



Quietly Redeeming Maaser Sheni

The *Mishnah* (4:7) records a debate regarding one that redeems *maaser sheni* without explicitly stating so. *R' Yossi* maintains that it is sufficient, and the *maaser sheni* is redeemed. *R' Yehuda* however argues that the redemption does not work unless one declares "this is the redemption for the *maaser sheni*". The debate is extended to cases where the money used for *kiddushin* or a *get* (divorce document) is handed over without any declaration. We shall try to understand the debate.

The *Gemara* (*Kiddusin* 6a) explains that the debate regarding *kiddushin* (and *geirushin*) is only if they were already discussing the matter of *kiddushin*. If however they were not discussing the topic, then everyone would agree that the *kiddushin* would not work, since the woman would need to be aware of what she was receiving. Interestingly the *Yerushalmi* presents the opposite position. If they were discussing matters of the *kiddushin* then everyone would agree that *kiddushin* would work even without articulating why the money was handing over. The debate is only if they were discussing other matters.

While the simple understanding is that the *Bavli* and *Yerushalmi* argue regarding the nature of this debate, the *Rash Sirilio* appears to resolve the two. He explains that when the *Yerushalmi* explains that the debate is when they were not discussing *kiddushin*, it means that they were still however discussing matter around the *kiddushin*, e.g. the dowry. If however they were discussing matter completely unrelated to the wedding, then since the woman would not know why the money was being given to her, everyone would agree that the *kiddushin* would not work.

The *Rash* explains that this would be true for *maaser sheni* also. In other words, following the *Bavli's* understanding, the debate is only if the person was engaged in matters related to *maaser sheni*.

The *Tosfot Yom Tov* however disagrees arguing that *gittin* and *kiddushin* are different. In the case of *kiddushin* there are two parties involved and we need the *da'at* (understanding) of the recipient. For redeeming *maaser sheni* that is not the case – only the one redeeming the *maaser sheni* is involved. Consequently, even if he the owner was not engaged in

matters related to *maaser sheni*, *R' Yehuda* and *R' Yossi* would still argue whether a declaration is required.

The *Derech Emuna* (*Biur Halacha* 4:1) cites the *Tosfeta* that explains that we find the same debate regarding the separation of *terumah* and *maaser*. It is clear that for *R' Yehuda*, *machshava* (thought) alone is insufficient.

The *Derech Emuna* continues that there is a fundamental difference in the understandings of the *Bavli* and *Yerushalmi*. Recall that according to the *Yerushalmi*, everyone agrees that if they were engaged in matters related to *kiddushin*, the *kiddushin* would work without a declaration. This means that *R' Yehuda* agrees that if one is engaged in the matter, then it is equivalent to articulation. *R' Yossi* however who argues that the *kiddushin* works even if they were not engaged in the matter, understands that *machshava* alone is sufficient – just like for the separation of *teruma*.

According to the *Bavli* however the debate is only if they were engaged in matters related to *kiddushin*. If we explain like the *Rash* above, that even for *maaser sheni* it only works if he was engaged in matters related to *maaser sheni*, then even *R' Yossi* agrees that *machshava* alone is insufficient for the redemption of *maaser sheni* – speech is required. The debate in this *Mishnah* is whether being engaged in the matter, makes the action equivalent to speech.

The *Mishnah Rishona* agrees with the *Tosfot Yom Tov* that one does not need to be engaged with matters related to *maaser sheni* for the separation alone to be enough. The debated regarding the redemption of *maaser sheni* is the same as the debate regarding the separation of *terumot* and *maaserot*. According to *R' Yossi*, just like with *hekdesh*, stipulation "in one's heart" is sufficient. He explains that this is true even for *kiddushin*. The reason why the *Bavli* required that they be engaged in the matter of *kiddushin* is so that all the parties, including the witnesses, are aware of what is occurring. He explains that once that is the case, *R' Yossi* understands that *kiddushin* is like *hekdesh* for which *machshava* is sufficient. *R' Yehuda* however understands that the *Torah* uses the work "*kicha*" – taking – when describing *kiddushin*, which for people, can only be performed through words.

Yisrael Bankier

Revision Questions

מעשר שני די' ה' – ה' די'

- How can one effectively redeem *ma'aser sheni* if his money is at a different location? (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' ו')
- 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' 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 *kerem revai*? (ה' י"ג)
- How does one redeem *kerem revai* produce? (ה' י"ד)
- How does the above process differ in the *shmittah* year? (ה' י"ה)
- What and when is *zman biur* for *ma'asrot*? (ה' י"ו)
- Explain what is involved in *biur ma'asrot*? (ה' י"ז)

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
18 September כ"ב אלול	19 September כ"ג אלול	20 September כ"ד אלול	21 September כ"ה אלול	22 September כ"ו אלול	23 September כ"ז אלול	24 September כ"ח אלול
Maaser Sheni 5:7-8	Maaser Sheni 5:9-10	Maaser Sheni 5:11-12	Maaser Sheni 5:13-14	Maaser Sheni 5:15 - Chalah 1:1	Chalah 1:2-3	Chalah 1:4-5

