



Selling Maaser Sheni

Maaser Sheni is (literally) the second tithe that is separated from produce. Unlike the other *matanot*, the owner may retain it. It must however, be taken to *Yerushalayim* and eaten there. If necessary, the *maaser sheni* produce could be redeemed with money. The money must however then be taken to *Yerushalayim* and used to purchase food to be consumed there. Note however that during the third and sixth years, the second tithe has a different status. It is referred to as *maaser ani* and is given to the poor who can consume it anywhere.

The *masechet* opens with the restrictions placed around *maaser sheni* due to its sanctity. The first of these is the prohibition against its sale. The *Tosfot Chadashim* notes that the prohibition is specifically against a sale where one intends that the sanctity will remain with the produce so that the purchaser takes the produce to *Yerushalayim*. The reason for the assertion is that the *Mishnah* later (4:6) explains that one can sell *maaser sheni* if the sanctity will be transferred to the money received.

Why is the sale in our *Mishnah* prohibited? The *Bartenura* explains prohibition is the by-product of one side of a more fundamental debate. The question that is asked is who does *maaser sheni* belong to? The *Chachamim* maintain that it is considered the property of the owner, while *R' Meir* understands that it is the sacred property (*mamon gavo'ah* albeit entrusted with the "owner"). There are a number of implications of this debate, one of which, according to the *Bartenura* would be our *Mishnah*. According to *R' Meir* one cannot sell *maaser sheni* because it is not his to sell.

The *Mishnah* in *Pesachim* also refers to the prohibition against selling *teruma* but specifically inside *Yerushalaim*. There are two explanations brought in the *Tosfot*. The *Ri* explains that the prohibition is a *gezeira*. We know it is prohibited to redeem *maaser sheni* once it reaches *Yerushalaim*. There was a concern that if the sale of *maaser sheni* was allowed, then one might redeem *maaser sheni* as well. This first answer, while it applies only to sales inside *Yerushalayim*, is not dependant on the debate regarding the

"ownership" of *teruma*. The *Rashba* explains that the prohibition is to prevent the potential dishonour that would be shown to the *mitzvah* if it was sold. Once again this answer is not dependant on the above stated debate. The difference however is that it can be used to explain why the sale is prohibited outside *Yerushalayim* as well.¹

The *Bartenura* explains that the sale is also prohibited outside *Yerushalaim*. The *Tosfot R' Akiva Eiger* notes that since, as stated above, the *Bartenura* explain that this *Mishnah* is only the opinion of *R' Meir*, it implies that they also argue about whether one can sell *teruma* outside *Yerushalayim*. To be explicit, the *Chachamim* would allow one to sell *teruma* outside *Yerushalayim* – after all, according to their opinion, it is his property.

The difficulty raised by the *Tosfot R' Akiva Eiger* is that the *Gemara* (*Sanhedrin* 112) implies that everyone agrees that one cannot sell *maaser sheni* outside *Yerushalaim*. The debate between *R' Meir* and the *Chachamim* discussed in the *Beraita* is whether *maaser sheni* dough requires the removal of *challah*. *Rav Chisda* explains that the debate is about the case where the dough is in *Yerushalaim*. Consistent with their positions, *R' Meir* exempts the separation, while the *Chachamim* require it. However outside *Yerushalayim* everyone agrees that no separation is required. The implication is that everyone outside *Yerushalaim* maintains that *maaser sheni* is *mamon gavo'ah*. Extending that to our case, everyone would agree that sales are prohibited outside *Yerushalaim*.

With great trepidation the *Tifferet Yisrael* offers a solution to this problem. The reason why everyone agrees *maaser sheni* dough is exempt from *challah* has nothing to do with whether *maaser sheni* is *mamon gavo'ah*. Citing the *Tosfot* (*Bechorot* 9b "v't'nan") he explains that the *Torah* requires the separation of *challah* from the dough that the *Torah* refers to as "*arisoteichem*" (your dough). Since *maaser sheni* cannot be eaten outside *Yerushalayim*, while it is there it is not considered *arisotreichem*.²

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¹ The *Rashba* actually cites our *Mishnah* when developing his explanation.

² The *Tifferet Yisrael* elaborates further in his defence. See inside.

Revision Questions

מעשרות ד' ה' – ה' ח'

- Why is the intended purpose for planting coriander important? (ד' ה')
- What are *temarot* and in what context are they raised in the *Mishnah*? (ד' ו')
- Which of the following is *kove'ah*? (ה' א')
 - Someone uproots a shoot to replant it in another field and in the process carries it through a *chatzer*.
 - One purchase fruit while it was still connected to the tree.
 - One picked fruit to give it to his friend as a present.
- Does one need to separate *ma'asrot* from radish that has been picked for the replanting? (ה' ב')
- Once fruit have reached the stage of *onat ma'asrot* is there any restriction on their sale? (ה' ג')
- If someone purchased *zagim* and then extracted its juice, what must be separated? (ה' ד')
- 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 are some of the products listed that are exempt from *maasrot*? (ה' ח')
- What other law is stated regarding these products? (ה' ט')
- Explain the following phrase: "לשואף על פי שאביהן תרומה, הרי אלו יאכלו..." (ה' י')

מעשר שני א' : א' - ד'

- 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*?
 - *B'chor behema*? (א' ב')
- 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*? (א' ג')
- Regarding the previous question, does it matter if the value of the hide is greater than the value of the meat? (א' ד')
- 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*? (א' ד')
- 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*? (א' ד')

Local Shiurim

Melbourne, Australia

Sunday -Thursday

After *Ma'ariv*
Mizrachi Shul
 Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
Beit Ha'Roeh
 Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

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

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
 In US dial: 718 906 6400
 Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
6 th February ל' אדר א'	7 th February א' אדר ב'	8 th March ב' אדר ב'	9 th March ג' אדר ב'	10 th March ד' אדר ב'	11 th March ה' אדר ב'	12 th March ו' אדר ב'
Maaser Sheni 1:5-6	Maaser Sheni 1:7-2:1	Maaser Sheni 2:2-3	Maaser Sheni 2:4-5	Maaser Sheni 2:6-7	Maaser Sheni 2:8-9	Maaser Sheni 2:10-3:1

