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Bava Metzia Daf 53

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Daf Notes is currently being dedicated to the neshamot of

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Redeeming with Earlier Money

Chizkiyah had stated: With respect to *ma’aser sheini* produce worth less than a *perutah*, one may declare, “It, together with its fifth, is redeemed with earlier redemption money” (money that he used to deconsecrate other *ma’aser sheini* produce). This is because it is impossible for a person to calculate his money exactly (and he made certain that the money used was worth more than the produce).

The *Gemora* asks on this from the following *Mishna* [Bikkurim 2:1]: In respect to *terumah* and *bikkurim* (the first ripe fruits which must be brought to the *Beis Hamikdash* in *Yerushalayim*), one is liable for the penalties of death (if he eats them illegally) and a fine of a fifth (of the value of the food, in addition to its actual cost, which a non-Kohen must pay if he consumed unwittingly any quantity of *terumah* or *bikkurim*); they both are forbidden to a non-Kohen, and they are the property of the Kohen; they become nullified (when intermingled with non-sanctified produce) in a mixture of one hundred and one; and they require washing of the hands (prior to touching or eating these foods); and one who was *tamei* and immersed himself in the *mikvah* is required to wait until sunset before eating these foods. All these restrictions apply to *terumah* and *bikkurim*, but not to *maaser sheini*.

Now, when it states that *ma’aser sheini* does not become nullified, does that not mean that it will become nullified in a majority (which must be referring to a case where the prohibition is one that will not become permitted except

through nullification; it must be that it became *tamei* and cannot be brought to *Yerushalayim*, and if the produce is valued at over a *perutah*, it could become permitted through deconsecration; so the case must be where the produce is worth less than a *perutah*? But if Chizkiyah is correct, then even if the produce is worth less than a *perutah*, it should be regarded as something that will otherwise become permitted, and there is a principle that any item that will eventually become permitted is not nullified even when intermingled with a thousand items of its like!?

The *Gemora* suggests an alternative explanation in the *Mishna*: Perhaps the meaning of the *Mishna* is that *ma’aser sheini* cannot become nullified at all (because of the principle mentioned above).

The *Gemora* explains why that cannot be the meaning of the *Mishna*, for the *Mishna* is listing the stringencies of *terumah*; not its leniencies (that *terumah* can become nullified and *ma’aser* cannot).

The *Gemora* asks: But the *Mishna* states that *terumah* is the property of the Kohen (which is a leniency)!?

The *Gemora* answers: We cannot say that *ma’aser sheini* cannot become nullified, for we have learned explicitly in a *braisa* that *ma’aser sheini* can become nullified in a majority. And what type of *ma’aser sheini* are we referring to? *Ma’aser* that is not valued at a *perutah* and *ma’aser* that entered *Yerushalayim* and left.

Now if Chizkiyah is correct, why can't they deconsecrate it (*the ma'aser which is less than a perutah*) with the earlier redemption money (*and it will not be necessary to become nullified*)?

The *Gemora* answers: The *braisa* is discussing a case where he has not redeemed any *ma'aser sheini* before.

The *Gemora* asks: Why can't he bring other *ma'aser* that he has (*worth less than a perutah*) and combine the two (*and then deconsecrate it*)?

The *Gemora* answers: Biblical and Rabbinic *ma'aser* cannot combine. [*The ma'aser sheini produce in the mixture has been Biblically nullified (for the principle that any item that will eventually become permitted is not nullified is a Biblical one), and it is only regarded as Rabbinical ma'aser.*]

The *Gemora* asks: Why can't he bring *ma'aser sheini* of *demai* (*produce purchased from an am ha'aretz; we are uncertain if ma'aser was separated and one is Rabbinically obligated to separate ma'aser from it*) and combine the two?

The *Gemora* answers: We are concerned that he might bring Biblical *ma'aser*.

The *Gemora* asks: Why can't he bring two *perutah* coins and deconsecrate a *perutah* and a half's worth of *ma'aser sheini* produce, and then he will be able to deconsecrate the half a *perutah's* worth of *ma'aser* found in the mixture?

The *Gemora* answers: The two *perutah* coins do not become holy with a *perutah* and a half of *ma'aser sheini* produce! One *perutah* becomes holy because of a *perutah's* worth of produce, but a half a *perutah's* worth of produce does not have the ability to endow holiness on the second *perutah* at all. It emerges that he will be

combining a half of a *perutah's* worth of Biblical *ma'aser* with a half a *perutah's* worth of Rabbinic *ma'aser* (*and that we already have established does not work*).

The *Gemora* asks: Why can't he bring an *issar* coin (*one which is considerably larger than a perutah; he can then "leave room" to deconsecrate the produce in the mixture*)?

The *Gemora* answers: We are concerned that he might bring *perutos*.

The *braisa* had mentioned a case (*of nullification*) where *ma'aser* entered Yerushalayim and left.

The *Gemora* asks: Why can't he bring it back into Yerushalayim and eat it there (*and there will be no need for nullification*)?

The *Gemora* answers: It became *tamei* (*and therefore it cannot be eaten*).

The *Gemora* asks: Why can't he redeem it? Did we not learn that Rabbi Elozar said that *ma'aser sheini* which became *tamei* can still be redeemed even in Yerushalayim!?

The *Gemora* answers: The *braisa* is discussing food which was purchased with *ma'aser sheini* money (*which cannot be redeemed*).

The *Gemora* asks: But we learned in a *Mishna* that such food can be redeemed!?

The *Gemora* answers: The *braisa* is in accordance with Rabbi Yehudah's opinion, who holds that such food must be buried.



The *Gemora* asks: But if so, the *braisa* should have stated the case where the produce was still in Yerushalayim (and according to Rabbi Yehudah can still not be redeemed)!?

The *Gemora* answers: Rather, the *braisa* must be referring to a case where the produce is still *tahor* and where the walls of Yerushalayim fell (which is why it cannot be eaten or redeemed).

The *Gemora* asks: But did Rava not say the following: The requirement of having the walls of Yerushalayim in order to eat *ma'aser sheini* is a Biblical one; however, the *halachah* that the walls of Yerushalayim absorb the *ma'aser sheini* (in a way that it cannot be redeemed any longer) is only a Rabbinical one. And the Rabbis only established this decree if the walls were still standing, but in a case where the walls are not standing, the law does not apply (and therefore the *ma'aser sheini* in our case can still be redeemed)!?

The *Gemora* answers: The Rabbis did not distinguish between the two cases (and the *ma'aser* cannot be redeemed once it entered Yerushalayim, even if presently, there are no walls standing).

Rav Huna bar Yehudah answers in the name of Rav Sheishes (regarding the original challenge to Chizkiyah from the *braisa*): The *braisa* is in fact discussing one case: *Ma'aser sheini* that is less than a *perutah* which entered Yerushalayim and left (it cannot be redeemed, and therefore it becomes nullified).

The *Gemora* asks: Why can't he bring it back into Yerushalayim and eat it there (and there will be no need for nullification)?

The *Gemora* answers: The *braisa* is referring to a case where the walls of Yerushalayim fell (which is why it cannot be eaten).

The *Gemora* asks: But did Rava not say the following: The requirement of having the walls of Yerushalayim in order to eat *ma'aser sheini* is a Biblical one; however, the *halachah* that the walls of Yerushalayim absorb the *ma'aser sheini* (in a way that it cannot be redeemed any longer) is only a Rabbinical one. And the Rabbis only established this decree if the walls were still standing, but in a case where the walls are not standing, the law does not apply (and therefore the *ma'aser sheini* in our case can still be redeemed)!?

The *Gemora* answers: The Rabbis did not distinguish between the two cases (and the *ma'aser* cannot be redeemed once it entered Yerushalayim, even if presently, there are no walls standing).

The *Gemora* asks: Wouldn't the *halachah* be exactly the same if the produce was worth more than a *perutah*?

The *Gemora* answers: The *braisa* is teaching us that the walls of Yerushalayim absorb the *ma'aser* (that it cannot be redeemed) even if the produce is worth less than a *perutah*. (52b - 53b)

Less than a Perutah

The *Gemora* cites a *braisa*: And if a man will redeem of his *ma'aser* [he shall add to it the fifth part thereof]: of his *ma'aser* - but not all his *ma'aser*. This excludes *ma'aser sheini* produce worth less than a *perutah* (it cannot be redeemed).

It was stated: Rav Ami said: This means that the *ma'aser* itself is not worth a *perutah*. Rav Assi said: Its *fifth* is less than a *perutah*. Rabbi Yochanan said: The *ma'aser* itself is not worth a *perutah*. Rabbi Shimon ben Lakish said: Its *fifth* is less than a *perutah*.

The *Gemora* cites a *braisa* which challenges Rav Ami and Rabbi Yochanan's opinion: For *ma'aser sheini* which is worth less than a *perutah*, it is enough to declare: "It and



its fifth are redeemed onto the earlier money" (*according to Chizkiyah*). Now, it is well according to the opinion that it does not require redemption even if its fifth is worth less than a *perutah*, for that is why the *Tanna* stated: "it is enough," for although the *ma'aser* itself contains the worth of a *perutah*, since its fifth does not, it can be redeemed with the earlier money. But according to the view that the *ma'aser* itself is worth less, what is the meaning of "it is enough" (*is this not obvious*)? The *Gemora* remains with a difficulty. (53b)

DAILY MASHAL

Pigs in the Future

Our *Gemora* states that *ma'aser sheini* produce is regarded as something that will otherwise become permitted (*since it may be eaten in Yerushalayim, or it can be redeemed*), and there is a principle that any item that will eventually become permitted is not nullified even when intermingled with a thousand items of its like.

The Rishonim disagree regarding a food item that the *Gemora* is uncertain if it is forbidden or not and it remains unresolved. The inquiry will remain in that state until Eliyahu Hanavi clarifies it for us. The Ohr Zarua maintains that this is regarded as "something which can become permitted," since there is a possibility that Eliyahu will say that it is permitted. The Rashba disagrees and he explains: If Eliyahu will decide that the food is forbidden, it will emerge that this item will never be permitted. If he will rule that it is permitted, it actually was never forbidden. Either way, he argues, it cannot be labeled as "something which can become permitted." The Bach cites a Mordechai that it is not considered "something which can become permitted," for by the time Eliyahu will permit it, the food will be already ruined.

The Chasam Sofer cites the following question from the Rav in Frankfurt: Chazal write that a pig is called a "chazir," for in the future, Hashem will reverse the

prohibition of the pig and it will be permitted. If so, according to those Rishonim, pig should be regarded as "something which can become permitted"?

The Chasam Sofer answers based upon that which was written in the Toldos Yitzchak: The Torah forbids animals that do not have split hooves, or those that do not chew their cud because those animals are naturally conceited; they trample with their feet and they have a poison inside of them, which is extremely dangerous for a Jew to eat. The animals that do not digest their food easily and they are compelled to chew their cud; those animals are permitted to eat.

If so, explains the Chasam Sofer, there will be no change in *halacha* regarding the pig. It was forbidden and will remain forbidden. Rather, Hashem will change the nature of the pig and it will begin to chew its cud. That is why it will be permitted then. Accordingly, the only pigs that will be permitted then, are those that will be born after this change occurs; however, the pigs that were in existence prior to that will remain forbidden. This is why a pig is not classified as "something which can become permitted."

INSIGHTS TO THE DAF

Something that can become Permitted (Davar she'yeish lo Matirin)

The *Mishna* states: If one makes a *neder* prohibiting himself from wine, he is permitted in cooked food which has in it the taste of wine. However, if he said, "Konam this wine that I will not taste," and it fell into a cooked dish, if it contains enough to impart flavor to the entire mixture, it is forbidden.

This would imply that if there is not enough to give flavor, it would be permitted. The Ra"n quotes his teachers who ask the following: Something which is forbidden on account of a *neder* is "something that can become permitted" (*davar she'yeish lo matirin*), and we have



established that anything that can become permitted is not nullified even in a thousand!?

They answer that when we say that it is not nullified even in a thousand, that refers to something that has been mixed with its own kind. But here, when it says, “and it became mixed,” it is referring to something else that is not the same kind, like the case of eggs that were cooked with it. Anything that is mixed with something else that is not its kind is permitted, provided that it does not give flavor, even if it is “something that can become permitted.” The Ra”n cites proof to this from a *Mishna Chalah* and a *Yerushalmi*.

They, therefore, objected to the statement of the Ri”f in *Meseches Chulin* concerning bread that was baked in an oven with roasted meat. The *Gemora* states that it is forbidden to eat it with a dairy sauce even though it has been established that we are not halachically concerned with vapors. The reason it is forbidden is because the bread is “something that can be permitted,” since one may eat it together with meat. For that reason, it is not nullified, even in a thousand. It is evident from the Ri”f that he maintains that “something that can be permitted” is not nullified even in something that is not its kind.

The Ra”n, however, agrees to the Ri”f. When the *Mishna* here says that “something can become permitted” becomes nullified in something that is not its own kind, that is referring to something that is forbidden now, but will become permitted in the future, like *nedarim*. For the Ra”n has the following question: Since according to the *Chachamim*, all forbidden things become nullified in their own kind just as in a different kind, why did the *Chachamim* make a distinction in the case of “something that can become permitted,” between its own kind and a different kind? The reason is as follows: The *Chachamim* and Rabbi Yehudah disagree whether or not something can be nullified in its own kind. Rabbi Yehudah maintains that a forbidden item is not nullified in its own kind,

because anything that is similar to another thing does not weaken and nullify it; rather, it preserves it and strengthens it.

The *Chachamim* disagree and hold that a forbidden item and something which is permitted are not similar to each other, even if they are the same kind. This is because one is forbidden and one is permitted. For it is not fitting to follow the similarity of their substance, but rather the difference in their being forbidden and permitted. It is for this reason that the *Chachamim* learned concerning “something that can be permitted” for the sake of being strict towards the opinion of Rabbi Yehudah. For since the forbidden item is not completely different from the permitted one, because the forbidden one will eventually become permitted, we say that it is not nullified in its own kind. It will only become nullified when mixed with a different kind, for the difference that exists between one kind and another will make up for the equality that is added here because it is “something that can be permitted.” It is the difference between kinds that is the cause of nullification, and equality interferes with nullification.

QUESTIONS AND ANSWERS FROM YESTERDAY’S DAF to refresh your memory

Q: What amount constitutes *ona’ah* by a coin?

A: It is a *machlokes* if it’s 1/24th, 1/12th or 1/6th.

Q: Until how long can a cloak be returned in the villages, where it is a case of *ona’ah*?

A: Abaye – until Friday; Rava – until it is shown to a merchant.

Q: Can *ma’aser sheini* be redeemed with an eroded coin?

A: Yes.

