



## Kerem Revai

In the final chapter of *Maaser Sheni*, the *masechet* turns its attention to a different, yet related, agricultural law – *kerem* or *neta revai*. During the first three years of a tree's life, one is not allowed to eat from its fruit; this is known as *orlah*. The fruit of the fourth year, *kerem/neta revai*, must be taken to *Yerushalaim* and eaten there.

“In the fourth year, all its fruit shall be sanctified to laud (*kodesh hillulim*) Hashem.” (*Vayikra* 19:24)

Upon hearing this first law, the similarity of *kerem revai* is striking. Yet how far that similarity goes is the subject of debate.

The *Mishnah* (5:3) records that *Beit Shammai* maintain that unlike *Maaser Sheni*, when one redeems the sanctity of *kerem revai* with money, they are not required to add the extra “fifth” onto its value. The second difference is that *kerem revai* does not require *bi'ur* (removal) prior to *Pesach* in the fourth and seventh years. *Beit Hillel* however argue that *kerem revai* shares these laws with *maaser sheni* as well. What is behind this debate?

The *Gemara* (*Kiddushin* 54b) explains that *Beit Hillel* understand that the *Torah* connects *kerem revai* and *maaser sheni* by means of a *gezeirah shava* having used the word “*kadosh*” in *pasukim* the refer to each. Consequently *kerem revai* adopts all the laws of *maaser sheni*.

The *Tosfot* raise a sharp difficulty. The *Gemara* in *Berachot* (35a) learns two things from the word “*hillulim*” quoted above. The first is that if one wants to eat *kerem revai* outside *Yerushalim* it needs to be redeemed with money (“*chilul*”). The second is, that biblically, *kerem revai* only applies to wine (as it is used for *shirah* - *hillul*). The *Tosfot* ask: why does the

*Gemara* in *Berachot* need to learn the laws of redemption from the word *hillul* when we have a *gezeira shava* that completely<sup>1</sup> connects *maaser sheni* with *kerem revai*?

The *Tosfot* provide two suggestions. Recall that during the third and sixth years of the *shmittah* cycle, the second tithe is actually *maaser ani* – there is no *maaser sheni*. Consequently, with the *gezeira shava* alone, one might have thought that the laws of *neta revai* do not apply in those years. *Kodesh hillulim* is required therefore to teach that this is not the case.<sup>2</sup>

The second answer is that without the derivation from “*kodesh hillulim*” one might have formed a different *gezeira shava* and connected *kerem revai* to *shmittah*, thereby discounting any form of redemption.

The *Nachalat Moshe* asks, that a *gezeirah shava* is never innovated. They can only be used if there one has a tradition if it. He therefore explains that the *Tosfot* in their second answer mean that that *Beit Hillel* might have had a tradition of a *gezeira shava* based on the words “*kodesh*”, but were unsure between the *maaser sheni* and *shemittah*. In a similar manner, the *Birkat Rosh* explains that without the derivation of *kodesh hillulim*, *Beit Hillel* would have been forced to adopt the stringencies for *kerem revai* of both *maaser sheni* (that cannot be consumed outside *Yerushalaim*) and *shmittah* (that cannot be redeem). The derivation of *kodesh hillulim* therefore teaches that the *gezeira shava* only connects *kerem revai* to *maaser sheni*

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<sup>1</sup> The *Maharsha* (*Berachot* 35a) explains “*ein gezeira shava le'mechetza*”.

<sup>2</sup> This comment of the *Tosfot* triggers off another debate. What is the law of *kerem revai* in the *shmittah* year itself? Is it like *maaser sheni* or does it still apply? The *Rashba* and *R' Chayim Tzarfati*, as quoted by the *Ritva* appear to explain that *kerem revai* would

also apply in the *shmittah* year as a result of the derivation from *kodesh hillulim*. Yet in the *Yerushalmi* it appears that there is a difference between the *shmittah* year and the third and sixth years. *R' Yosi* explains there that while in the third and sixth year there is no *maaser sheni* there are other *maasrot* as opposed to the *shmittah* year where there are no *maasrot* at all.

### Revision Questions

מעשר שני ד': ג' – ה' ד'

- If the owner bids \$1 to redeem his *ma'aser sheni* and another person bids \$1.10 – who has precedence? (ג': ד')
- How much extra must the owner add when redeeming his *ma'aser sheni*? (ד': ג')
- How can the owner avoid the above described obligation? (ד': ד')
- How can one effectively redeem *ma'aser sheni* if his money is at a different location and bypass *chomesh*? (ד': ה')
- What is the law regarding one that purchased *ma'aser sheni* produce from someone, yet prior to the handing over the money, the value of the produce changed? (ד': ו')
- There is a debate in the *mishnah* regarding whether one needs to explicitly designate the money that he uses to redeem *ma'aser sheni* produce. What other area of *Halacha* shares a similar debate? (ד': ז')
- If someone redeemed a \$10 worth of his *ma'aser sheni* and ate half of the produce, then travelled to an area where it was worth \$5, can he continue eating any more? (ד': ח')
- If someone finds coins lying in the street, when should he be concerned that they could be *ma'aser sheni* money? (ד': ט')
- If someone finds a vessel that had *korban* written on it, what is the *halachic* status of the vessel and what is the status of the contents? Does it matter what material the vessel is made from? (ד': י')
- If the following letters are written on the side of a vessel, what do they symbolise? (ד': י"א)
  - ק'
  - מ'
  - ד'
  - ט'
  - ת'
- If a father told his son that his *ma'aser sheni* fruit is a particular corner, yet the son finds a pile a fruit in a different corner of the room, what assumption is made about this pile of fruit? (ד': י"ב)
- What is *kerem reva'i* and why is it mentioned in this *messechet*? (ה': א')
- What substance does one use to mark out: (ה': א')
  - *Kerem reva'i*?
  - *Orlah*?
  - Graves?
- How far must one be from *Yerushalaim* such that they can bring money in place of their *orlah* to *Yerushalaim*? (ה': ב')
- Which laws that apply to *ma'aser sheni* do *Beit Shammai* and *Beit Hillel* argue about with regards to whether or not they are shared by *kerem revai*? (ה': ג')
- How does one redeem *kerem revai* produce? (ה': ד')

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### Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
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Maaser Sheni 5:5-6	Maaser Sheni 5:7-8	Maaser Sheni 5:9-10	Maaser Sheni 5:11-12	Maaser Sheni 5:13-14	Maaser Sheni 5:15 – Challah 1:1	Challah 1:2-3

