



## Changing Value in Transactions involving Maaser Sheni

The *Mishnah* (4:6) discusses the case where one is in the process of selling *maaser sheni* food and the value of the produce changes. The intention at the time of the sale is that through the transaction the *kedushat maaser sheni* will be transferred to the money. While one is not ordinarily allowed to sell *maaser sheni* produce, doing so in this manner is permitted.

The first case is where one takes some of the produce from the seller, however prior to payment, the produced double in value. The *Mishnah* explains that one still only needs to pay the original value. Since at the time of *meshicha* (taking the object) the sale is binding, the purchaser of the produce only needs to pay the original value, and profits because of the subsequent increase. The *Mishnah* continues “he profits a *sela* and the *maaser* is his.” The *Bartenura* explains that since the redemption of *maaser sheni* only occurs once the money is handed over, the inflated value is still required to redeem the *maaser sheni*.

The second case is where the value halved. In that case since the acquisition was closed at the time of *meshicha*, the inflated value needs to be paid. Nevertheless, since redemption is occurring at the deflated rate, half the money paid can be with existing *maaser sheni* money (assuming he is not an *am haaretz*).

This is the *Mishnah* as explained by the *Bartenura*. The *Tosfot Yom Tov* explains that this explanation is consistent with the *Raavad* who explains the *Mishnah* according to the opinion of *R' Meir* that *maaser sheni* is considered *mamon gavoah* – the property of *shamayim* – as opposed to the opinion of *R' Yehuda* who maintains it is *mamon hedyot* – the property of the owners.

The *Gemara* (*Kiddushin* 54b) however explains that the *Mishnah* is according to the opinion of *R' Yehuda*. It understands that when the *Mishnah* states he profits a *sela* and the *maaser* is his, that nothing further is required and he simply profits from the increase in value. This is because since it is *mamon hedyot*, the redemption occurred at the

time of the (regular) sale. This is indeed a simpler reading of the *Mishnah*. In other words, the *maaser sheni* is redeemed at the time of the acquisition, even prior to handing over the money.

The *Tosfot Yom Tom* explains that the *Raavad* wished to explain the *Mishnah* according to *R' Meir* since the *Halacha* follows his opinion. He continues that the *Gemara* explained the *Mishnah* like *R' Yehuda* since, in the context of that discussion there, it was searching for a *stam Mishnah* that followed his opinion.

The *Rambam* (8:7) however explains the *Mishnah* in a very different manner. He explains that the case is where one is in the process of using *maaser sheni* money to purchase produce and that the price changes between taking the produce and handing over the money. He explains that if he takes the produce but has not paid and it increases in value, then he still only pays the original price with his *maaser sheni* money and that *maaser sheni* “profits” from the increase in value. The *Rambam* continues that the reason is based on the *pasuk*, in the context of redeeming *hekdesh*, that “he gives the money and it is his”, implying that with the giving of money alone it is redeemed. The *Raavad* asks that the *pasuk* being brought as a proof does not makes sense since in this *halacha* it is the produce that was taken and not the money. Furthermore, that produce is *chulin* – regular produce.

The *Grach* (192, *stenil*) explains that when it comes to ordinary acquisitions we need to define what *keseif* (money) and *pira* (produce) because taking the *pira* effects sale. With *kodesh* however, it is not dependant on these definitions. Normally, the *hekdesh* is the item redeemed and the *chullin* is the money. In this case however the *hekdesh* is in the form of the money so in this case it is the *chefetz* (object), whereas the produce is acting as the money effecting the redemption. Therefore, it is the produce in this cases that is the “money” as being referred to in the *pasuk*, consequently the *Rambam* understands that at the time the produce is taken (“*ve'nata ha'keseif*”) redemption has already occurred.<sup>1</sup>

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<sup>1</sup> The *Grach* uses this understanding to explain the *Rambam*'s reading of the *Gemara* and why it was difficult for the *Gemara* to understand our *Mishnah* according to the opinion of *R' Meir*. He explains that two legal events are occurring. The first is the redemption (the transfer of *kedushat maaser sheni* from the money to produce) and the second is the sale. According to *R' Meir* the two are simultaneous as we have explained

above – at the time of *meshicha*. Consequently, it is difficult to understand that the *Mishnah* is according to his opinion since the *Mishnah* states that he was not able to redeem it prior to the handing over the money. According to *R' Yehuda* however, since he maintains that it is *mamon hedyot*, only the acquisition occurs at the time of *meshicha* and the redemption later. See inside for more details.

### Revision Questions

מעשר שני ג' – ד': י"י

- Explain the debate regarding whether one can redeem produce that has been purchased with *ma'aser sheni* money and has consequently become *tameh*. (ג': י"י)
- What is the law regarding: (ג': י"י)
  - 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*? (ג': י"יב)
- 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? (ג': י"יג)
- How should one redeem *ma'aser sheni* produce that have been taken to a place where their value is different? (ד': י"א)
- 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? (ד': י"א)
- At what price does one redeem *ma'aser sheni* produce – wholesale or retail? (ד': י"ב)
- How many witnesses does one need when redeeming *ma'aser sheni*? (ד': י"ב)
- If the owner bids \$1 redeems his *ma'aser sheni* and another person bids \$1.10 – who has precedence? (ד': י"ג)
- How much extra must the owner add when redeeming his *ma'aser sheni*? (ד': י"ג)
- How can the owner avoid the above described obligation? (ד': י"ד)
- How can one effectively redeem *ma'aser sheni* if his money is at a different location? (ד': י"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': י"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': י"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': י"ח)
- If someone finds coins lying in the street, when should he be concerned that they could be *ma'aser sheni* money? (ד': י"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"י)

### Melbourne, Australia

#### Sunday -Thursday

10 minutes before *Mincha*  
Mizrachi Shul  
 Melbourne, Australia

#### Friday & Shabbat

10 minutes before *Mincha*  
Mizrachi Shul  
 Melbourne, Australia

### Efrat, Israel

*Shiur in English*

#### Sunday -Thursday

Rabbi Mordechai Scharf  
 9:00am  
Kollel Magen Avraham  
 Reemon Neighbourhood

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### Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
18 December י"ח כסלו	19 December י"ט כסלו	20 December כ' כסלו	21 December כ"א כסלו	22 December כ"ב כסלו	23 December כ"ג כסלו	24 December כ"ד כסלו
Maaser Sheni 4:11-12	Maaser Sheni 5:1-2	Maaser Sheni 5:3-4	Maaser Sheni 5:5-6	Maaser Sheni 5:7-8	Maaser Sheni 5:9-10	Maaser Sheni 5:11-12

