

## OVERVIEW of the Daf

### 1) Adding a fifth to secondary hekdesh (cont.)

R' Ashi asks Ravina why a non-kosher animal can only have primary sanctity but not secondary sanctity.

Ravina offers an explanation for this ruling.

This explanation is unsuccessfully challenged.

A Baraisa is cited that supports R' Yehoshua ben Levi's earlier ruling that a fifth is added for primary hekdesh but a fifth is not added for secondary hekdesh.

**2) MISHNAH:** The Mishnah begins with a presentation of minimum values for different monetary halachos. Since one of the cases mentioned involves a minimum of a perutah the Mishnah presents five cases where the value of a perutah is the relevant value.

### 3) The necessity of the teachings of the Mishnah

The necessity of the Mishnah's teaching regarding אונאה is challenged.

The Gemara responds that the Mishnah is needed for the cases of claims and admissions.

It is noted that these halachos are also presented elsewhere.

The Gemara responds that the necessity of the Mishnah is the presentation of the five cases that have a minimum of a perutah.

It is noted that the case of אונאה was not included in the list of cases that have a minimum of a perutah.

R' Kahana draws from this that there is no claim of אונאה on a purchase that is counted with perutos.

Levi maintains that there is a claim of אונאה for items that are assessed in terms of perutos and presents a difference list of the five cases that involve a perutah.

The reason the Tanna of the Mishnah left out the case of convening Beis Din is explained.

The reason Levi did not include the case of a lost object or hekdesh is explained.

The Tanna of the Mishnah explains why two additional cases were not mentioned in his list.

### 4) Convening Beis Din for a claim less than a perutah

R' Ketina ruled that Beis Din convenes for a claim less than a perutah.

Rava successfully challenges this ruling and forces the Gemara to modify R' Ketina's ruling.

**5) MISHNAH:** The Mishnah enumerates five cases where one is obligated to pay an additional fifth.

### 6) Terumas ma'aser of demai

Rava reports that R' Elazar was troubled by the Mishnah's ruling that a non-kohen pays a surcharge for eating terumas ma'aser of demai when it has no Biblical sanctity. This seemingly indicates that Chazal structured their enactments similar

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## Distinctive INSIGHT

*Returning a stolen object whose value is less than a peruta והגוזל את חברו שוה פרוטה ונשבע לו יוליכנו אחריו אפילו למדי*

**A** thief must return the object he stole. The Mishnah rules that if the object is worth the value of a peruta or more, the thief must track down the owner in order to return the object, even if it requires that he traverse to the ends of the earth to do so. Based upon the Commentary of Rambam to the Mishnah, Maharam Shif learns that the limit of the value of a peruta is only a factor in terms of tracking down the owner if he is not here. However, if the owner of the stolen object is available, the object must be returned even if its value is less than a peruta.

Nevertheless, several Rishonim are of the opinion that if the theft is valued at less than a peruta, there is no mitzvah to return it. Several explanations are given why the mitzvah of returning a stolen object does not apply when the value of the object is less than a peruta.

Minchas Chinuch (Mitzvah 130) notes that Rambam (Hilchos Gezaila 1:6) holds that this limit is based upon a Halacha from Moshe at Sinai. This also accounts for the fact that it is prohibited to steal even less than a peruta, based upon the rule that "חצי שיעור אסרה תורה—even a portion of a prescribed amount is prohibited," while the halacha regarding returning a stolen object is set at a peruta. Rashi (Sanhedrin 57a) writes that it is not necessary to return a stolen object when it is valued at less than a peruta because we assume that the Jewish owner will dismiss his ownership for this miniscule amount (מחילה).

Rashba writes that the prohibition to steal even less than the value of a peruta is only regarding an object that, despite its negligible value, some people might actually care about. If, however, the item is worthless to everyone, there is no prohi-

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## REVIEW and Remember

1. What is intermediate sanctity?

2. Explain אין אונאה לפרוטה.

3. What are the five cases that have a surcharge of a fifth?

4. According to R' Meir, what did Chazal do to strengthen their enactments?

# HALACHAH Highlight

## Stealing less than a perutah

והגוזל את חברו שוה פרוטה וכו'

Someone who steals from his friend less than a perutah

Rambam<sup>1</sup> writes both in the halachos of גזילה and in the halachos of גניבה that one violates the prohibition against stealing when he takes any amount. This implies that the prohibition against theft includes stealing less than the value of a perutah. Magid Mishnah<sup>2</sup> cites as the source for this ruling a Gemara in Sanhedrin. The Gemara there (57a) relates that although a person is מוחל when someone steals from him less than a perutah, nevertheless, at the time of the theft the victim experiences distress and that is prohibited.

Rashi<sup>3</sup> writes that one who steals less than a perutah does not violate the prohibition against stealing. The reason is that the prohibition against stealing is linked to the positive command to return the stolen property. Accordingly, whenever there is no obligation to return the stolen property, there is by definition no prohibition against theft. Since there is no obligation to return an item worth less than a perutah, there isn't a prohibition against stealing such a small amount. Concerning the Gemara in Sanhedrin that indicates that it is prohibited to steal even less than a perutah Aruch Laneir<sup>4</sup> explains that it is prohibited because it causes the victim distress but it is not a form of theft.

Sefer Hachinuch<sup>5</sup> agrees that one violates the prohibition

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to Biblical law which is assumed to not be correct.

R' Nachman in the name of Shmuel suggests that the Mishnah follows R' Meir who maintains that Chazal structured their enactments similar to Biblical law.

A Baraisa is cited that indicates that this is R' Meir's position regarding Rabbinic enactments.

R' Meir's ruling in that Baraisa is challenged and explained.

### 7) Redeeming ma'aser sheni coins

R' Sheishes begins to present what will constitute a contradiction about deconsecrating coins of ma'aser sheni and of ma'aser sheni of demai. ■

against theft when he steals a perutah or more since less than that is not considered money. However, it is prohibited to steal less than a perutah just as it is prohibited to violate any prohibition in half a measure (חצי שיעור). Yad Hamelech<sup>6</sup> challenges the assertion that there is a prohibition of חצי שיעור for theft. The source the Gemara in Yoma (74a) gives for the prohibition of חצי שיעור is from the words כל חלב. Since that exposition is found in the context of איסורים it cannot be applied to monetary matters due to the principle that we do not derive halachos for monetary matters from matters related to איסורים. ■

1. רמב"ם פ"א מהל' גזילה ה"ב ופ"א מהל' גניבה ה"ב.
2. מגיד משנה הל' גזילה שם.
3. רש"י גמ' סנהדרין נ"ז. ד"ה צערא.
4. ערוך לנר לסנהדרין נ"ט. ד"ה בגמרא והרי.
5. ספר החינוך מצוה רכ"ט.
6. יד המלך הל' גניבה פ"א ה"ב ד"ה וראיתי. ■

# STORIES Off the Daf

## A test of humility

"חמשה חומשין הן ..."

One father was very proud when he learned that his son had an excellent grasp in the entirety of both Bava Kama and Bava Metzia. He figured that this was a perfect opportunity to strengthen his son's emunah—when would be a better time to bring him to the Chazon Ish? He mentioned to his son that he considered bringing him to the Chazon Ish for a test in the two tractates and the young man readily agreed.

At first the Chazon Ish asked some sharp questions to ensure that the young man had good comprehension. After

this he merely asked him on what daf each sugyah or inyan was found.

For many questions the boy would say, "It appears to me that it's on daf ploni..." and for each of these he was precisely correct.

"And where does it say, 'חמשה חומשין הן'?" asked the Chazon Ish.

"On daf 50," replied the young man.

"How interesting," commented the Chazon Ish. "Each time you said 'it appears to me,' you were correct but this time when you answered with such certainty you are not. It is on daf 55.

"As you may know, one should make simanim to recall his learning. I will give you my siman to recall that this inyan is found specifically on daf 55.

"The word חומשין can also be understood to mean fifty. Add that to

the word חמש, five, and you get fifty-five!"<sup>1</sup> ■

1. מעשה איש, ח"ג, עיני"ט

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bition at all. For example, to take a small sliver of wood from a pile or from a fence in order to pick one's teeth would be permitted. Even if the problem with taking less than the value of a peruta is because it causes distress to its owner (see Halacha Highlight), here the owner has no anguish at all. Rashba does add that even this case is not recommended, based upon the Yerushalmi (D'mai 3:2) which expects people to act with piety (מדת חסידות). If everyone would avail themselves to taking less than a peruta where the owner does not care, the owner would be left with nothing. ■