our *sugya* that he pays according to the value of *terumah*.

The *Minchas* *Chinuch* makes the following distinction: If a non-*Kohen* eats *terumah* that belongs to him (*it was inherited from his mother’s father*), he can pay according to the value of *terumah*, for the payment is not on account of stealing; rather, it is to receive atonement for his sin. However, a non-*Kohen* who steals *terumah* and eats it, he must pay according to its value as if it would be *chulin* produce. This is because of the following: If he would pay a lesser amount of *chulin* produce, immediately after he designates the

produce for payment, which serves as his atonement, the produce becomes *terumah*. This would cause the price to drop, and it would emerge that he is paying less than the value of *terumah* in which he stole.

QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF

to refresh your memory

Q: In what type of majority will *terumah* become nullified in?

A: One hundred and one.

Q: In what case can *ma'aser sheini* become nullified?

A: If the produce is worth less than a *perutah* and it entered Yerushalayim and the walls fell down.

Q: Why can *ma'aser sheini* not become nullified?

A: Because it is something that could become permitted without the nullification (*either by eating it or redeeming it*).

DAILY MASHAL

A close talmid of Rav Twersky kept up the connection even after returning to America and marrying. His wife would always know when he was preparing to make a phone call to his rebbi. He would pace back in forth for quite some time in an obvious state of solemn tension as he prepared to speak to Rav Twersky. Then, he would lock himself in a room while he actually conducted the call. Upon emerging, his face would be wreathed in a brilliant smile.

On a particular visit to EretzYisrael together with his wife, the very first thing this talmid felt he needed to do was visit his rebbi. Having arrived in Yerushalayim during the afternoon hours, he knew that Rav Twersky would be learning in Ohr Tzafun, a Shul on the corner of Shmuel Ha'Navi and Bar Ilan.

About fifteen minutes after he left his car to go find his rebbi, he returned. "I can see that you must have spoken to your rebbi," his wife said, "because you've got that special, glowing smile." "Actually, I didn't," he responded. "I went upstairs and found Rav Twersky, but of course he was learning and I could not bring myself to interrupt him. So I waited there for ten minutes to see if he would look up from his seifer and notice me. He didn't. But I nevertheless saw my rebbi!"