



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamah of

Tzvi Gershon Ben Yoel (Harvey Felsen) o"n

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

MISHNAH: He who eats terumah of chametz on Pesach unwittingly, must repay [to the Kohen] the principal plus a fifth;¹ if deliberately,² he is free from payment and from [liability for] its value as fuel.³ (31b3 – 31b4)

GEMARA: We learned elsewhere: He who eats terumah unwittingly must restore the principal plus a fifth; whether he eats, drinks, or anoints [with it]; whether it was defiled or undefiled terumah, he must pay a fifth and a fifth of the fifth.⁴ (31b4 – 32a1)

The scholars asked: When he repays, does he repay according to quantity or according to value?⁵ Where it was originally worth four zuz while subsequently it was worth a zuz,⁶ there is no question, for he must certainly repay on the original [price] according to its value,⁷ because it is no worse than a robber, for we learned: All robbers repay as at the time of the robbery. The question arises where it was originally worth a zuz while subsequently it was worth four. What then? Must he repay according to quantity, for he [the Kohen] can say, He ate a griva,⁸ he must repay a griva; or perhaps he repays according to the value: he ate

[the worth of] a zuz, he repays [the worth of] a zuz? — Said Rav Yosef, Come and hear: If he ate figs [of terumah] and repaid him dates, blessings be upon him! It is well if you say that he must repay according to quantity: therefore 'blessings be upon him,' because he ate a griva of dried figs, which is worth a zuz, and he returns [him] a griva of dates, which is worth four. But if you say that he pays according to its value, why should 'blessings be upon him': he ate for a zuz and he returns [as much as] for a zuz? — Said Abaye, Indeed he pays according to value, yet why should 'blessings come upon him'? Because he ate something for which buyers are not eager, and he pays [with] something for which buyers are eager.

We learned: He who eats terumah of chametz on Pesach unwittingly, must pay [to the Kohen] the principal plus a fifth. It is well if you say that he must pay according to quantity, then it is right; but if you say that he must pay according to the value, has then chametz on Pesach any value? — Yes: the author of this is Rabbi Yosi HaGellili, who maintained: Chametz on Pesach is permitted for use. If so, consider the second clause: If deliberately, he is free from

¹ I.e., he did not know that it was terumah, even if he knew that it was chametz. Though chametz has no value during Pesach, yet here he must make the usual restoration of the principal plus a fifth, not in money but in kind, the same as he ate.

² I.e., he knew that it was terumah, even if he did not know that it was chametz.

³ If the terumah was tamei, when it has no other value, since tamei terumah may not be eaten. The reason is this:

the law of restoring the principal plus a fifth, in kind, holds good only when the terumah is misappropriated unwittingly, the restoration being for the purpose of atonement. But when one appropriates it deliberately his act constitutes larceny, and he must return its value in

money, not in kind, as in all cases of larceny. Chametz during Pesach, however, has no monetary value, all its benefit being interdicted; hence he is free from payment.

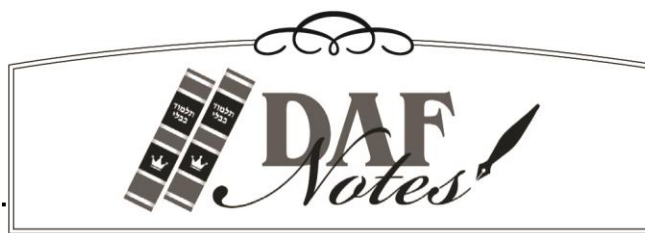
⁴ The first fifth becomes the same as the original terumah, and if he ate it, he must restore that fifth and a fifth of it.

⁵ The question arises because since he must repay in kind it is possible that the quantity is the deciding factor.

⁶ 'Originally' and 'subsequently' mean when he ate it and when he makes restoration respectively.

⁷ This he must return quantitatively four times as much, and the fifth in addition.

⁸ A particular measure.



payment and from [liability for] its value as fuel. But if [the author is] Rabbi Yosi HaGellili, why is he free from payment and from [liability for] its value as fuel?⁹ — He holds as Rabbi Nechunyah ben ha-Kanah. For it was taught: Rabbi Nechunyah ben ha-Kanah used to treat Yom Kippur as the Shabbos in regard to payment, etc.

This is dependent on Tannaim: He who eats terumah of chametz on Pesach is free from payment and from [liability for] the value of the fuel; this is Rabbi Akiva's ruling. Rabbi Yochanan ben Nuri declares him liable. Said Rabbi Akiva to Rabbi Yochanan ben Nuri: What benefit then does he [the Kohen] have in it?¹⁰ Rabbi Yochanan ben Nuri retorted to Rabbi Akiva: And what benefit has [the Kohen in it] that he who eats tamei terumah during the rest of the year must pay?¹¹ Not so, replied he; if you speak of tamei terumah during the rest of the year, [that is] because though he [the Kohen] does not enjoy the right to eat it, yet he enjoys the right to use it as fuel.¹² Will you say the same of this, in which he does not enjoy the right of eating or the right to use it as fuel? Hence, to what is this like: to terumah of mulberries and grapes which became tamei, in which he does not enjoy the right of eating or the right to use it as fuel.¹³ When is this said?¹⁴ When he separates terumah and it because chametz. But if he separates terumah of chametz [on Pesach], all agree [that] it is not holy.¹⁵

Another [Baraisa] taught: [And if a man eats of the holy things [terumah] unwittingly, then he shall put the fifth part of it unto it,] and shall give unto the Kohen the holy thing; [that implies,] something which is fit to be holy, thus excluding him who eats terumah of chametz on Pesach, [teaching] that he is free from payment and from [liability

for] its value as fuel; this is the view of Rabbi Eliezer ben Yaakov. But Rabbi Elozar Chisma declares him liable. Said Rabbi Eliezer ben Yaakov to Rabbi Elozar Chisma: Yet what benefit has he [the Kohen] in it? Rabbi Elozar Chisma replied to Rabbi Eliezer ben Yaakov: And what benefit has he [in it] that he who eats tamei terumah during the rest of the year, must pay? Not so, answered he: if you speak of tamei terumah during the rest of the year, [that is] because though he [the Kohen] does not enjoy the right to eat it, yet he enjoys the right to use it as fuel; will you say [the same] of this, in which he does not enjoy the right of eating or the right to use it as fuel? Said he to him, In this too he has the right to use it as fuel, for if the Kohen wishes, he can place it before his dog or burn it under his pot.

Abaye said: Rabbi Eliezer ben Yaakov, Rabbi Akiva and Rabbi Yochanan ben Nuri all hold [that] chametz during Pesach is forbidden for use, and they differ in this, viz., Rabbi Akiva holds: He must pay according to value;¹⁶ while Rabbi Yochanan ben Nuri holds: He must pay according to quantity. That is obvious? — You might say, Rabbi Yochanan ben Nuri also holds as Rabbi Akiva [that] he must pay according to value, but the reason that he declares him liable there is this, [viz..] because he agrees with Rabbi Yosi HaGellili who maintained, Chametz is permitted for use on Pesach; [therefore] he informs us [that it is not so].

Yet perhaps that indeed is so? — If so, let Rabbi Yochanan ben Nuri answer Rabbi Akiva just as Rabbi Elozar Chisma answered Rabbi Eliezer ben Yaakov. (32a1 – 32b1)

⁹ Seeing that it has a monetary value.

¹⁰ Seeing that it is forbidden to him for use, he suffers no loss.

¹¹ I.e., what benefit can a Kohen derive from tamei terumah, seeing that it must not be eaten. Yet if a lay Israelite eats it, all agree that he must pay.

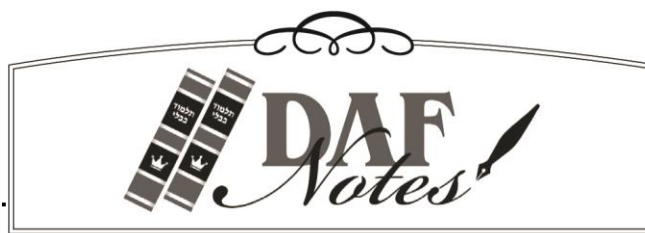
¹² Lit., 'though he has not in it a permission of eating, yet he has in it a permission of heating'.

¹³ Strictly speaking, he enjoys the latter right, but it is unfit for fuel on account of the juice.

¹⁴ When is it conceivable that terumah of chametz should possess sanctity during Pesach?

¹⁵ Even according to Rabbi Yosi HaGellili, though he permits general benefit from chametz on Pesach. The reason is given below.

¹⁶ And since it has no value, the eater is exempt.



Our Rabbis taught: He who eats as much as an olive of terumah must pay the principal plus a fifth. Abba Shaul said: [He is not liable] unless it has the worth of a perutah. What is the first Tanna's reason? — Scripture said: And if a man eat of the holy thing unwittingly and eating [requires] as much as an olive.¹⁷ And Abba Shaul: what is [his] reason? — Scripture said: and he shall give [unto the Kohen the holy thing], and giving is not less than the worth of a perutah. And the other too, surely 'eat' is written? That comes [to teach], excluding him who destroys [terumah].¹⁸ And the first Tanna, surely it is written, 'and he shall give'? — He requires that [to intimate that he must return] something which is fit to be holy.¹⁹ (32b1 – 32b2)

Our Rabbis taught: He who eats less than an olive of terumah must pay the principal, but he does not pay the [additional] fifth. How is it meant? If it is not worth a perutah, let him not pay the principal either; while if it is worth a perutah, let him pay a fifth too? — After all it means that it is worth a perutah, yet even so, since it was less than an olive he pays the principal but does not pay the fifth.

The Rabbis stated this before Rav Pappa: This is not according to Abba Shaul, for if according to Abba Shaul, surely he says, since it is worth a perutah, even if it is less than an olive [the law applies]! — Said Rav Pappa to them: You may even say [that it agrees with] Abba Shaul. Abba Shaul requires both.²⁰ Yet does Abba Shaul require both? Surely we learned, Abba Shaul said: For that which possesses the worth of a perutah he [the eater] is liable

for payment; [for] that which does not possess the worth of a perutah he is not liable for payment. Said they [the Sages] to him: The worth of a perutah was stated in connection with a me'ilah-offering only;²¹ but for terumah he is not liable unless it contains as much as an olive. Now if this is correct, they should have stated, 'once it contains as much as an olive'?²² This is a refutation.

Now, Rav Pappa too retracted,²³ for it was taught: [If any one commits me'ilah,] and sins unwittingly;²⁴ this excludes deliberate [trespass]. But does this not follow through a kal vachomer: if other mitzvos, for [the transgression of] which one is liable to kares,²⁵ yet [Scripture] exempts the deliberate offender in their case;²⁶ [with regard to] me'ilah, which does not involve kares, does it not follow that the deliberate transgressor is exempt? No; if you say [thus] in the case of other mitzvos, that is because he is not liable to death on their account; will you say [the same] of me'ilah, for which death is incurred?²⁷ Therefore 'unwittingly' is stated, excluding deliberate [transgression]. Now Rav Nachman bar Yitzchak said to Rav Chiya bar Avin: This Tanna, at first, regards kares as more severe, while subsequently he regards death [at the hands of Heaven] as more severe?²⁸ And he answered him, This is what he means: No; if you say [thus] in the case of other mitzvos, that is because he is not liable to death on their account for less than an olive; will you say [the same] of me'ilah, where death is incurred for less than an olive. Whereon he said to him, Your mind be at rest, because you have set my mind at rest. Said he to him, What satisfaction [is there in this answer], seeing that

¹⁷ This is the smallest quantity to which the term 'eating' can be applied.

¹⁸ Without eating it; this law of the extra fifth does not apply in his case.

¹⁹ I.e., the return must be made in kind, which can itself be holy (viz, terumah), not in money, which cannot be terumah.

²⁰ It must be worth not less than a perutah and be not less than an olive in size.

²¹ If he unwittingly converts hekdes to secular use he is liable to a me'ilah-offering, providing the object so misappropriated is worth at least a perutah.

²² Since he too agrees to this, their view must be: once it contains the size of an olive he is liable even if it is not worth a perutah.

²³ From his view that Abba Shaul requires both.

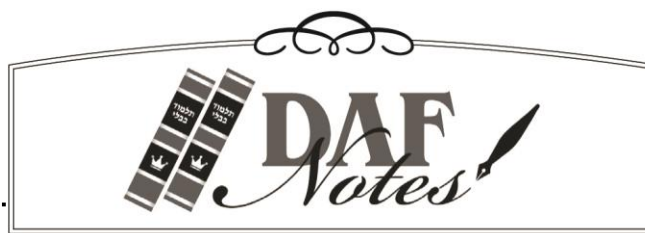
²⁴ the passage deals with the me'ilah-offering for the misappropriation of hekdes and the restitution of the principal plus a fifth.

²⁵ E.g., if one consumes blood or forbidden fat (cheilev).

²⁶ From a sacrifice, which is due only for an unwitting offence.

²⁷ Surely not. By 'death', death at the hands of Heaven is meant.

²⁸ This follows from a comparison of the two halves of the argument.



Rabbah and Rav Sheishes have swung an axe at it.²⁹ Whom do you know to maintain? If he deliberately transgressed in respect of a me'ilah-offering, [he is punished] by death? It is Rebbe. For it was taught: If he deliberately transgressed in respect of a me'ilah-offering, — Rebbe said: [He is punished] by death; while the Sages maintain: By a warning. What is Rebbe's reason? — Said Rabbi Avahu: He derives identity of law from the fact that 'sin' is written here and in the case of terumah: just as terumah involves death, so me'ilah involves death. And from that [it also follows]: just as terumah [involves punishment] for as much as an olive, so me'ilah [involves punishment] for as much as an olive. Now Rav Pappa demurred: How do you know that Rebbe holds as the Rabbis;6 perhaps he agrees with Abba Shaul, who said: If it possesses the worth of a perutah, even if it does not contain as much as an olive? But surely it was Rav Pappa who said [that] Abba Shaul requires both? Hence this proves that he retracted. (32b2 – 33a1)

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* 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* (Aba 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*.

DAILY MASHAL

Chametz and Matza

The difference between chametz and matza can depend upon no more than a fraction of a second of rising. Dough that has risen just under eighteen minutes is matza, and dough that has risen for eighteen minutes is chametz.

We find this paralleled by the letters that make up the words **חמץ** and **מצה**. The only difference between these letters is small opening at the top that distinguishes a **ח** from a **נ**. So too, there is often only a subtle line between mitzva and aveira. The *yetzer hora* can incite us with all sorts of noble motivations, with which we justify improper behavior. In regard to this our Sages tell us that when a person comes to sin, an opening is made for him. The *yetzer hora* distorts the **נ** of chametz, opening the top to make it seem like a **ח**.

²⁹ I.e., proved it to be incorrect.