

4.2.10

31b (משנה ד) → 32b (לראבי"י)

(1) ואיש כי יאכל קדש בשגגה ויסף חמשתו עליו ונתן לכהן את הקדש: ויקרא כב, יד

- I. חג המצות during תרומת חמץ משנה ד
- a. **בשוגג**: full payment + **חומש** as fine
 - b. **במזיד**: fully exempt (even from value of תרומה as fuel, if he uses it for a fire)
- II. Back door סוגיא – liability for eating תרומה and form of payment
- a. **תרומה טמאה ו:א**. if זר eats, drinks or anoints בשוגג תרומה – must pay value + חומש; even if תרומה טמאה
 - i. *Even*: if he ate the חומש, must pay a חומש on that (i.e. חומש takes on status of תרומה)
 - ii. *Question*: is payment made based on value (דמים) or amount consumed (מדה)
 1. *Note*: no question if food **depreciated** - no worse than thief (כשעת הגזילה) – per ט:א:ט:א
 2. *But if*: food **appreciated** since violation – pay per דמים (original lower price) or מדה (current high price)
 - a) *Proposal*: proof from ruling that eating dried dates and paying with fresh is laudatory
 - i. *Assumption*: he is paying per weight (which is why he is praised); if paying דמים, no “praise”
 - ii. *Rejection*: he is paying the same amount, but in the form of a more marketable item (תמרים)
 - b) *Proposal*: proof from our משנה – must be paying מדה; it has *no* current value
 - i. *Rejection*: our משנה may follow ריה"ג, who (above) permits הנאה from חמץ (→ has monetary value)
 1. *Challenge*: 2nd clause – fully exempt if he eats חמץ תרומת intentionally; should be liable
 2. *Answer*: that is due to קלב"מ (per רנב"ה); the כרת he gets for eating חמץ subsumes the financial חוב
 - b. *proposal*: מדה vs. דמים is disputed by ר"ע / ריב"נ / ר"י
 - i. *case*: regarding our issue (אוכל תרומת חמץ בפסח)
 1. **ר"ע**: same position as our משנה – exempt (even בשוגג)
 2. **ריב"נ**: liable
 - a) *Argument (ר"ע)*: he has no הנאה
 - b) *Response (ריב"נ)*: he has no הנאה from תרומה טמאה all year – yet he pays
 - i. *Comeback*: during the year, there is היתר הסקה (כהן may use תרומה טמאה as fuel); not during המצות חג
 - ii. *More similar to*: (non-)liability for juice of תרומה-berrys.
 - ii. *Note*: dispute is only about a case where his תרומה became חמץ;
 1. *All agree*: that if he knowingly made חמץ as תרומה on המצות חג – no קדושה holds (חולין)
 - c. **ברייתא**: interpreting v. 1 – ר' אלעזר חסמא and ראבי"י – debate liability in our case of eating חמץ בפסח
 - i. **ראבי"י**: focuses on נתן → exempt if he ate חמץ בפסח
 - ii. **רא"ח**: liable
 1. *Arguments*: as above; ראבי"י – there is no הנאה; רא"ח – just like תרומה טמאה the rest of the year
 - a) **ראבי"י**: unlike תרומה טמאה, which the כהן could benefit from by using as fuel
 - b) **רא"ח**: he may also benefit from it as animal food or fuel
 - d. חמץ אסור בהנאה and ר"ע, ריב"נ: אבי"י
 - i. *Dispute*: **ריב"נ** / **ר"ע** / **ריב"נ** (above) is whether he pays per value (ר"ע) or amount (ריב"נ)
 1. *Justification*: we may have thought that they agree that משלם
 - a) *And*: ראבי"י agreed with ריה"ג that חמץ is בהנאה
 - b) *Rationale*: if he held that way, he would have responded like ר' אלעזר חסמא
 - i. *Therefore*: he must agree that חמץ אסור בהנאה and hold that משלם הוא