

*Daf Digest for this month is dedicated in memory of ישראל צבי בן זאב גוטליב ז"ל*

*By the Weiss/Gotlib Families—London, England*

## OVERVIEW of the Daf

### 1) How to calculate the payment for one who inadvertently ate terumah (cont.)

The Gemara asks whether the payment for inadvertently eating terumah is calculated by volume or by value. The question is further clarified to refer to a case where the terumah was originally worth a zuz and is now worth four zuzim.

After two failed attempts to resolve this inquiry the Gemara demonstrates that the question is a dispute between Tannaim.

A Baraisa records a dispute between Tanna Kamma and Abba Shaul whether the requirement to pay an additional fifth applies when one eats a k'zayis of terumah or whether it is when he eats the quantity equal to a perutah.

The Gemara explains the source each Tanna used to formulate his opinion and how each explains the other's source.

A Baraisa is cited which requires repayment of the principal but without the additional fifth if he ate the volume of a k'zayis.

The Gemara clarifies that the Baraisa requires payment of an additional fifth only when the volume consumed was the size of a k'zayis regardless of its value.

The Rabbis assumed that the Baraisa does not reflect the opinion of Abba Shaul.

R' Pappa asserted that the Baraisa may in fact be consistent with Abba Shaul but the Gemara demonstrated that this could not be and ultimately R' Pappa also retracted his statement. ■

## REVIEW and Remember

1. What are the two possible ways to calculate payment for inadvertently eating terumah?  
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2. Is one obligated to pay for eating terumah that is chometz on Pesach?  
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3. What is the minimum amount of terumah that must be consumed to require adding an additional fifth?  
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4. Which punishment is more severe; kareis or death in the hands of Heaven?  
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## Distinctive INSIGHT

### Value payment for terumah—according to what rate?

איבעיא להו כשהוא משלם לפי מדה משלם או לפי דמים משלם

The Torah requires that restitution be made for terumah which is stolen. There is also a penalty to pay an additional one-fifth (חומש). This payment must be made with a commodity which itself can be designated with the terumah status, and, in fact, when payment is made with fruit, those specimens are sanctified with all laws applicable to the original terumah which was taken.

The question in our Gemara is when the payment is made, are the principal and penalty paid in terms of value of what was stolen, or do we use the volume of fruit as the standard of calculating the base plus 20% fine?

Mishne L'Melech (to Hilchos Terumah 10:18) notes that if we are to assume that payment is determined based upon value, we must now analyze what value is to be used. Regular fruits (חולין) are more costly than terumah. Let us say that a pound of חולין is priced at \$3. A pound of terumah would cost only \$2. The person stole terumah, but must make restitution with chullin. Does he pay using a rate of \$3/pound (using the value of what he pays) or \$2/pound (using the value of what he stole)?

Minchas Chinuch (Mitzvah 281, #17) rules that we must use the rate of terumah, because, if we use the rate of chullin, the kohen would receive less fruit than he lost. For example, if a pound of terumah was stolen, and it was worth \$2, if the culprit responsible for the theft would pay \$2 of chullin, the kohen would only receive a volume of 2/3 of a pound. When it is given to the kohen and it is designated with the status of terumah, the kohen who had a full pound taken from him, would end up with only 2/3 of that amount in return (plus a חומש, which is another 1/6 of a pound—still, altogether less than a pound).

Rabbi Akiva Eiger concludes that we, in fact, use the terumah rate. He notes that our Gemara identifies that difference between the "value" or "volume" method to be in a case where the values dipped and rose (והוזלו הוקרו). If we would use the chullin rate in calculating the "value" method, the difference would be in a regular case, without devaluation, and the value method would result in less return than the "volume" method. ■

*Today's Daf Digest is dedicated in honor of Rabbi Noson Lomner who has been my Rebbi for over 50 years. Refuah Shelaimah by Mr. Aaron Katz*

# HALACHAH Highlight

## The status of Kohanim in our days

בתרומה טמאה בשאר ימות השנה אע"פ שאין לו בה היתר אכילה יש לו בה היתר הסקה

During the rest of the year, contaminated terumah can not be eaten; however, it can be used for kindling purposes.

Based on this, the Rema<sup>1</sup> writes that in our days, since we are in a status of 'tmei'ei meis'<sup>2</sup> (ritual contamination from corpse) and therefore our terumah<sup>3</sup> is in a state of impurity and must be burned<sup>4</sup>, one can give his terumah to any kohen he desires, (even a kohen who can not track his lineage back to Aharon) as long as he has a presumption as a kohen. The aforementioned kohen can benefit from the terumah while it is being burned (to light Shabbos candles and the like). However, a non-kohen (a zar) may not benefit from it while it is being burnt unless a kohen is simultaneously benefiting from it.

On the other hand, there are halachic authorities<sup>5</sup> who hold that the kohanim nowadays are only 'doubtful kohanim'. Accordingly<sup>6</sup>, one may only give his terumah to kohanim who are certainly kohanim.

The Chazon Ish writes<sup>7</sup> that the prevalent custom in Eretz Yisrael is for each person to burn his own terumah and challah (the portion separated from the dough) and

not to give it to a kohen. Nonetheless, he writes<sup>8</sup> that kohanim are biblically considered 'kohanim' (and not just 'doubtful kohanim') and therefore have a right to say a blessing when performing Bircas Kohanim, as well as having a father perform פדיון הבן with a berachah under such a kohen's charge.

See below for more details<sup>9</sup>. ■

1. ביור"ד של"א י"ט
2. בש"ך שם ס"ק ל', וכ"ה במ"ב תנ"ו ס"ק כ'
3. כשהוכשר לקבל טומאה
4. בשו"ע שם. וכתב בדרך אמונה בהלכות תרומות פ"ב קל"ט, שאין לכהנים לסוך בו ולא להאכילה לבהמתם דמצותו בשריפה דוקא (וכן עי' שבת כ"ד ב', ובמשנה האחרונה בתמורה) ושם"מ המנהג בזמנינו להקל בקהורה, עע"ש
5. ביעב"ץ ח"א סימן קנ"ה. ובמהרש"ל ביש"ש בב"ק פ"ה סימן ל"ה וע"ע במהרי"ל שהובא במ"א סוף סימן תנ"ז ביור"ד ש"ה ס"ק י"ב ובגליון מהרש"א שם ס"ח) ועי' במש"כ העה"ש שם סנ"ה שסומכים על חזקת כהנים ע"ש. ושוב מצאתי שבקיצור הלכות תו"מ פ"י ס"ב הסתפק לדינא, עפ"י החזו"א שביעית סימן ה' ס"ק י"ב. האם בזמה"ז יש ליתן לכהן את התרומה
6. ויש חשש שע"ז יחשבו שהם ודאי כהנים. עי' קידושין ס"ט ב' וכתובות דף כ"ה וחזו"א שביעית סימן ה' י"ב, ותשובות והנהגות ח"ג סימן ש"מ בד"ה והנה. ובד"ה ומה. ועע"ש לענין לויים בזמה"ז
7. חזו"א שביעית סימן ה' י"ב שכתב שם שמדומה לו כן
8. ליקראת סוף הקטע בחזו"א שם ובשו"ת שבט הלוי ח"ב סוף סימן קע"ג כ"כ בשם החת"ס ועע"ש
9. בשה"ל שם וז"ל אין להכחיש דמנהג העולם בזה דלא כחומרת היעב"ץ. ואם כי לענין כהנים לפדות אצלם יש שמחמירים להדר אחרי כהנים מה"ט. עכ"ל ■

# STORIES off the Daf

## Matzah with the purest ingredients חמץ בפסח אסור בהנאה

One of the reasons given for the strictness of the prohibition of chometz is that it symbolizes Avodah Zara. An interesting take on this is apparent from the following story. The Apter Rav zt"l was very meticulous about the matzos he used for Pesach. He personally supervised their baking and they were stored in a special place. One year, during the hectic pre-Pesach preparations, a pauper

knocked on the Rav's door requesting matzo for Yom Tov. The Rebbitzin asked a maid to please give him from the supply of community baked matzos.

When the time came to set the table for the Seder, the Rebbitzin realized that a terrible mistake had been made and the maid had given away the tzaddik's special matzos. Not wishing to cause her husband anguish, she set the table with regular matzos. No comment was made by the Rav and everyone thought the switch went unnoticed. A few days after Pesach a couple came to the Rav with the wife complaining that she

could not tolerate living with a husband so lax in keeping the custom of not eating 'Gebrochts' about which her father had been very strict. The Rav asked the Rebbetzin to come into the room and relate what had happened by their seder. The Rebbetzin, realizing that her husband had noticed the switch, repeated the whole story. The Rav then told the couple that chometz is prohibited because it symbolizes Avoda Zara. The Zohar tells us that when one gets angry, it is as if he actually serves Avoda Zara. Expressing anger and bickering over these things was definitely not in order. ■

