



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h
Tzvi Gershon ben Yoel (Harvey Felsen) o”h

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

Primary Hekdesh vs. Final Hekdesh

[The *Gemara* 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 a non-kosher animal have primary sanctity, but 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 answered: 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 *Gemara* 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 *Gemara* 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.*] (54b3 – 55a1)

The *Gemara* cites a *Baraisa* which supports the 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. (55a1 – 55a2)

Mishnah

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. (55a2)

Necessity of the Mishnah

The *Gemara* asks: Did we not already learn this in a Mishnah (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 *Gemara* answers: The *Mishnah* 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 *Gemara* asks: But we already learned those *halachos* as well in a Mishnah (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 *Gemara* answers: The *Mishnah* was necessary in order to teach us the last part of the Mishnah that there are five *halachos* where a *perutah* is the minimum amount. (55a2 – 55a3)

The Mishnah had stated: There are five *perutos* etc.

The *Gemara* asks: Why didn't the *Mishnah* 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 *Baraisa* 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*.

Now, why does our Tanna not include the court session? — He includes it under theft. - Yet does he not teach both theft and loss of property? — Those are [both] necessary. 'Theft', [to teach that] he who steals from his fellow of the value of a *perutah* and swears [falsely] to him [concerning it], must follow him to return it even as far as Media. 'A loss of property:' [thus] he who finds [an article] worth a *perutah* is bound to proclaim it, even if it depreciated [after being found].

Now, why does Levi not teach that a loss of property [in the sense of the Mishnah] is [at least] a perutah? — He teaches theft. But does he not teach both theft and the court session? — He needs [to teach that] in order to reject the view of Rav Katina, who said: The court sits even for less than a perutah's worth.

Now, why does Levi omit hekdesch? — He deals with chullin, not sacred objects. - Then since our Tanna does treat of sacred objects, let him teach: The [minimum of] ma'aser sheini [to be eligible for redemption] is a perutah? — [The omission is] in accordance with the view that if its fifth is less than a perutah [it cannot be redeemed]. - Then let him state: The [added] fifth of the ma'aser sheini must be [not less than] a perutah. — He is discussing principals, not fifths. (55a3 – 55a4)

The [above text] states: Rav Katina said: The court sits even for less than a perutah's worth. Rava objected: And he shall make restitution for what he has deprived the Sanctuary; this ['and'] extends the law of restitution even to less than a perutah's worth. Thus, it applies to hekdesch, but not to chullin!? — But if stated, it was stated thus: Rav Katina said: If the court met for [a claim of] the equivalent of a perutah, they conclude [the hearing] even for less, [because] at the beginning of a trial a perutah must be involved, but at the end a [claim of a] perutah is unnecessary. (55b1)

Mishnah

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. (55b1 – 55b2)

Strength of the Rabbis Decree

Rava said: Rabbi Elazar 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 *Baraisa*: 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 *Gemara* 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 *Gemara* answers: Yes! Rabbi Meir follows his own reasoning, as 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*.

Rav Sheishes objected: It [sc. the ma'aser sheini of demai] is deconsecrated [by exchanging] silver for silver, copper for copper, silver for copper and copper for produce; then he may redeem the produce. These are the words of Rabbi Meir. But the Sages say: He must carry the produce to Jerusalem and eat it there. - Now, is it permissible to



redeem silver with copper? Surely we learned in a Mishnah: If a sela of ma'aser sheini was mixed up with one of chullin, he brings a sela's worth of copper coins and declares: "Wherever the sela of ma'aser sheini may be, it is deconsecrated with these coins." Then he selects the best of them and deconsecrates them [the copper coins] upon it. Because they (the Rabbis) said: One may deconsecrate silver coins (upon which regular ma'aser sheini was deconsecrated) upon copper coins in case of emergency; not, however, that it should remain so, but that it should itself be deconsecrated in turn with silver. - Thus it is nevertheless stated that it [silver] may be deconsecrated in case of emergency, proving that only in an emergency it is done, but not otherwise!? — Rav Yosef replied: Though Rabbi Meir is more lenient in regard to its redemption (of ma'aser sheini of demai), he is stricter in regard to its consumption. (55b2 – 56a1)

INSIGHTS TO THE DAF

Perutah in Media

The *Mishnah* 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 *Gemara* 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 *Gemara* 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).