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Bava Metzia Daf 55

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Primary Hekdesh vs. Final Hekdesh

The *Gemora* had said that a non-kosher animal is unique regarding *hekdesh* in that it carries primary sanctity (*if it was dedicated towards the upkeep of the Temple*).

Rav Ashi asked Ravina: Can it not have secondary sanctity? [*It cannot have final sanctity, for it cannot be offered as a korban, and it also cannot become part of the Temple building, but it may be used to redeem something that was consecrated!?*]

Ravina replied: It is because it cannot have final sanctity (*and that is why it can be derived from a non-kosher animal that we do not add a fifth when redeeming something with a secondary sanctity*).

Rav Acha from Difti asked Ravina: But since it could have secondary sanctity, the *halachah* should be that we do add a fifth when redeeming something with secondary sanctity!?

Ravina answers: We derive from the verse that secondary sanctity is regarded as final sanctity. Just as one does not add a fifth (when redeeming something) with final sanctity, so too one does not add a fifth (when redeeming something) with secondary sanctity.

Rav Zutra the son of Rav Mari asked Ravina: Why do we compare secondary sanctity to final sanctity; let us compare it instead to primary sanctity?

He said to him: It is logical to compare it to final sanctity, since thereby transferred [sanctity is deduced] from transferred [sanctity]. [Ritva explains this to mean that these items are held permanently, as they are not likely to be deconsecrated.]

The *Gemora* asks: On the contrary, it should rather be compared with primary sanctity, [deducing] that which may be followed by sanctity from that which may be followed by sanctity!?

The *Gemora* answers: It is as Rava said: *The olah* means the *olah* which is first (it is the first service of the day); so too, when the verse states, “the non-kosher animal,” it refers to the first one. [*This teaches us that a fifth is added only by a primary sanctity; not a secondary one.*]

The *Gemora* cites a *braisa* which supports this ruling of Rabbi Yehoshua ben Levi: If one said, “This cow is in place of this cow of *hekdesh*,” or “This garment is in place of this other garment of *hekdesh*,” his consecrated object is redeemed, and *hekdesh* has the upper hand (*regarding its value; if it's worth less than the hekdesh item, the redemption is valid and he must pay the remainder; if the item is worth more than the hekdesh one, hekdesh keeps the difference*). The same *halachah* would apply if he says, “This cow, which is worth five *sela'im*, is in place of this other cow of *hekdesh*,” or “This garment, which is worth five *sela'im*, is in place of this other garment of *hekdesh*,” his consecrated object is redeemed. And for the first *hekdesh* he must add a fifth, but not for the second. (54b – 55a)

Mishna

Overcharging is four silver *ma'os* (*out of twenty-four*); a claim (*that would obligate another to take an oath*) is two silver *ma'os*; an admission (*that would obligate someone to take an oath*) is the value of a *perutah*.

There are five *perutos* (*halachos where the minimum amount for the halachah to apply would be a perutah*): An admission (*to take an oath*) is for the value of a *perutah*; a woman may be betrothed by the value of a *perutah*; one who derives benefit from a *perutah's* worth of consecrated property is subject to the *halachah* of *me'ilah*; one who finds an object worth a *perutah* must announce it; one who steals from his fellow something worth a *perutah* and swears falsely is obligated to bring it to him, even to Media. (55a)

Necessity of the Mishna

The *Gemora* asks: Did we not already learn this in a Mishna (that the laws of *ona'ah* apply if there is a price fraud of more than a sixth)? Price fraud (*ona'ah*) is (when there is a discrepancy of) four silver (*ma'os*) out of the twenty-four silver (*ma'os*) that compose a *sela* – when it is a sixth of the purchase.

The *Gemora* answers: The *Mishna* is teaching us the *halachos* of the claim of two *ma'os* (is what can obligate one to take an oath) and the admission of a *perutah* (is what obligates one to take an oath).

The *Gemora* asks: But we already learned those *halachos* as well in a Mishna (Kiddushin 11b)? In order for the judges to administer an oath, the amount of the claim (*either the amount claimed or the amount denied*) must be at least two *ma'ah* of silver (*a ma'ah is the Tyrian coin worth the least*), and the amount admitted must be at least one *perutah*.

The *Gemora* answers: The *Mishna* was necessary in order to teach us the five *halachos* where a *perutah* is the minimum amount.

The *Gemora* asks: Why didn't the *Mishna* mention that the *halachah* of *ona'ah* is only if the price fraud was more than a *perutah*?

Rav Kahana answers: This teaches us that *ona'ah* is not applicable if the price of the purchase is counted with *perutos* (*it must be at least an issar - a silver coin*).

Levi disagrees and holds that *ona'ah* is applicable even if the price of the purchase is counted with *perutos*.

Levi taught a *braisa* as follows: There are five *perutos* (*halachos where the minimum amount for the halachah to apply would be a perutah*): The *halachah* of *ona'ah* is only if the price fraud was more than a *perutah*; an admission (*to take an oath*) is for the value of a *perutah*; a woman may be betrothed by the value of a *perutah*; one who steals from his fellow something worth a *perutah* and swears falsely is obligated to bring it to him, even to Media; *Beis Din* will judge if the case involves a *perutah*.

The *Gemora* explains that when the *Tanna* of our *Mishna* mentioned that stealing is a *perutah*; included in that is that *Beis Din* will judge only if the case involves a *perutah*. And Levi did not mention the case of a lost object, for that was included in stealing.

The *Gemora* notes that Rav Katina holds that *Beis Din* will judge even if the case involves less than a *perutah*.

The *Gemora* explains that Levi did not mention the *halachah* of *me'ilah*, for he was only discussing cases that do not involve consecrated property.

The *Gemora* asks: Why didn't the *Tanna* of our *Mishna* mention *ma'aser sheini* (*the produce must be worth a perutah to be redeemed*)?

The *Gemora* answers: The *Mishna* is in accordance with the *Tanna* who holds that the fifth must be worth a *perutah* (*the principle must be worth four perutos*). The *Tanna* did not mention the case of the fifth, for he was only discussing cases involving the principal payments.

The *Gemora* asks on Rav Katina from a *braisa* which states that *Beis Din* will judge only if the case involves a *perutah*!?

The *Gemora* answers that Rav Katina only meant that once *Beis Din* assembled to adjudicate a case regarding a *perutah*, they will judge a second case even if it involves less than a *perutah*. (55a – 55b)

Mishna

There are five cases of a fifth (*where a surcharge of a fifth is imposed*): If a non-Kohen eats *terumah* or *terumas ma'aser*, or *terumas ma'aser* of *demai*, or *chalah*, or *bikkurim*, he must add one fifth; if one redeems his fruits of the fourth-year or his *ma'aser sheini*, he must add one fifth; if he redeems property which he had consecrated, he must add one fifth; one who derives benefit from a *perutah*'s worth of consecrated property must add one fifth; one who steals from his fellow something worth a *perutah* and swears falsely is obligated to add one fifth. (55b)

Strength of the Rabbis Decree

Rabbi Elozar was bothered by the following: Did the Rabbis strengthen their decrees as much as those from the Torah? Why is the *halachah* that a non-Kohen, who eats *terumas ma'aser* of *demai*, must add one fifth?

Rav Nachman answers in the name of Shmuel: The *Tanna* is following Rabbi Meir's opinion, who maintains that the Rabbis did indeed strengthen their decrees as much as those from the Torah. For we learned in a *braisa*: If someone brought a *get* from overseas and gave it to the woman without saying, "It was written and signed before me," the woman must leave her new husband and the resulting child is a *mamzer*. This is the opinion of Rabbi Meir (*who maintains that if the agent did not heed the Rabbi's decree, she is still married to the first man*). The *Chachamim* say: The child is not a *mamzer*. What should he do? He should take the *get* back from her, and give it to her in front of two people while saying, "It was written and signed before me."

The *Gemora* asks: And according to Rabbi Meir, does it make sense that the child is a *mamzer* just because the agent did not make the necessary declaration?

The *Gemora* answers: Rav Hamnuna said in the name of Ulla: Rabbi Meir used to say that whoever deviates from the method decreed by the Sages for *gittin*, the child (*if the woman remarries based upon this get*) will be a *mamzer*. (55b)

INSIGHTS TO THE DAF

Perutah in Media

The *Mishna* had stated: One who steals from his fellow something worth a *perutah* and swears falsely is obligated to bring it to him, even to Media.

What is the significance of Media?

The Vilna Gaon (Kol Eliyahu; Kiddushin 12a) explains based on the following verse [Yeshaya 13:17]: *Behold I stir up Media against them, who do not value silver, and do not desire gold*. The thief must travel even to Media, a place where a *perutah* is completely insignificant because



of the abundance of gold and silver that is found there. Nevertheless, the thief must go there and return the money that he stole.

This is why Shmuel (Kiddushin 12a) ruled that if someone betroths a woman with a date, even if a *kur* of dates is only worth a *dinar*, we say that she is betrothed, as a single date might be worth a *perutah* in (*the country of*) Media. Precisely in Media, where money is insignificant, that is where it is possible that one will receive a *perutah* in exchange of one date.

The Nitzotzei Ohr adds on his words: This is why the *Gemora* there mentions dates, for dates there were very expensive. That is why beer there was made from barley and not from dates, as we find the *Gemora* discusses the beer from Media. For this reason, one was prepared to pay a *perutah* for one date.

QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF

to refresh your memory

Q: Must one add a fifth when he is redeeming *ma'aser sheini* of *demai*?

A: No.

Q: If one redeemed *ma'aser sheini*, but he did not add the fifth, is he allowed to eat it outside of Yerushalayim?

A: It is a *machlokes Tannaim* and Rav ruled that it is permitted on *Shabbos*.

Q: If one steals *terumah* and eats it, what is he obligated to pay?

A: 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*.

DAILY MASHAL

Another Type of Deceit

Rebbe Naftali of Ropshitz zt"l used to say that the Torah indeed commands us to refrain from deceiving others and that is the halachah. If, though, a person wants to observe the commandment outstandingly, he must take care not to deceive himself ('Al HaTorah, II, p. 338).