



Maaser Sheni and Nesachim

The final *Mishnayot* in the seventh *perek* discuss if and when a *korban todah* or *lachmei todah* can be funded with *maaser sheni* money. Recall, that the second tithe separated from produce in the first, second, fourth and fifth years of the *shmittah* cycle is called *maaser sheni*. One is meant to take the produce to the *Yerushalaim* and consume it there. One can also transfer the sanctity from the produce to money, take that money to *Yerushalaim* and purchase food (ideally a *korban Shelamim*) and consume it there.

The *Mishnah* (7:6) explains that one cannot use *maaser sheni* money to fund an obligatory sacrifice. The previous *Mishnah* explains that even regarding voluntary offerings, there are certain situations where *maaser sheni* cannot be used. Our focus however will be on the *Mishnah's* final statement, that the *nesachim* (the *mincha* offering and wine libation) that come with *korbanot* can never be funded with *maaser sheni* money. We shall try to understand why.

The *Bartenura* explains that when the *Torah* permitted purchasing a *korban Shelamim* with *maaser sheni* money, that was because that *korban* is consumed. The *nesachim* however are fully burnt on the *mizbeach* so that money cannot be used. Indeed, this is also the explanation of the *Tosfot* (82a, s.v *u'nesachim*) who cites the *Sifri* as the source of the law. The *Sifri* explains that when the *Torah* adds "and you shall be happy", it implies that the consumption is one that is partnered with *simcha*, thereby excluding the *olah* (fully-burnt offering) and, the *Tosfot* explains, the *nesachim* as well.

The *Rambam* (*Maaseh Korbanot* 16:17) however provides a different source for this law. When the *Torah* discusses the *nesachim*, it says, "... and he that offers his offering...". The *Rambam* explains that the *nesachim* must therefore be owned by the one who offers it and not

have any element of *kedusha* at all. This thereby exclude *maaser sheni*.

Considering the more general rule of the *Sifri* which ostensibly also excludes *nesachim*, one might ask why the *Rambam* needed a separate source to specifically exclude *nesachim*.

The *Ezrat Kohanim* (*Tzav* 5 – 73a) explains that while the *Sifri* is enough to exclude *maaser sheni*, it does enough to demand that the *nesachim* must come from *chulin* – regular money. For example, if one set aside money for a *minchat nesachim*, and then later was obligated to bring a *korban olah* (e.g. *olah re'iyah*) one might think that they can use that money to purchase the *nesachim*. The additional *pasuk* cited by the *Rambam* precludes this possibility since the money has already been sanctified for the purpose of bring a *minchat nesachim* and is no longer considered "his" money.

The *Chazon Yechezkel* (*Menachot* 8:14) however suggests that one might have thought that the rule of the *Sifri* would not apply to the *nesachim*. The *Sifri* excludes using *maaser sheni* for *korbanot* that are offered independently, e.g. the *korban Olah*; since they are not consumed, one cannot use *maaser sheni* money. These *nesachim* however are offered only with a *korban*. Consequently, one might have aligned the *nesachim* with the *eimorim* (the sacrificial parts). The *korban Shelamim* can be funded with *maaser sheni* despite the *eimorim* being fully burnt on the *mizbeach*. I might have thought that the same is true for the *nesachim*. They also come with the *Shelamim* and fully burnt on the *mizbeach*. It follows then that they can also be funded with *maaser sheni* money. In other words, despite the *eimorim* (and *nesachim*) not qualifying as having a consumption of *simcha*, it is sufficient that the *korban Shelamim* broadly does. Consequently, the *Rambam* required the addition *pasuk* to specifically exclude the *nesachim*.

Yisrael Bankier

Revision Questions

מנחות ז' בי – ט' בי

- How did the *lachmei miluim* and the *lachmei nazir* differ from the *lachmei todah*? (ז' בי)
- Considering the following cases, in which cases are the *lachmei todah* sanctified and which case is debated: (ג' ז')

 - They were outside the *choma* when the *korban todah* was slaughtered.
 - One of the *lachmei todah* had not crusted when the *korban todah* was slaughtered.
 - The *korban todah* was slaughtered with *machshevet pigul*.
 - The *korban todah* was slaughtered and found to be a *treifah*.
 - The *korban todah* was slaughtered and found to be a *ba'al mum*.

- What should be done with the *nechasim* that have been sanctified in a *kli* and the *korban* found to be *pasul*? (Provide two cases.) (ז' ד')
- Does a *vlad todah* require *lachmei todah*? (ז' ד')
- If someone makes the following declarations, from where should the *korban* and *lachmei todah* be brought: (ז' ה')

 - "I wish to bring a *korban todah*."
 - What is the source of this law? (ז' ו')
 - "I will bring a *todah* from *chulin* and its *lechem* from *ma'aser*."
 - "I will bring a *todah* from *ma'aser* and its *lechem* from *chulin*."
 - "I will bring both the *todah* and its *lechem* from *ma'aser*."

- Can one bring the flour from a *mincha* offering from outside Israel? (ז' ח')
- Considering the previous question, what if it was a communal offering? (ז' ח')
- How does one produce the finest flour? (ז' ח')
- On inspection, what two things would invalidate the use of sifted flour? (ז' ח')
- Which place produced the best oil? (ז' ח')
- Oil produce from which four olives are invalid? (ז' ח')
- What were the first, second and third grade olive oils used for from the first, second and third crops of olives? (ז' ד')
- How did each of the grades from the different crops compare? (ז' ה')
- Which three types of wine are invalid? (ז' ח')
- How many different types of measuring utensils for dry goods were in the *Beit Ha'Mikdash*? (Provide both opinions.) (ז' ט')
- How many different types of measuring utensils for liquids were in the *Beit Ha'Mikdash*? (Provide both opinions.) (ז' ט')

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf
9:00am
Kollel Magen Avraham
Reemon Neighbourhood

ONLINE SHIURIM

Yisrael Bankier
mishnahyomit.com/shiurim

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
In US dial: 718 906 6400
Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
5 January ח' טבת	6 January ט' טבת	7 January י' טבת	8 January יא' טבת	9 January יב' טבת	10 January יג' טבת	11 January יד' טבת
Menachot 9:3-4	Menachot 9:5-6	Menachot 9:7-8	Menachot 9:9-10:1	Menachot 10:2-3	Menachot 10:4-5	Menachot 10:6-7

