



## The Separated Unseparated

Once *maaser sheni* enters *Yerushalaim*, it can no longer be redeemed and must be eaten there. While the obligation to eat *maaser sheni* is biblical in origin, the prohibition against redeeming *maaser sheni* that has entered *Yerushalaim* is rabbinic (*Makkot* 20a). The *Chachamim* were concerned that if they allowed people to redeem *maaser sheni* outside *Yerushalaim* after it had passed through its wall, people might also incorrectly eat *maaser sheni* that had travelled the same route outside *Yerushalaim*. The *Mishnah* records the debate between *Beit Shammai* and *Beit Hillel* regarding whether the walls of *Yerushalaim* can affect *maaser sheni* prior to its separation. In other words, if one brought *tevel* (untithed produce) into *Yerushalaim* does this have any effect on the *maaser sheni* once it is separated outside *Yerushalaim*?

The *Mishnah* brings two opinions regarding the exact case that is debated. The first opinion is that if produce that enters *Yerushalaim* has reached *gmar melecha*, i.e. it is *tevel* and even snacks are forbidden, then everyone agrees that its entering *Yerushalaim* is significant. This means that everyone views the required *terumot* and *maasrot* as if they are already separated.<sup>1</sup> Consequently, once the *maaser sheni* is separated, it must be taken to *Yerushalaim* and eaten there with the option of redemption no longer available. *Beit Shammai* and *Beit Hillel* instead argue about produce that has not reached *gmar melacha*. *Beit Shammai* still maintains that the “contained” *maaser sheni* is affected, while *Beit Hillel* does not.

*R' Shimon ben Yehuda* explains that *R' Yosi* understands that everyone agrees in the latter case that the *maaser sheni* is not affected and the option of redeeming *maaser sheni* outside *Yerushalaim* is still available once it is separated. They instead argue when the produce that

passed through *Yerushalaim* had reached *gmar melacha*. *Beit Shammai* maintains that we view the *maaser sheni* as if it is separated. The *Bartenura* explains that *R' Yosi* understands that either *Beit Hillel* does not agree with this principle at all, or that this case is an exception since the law that the walls of *Yerushalaim* impacts on *maaser sheni* is only rabbinic and they are therefore lenient prior to its physical separation.

The *Mishnah Rishona* asks a strong question. If the *maaser sheni* is viewed as if it is separated, how can the *tevel* be removed at all? *Maaser sheni* cannot be removed from *Yerushalaim*? The *Mishnah Rishona* initially answers that even if we view the *maaser sheni* as being separated, it does not mean that it would prevent the *tevel* from being removed. The reason is that it is quite possible that the owner might separate *maaser sheni* from other *tevel* produce to satisfy the requirement of the *tevel* in *Yerushalaim*. In other words, it is possible that this *tevel* might not every contain *maaser sheni*. That is why the *Mishnah* could only discuss that case where the *maaser sheni* was separated once it had left *Yerushalaim*. It is only then, once it is separated, that the matter is revealed that the *tevel* had *maaser sheni* and the walls affected it.

The *Mishnah Rishona* ultimately rejects this answer, as the *Yerushalmi* rules that if produce passes through *Yerushalaim* after *gmar melecha*, *maaser sheni* cannot be separated from elsewhere to satisfy its requirements (see *Rambam Maaser Sheni* 2:10).<sup>2</sup> The second answer he offers therefore is that the *Mishnah* indeed could have taught that the *tevel* cannot be removed. Yet it wanted to teach that if it was removed, once the *maaser sheni* is removed, it nevertheless must be returned.

*Yisrael Yitzchak Bankier*

<sup>1</sup> The *Ritva* (*Makkot* 20a) explains that the rule that we view the *matanot* as if they are separated is only applied when it leads to a stringency (as in our case). Otherwise, we would not find that a *kohen* is *chayav* for eating *tevel* since he is technically allowed to eat the contained *teruma*.

<sup>2</sup> Note that this explanation would still work in the case of produce prior to *gmar melacha*.

**Revision Questions**

מעשר שני ג' = ד' ב' =

- Can one buy *trumah* produce with *ma'aser sheni* money? (ג' ב')
- If one person has *chulin* fruit in *Yerushalaim* and another has *ma'aser sheni* money and needs the money – can the *kedushah* be transferred to the fruit? (ג' ג')
- 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*: (ג' ה')

  - *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) (ג' ו')
- When is a tree that is planted on the border of *Yerushalaim* considered to be inside the city? (Include both opinions) (ג' ז')
- What is the *halachic* status of the interior and roof of a chamber: (ג' ח')

  - 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*? (ג' ט')
- 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')
- What is the law regarding: (ג' י"א')

  - 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"ב')
- 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"ג')
- How should one redeem *ma'aser sheni* produce that have been taken to a place where their value is different? (ד' י"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? (ד' י"ה')
- At what price does one redeem *ma'aser sheni* produce – wholesale or retail? (ד' י"ו')
- How many witnesses does one need when redeeming *ma'aser sheni*? (ד' י"ז')

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Maaser Sheni 4:3-4	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

