
מעשר שני

TIME 4 MISHNA

mikra

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עֵשֶׂר תַּעֲשֶׂר אֶת כָּל־תְּבוּאֹת זְרַעְךָ הַיֵּצֵא הַשָּׂדֶה שָׁנָה שָׁנָה:
וְאָכַלְתָּ לִפְנֵי ה' אֱלֹהֶיךָ בַּמָּקוֹם אֲשֶׁר־יִבְחַר לְשָׁכֵן שְׁמוֹ שָׁם מַעֲשֶׂר דָּגָנְךָ תִּירֹשְׁךָ
וְיִצְהָרְךָ וּבְכֹרֶת בְּקָרְךָ וּצְאֻנְךָ לְמַעַן תִּלְמַד לִירְאָה אֶת־ה' אֱלֹהֶיךָ כָּל־הַיָּמִים:
וְכִי־יִרְבֶּה מִמֶּנּוּ הַדֶּרֶךְ כִּי לֹא תוּכַל שְׂאתוֹ כִּי־יִרְחַק מִמֶּנּוּ הַמָּקוֹם אֲשֶׁר יִבְחַר ה'
אֱלֹהֶיךָ לְשׁוֹם שְׁמוֹ שָׁם כִּי יִבְרַכְךָ ה' אֱלֹהֶיךָ:
וְנָתַתָּה בַּכֶּסֶף וְצִרְתָּ הַכֶּסֶף בְּיָדְךָ וְהִלַּכְתָּ אֶל־הַמָּקוֹם אֲשֶׁר יִבְחַר ה' אֱלֹהֶיךָ בּוֹ:
וְנָתַתָּה הַכֶּסֶף בְּכָל אֲשֶׁר־תֵּאָוֶה נַפְשְׁךָ בַּבָּקָר וּבַצֹּאן וּבַיִּין וּבַשֵּׂכֶר וּבְכָל אֲשֶׁר
תִּשְׁאַלְךָ נַפְשְׁךָ וְאָכַלְתָּ שָׁם לִפְנֵי ה' אֱלֹהֶיךָ וְשִׂמַחְתָּ אֹתָהּ וּבֵיתְךָ:
וְהַלֹּוֹי אֲשֶׁר־בְּשַׁעְרֶיךָ לֹא תַעֲזֹבֵנּוּ כִּי אִין לוֹ חֶלֶק וְנַחֲלָה עִמָּךְ:
מִקְצֵה שְׁלֹשׁ שָׁנִים תּוֹצִיא אֹת־כָּל־מַעֲשֶׂר תְּבוּאֹתֶיךָ בַּשָּׁנָה הַהִוא וְהִנַּחְתָּ בְּשַׁעְרֶיךָ:
וּבֵא הַלֹּוֹי כִּי אִין־לוֹ חֶלֶק וְנַחֲלָה עִמָּךְ וְהִגֵּר וְהִיתוּם וְהַאֲלַמְנָה אֲשֶׁר בְּשַׁעְרֶיךָ וְאָכְלוּ
וְשָׂבְעוּ לְמַעַן יִבְרַכְךָ ה' אֱלֹהֶיךָ בְּכָל־מַעֲשֶׂה יָדְךָ אֲשֶׁר תַּעֲשֶׂה:
(דברים יד:כב-כו)

“You shall surely tithe all of the produce of your seeds, that which comes out of the ground each year.

You shall eat it in front of Hashem your G-d, in the place which he will choose to reside his name over there – the tithe of you grain, your wine and your oil, and you firstborn animals and flock, in order that you will learn to fear Hashem your G-d for all days.

And if the way will be too long for you, that you will not be able to carry it - since the place that Hashem your G-d will choose to place His name over there – because Hashem your G-d will bless you.

Convert it into money, wrap the money in your hand and go to the place which Hashem your G-d will choose.

Convert the money into anything that your soul desires: cattle, flock, wine, strong wine and anything that your soul wishes for. Eat it over there in front of Hashem your G-d, and you and your household shall rejoice.

Do not abandon the Levi who is within your gates, because he doesn't have a portion and an inheritance with you.

At the end of three years, bring out all of the tithes of your produce in that year and place them within your gates.

And the Levi will come – since he has no portion or inheritance with you – and the convert, orphan and widow who are within your gates, and they will eat and be satisfied, so that Hashem your G-d will bless you in all of the works of your hand which you do.”

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כִּי תִכְלֶה לְעֵשֶׂר אֶת־כָּל־מַעְשֶׂר תְּבוּאָתְךָ בַשָּׁנָה הַשְּׁלִישִׁת שָׁנַת הַמַּעְשֶׂר וְנָתַתָּה לְלוֹי לְגֵר לִיתוֹם וְלֵאלִמְנָה וְאָכְלוּ בְשַׁעְרֶיךָ וְשָׂבְעוּ:
וְאָמַרְתָּ לְפָנָי ה' אֱלֹהֶיךָ בְּעֵרְתִי הַקֹּדֶשׁ מִן־הַבַּיִת וְגַם נָתַתִּיו לְלוֹי וְלֵגֵר לִיתוֹם וְלֵאלִמְנָה כְּכָל־מִצְוֹתֶיךָ אֲשֶׁר צִוִּיתִנִי לֹא־עֲבַרְתִּי מִמִּצְוֹתֶיךָ וְלֹא שָׁכַחְתִּי:
לֹא־אֲכַלְתִּי בְּאֵנִי מִמֶּנּוּ וְלֹא־בְעֵרְתִי מִמֶּנּוּ בְטָמֵא וְלֹא־נָתַתִּי מִמֶּנּוּ לְמַת שְׁמַעְתִּי בְּקוֹל ה' אֱלֹהֵי עֲשִׂיתִי כְּכֹל אֲשֶׁר צִוִּיתִנִי:
הַשְּׁקִיפָה מִמַּעוֹן קֹדֶשְׁךָ מִן־הַשָּׁמַיִם וּבִרְךָ אֶת־עַמְּךָ אֶת־יִשְׂרָאֵל וְאֵת הָאָדָמָה אֲשֶׁר נָתַתָּה לָנוּ כְּאֲשֶׁר נִשְׁבַּעְתָּ לְאַבְתֵּינוּ אֶרֶץ זָבַת חֶלֶב וְדָבָשׁ:
(דברים כו:ב-טו)

“When you finish tithing all of the tithes of your produce in the third year – the year of the tithe – you shall give to the Levi, the convert, the orphan and the widow, and they will eat within your gates and become satisfied. Say in front of Hashem your G-d: I have gotten rid of that which is holy from the house, and have also given it to the Levi, the convert, the orphan and the widow; according to all of the commandment that you commanded me, I haven’t transgressed any of your commandments nor have I forgotten.

I didn’t eat any of it in my mourning, nor did I consume any of it whilst impure, or use any of it for a dead body. I listened to the voice of Hashem my G-d; I behaved according to all that You commanded me.

Look down from your holy abode from heaven, and bless your people Israel and the land which you have given to us, just as You swore to our forefathers – land flowing with milk and honey.”

וּבַשָּׁנָה הָרְבִיעִת יִהְיֶה כָּל־פְּרִי קֹדֶשׁ הַלּוּלִים לָהּ:
וּבַשָּׁנָה הַחֲמִישִׁת תֹּאכְלוּ אֶת־פְּרִי לְהוֹסִיף לָכֶם תְּבוּאָתוֹ אֲנִי ה' אֱלֹהֵיכֶם:
(ויקרא יט:כד-כה)

“And in the fourth year, all of its fruit will be holy, as a praise to Hashem. And in the fifth year, you shall eat its fruit, in order to increase its produce for yourselves. I am Hashem your G-d.”

Overview

מַעֲשֵׂר שְׁנִי

What מַעֲשֵׂר שְׁנִי may be used for
(1-3.4)

- ✓ Forbidden to exchange מַעֲשֵׂר שְׁנִי produce
- ✓ How מַעֲשֵׂר שְׁנִי money should be spent
- ✓ Forbidden to waste it
 - Physically
 - By using מַעֲשֵׂר שְׁנִי money to buy תְּרוּמָה
- ✓ If מַעֲשֵׂר שְׁנִי money is mixed with חוֹלִין
- ✓ Converting מַעֲשֵׂר שְׁנִי money onto other money
 - Silver to gold - Copper to silver
 - Silver to copper

Redeeming מַעֲשֵׂר שְׁנִי
(3.5-4.8)

- ✓ מַעֲשֵׂר שְׁנִי / טָבֵל which is brought into יְרוּשָׁלַיִם
- ✓ A tree which is on the edge of יְרוּשָׁלַיִם
- ✓ If it becomes טָמֵא
 - Original מַעֲשֵׂר שְׁנִי
 - Animal bought with מַעֲשֵׂר שְׁנִי money, alive or slaughtered
- ✓ Status of bottles holding מַעֲשֵׂר שְׁנִי wine
- ✓ Determining the price of redemption
- ✓ Redeeming part of a coin

The status of found items
(4.9-4.11)

- ✓ Coins
- ✓ Utensils

נִטְעַר רְבִיעִי
(5.1-5.5)

- ✓ Redeeming נִטְעַר רְבִיעִי

בִּיעוֹר
(5.6-5.15)

- ✓ What must be removed from the house or destroyed
- ✓ וִידוּי הַמַּעֲשֵׂרוֹת

Key Terms

מַעֲשֵׂר שְׁנִי

Rules:

מִתְנַחֵת שְׁלֵא הוֹרְמוּ כְּמִי שֶׁהוֹרְמוּ דְמִיָּין - Produce is viewed as separated into its individual tithes even before they've been separated

אֵין פּוֹדִין אֶת הַקְּדָשִׁים לְהַאֲכִילוֹן לְכַלְבִּים - It's forbidden to redeem sanctified food if it will then be fed to dogs/animals, as it's considered a disgrace

רֹב - Following the status of the majority

חֻזְקָה - The status of something is presumed to remain the same

Concepts and Terms:

▪ **מַעֲשֵׂר בְּהֵמָה** - 1/10 of one's animals born each year which must be offered up as a קָרְבָּן if uninjured

▪ **בְּכוֹר** - Firstborn animal which must be given to a כֹּהֵן and offered up as a קָרְבָּן if uninjured

קְדָשֵׁי קְדָשִׁים - Higher level קְרִבְנוֹת which aren't eaten

מִקַּח טְעוֹת - A sale based on misinformation; it's invalid

אֵב הַטְּמֵאָה - Original source of impurity

מְשִׁיכָה - Pulling an item towards oneself in order to acquire it

▪ **כְּמוֹן בְּעָלִים/הַדְּיוֹט** - Possession of the owner

▪ **כְּמוֹן גְּבוּהָ** - Possession of the High One

גְּמַר מְלֻאכָה - When the processing of produce has been completed and tithes must be separated

וִידוּי הַמַּעֲשָׂרוֹת - A declaration from the תּוֹרָה that one has fulfilled the tithing and בְּיַעוֹר obligations

אוֹנָן - One whose close relative died that day

Summaries

מַעֲשֵׂר שְׁנִי

• What מַעֲשֵׂר שְׁנִי may be used or exchanged for:

- Because מַעֲשֵׂר שְׁנִי is considered 'מִמּוֹן גְּבוּהָ' – possession of the High one, it's **forbidden** to **sell** it, use it as a **deposit**, **exchange** it for other produce or **weigh** something against it on scales, but it's **permitted to invite others** to eat his מַעֲשֵׂר שְׁנִי with him.
 - 'מַעֲשֵׂר בְּהֵמָה' – 1/10 of one's animals born each year which must be offered up as a קָרְבָּן if uninjured – **may not be sold** even if it's injured; this is learnt from a 'גְּזִירָה שְׁוֵה' – when the same word root is found in 2 different פְּסוּקִים and laws are applied from one to another.
 - A 'בְּכוֹר' – firstborn animal which must be given to a כֹּהֵן and offered up as a קָרְבָּן if uninjured – **may be sold**.
- מַעֲשֵׂר שְׁנִי **may not be redeemed** onto a coin which: (a) has no **image** on it; (b) doesn't **function as money**, e.g. it's out-dated; or (c) isn't easily **accessible** to him.
- If one spends מַעֲשֵׂר שְׁנִי money on an **animal to be brought as a שְׁלָמִים קָרְבָּן**, or on an **animal unfit to be a קָרְבָּן**, the animal's **skin doesn't gain מַעֲשֵׂר שְׁנִי sanctity** so he doesn't need to exchange it for other food, since the rest of the animal is what is primary and gains מַעֲשֵׂר שְׁנִי status.
 - The same applies to a **bottle of wine** if wine is generally **sold with the bottle** in that location, and to the shells of nuts.
 - If in that location wine is generally **sold by itself** and poured into the buyers' bottles, then even if one does buy the bottle too, it's considered separate from the wine and therefore **does gain מַעֲשֵׂר שְׁנִי status** which must be transferred onto food.
 - The same applies to **fruit which are bought together with a basket**.
 - If one spends it on an animal **unfit to be a קָרְבָּן in order to bring it as a שְׁלָמִים קָרְבָּן**, or an **animal fit to be a קָרְבָּן in order to eat it as unsanctified meat**, the **מַעֲשֵׂר שְׁנִי sanctity isn't transferred** from the money.
 - If one spends מַעֲשֵׂר שְׁנִי money on **water, salt, produce still attached** to the ground, **produce which will be mouldy** by the time it's brought to יְרוּשָׁלַיִם, non-food items, or 'קִדְשֵׁי קִדְשִׁים' – higher level קִרְבָּנוֹת which aren't eaten, the **מַעֲשֵׂר שְׁנִי sanctity isn't transferred** so the money and food should be returned.
 - If he **can't locate the seller**, he must **spend that amount of his own money on food** and treat it as מַעֲשֵׂר שְׁנִי.
 - If one **spends מַעֲשֵׂר שְׁנִי money outside of יְרוּשָׁלַיִם unintentionally**, the sale a 'מִקַּח טְעוּת' – sale based on misinformation and therefore **invalid**.
 - If he does so **intentionally**, it's **valid**; if there is **no בֵּית הַמִּקְדָּשׁ**, it **must be left to rot**, since it can't be eaten as people weren't careful with purity laws, nor may it be redeemed since only original מַעֲשֵׂר שְׁנִי produce may be redeemed.
 - **תְּמוּד** (diluted wine made from mixing wine sediment with water) **may be bought** with מַעֲשֵׂר שְׁנִי money only once it's fermented and turned into wine.

Summaries

מעֵשֶׂר שְׁנִי

- The תורה states that מעֵשֶׂר שְׁנִי must be **eaten**, and **drinking** is included in eating.
 - **ר' שמעון**: Although it's learnt from פסוקים that rubbing liquid on one's body is like drinking it, מעֵשֶׂר שְׁנִי **may not be rubbed on one's body** since the תורה specifies that it must be eaten.
 - חכמים**: Since תרומה oil – which is forbidden for non-כהנים to eat – may be rubbed on one's body, all the more so ('קל וחומר') מעֵשֶׂר שְׁנִי oil – which is permitted for non-כהנים to eat – **may be rubbed on one's body**.
 - **ר' שמעון**: This is not a valid קל וחומר, since מעֵשֶׂר שְׁנִי is more strict than תרומה in the following examples:
 1. תלתן and כרשנים (vegetables which are usually used as animal food so are only obligated in tithes (מדרבנן) of מעֵשֶׂר שְׁנִי must be eaten, whereas its תרומה **may be left until it hardens and then used to clean one's hair**.
 2. תלתן of תרומה **may be handled in a state of טומאה** and one doesn't need to wash his hands before eating it according to **בית הלל**, whereas תלתן of מעֵשֶׂר שְׁנִי must be handled in a state of טהרה.
 3. **בית שמאי**: One **may feed כרשנים of תרומה to his animals without washing his hands**, but it must be soaked and crushed in a state of purity, as a reminder that it may not be eaten by non-כהנים.
 - בית הלל**: The **only part which must be done in a state of purity is soaking it**, since one may not give it the ability to become טמא (by wetting it) and make it טמא simultaneously.
 - שמאי**: He **may only feed it to his animals when it's dry**, so that it isn't clear that it's טמא.
 - ר' עקיבא**: One **may always use it in a state of טומאה**.
 - **ר' טרפון**: מעֵשֶׂר שְׁנִי of כרשנים **can't be redeemed** if they become טמא, since it's a disgrace to redeem מעֵשֶׂר שְׁנִי to feed an animal.
 - חכמים**: It's **permitted**, since it's not a disgrace if it's animal food.
- One **may not waste מעֵשֶׂר שְׁנִי**, e.g. to add spices to מעֵשֶׂר שְׁנִי oil and then throw them away after they've absorbed some oil.
 - It's **forbidden to buy spiced oil** with מעֵשֶׂר שְׁנִי money, since it's very expensive and uncommonly used so it's considered a waste of the מעֵשֶׂר שְׁנִי.

When מעֵשֶׂר שְׁנִי is mixed with חולין:

- If **1 זוז of spices worth 1 זוז are added to מעֵשֶׂר שְׁנִי wine worth 2 זוז** and the wine's value increases to 4 זוז, **2/3 of it is considered to be מעֵשֶׂר שְׁנִי** so the food onto which it is redeemed must be worth 2/3 of 4 זוז.
 - If **חולין wood was used to bake מעֵשֶׂר שְׁנִי dough**, the **entire increase in its value is considered מעֵשֶׂר שְׁנִי**, since it doesn't contain חולין.

Summaries

מַעֲשֵׂר שְׁנִי

- If an equal amount of **מַעֲשֵׂר שְׁנִי** money and **חֻלִּין** money are mixed up and **scattered**, he should pick up the amount of half of the coins one by one, and declare that all of the **מַעֲשֵׂר שְׁנִי** coins should be redeemed onto the coins in his hand.
 - If they are **mixed in a pile** so he picks up a few at a time, then every handful of coins is assumed to be half **מַעֲשֵׂר שְׁנִי** and half **חֻלִּין**, so if he doesn't pick up all of the coins, the loss will come from both the **מַעֲשֵׂר שְׁנִי** and **חֻלִּין**.
- If one has **2 silver coins** and he isn't sure which one is **מַעֲשֵׂר שְׁנִי**, he must **redeem the מַעֲשֵׂר שְׁנִי one onto copper coins** worth 1 silver coin, and then redeem it back onto the better of the 2 silver coins, since copper rusts quicker so is more likely to be wasted.

Converting **מַעֲשֵׂר שְׁנִי** money onto other money:

- 1) **בֵּית שְׁמַאי**: One **may not convert silver מַעֲשֵׂר שְׁנִי coins into gold coins**, so that one doesn't miss coming to the **בֵּית הַמְּקֻדָּשׁ** for the **שְׁלֹשׁ רְגָלִים** as a result of waiting until he has enough silver coins to convert onto a full gold coin.
 - בֵּית הַלֵּל**: This is **permitted**.
 - **ר' עקיבא** testified that he converted **דָּבָר גְּמֻלְיָאֵל** and **ר' יהושע**'s silver coins.
- 2) **בֵּית שְׁמַאי**: One **may convert** all of his **copper מַעֲשֵׂר שְׁנִי coins onto a silver coin**.
 - בֵּית הַלֵּל**: One **may only do so with half of his copper coins**, so that the demand for copper coins in return for silver coins in **ירוּשָׁלַיִם** won't raise their value, such that one would receive less in return for a silver coin, which is considered a waste of **מַעֲשֵׂר שְׁנִי**.
- **ר' מאיר**: Just like one may not redeem **מַעֲשֵׂר שְׁנִי** money onto other money of the same form, so too one **may not combine it with מַעֲשֵׂר שְׁנִי fruit to redeem it onto money**.
 - חֲכָמִים**: This is **permitted** if this is the only way to redeem the fruit.
- 3) **בֵּית שְׁמַאי**: One may convert **all** of his **silver מַעֲשֵׂר שְׁנִי coins onto copper coins**.
 - בֵּית הַלֵּל**: He may only convert $\frac{1}{2}$ a silver coin at a time, so that copper isn't unspent and left to rust.
 - הַדְּנִין לִפְנֵי חֲכָמִים**: He may only convert $\frac{1}{4}$ a silver coin at a time.
 - ר' עקיבא**: He may only convert $\frac{1}{16}$ a silver coin at a time.
 - ר' טרפון**: He may only convert $\frac{1}{20}$ a silver coin at a time.
 - שְׁמַאי**: He must give a shopkeeper his silver coin and record how much of it is spent.
- One can declare that **מַעֲשֵׂר שְׁנִי** should be redeemed from money onto the part of a bottle of wine which will be drunk by **טְהוּר** people, such that **טְהוּר and טָמֵא people may drink from the same bottle**.

Summaries

מַעֲשֵׂר שְׁנִי

- One **may not tell someone to bring up his מַעֲשֵׂר שְׁנִי produce to יְרוּשָׁלַיִם in return for some of the produce**, since מַעֲשֵׂר שְׁנִי cannot be given as wages, but he **may invite him** to eat it with him.
- **חֲכָמִים**: One **may not buy תְּרוּמָה** with מַעֲשֵׂר שְׁנִי money, since this places more limitations on its consumption and makes it more likely to be wasted.
ר' שְׁמַעוֹן: This is **permitted**, since one may buy קֶרֶבֶנוֹת שְׁלָמִים with מַעֲשֵׂר שְׁנִי money and this places more limitations which can invalidate its consumption.
- One **may redeem מַעֲשֵׂר שְׁנִי money onto somebody else's produce** if he needs to use the money for his own use, as long as the owner of the produce is trusted with regards to the laws of purity, or if the מַעֲשֵׂר שְׁנִי was from דְּמָאֵי.
→ The produce **cannot be redeemed again**, rather must be brought up to יְרוּשָׁלַיִם.
- **יְרוּשָׁלַיִם which has entered מַעֲשֵׂר שְׁנִי**:
 - **חֲכָמִים**: One **may not redeem מַעֲשֵׂר שְׁנִי produce in יְרוּשָׁלַיִם** once it's been brought there, and **מִדֶּרְבֵּן** it **may not even be taken out** or redeemed outside of יְרוּשָׁלַיִם.
רַבֵּן שְׁמַעוֹן בֶּן גַּמְלִיאֵל: It **may be taken out of יְרוּשָׁלַיִם** in order to process it further, but may not be redeemed.
 - **בֵּית שְׁמַאֵי**: If **טָבֵל** is brought into יְרוּשָׁלַיִם, then the מַעֲשֵׂר שְׁנִי must be brought up to יְרוּשָׁלַיִם when separated **without being redeemed** since 'מִתְּנוֹת שְׁלֵא' – produce is viewed as separated into its individual tithes even before they've been separated.
בֵּית הַלֵּל: It **may be redeemed** if the טָבֵל entered before being processed and obligated in tithes.
 - **ר' שְׁמַעוֹן בֶּן יְהוּדָה**: They agree that if the טָבֵל **entered before being processed** then it **may be redeemed**, and they argue in a case where the טָבֵל **entered after being processed**.
 - If דְּמָאֵי is brought into יְרוּשָׁלַיִם, its מַעֲשֵׂר שְׁנִי **may still be redeemed**.
 - If a **tree is planted inside יְרוּשָׁלַיִם but leans outside**, or vice versa, then any produce taken up the tree which is **within the walls** is considered inside יְרוּשָׁלַיִם so (a) may be eaten and (b) may not be redeemed.
 - **בֵּית שְׁמַאֵי**: If an **olive-press** is half inside יְרוּשָׁלַיִם, all produce inside it is viewed **stringently**, so it (a) may not be eaten and (b) may not be redeemed, since it's viewed as one unit.
בֵּית הַלֵּל: Only that which is **within the walls** is considered inside יְרוּשָׁלַיִם.
 - A **chamber whose entrance is on הַר הַבַּיִת** (the mountain on which the בַּיִת הַמְּקֹדֵשׁ stands) but whose inside is in the עֲזָרָה (בֵּית הַמְּקֹדֵשׁ courtyard) **has the status of הַר הַבַּיִת, but its roof has the status of the עֲזָרָה** since it is level with the עֲזָרָה floor.
 - If it would be **vice versa**, then the law would be the opposite.

Summaries

מַעֲשֵׂר שְׁנִי

- The **הַמּוֹקֵד** **בֵּית** chamber had an **entrance from the עֲזָרָה** and another **from the הַר הַבַּיִת**, and the inside and roof which was **within the עֲזָרָה** had the status of the **עֲזָרָה** so **כַּהֲנִים** may not sleep in that half.
- **בֵּית שְׂמַאי**: If **טָמֵא** **מַעֲשֵׂר שְׁנִי** it **must be redeemed** even if it's been brought into **יְרוּשָׁלַיִם**, but the now unsanctified **produce must still be eaten in יְרוּשָׁלַיִם**, so that it doesn't appear that he is taking **מַעֲשֵׂר שְׁנִי** out of **יְרוּשָׁלַיִם**.
 - If it became **טָמֵא** from an **'אב הטומאה'** – original source of impurity – before being brought into **יְרוּשָׁלַיִם**, it **may be removed** since it's **טומאה** is known.
- **בֵּית הַלֵּל**: It **may be taken out of יְרוּשָׁלַיִם**, except for that which became **טָמֵא כּוֹדֵר בְּנֵן** after being brought into **יְרוּשָׁלַיִם**.
- **חֲכָמִים**: **Produce or a slaughtered animal** which is bought with **מַעֲשֵׂר שְׁנִי** money in **יְרוּשָׁלַיִם** which becomes **טָמֵא** **should be redeemed**.
 - **ר' יְהוּדָה**: It **must be buried**, since by spending **מַעֲשֵׂר שְׁנִי** money one shows that he isn't concerned about the difficulty of transporting actual produce, so he may not redeem it.
 - Even **ר' יְהוּדָה** agrees that if a **live animal was bought** with **מַעֲשֵׂר שְׁנִי** money and then slaughtered and became **טָמֵא**, it **may be redeemed**, since it's easy to transport live animals so he hasn't shown that he isn't concerned about the difficulty in transporting dead animals.
 - **ר' יוֹסֵי**: It **must be buried**, since anything bought with **מַעֲשֵׂר שְׁנִי** money may not be redeemed.
- **חֲכָמִים**: An **animal which is bought with מַעֲשֵׂר שְׁנִי money which dies may not be redeemed**, since **'אין פּוֹדִין אֶת הַקֹּדְשִׁים לְהַאֲכִילוֹן לְכֻלָּבִים'** – it's forbidden to redeem sanctified food if it will then be fed to dogs/animals, as it's considered a disgrace.
 - **ר' שְׁמַעוֹן**: It **may be redeemed**, since once redeemed it has no sanctity.
- **Bottles of מַעֲשֵׂר שְׁנִי wine:**
 - One who **pours מַעֲשֵׂר שְׁנִי wine into a bottle**, the **bottle doesn't gain מַעֲשֵׂר שְׁנִי status**.
 - If one **pours טָבֵל wine into a bottle, seals it and then designates the wine as מַעֲשֵׂר שְׁנִי**, the **bottle is considered a part of the wine**, unless in that location wine is sold by pouring it into the buyer's bottle, in which case he must buy produce worth the value of the bottle and treat it as **מַעֲשֵׂר שְׁנִי**.
 - Once a **bottle of תְּרוּמָה wine is sealed**, it gains extra significance and would be sold by exact measurement, so it **cannot be nullified** if mixed with bottles of **חזולין** wine.
 - One **may tithe wine from one bottle on behalf of other bottles** only before they're sealed, since they're considered **'כּוֹן הַמּוֹקֵף'** – next to each other.

Summaries

מַעֲשֵׂר שְׁנִי

- **בֵּית שְׁמַאי**: If they are opened after being sealed, they are still **not considered מן המוקף** so wine may only be tithed from some of it on behalf of the rest if it's mixed together.
 - **בֵּית הַלֵּל**: They are **considered מן המוקף** once opened.
 - **ר' שְׁמַעוֹן**: If one designates the wine in a bottle as **מַעֲשֵׂר שְׁנִי** except for at least a **רְבִיעִית** of it which he tithes and makes into **חֻלִּין** (tithed, unsanctified food) and gives to somebody specifying that he isn't selling him the bottle, then the **bottle remains חֻלִּין** even though all the wine in it which belongs to him is **מַעֲשֵׂר שְׁנִי**, since when the **מַעֲשֵׂר שְׁנִי** was designated the bottle contained his **חֻלִּין** wine too.
- If one **spends מַעֲשֵׂר שְׁנִי** money on wine sold by volume, the **bottles don't gain מַעֲשֵׂר שְׁנִי** status since they aren't taken into account in the sale.

Summaries

מַעֲשֵׂר שְׁנִי

• Price used for redeeming מַעֲשֵׂר שְׁנִי:

- Although ideally one may only redeem his מַעֲשֵׂר שְׁנִי in its original location, if one **brings it to another location where it is worth a different amount** and decides to redeem it there, he uses the **amount it's worth in its current location**.
 - If one sets aside a coin to redeem onto it any מַעֲשֵׂר שְׁנִי which he eats, and after eating half the coin's value of מַעֲשֵׂר שְׁנִי, he transports it to another location where it's worth a different amount, he may use it to redeem another half of what it's worth in its new location.
- If one redeems his produce in the city instead of by the threshing floor, he must use the **higher amount that it's worth in the city**, and the **costs of transporting it may not be deducted**.
- One uses the lower, **wholesale price**, since the תּוֹרָה uses the term "בְּרָכָה" (blessing).
- When redeeming מַעֲשֵׂר שְׁנִי money onto other money, the **lower amount of silver per copper coins** which a money-changer gives is used.
- One **must redeem מַעֲשֵׂר שְׁנִי precisely**, so the price of something whose value is well-known must still be verified by asking a person in the marketplace for its price; **something whose value has decreased must be evaluated by 3 experts**, e.g. money which has rusted.
- One **may only redeem somebody else's מַעֲשֵׂר שְׁנִי** if he redeems it for a higher price than the owner; this is true even if the price is less than what the owner would end up using once he adds on the 'חֹמֶשׁ' – extra fifth of the final price which must be added when one redeems his own מַעֲשֵׂר שְׁנִי, since the חֹמֶשׁ isn't always added.
 - One **may give somebody else money to redeem his produce** for him in order to escape the obligation to add on a חֹמֶשׁ, except for one's **young children and non-Jewish slaves**, who cannot own anything independent of him; this leniency is because of the תּוֹרָה's use of the term בְּרָכָה.
 - If he has no money with him, he **may give his produce to his friend and redeem it** on his friend's behalf onto money which he has at home.
- One **must add on a חֹמֶשׁ to any מַעֲשֵׂר שְׁנִי which he separated**, even if the produce was given to him after it had been processed.
- If one does a 'מְשִׁיכָה' – pulling an item towards oneself in order to acquire it – on מַעֲשֵׂר שְׁנִי produce worth 1 סָלַע but its **value doubles before he redeems it by paying**, he only **needs to pay 1 סָלַע** (which gains מַעֲשֵׂר שְׁנִי status) since a sale takes place at the time of the מְשִׁיכָה, and he **must designate a second סָלַע as מַעֲשֵׂר שְׁנִי for him**.
 - If the מְשִׁיכָה takes place when it's worth 2 סָלַע and it **halved in value** before the redemption, he **must give him 2 סָלַע**, 1 of which must be חֹלִין which turns gains מַעֲשֵׂר שְׁנִי status.
 - The second סָלַע which isn't gaining מַעֲשֵׂר שְׁנִי status can already have מַעֲשֵׂר שְׁנִי status, but if the **seller is an עַם הָאָרֶץ** then **only מַעֲשֵׂר שְׁנִי from דְּכֹמָא** may be given to him.

Summaries

מַעֲשֵׂר שְׁנִי

- **ר' יוסי**: One who discusses redeeming מַעֲשֵׂר שְׁנִי, giving an item as קידושין (a way to get engaged) to a woman or a גֵּט as divorce to his wife and then does so **without expressing what he's doing**, it's **valid** since it's evident what he's doing.
- **ר' יהודה**: It's **invalid**, since it isn't clear enough.
- **חכמים**: Once one has redeemed 99% of an אָסֶר coin which is **definite שְׁנִי**, the entire coin is considered חולין, since the 1/100 which hasn't yet been redeemed is nullified; if it is **מַעֲשֵׂר שְׁנִי** from דְּמַאי, then 10/11s needs to have been redeemed, so that the remaining, unredeemed part of the coin together with a חומש is less than a פְּרוּטָה – the smallest value with significant worth.
 - בית שמאי**: 9/10s needs to have been redeemed, so that the remaining, unredeemed part of the coin without a חומש is less than a פְּרוּטָה.
 - בית הלל**: 10/11s needs to have been redeemed if it's **definite שְׁנִי**, but only 9/10s if it's **מַעֲשֵׂר שְׁנִי** from דְּמַאי, since no חומש is added when redeeming דְּמַאי.
- **The status of found items:**
 - If one finds **gold, silver and copper coins together** without an earthenware piece with the word 'מַעֲשֵׂר' written on it, they are **assumed to be חולין** since the 'רוב' – majority – of money is חולין, even though when one redeems מַעֲשֵׂר שְׁנִי he often uses different coins since the value of the produce is unlikely to equal an exact number of gold coins.
 - **ר' יהודה**: If one finds an **earthenware** container with the word 'קֶרֶבֶן' written on it, it's an indication that only its **contents are 'הַקֶּדֶשׁ'** – designated to the **בֵּית הַמִּקְדָּשׁ**, since it's uncommon to make a cheap container **הַקֶּדֶשׁ**; if it's made of **metal**, it's an indication that only the **container itself is הַקֶּדֶשׁ**.
 - חכמים**: It's **contents are also הַקֶּדֶשׁ**, since it's forbidden to use הַקֶּדֶשׁ to hold חולין.
 - **חכמים**: If the **letter 'ק', 'מ', 'ד', 'ט' or 'ת' is written on a container**, it's **assumed to be an abbreviation for 'קֶרֶבֶן', 'מַעֲשֵׂר', 'דְּמַאי', 'טָבַל' or תְּרוּמָה**, since this was used in times of danger.
 - ר' יוסי**: It's **assumed to be an abbreviation of somebody's name so is unsanctified**; even if the full word is written on it, e.g. 'תְּרוּמָה', it's assumed to have held תְּרוּמָה produce previously but since then replaced with חולין.
- 1) If one tells his son that he has מַעֲשֵׂר שְׁנִי money in a particular corner of a room but he **finds it in a different corner**, it's **assumed to be חולין** because of רוב.
- 2) If he tells him that there's 100 זוז but he **finds 200 זוז**, 100 זוז of it is considered **מַעֲשֵׂר שְׁנִי** because of 'חֲזָקָה' – the status of something is presumed to remain the same.
- 3) If he tells him that there's 200 זוז but he **finds 100 זוז**, it's **מַעֲשֵׂר שְׁנִי** because of חֲזָקָה.

Summaries

מַעֲשֵׂר שְׁנִי

- **יְרוּשָׁלַיִם** – **fruit which grow in a tree's 4th year and must be eaten in יְרוּשָׁלַיִם**:
 - **חֲכָמִים**: One must place **large pieces of earth** next to a field containing **נֶטֶע רְבָעִי**, and **clay** if it contains '**עֲרֵלָה**' – 3rd year trees, as a sign **for thieves** that this fruit is forbidden to eat outside of **יְרוּשָׁלַיִם**.
 - **רַבֵּן שְׁמַעוֹן בֶּן גַּמְלִיאֵל**: One only needs to do this **during שְׁמִיטָה**, when other people are allowed to take his fruit, since one isn't responsible for a thief; pious ones would designate money onto which all **נֶטֶע רְבָעִי** fruit eaten from his field be redeemed, so that even a thief wouldn't do an **עֲבִירָה** with his fruit.
 - Graves should be surrounded by **lime**, as one who walks over them becomes **טָמֵא**.
 - One may not redeem **נֶטֶע רְבָעִי** **within a day's distance from יְרוּשָׁלַיִם**, so that the markets adorned with fruit aren't quickly emptied by everybody buying the fruit.
 - Once the **supply of fruit increased** in **יְרוּשָׁלַיִם**, this enactment was removed and one may redeem it until it enters **יְרוּשָׁלַיִם**.
 - **ר' יוֹסֵי**: The enactment was removed **when the בֵּית הַמִּקְדָּשׁ** was destroyed and it was no longer appropriate to decorate **יְרוּשָׁלַיִם**.
 - **בֵּית שְׁמַאי**: (a) Adding on a **חֻמֶּשׁ** when redeeming, and (b) '**בִּיעוֹר**' – ensuring it's eaten or destroyed by **פְּסַח** of the 4th and 7th year of the **שְׁמִיטָה** cycle, **don't apply to נֶטֶע רְבָעִי**.
 - **בֵּית הַלֵּל**: They **do**; this is learnt from a **שְׁוָה** גְזִירָה with **מַעֲשֵׂר שְׁנִי**.
 - **בֵּית שְׁמַאי**: **נֶטֶע רְבָעִי** is '**מָמוֹן בְּעֵלָיִם**' – the possession of its owner – so is **obligated in the gifts for the poor**, and the poor must eat it in **יְרוּשָׁלַיִם**.
 - **בֵּית הַלֵּל**: It's **גְבוּהָ**, so is **exempt**.
 - When redeeming **נֶטֶע רְבָעִי**, the **costs of processing it are deducted from the redemption price**, so **3 experts** are required for calculating the redemption price.
 - During the **שְׁמִיטָה** year, **נֶטֶע רְבָעִי** is **redeemed for its exact value** since all work which is permitted is done by the owner himself so involves no costs.
 - If the field was **ownerless**, then **only the cost of picking the fruit is deducted**.
- '**בִּיעוֹר**' – **Removing from one's house all tithes and gifts for the poor**:
 - One must ensure that he has **given** all the tithes to their respective owners by **פְּסַח** of the 4th and 7th year of the **שְׁמִיטָה** cycle, and that he has **destroyed** any remaining **מַעֲשֵׂר שְׁנִי** and **בְּכוֹרִים**, as learnt from **פְּסוּקִים**.
 - **ר' שְׁמַעוֹן**: **בְּכוֹרִים** may be given to **כַּהֲנָנִים**, like the other tithes, since it's called "תְּרוּמָה".
 - **בֵּית שְׁמַאי**: A **cooked dish** in which **מַעֲשֵׂר שְׁנִי** is totally mixed **needs to be destroyed**.
 - **בֵּית הַלֵּל**: The **מַעֲשֵׂר שְׁנִי** is **considered 'destroyed' already**, since it's unrecognisable.
 - **בֵּית שְׁמַאי**: **After the בֵּית הַמִּקְדָּשׁ was destroyed**, one is **obligated to redeem מַעֲשֵׂר שְׁנִי onto money and destroy that**, since the **תּוֹרָה** says that one redeems **מַעֲשֵׂר שְׁנִי** when far away from **יְרוּשָׁלַיִם** and the **בֵּית הַמִּקְדָּשׁ**.
 - **בֵּית הַלֵּל**: They can be **destroyed as they are**.

Summaries

מעשר שני

- **ר' יהודה**: Originally, the **בית דין** would tell people to process their produce quickly, so that it would reach its **'גמר מלאכה'** – the completion of its processing – and tithes could be separated and given by **פסח**; this was until **ר' עקיבא** taught that **ביעור** **doesn't apply** to **produce which hasn't reached its גמר מלאכה**.
- If one has **טבל** at home and **he is far away**, he should declare a part of it as tithes and **transfer their ownership to a כהן לוי/poor person by renting the land** directly beneath the produce to them, which allows them to acquire the produce without picking it up.
- On the afternoon of the last day of **פסח**, one is obligated to recite **'וידוי המעשרות'** – a declaration from the **תורה** that one has fulfilled the tithing and **ביעור** obligations.
 - If he **didn't fulfil a particular part of what the פסוקים** of the declaration state, he **may not say וידוי המעשרות** at all, for example:
 - If he **didn't give one of the tithes**
 - If he didn't leave **לקט** (dropped stalks), **שכחה** (forgotten bundles) or **פאה** (edge of the field) for the poor, he **may still recite the וידוי המעשרות** since these are “left” for the poor, whereas the declaration is that he has “given” that which needs to be given.
 - If he separated tithes in the **wrong order**, e.g. **מעשר ראשון** before **מעשר שני**
 - If he separated tithes: from produce on behalf of a **different species**; from or on behalf of **produce still attached to the ground**; on behalf of a **different year's produce**
 - If he **didn't make a ברכה** when tithing
 - If he ate **מעשר שני** as an **'אונן'** – one whose close relative died that day, or gave it to another **אונן**
 - If he **made מעשר שני** become **טמא**, or spent **מעשר שני** money on **burial needs**
 - If he **didn't eat the מעשר שני** in **ירושלים** or **didn't share it with others**
 - At the end of it, he recites **פסוקים** which plea for Hashem to bless the Jewish people with children and sustenance.
 - **חכמים**: A **convert** **may not recite וידוי המעשרות**, since it includes a plea for “the land which You gave us”, and he has no portion in **ארץ ישראל**.
 - **ר' מאיר**: **כהנים** and **לוים** **may not** either, since they were given 48 cities in the other tribes' portions but didn't have their own land.
 - **ר' יוסי**: They **may**, since the 48 cities were their own portion.
 - When **עזרא** returned from **בבל** to **ארץ ישראל** to build the 2nd **המקדש**, the tribe of **לוי** mostly remained in **בבל**, and their punishment was that they would no longer receive their tithes. Therefore, **יהוה** **abolished ידוי** since one was no longer able to declare that he'd given all of the tithes.
 - He also **stopped the לוים** singing the chapter of **תהלים** of “Why do You sleep Hashem?” since the Jewish people were at peace at that time.

Summaries

מַעֲשֵׂר שְׁנִי

- He also **stopped the custom of making a cut above an animal's eyes** to make it easier to slaughter before offering it up as a קָרְבָּן, since it appeared to be a wound which invalidates an animal from being a קָרְבָּן.
- He decreed that **craftsmen may not work on חול המועד even if it would cause them a big loss**, since the noise which was made from the many craftsmen working was a disgrace for the יום טוב.
- He found out that many האָרץ עַמֵּי only separate תְּרוּמָה from their produce, so he decreed that **one who buys produce from an האָרץ עַם may not trust him** about what tithes he's separated. He must therefore:
 - Give תְּרוּמַת מַעֲשֵׂר since it's a small amount and only a כֹּהֵן may eat it
 - Separate מַעֲשֵׂר שְׁנִי since he doesn't lose out as he may eat it himself
 - Designate מַעֲשֵׂר עֲנִי and מַעֲשֵׂר רֵאשׁוֹן but may keep them for himself, since 'הַמוֹצִיא מִחֲבֵרוֹ עָלָיו הִרְאָהוּ' – one who wants to take something from somebody else must prove that he is entitled to it.

TIME 4 MISHNA TEST

מסכת מעשר שני

1. Define 'מָמוֹן גְּבוּהָ' and list one consequence of מַעֲשֵׂר שְׁנִי being considered מָמוֹן גְּבוּהָ.
2. If one gives somebody מַעֲשֵׂר שְׁנִי money in return for water or salt, what is the law?
3. Why is it forbidden to buy expensive oil with מַעֲשֵׂר שְׁנִי money?
4. Why (according to בֵּית הַלֵּל) may one not convert all of his copper coins into silver?
5. What stringency applies to מַעֲשֵׂר שְׁנִי once it has been brought into יְרוּשָׁלַיִם?
6. List one leniency in calculating a low redemption price for מַעֲשֵׂר שְׁנִי.
7. If the word 'תְּרוּמָה' is written on a barrel of produce, why might its contents still be permitted for anybody to eat?
8. List 3 possible similarities between מַעֲשֵׂר שְׁנִי and נֶטַע רְבִיעִי.
9. In which years of the שְׁמִיטָה cycle does בִּיעוּר occur, and at which יום טוב?
10. List 3 of the things which the מִשְׁנָה states invalidates one from declaring the וִידוּי הַמַּעֲשָׂרוֹת.