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Kidusha Rishona

The second *Mishnah* of the fifth *perek* discusses the distance that one must be from *Yerushalaim* such that they can transfer the *kedusha* of *kerem re'vai* produce to money. The intention is that after redeeming the *kerem re'vai*, one then takes this money to *Yerushalaim* and purchases fruit there.

The question arises of what does one do today with the fruit that has grown in Israel - is one still bound by these laws? This is discussed in the *Gemarah* (*Beitza* 5a), which records an episode where *Rebbi Eliezer*, who lived to the east of Lod after the destruction of the second Temple, wanted to give the fruit to the poor people of his town to eat in *Yerushalaim*. His students questioned him and asked 'nowadays there is no longer an obligation to take fruit [to *Yerushalaim*]'.

To fully understand the statement of the disciples, we must first understand the following idea. When the *Bnei Yisrael* first conquered and settled the land of Israel, the final stage of the fourteen year process was marked with the consecration of the land. Rabbi Joseph B Solovechik zsl once explained that within the world of *Halachah* holiness is always something that man imbues into an object. Nothing is holy without man expressing the *kedusha* within it. Therefore, once the Jewish people had settled the land they were able to reveal the *Kedusha* of the land. However, once the Jewish people were exiled and the first Temple was destroyed according to some commentators the *Kedusha* left, as they believe that the *Kedusha* is only expressed when the people are in their land. However, when the people can back after the seventy years of exile they were able to re-imbue the land with a new *Kedusha*.

There is a dispute among the commentators as how to understand the actions of *Rebbi Eliezer*. *Rashi* explains that he thought that the original *kedusha* was forever lasting. Therefore he asked the poor to bring the food to *Yerushalaim* to eat it there. However the disciples explained that even though there might still be a level of *kedushah* within the city, there was no need to beautify the city as it was in ruins and being controlled by non-Jews.

Tosphot offers another explanation that even if we hold that the *kedusha* is not eternal, one is still not allowed to leave the fruit to spoil. *Rebbi Eliezer* had the further complication that he lived too near to be allowed to redeem the *kedusha* onto a coin. Consequently, it had to be taken to *Yerushalaim*. Other things that would not ruin however should be left until the Temple would be rebuilt (since they were unaware that this exile would last over 2000 years!)

The *Rambam* in *Hilchot Ma'aser Sheni* (2:2) writes, "It is an expression of *Chasidut* to redeem the fruit nowadays as they did in the times of the Temple". The *Rambam* here appears to follow the opinion that the *kedusha* is not forever. However the *Rambam* in *Hilchot Beit haBechira* (6:14-15) explains that the area that was made *Kadosh* by King Sholomo which was the *Kedusha* of the Temple courtyard and that of *Yerushalaim*, lasts forever. Therefore one can eat *kodshim* and *kodshim kalim* in their correct places even without the Temple.

Many have noted that the *Rambam* seems to contradict himself. On the one hand he rules in *Ma'aser Sheni* that it is only an "act of righteousness" to redeem the fruit, which would imply that the holiness of *Yerushalaim* has either ceased or at least is at a different level. Yet, in *Beit haBechira* the *Rambam* writes that the level of holiness is not dependent on the Temple standing.

According to *Rav Kapach* zsl the *Rambam* is explaining two ideas. The first is that *Yerushalaim* remains in its complete state of *Kedusha* i.e. the ability to eat *Ma'aser Sheni* even without the *Beit Hamikdash* standing. The second is the practical status of the land of Israel at that moment. If the majority of world Jewry is not living within its borders the land-dependent *Mitzvot* do not apply at that time.

Interestingly it is believed that in the next generation the majority of world Jewry will be living in the Israel, which will bring about a 'new' *Halachic* reality that has not been for over 2000 years.

Natan Rickman

Revision Questions

מעשר שני ד' טי - ה' י:

- If someone finds coins lying in the street, when should he be concerned that they could be *ma'aser sheni* money? (ד' טי)
- 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' י"א)
- What substance does one use to mark out: (ה' י"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' י"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 *orlah*? (ה' י"ג)
- How does one redeem *orlah* produce? (ה' י"ד)
- How does the above process differ in the *shmittah* year? (ה' י"ה)
- What and when is *zman bi'ur* for *ma'asrot*? (ה' י"ו)
- Explain what is involved in *bi'ur ma'asrot*? (ה' י"ו)
- Explain the debate between *Beit Shammai* and *Beit Hillel* regarding the process of *biur ma'asrot* nowadays. (ה' י"ז)
- What did the *Beit Din* do until *R' Akiva* clarified the *halacha*? (ה' י"ח)
- What should one do if *zman bi'ur* approaches and their *ma'asrot* are at a distant location? (ה' י"ט)
- Explain the process of *vidui ma'asrot*? (ה' י"י)

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Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
3 rd July כ"ו סיון	4 th July כ"ז סיון	5 th July כ"ח סיון	6 th July כ"ט סיון	7 th July ל' סיון ראש חודש	8 th July א' תמוז ראש חודש	9 th July ב' תמוז
Ma'aser Sheni 5:11-12	Ma'aser Sheni 5:13-14	Ma'aser Sheni 5: 15 Challah 1:1	Challah 1: 2-3	Challah 1: 4-5	Challah 1: 6-7	Challah 1: 8-9

