



Jugs for Maaser Sheni

The *Mishnah* (3:12) teaches that if one “lent” jugs, to contain *maaser sheni* wine, even if those jugs were sealed, the jugs do not have *kedushat maaser sheni*. In other words, since the person stated that the jugs would be used temporarily to store *maaser sheni*, the jugs do not require redemption. If however the wine was poured into the jugs without express intent as to the jug’s usage, then it would depend on whether the jugs were sealed. The details of which are the subject of debate.

The *Bartenura* explains that if the jug was sealed prior to designating the contents as being *maaser sheni* then the jug would have *kedushat maaser sheni*.¹ This is indeed how the *Yerushalmi* explains the *Mishnah*, how *Rash* understands the *Mishnah* and how the *Rambam* rules in the *Mishnah Torah* (*Maaser Sheni* 8:5).

The *Tosfot Yom Tov* however questions this explanation since it explains the two cases in the *Mishnah* differently. In the first case, in which the jugs were lent, *maaser sheni* is poured into the jug. According to the *Bartenura*, the continuation of the *Mishnah* is where *tevel* is poured into the jugs and then declared as *maaser sheni*.

The *Tosfot Yom Tov* prefers the explanation the *Rambam* provided in his commentary to the *Mishnah*. He explains that the *Mishnah* is teaching that if *maaser sheni* wine is poured into those jugs without any intent, the jugs are not affected as long as the jugs are not sealed.

The *Mishnah Rishona* understands the *Mishnah* like the *Bartenura*, however asks why the jugs should attain the *kedushat maaser sheni*? The jugs are only containing *maaser sheni*. This case cannot be compared to the case where one purchased open barrels of wine, in which the barrel attains *kedushat maaser sheni*, since in that case *maaser sheni* money was being used to purchase the wine and the jugs. In our case, how do the jugs adopt the *kedushah*?

The *Rash* cites the *Yerushalmi* that does indeed link our *Mishnah* to the early *Mishnah* but to the case where one purchases a sealed barrel with *maaser sheni* money. A simple understanding is that when sealed, the jugs is

considered *batel* annulled to the wine and therefore in our case, it adopts the *kedushat maaser sheni*.

The *Mishnah Rishona* is at first unsure of the comparison considering that in that case, the sealed jugs does not have *kedushat maaser sheni*. The *Mishnah Rishona* therefore explains that with wine, one would ordinarily seal the barrel immediately after the wine was poured in, in order to preserve the quality of the wine. Consequently, when sold sealed, the barrel was certainly part of the sale, secondary to the wine and not sold separately. The barrel is therefore *chulin*. If however the barrel was not sealed. Then the intention was to sell the wine alone. Therefore, purchasing the barrel would be considered a separate transaction with *maaser sheni* money.

In our case, if one declared the contents as *maaser sheni* prior to sealing it, then it is if it was stipulated that the jugs were only be lent for that purpose; otherwise, the jug would have been sealed immediately. If however it was sealed first, it is clear that the jug was given over fully for its contents (unless otherwise stated). The *Mishnah Rishona* explains that really that alone would not be enough to give the jugs *kedusha*. Nevertheless, the *Chachamim* made a *gezeira* in this case, otherwise people might be confused in the case of a sale. In other words, the *gezeira* makes it clear that an (immediately) sealed jug is given over, is *batel*, to the *maaser sheni* contents. Consequently, when one purchases sealed *maaser sheni* jugs, it will similarly be clear that it was *batel* to the wine and, and in that case, not be considered as purchased with *maaser sheni* money.

The *Mishnah Rishona* continues that this explains why the *Yerushalmi* rule that the distinction of whether the barrels have been sealed only applies when the contents are wine. For oil, honey, or wine, even if it was sealed, the rule would be the same as if it was unsealed. Based on the explanation above it makes sense. For wine in particular, it was important to seal the barrels quickly to preserve the quality. Doing so would indicate the barrels are intended to be sold with the wine and therefore *batel* to the contents.²

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¹ The *Melechet Shlomo* cites *R' Yohosef* who explains that the jugs only have *kedusha* until the contents are consumed. ש"ע

² The *Gra* on the *Yerushalmi* explains why wine is different in a similar manner.

Revision Questions

מעשר שני ג' ד' – ד' ד'

- If someone has fruit in *Yerushalaim* and *ma'aser sheni* money outside *Yerushalaim* can he transfer the *kedushah* from one to the other? What if the money was in *Yerushalaim* and the fruit was outside *Yerushalaim*? (ד': ג')
- Which of the following can be taken in and out of *Yerushalaim*: (ה': ג')
 - *Ma'aser sheni* money?
 - *Ma'aser sheni* fruit?
- In what case is the ruling that when *ma'aser sheni* fruit has passed through *Yerushalaim* it must be return and cannot be redeemed? (Include all opinions) (ו': ג')
- When is a tree that is planted on the border of *Yerushalaim* considered to be inside the city? (Include both opinions) (ז': ג')
- What is the *halachic* status of the interior and roof of a chamber: (ח': ג')
 - Built in the *kodesh* and opening to a non-holy area?
 - Built in *chol* and opening to *kodesh*?
 - Built in both *kodesh* and *chol* with openings to both *kodesh* and *chol*?
- Explain the debate regarding what should be done with *ma'aser sheni* produce that has been brought into *Yerushalaim* and became *tameh*. Does it matter how the *ma'aser sheni* became *tameh*? (ט': ט')
- Explain the debate regarding whether one can redeem produce that has been purchased with *ma'aser sheni* money and has consequently become *tameh*. (י': י')
- What is the law regarding: (יא': ג')
 - An animal that was purchase with *ma'aser sheni* money that died?
 - An animal that was bought with *ma'aser sheni* money, was slaughtered, and then became *tameh*?
 - A slaughtered animal that was purchased with *ma'aser sheni* money which then became *tameh*?
- When do the jugs designated to contain *ma'aser sheni* wine also receive *kedushat ma'aser sheni*? (יב': ג')
- What should one do if they have a number of sealed jugs of wine and wish to separate *trumah* from one of the jugs to cover all jugs? (יג': ג')
- How should one redeem *ma'aser sheni* produce that have been taken to a place where their value is different? (יד': ד')
- If one takes *ma'aser sheni* produce from the threshing floor to the market, can he deduct that travel expenses from the (resulting) *ma'aser sheni* money? (טו': ד')
- At what price does one redeem *ma'aser sheni* produce – wholesale or retail? (טז': ד')
- How many witnesses does one need when redeeming *ma'aser sheni*? (טז': ב')
- If the owner bids \$1 redeems his *ma'aser sheni* and another person bids \$1.10 – who has precedence? (טז': ג')
- How much extra must the owner add when redeeming his *ma'aser sheni*? (טז': ג')
- How can the owner avoid the above described obligation? (טז': ד')

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
11 September ט"ו אלול	12 September ט"ז אלול	13 September י"ז אלול	14 September י"ח אלול	15 September י"ט אלול	16 September כ' אלול	17 September כ"א אלול
Maaser Sheni 4:5-6	Maaser Sheni 4:7-8	Maaser Sheni 4:9-10	Maaser Sheni 4:11-12	Maaser Sheni 5:1-2	Maaser Sheni 5:3-4	Maaser Sheni 5:5-6

