



Volume 1. Issue 36.

## REDEMPTION OF MA'ASER SHEINI

In the *pesukim* that detail the *chiyuv* of *Ma'aser Sheini* the *Torah* states:

“If the road will be too long for you, so that you will not be able to carry it...then you may exchange it for money...and go to the place that Hashem, your God, will choose.”  
(*Devarim* 14:24-25)

These *pesukim* describe the *pidyon* (redemption) process of *Ma'aser Sheini* produce. The *pesukim* indicate that only money can be used to redeem *Ma'aser Sheini*.

This view is supported by the *Gemara* in *Messechet Kiddushin* (5a). The *Gemara* seems to indicate, through a *kal vachomer* that in all cases money has a more stringent side than a *shtar* in the laws of *kiddushin* due to the fact that it is *only* through money that *Hekdesh* and *Ma'aser Sheini* are redeemed. *Rashi* comments on this *Gemara* that if a *shtar* was written out to the *Gizbar* of the *Beit Hamikdash*, detailing the money that will be used for redemption, then the *Ma'aser Sheini* or *Hekdesh* would not be redeemed, due to the fact that **only** money can affect redemption due to a *Gezeirat HaKatuv*.

It seems to be clear from his explanation that *Rashi* views that this *shtar* as described in the *Gemara*, is a *Shtar Hitchayvut* (contract that implies a future obligation). This future obligation is that one must, at a certain point in time, pay a certain amount of money- however- at present he is not giving over any money. This must be the case, for otherwise, we would be able to view the contract as if it was worth money (comparable to a cheque -which is viewed as if it is money).

The *Rashba* disagrees with the explanation of *Rashi*, and instead views the *shtar* in the case of the *Gemara* as a *shtar kinyan* (contract of acquisition). The *Rashba* states that the reason that this *shtar* does not affect the redemption of *Ma'aser Sheini* or *Hekdesh* is because it only affects the **acquisition** of the produce and not the actual **redemption**.<sup>1</sup>

The *Sefer HaMakneh* differs in his understanding of *Rashi's* opinion. He holds that *Rashi*, like the *Rashba*, is also describing a *shtar kinyan*. According to this opinion - there is a problem, for if *Rashi* is describing a *shtar* that is only needed to affect acquisition, why does he include the detailing the money to be given over? As a *shtar kinyan* (contract of acquisition) the reference to the monetary amount is superfluous!

In order to answer this question, *R' Chaim Brisker* introduces a novel idea (*chiddush*) which changes the normative perception of the process of redemption of *Ma'aser Sheini* and *Hekdesh*. *R' Chaim* states that in order to affect redemption, one must have both a *kinyan* **and** a monetary amount with which the produce can be redeemed. Similarly, it is not enough to only redeem *Ma'aser Sheini* or *Hekdesh* on money; one must do a *kinyan* as well. Therefore, the question can be answered - if we understand that *Rashi* is talking about a *shtar kinyan*, we must say that the reason that an amount must be detailed is because that is how the redemption process occurs – one must make a *kinyan* **and** use money to redeem one's *Ma'aser Sheini* or *Hekdesh*.

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<sup>1</sup> The *Rashba* also maintains that the monetary amount that one is redeeming must also be detailed. However, that fact

is external to the actual body of the *shtar*, which is to be used, in his opinion, to affect an acquisition.

### Revision Questions

מעשרות ה' - ה' - ח'

- 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' - ב' ג'

- 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*?
  - *Bechor behema*? (ב':א')
- 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*? (ג':א')
- Regarding the previous question, does it matter if the value of the hide is greater than the value of the meat? (ג':א')
- 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*? (ד':א')
- 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*? (ד':א')
- What is the law regarding one that purchased water or salt with *ma'aser sheni* money? (ה':א')
- 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 *beshogeg* or *bemeizid*? (ה':א')
- 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 *beshogeg* or *bemeizid*? (ו':א')
- What must one do if they purchased land with *ma'aser sheni* money? (ז':א')
- Can one purchase a *korban chatat* with *ma'aser sheni* money? (ז':א')
- What must one use *ma'aser sheni* money to purchase? (ב':א')
- Explain the debate regarding using *ma'aser sheni* oil for rubbing on skin? (ב':ב')
- When can *ma'aser sheni tiltan* be eaten? (ג':א')
- Explain the debate between *Beit Shamai* and *Beit Hillel* regarding *trumah tiltan*? (ב':ג')

### Local Shiurim

#### Sunday

Between mincha and ma'ariv  
Mizrachi Shul  
David Bankier

#### Monday -Thursday

Between mincha & ma'ariv  
Mizrachi Shul  
Ben-zion Hain

9:45pm

Beit Midrash:

Naftali Herc

David Bankier

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10 minutes before mincha  
Mizrachi Shul  
David Bankier

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### Next Week's Mishnahyot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
12 <sup>th</sup> June ה' סיון	13 <sup>th</sup> June ו' סיון	14 <sup>th</sup> June ז' סיון	15 <sup>th</sup> June ח' סיון	16 <sup>th</sup> June ט' סיון	17 <sup>th</sup> June י' סיון	18 <sup>th</sup> June יא' סיון
Ma'aser Sheni 2: 4-5	Ma'aser Sheni 2: 6-7	Ma'aser Sheni 2: 8-9	Ma'aser Sheni 2:10 – 3:1	Ma'aser Sheni 3: 2-3	Ma'aser Sheni 3: 4-51	Ma'aser Sheni 3: 6-7

