



Maaser Sheni Hides

The second *maaser* (tithe) in the first, second, fourth and fifth year of the *shemittah* cycle is *maaser sheni*. That produce should be taken to *Yerushalaim* and consumed there. One however can transfer the *kedusha* onto money instead and use it to purchase food in *yerushalaim* to be eaten there. We have learnt that ideally the money should be used to purchase a *korban shelamim*. The *Mishnah* (1:3) teaches that if one purchased a *korban shelamim* or a *chaya* (wild animal that cannot be used as a *korban*) then the hides do not have *kedushat maaser sheni*, despite *maaser sheni* money being used to purchase the entire animal. If it had *kedusha*, one would need to purchase more food equal to the value of the hide and treat that food like *maaser sheni*. In this case, one need not be concerned. The same is true for the wool of a lamb and jugs containing wine. We shall try to understand why.

The *Yerushalmi* cites *Ben Bagbag* who explains that the law is derived from a *pasuk*. After the *Torah* explains that “you may spend your money on whatever your soul desires” it continues “for cattle, for flocks, for wine...” This law is derived from this otherwise seemingly superfluous list of food. The *Yerushalmi* continues that if either the buyer or seller where experts in hides, then it would be considered as if the hides were sold separately from the meat with *maaser sheni* money. In that case, the law is the same as purchasing non-edible items with *maaser sheni* money and one would then need to purchase other food equal to that value.

R' Zeira continues that the next *Mishnah* supports his position. The *Mishnah* differentiates between whether jugs of wine are sold sealed or open. When sold sealed, then jugs purchased along with the wine is considered *chulin*, much like the hides in our *Mishnah*. If however jugs of wine are sold open, such that the purchaser can pour the wine into their own containers, then if the jug was also purchased, the purchaser is intentionally doing so and the jug’s value would have *kedushat maaser sheni*. Consequently, we find that when the purchaser is focused on the hide or jug, then they are considered as being purchased independently with *maaser sheni* money.

The *Gra* comments that for an expert, even in a location where the jugs are sold sealed, the jugs would be considered sold independently and have *kedusha*.

The *Rash Sirilio* comments that when the jugs of wine are sold sealed, it is considered as if the jugs are purchased “*behavlaah*”. In other words, one price is given for everything. The jugs are not specifically purchased with the *maaser sheni* money yet included in the sale and therefore do not have *kedusha*. What is the relationship between the concept of *havlaah* and *Ben Bagbag*’s textual derivation?

The *Mishnah Rishona* explains that the *pasuk* cited by *Ben Bagbag*, is needed for the case of an expert. For anyone else, it is clear that the jug or hide would be *chulin* considering that they are not really being considered as part of the sale – it is considered more like a gift. Consequently, a *pasuk* appears unnecessary. An expert however, understands the value of the hide and will include its value in his calculation. As we have explained, the hide would not be considered *chulin* as a result. Normally one is not allowed to use *maaser sheni* money to purchase items that are not food. Consequently, the novelty of the *pasuk* is that the expert is still allowed to purchase the animal or jug of wine with *maaser sheni* money *behavlaah* – if both are in a single sale. He cites the *Tosfot* (*Menachot* 82) as maintaining this explanation.

The *Mishnah Rishona* however cites *Rashi* (*Eiruvin*) who understands that the *pasuk* is indeed needed for non-experts. Despite the fact that the jug or hide is not the focus of the sale, the price will undoubtedly be greater because of them. Consequently, the *pasuk* is necessary to teach that they nevertheless will not have *kedushat maaser sheni*. According to this understanding, the *pasuk* is not just permitting the sale, but also the hide. This then fits more closely with the *Rash Sirilio* above. In other words, for a regular person, the hide is *chulin*, not because it is considered gifted, but rather because it was purchased *behavlaah*, and the *pasuk* teaches that in that case, the hide or jug does not take the *kedushat sheviit*.

Revision Questions

מעשרות ה' א' - ח'

- Which of the following is *kove'ah*? (ה' א')
 - Someone uproots a shoot to replant it in another field and in the process carries it through a *chatzer*.
 - One purchase fruit while it was still connected to the tree.
 - One picked fruit to give it to his friend as a present.
- Does one need to separate *ma'asrot* from radish that has been picked for the replanting? (ה' ב')
- Once fruit have reached the stage of *onat ma'asrot* is there any restriction on their sale? (ה' ג')
- If someone purchased *zagim* and then extracted its juice, what must be separated? (ה' ד')
- What are the different opinions regarding when, during a vegetables growth, a Jew can buy fruit from a non-Jew in *Surya* such that the Jew will not be required to separate *ma'asrot*? (ה' ה')
- What is *temed* and when must one separate *ma'asrot* from it? (ה' ו')
- Does one need to separate *ma'asrot* from grain found in ant holes? (ה' ז')
- What vegetables are exempt from separating *ma'asrot* and why? (ה' ח')

מעשר שני א' א' - ו'

- What activities are forbidden to perform with *ma'aser sheni*? (א' א')
- What trade relate activities are forbidden to be performed with:
 - *Ma'aser behema*?
 - *B'chor behema*? (א' ב')
- If a *behema* was purchased with *ma'aser sheni* (in *Yerushalaim*) for use as a *korban shlamim* does the hide have the sanctity of *ma'aser sheni*? (א' ג')
- Regarding the previous question, does it matter if the value of the hide is greater than the value of the meat? (א' ג')
- If a *chaya* was purchased with *ma'aser sheni* (in *Yerushalaim*) for use as a *korban shlamim* does the hide have the sanctity of *ma'aser sheni*? (א' ד')
- If one purchased a sealed barrel of wine with *ma'aser sheni* in a place where wine is ordinarily sold without a container, does the barrel have the sanctity of *ma'aser sheni*? (א' ד')
- What is the law regarding one that purchased water or salt with *ma'aser sheni* money? (א' ה')
- What is the law regarding one that purchases fruit with *ma'aser sheni* money outside *Yerushalaim*? Does it make a difference if the purchase was *be'shogeg* or *be'meizid*? (א' ה')
- What is the law regarding one that purchases an animal with *ma'aser sheni* money outside *Yerushalaim*? Does it make a difference if the purchase was *be'shogeg* or *be'meizid*? (א' ו')

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28 August א' אלול	29 August ב' אלול	30 August ג' אלול	31 August ד' אלול	1 September ה' אלול	2 September ו' אלול	3 September ז' אלול
Maaser Sheni 1:7-2:1	Maaser Sheni 2:2-3	Maaser Sheni 2:4-5	Maaser Sheni 2:6-7	Maaser Sheni 2:8-9	Maaser Sheni 2:10-3:1	Maaser Sheni 3:2-3

