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Bava Metzia Daf 45

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Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h

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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

Exchanging Ma’aser Sheini

The *Mishna* states: Beis Shammai say that someone who has *sela'im* of silver (*that are ma'aser sheini*) cannot redeem them for golden *dinarim*. Beis Hillel, however, allow him to do so.

Rabbi Yochanan and Rish Lakish argue regarding the crux of the argument between Beis Shammai and Beis Hillel.

One says that the crux of the argument is regarding exchanging *sela'im* for *dinars*. Beis Shammai hold that *sela'im* are currency and *dinars* are an item, and one cannot transfer the holiness of *ma'aser sheini* money onto an item (*in order to exchange that item for something else, such as food, which is eaten as ma'aser sheini*). Beis Hillel hold that silver is the produce and *dinarim* are the currency, and a person could transfer *ma'aser sheini* from produce to currency. However, everyone would agree that one could take the original *ma'aser sheini* produce and transfer its holiness onto golden *dinarim*. [*The argument is only in the case where the ma'aser sheini status of the produce was transferred first onto sela'im.*] Why is this allowed? This is because it is relative, like silver, according to Beis Hillel. Silver is only a produce, according to Beis Hillel, when it is being exchanged for gold. However, Beis Hillel would agree that when the silver is being exchanged for actual fruits, the silver is considered currency. Similarly, Beis Shammai hold that gold is considered currency only when it is being exchanged for silver. They agree that when it is exchanged for actual fruits, it is considered currency.

The other says that the argument between Beis Shammai and Beis Hillel is also whether or not one can transfer the holiness of *ma'aser sheini* to golden *dinarim* (*for they argue if gold dinarim are regarded as currency or produce*).

The *Gemora* attempts to prove that Rabbi Yochanan is the one who holds that Beis Shammai maintains that one cannot transfer the holiness of *ma'aser sheini* from actual produce to golden *dinarim*. For Rabbi Yochanan said: One is not allowed to borrow a *dinar* with the intention of repaying it with a *dinar* (*for perhaps the value of a dinar will increase, and it will be regarded as interest*). Now, what is he referring to? He cannot be referring to silver *dinarim*, for there is no view that holds that a silver *dinar* – relative to itself, will not be regarded as currency. Rather, it is obvious that he is referring to gold *dinarim*. Now, he cannot be ruling in this manner according to Beis Hillel, for they maintain that gold *dinarim* are considered currency. Evidently, he is making his statement according to Beis Shammai. This proves that Rabbi Yochanan holds that Beis Shammai maintain that one cannot transfer the holiness of *ma'aser sheini* from actual produce to golden *dinarim*.

The *Gemora* rejects this proof: Perhaps Rabbi Yochanan is the one who holds that Beis Shammai maintain that one may transfer the holiness of *ma'aser sheini* from actual produce to golden *dinarim*. And the following is the reason Beis Shammai would prohibit one from borrowing a gold *dinar* with the intention of repaying it with a *dinar*:

Since with respect to the purchase of coins, the Rabbis considered gold *dinarim* as produce, and therefore we say that it is the value of gold which fluctuates (*with respect to silver*); accordingly, gold will be regarded as produce regarding loans as well.

The *Gemora* proves that this is correct from the fact that Rav Avin said in the name of Rabbi Yochanan that although it is forbidden to borrow a *dinar* with the intention of repaying it with a *dinar*, one is, nevertheless, allowed to transfer the holiness of *ma'aser sheini* to golden *dinarim*. This surely proves that Rabbi Yochanan is the one who holds that Beis Shammai maintain that one cannot transfer the holiness of *ma'aser sheini* to golden *dinarim*.

The *Gemora* asks on this from the following *Mishna*: One who exchanges his copper *ma'aser sheini* money into a silver *sela* (to make it easier to carry the funds to *Yerushalayim*) - Beis Shammai say: He may exchange the coins for a whole *sela* (he does not need to leave over any copper coins); but Beis Hillel say: He should exchange only for a *shekel* of silver and he should keep a *shekel's* worth of copper coins. [This is because as soon as he arrives in *Yerushalayim*, he will need copper coins to buy his food. If everyone came to the moneychangers with silver coins, it would drive up the price of the copper coins, so that people would receive fewer copper coins than usual for their *ma'aser Sheini* silver. This is why Beis Hillel rule that he should arrive in *Yerushalayim* with copper coins.] Now if Beis Shammai hold that one can transfer the holiness of *ma'aser sheini* to copper coins, should there be any question regarding the transferring of holiness of *ma'aser sheini* to golden coins!?

The *Gemora* answers: Copper coins are different, for in places in which they circulate, they are used more than gold.

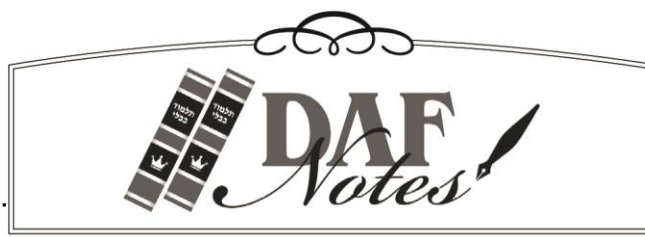
The *Gemora* cites another version of the dispute between Rabbi Yochanan and Rish Lakish regarding the argument between Beis Shammai and Beis Hillel: One of them says that the crux of the argument is regarding exchanging *sela'im* for *dinars*. Beis Shammai hold that it is derived from the Scriptural term, "the money" that the first money (used to redeem the *ma'aser sheini*) can be spent in *Yerushalayim*, but not the second money (the redemption money may not be exchanged for other coins). Beis Hillel hold that the extra term "money" includes even a second exchange of money. However, they both would agree that one could take the original *ma'aser sheini* produce and transfer its holiness onto golden *dinarim*.

The other says that the argument between Beis Shammai and Beis Hillel is also whether or not one can transfer the holiness of *ma'aser sheini* to golden *dinarim* (for they argue if gold *dinarim* are regarded as currency or produce).

The *Gemora* asks: According to this (latter) opinion, why did Beis Shammai and Beis Hillel bother to argue about transferring silver onto gold? Why didn't they just argue about transferring silver onto silver!?

The *Gemora* answers: If they would do this, I would have thought that they argue only in this case. However, when it comes to transferring silver onto gold, Beis Hillel would agree to Beis Shammai that when gold is exchanged for silver the gold is regarded as produce, and therefore the transfer is invalid. This is why they needed to argue in such a case (to show Beis Hillel's true position).

The *Gemora* asks on this from the following *Mishna*: If someone in *Yerushalayim* wishes to exchange his copper *ma'aser sheini* money into a silver *sela* - Beis Shammai say: He may exchange the coins for the whole *sela* (he does not need to leave over any copper coins); but Beis Hillel say: He should exchange only for a *shekel* of silver and he



should keep a *shekel's* worth of copper coins. [This is because he might not stay in Yerushalayim long enough to use all of his copper coins. If he leaves them there until he returns by the next festival they might become moldy. This will cause a loss to *ma'aser sheni*. This is why Beis Hillel rules that he should not exchange all of his coins in Yerushalayim.] Now if Beis Shammai hold that one can transfer the holiness of *ma'aser sheini* to copper coins, and we do not say the principle of "the first money but not the second," should there be any question regarding a "second money" with respect of golden coins, which are even more valuable than silver!?

Rava answers that inside of Yerushalayim it is different, and one would be permitted to exchange a second time. This is based upon a Scriptural verse.

The *Gemora* asks from the following *Mishna*: One who exchanges his copper *ma'aser sheni* money into a silver *sela* (to make it easier to carry the funds to Yerushalayim) - Beis Shammai say: He may exchange the coins for a whole *sela* (he does not need to leave over any copper coins); but Beis Hillel say: He should exchange only for a *shekel* of silver and he should keep a *shekel's* worth of copper coins. [Evidently, Beis Shammai allow one to exchange a second time, even outside of Yerushalayim!]

Rather, the *Gemora* says: Everyone holds that the extra term "money" includes even a second exchange of money. Rabbi Yochanan and Rish Lakish argue regarding exchanging *sela'im* for *dinars*. Beis Shammai hold that the Rabbis decreed that this should not be done, for we are concerned that one will postpone his pilgrimages to Yerushalayim, for he may not have the full number of silver coins which add up to a gold *dinar*, and so will not take them up to Yerushalayim. Beis Hillel is of the opinion that we do not fear that he may postpone his pilgrimages, for even if the silver coins are insufficient to change into a *dinar*, he will still take them up (since there are not so many of them). However, all would agree that produce

may be redeemed with gold *dinarim*, for since the produce will rot (if kept too long), he will certainly not postpone their redemption.

The other says that the argument between Beis Shammai and Beis Hillel is also whether or not one can transfer the holiness of *ma'aser sheini* to golden *dinarim* (for they argue about gold *dinarim* being regarded as currency or produce). (44b – 45b)

Coins for Chalifin

It was stated: Rav and Levi have the following dispute. One of them holds that a coin can be used to effect an acquisition of *chalifin* (the buyer gives the seller something as a token exchange to settle the transaction), and the other one says that a coin cannot be used to effect an acquisition of *chalifin*.

Rav Pappa explains: A coin cannot be used as *chalifin*, for the seller focuses on the figure which is stamped on the coin, and that figure may eventually become outdated (by the government; it is therefore not regarded as "whole," and it is different from a "shoe," which is the Torah's model of a utensil used for *chalifin*).

The *Gemora* asks from our *Mishna*: The (acquisition, i.e. pulling of) gold *dinarim* acquire the silver *dinarim* (for the seller of the gold *dinarim*). Is our *Mishna* not talking about an acquisition accomplished through *chalifin*? This would prove that a coin can be used to effect an acquisition of *chalifin*.

The *Gemora* answers: The *Mishna* is dealing with a case where the silver *dinarim* were given as money.

The *Gemora* asks: If so, the *Mishna* should say: The (acquisition, i.e. pulling of) gold *dinarim* **obligates** the silver *dinarim* (for in a sale, the silver does not enter the possession of the other one – he is obligated only to give



the silver; this would seemingly prove that the *Mishna* is discussing *chalifin*!?

The *Gemora* answers: The *Mishna* should be read as if it says that the gold obligates the silver.

The *Gemora* cites support for this explanation from the latter ruling of the *Mishna*.

And furthermore, we have learned in a *braisa*: Silver *dinarim* do not acquire gold *dinarim*. What is the case? If one sells twenty-five silver *dinarim* for a gold *dinar*, even if the owner of the gold takes possession of the silver, the owner of the silver does not acquire the gold coin until he takes possession of the gold. Now, if we are dealing with a sale through money, it is understandable why the other one does not gain possession of the gold (*when this one took the silver, for the buyer must pull the produce, which is the gold coin*). But if you maintain that we are discussing a *chalifin* case, let him acquire it (*the gold when the other one takes the silver*)!

The *Gemora* asks: But if we are dealing with a sale through money, let us consider the beginning of the *braisa*: Gold *dinarim* acquire silver *dinarim*. What is the case? If one sells a gold *dinar* for twenty-five silver *dinarim*, if the buyer of the gold takes possession of the gold, the silver is acquired for the seller wherever it is. Now, if we are discussing a *chalifin* case, it is understandable why he acquires the silver wherever it is, but if you maintain that we are dealing with a sale through money, it should have said that the gold buyer is now obligated to give the silver (*but it should not automatically become in the possession of the buyer*)!?

Rav Ashi answers: In truth, the *braisa* refers to a sale through money, and when the *braisa* said 'wherever it is,' it meant 'as it is,' viz., as he stipulated: If the buyer had stated, "I will give you from a new purse (*freshly minted silver coins*)," he cannot give him out of an old purse (*old*

coins), even if they are better. Why? It is because the seller can say, "I need them (*the new coins*) to store away (*for a long time; and therefore he wants the new ones even though the old ones are better*).

Rav Pappa said: Even if you hold that a coin cannot be used to effect an acquisition of *chalifin*, it could, however, be acquired through *chalifin*. This would be the same as produce according to Rav Nachman: He holds that produce cannot be used to effect an acquisition of *chalifin*, it could, however, be acquired through *chalifin*. (45b)

INSIGHTS TO THE DAF *Is a Coin a Utensil?*

It was stated: Rav and Levi have the following dispute. One of them holds that a coin can be used to effect an acquisition of *chalifin* (*the buyer gives the seller something as a token exchange to settle the transaction*), and the other one says that a coin cannot be used to effect an acquisition of *chalifin*.

Rav Pappa explains: A coin cannot be used as *chalifin* for the seller focuses on the figure which is stamped on the coin, and that figure may eventually become outdated (*by the government; it is therefore not regarded as "whole," and it is different from a "shoe," which is the torah's model of a utensil used for chalifin*).

Rashi writes that both opinions hold that one does not need to use a utensil in order to effect an acquisition of *chalifin* (*unlike Rav Nachman*), for a coin is not a utensil, and nevertheless, they argue if it may be used. And even according to the Amora who holds that it cannot be used, maintains that way for a different reason altogether.

The Rishonim ask: How can it be that Rav Nachman (*who holds that chalifin can only be accomplished with a utensil*) disagrees with his predecessors (*Rav and Levi*)?



DAILY MASHAL

Tosfos answers that a coin can be regarded as a utensil, for it may be used as a weight for a scale. Alternatively, it can be used for a necklace for one's daughter.

The Ritva writes that Rav Nachman does not require an actual utensil; as long as it is something that lasts – similar to a shoe. This would exclude produce. A coin, however, would be included.

The Rashba writes that Rav Nachman is excluding only things that are not similar at all to a shoe.

Tosfos cites an opinion who holds that a coin is a utensil, for it is used for purchasing items.

The Hagaos Mordechai answers that anything which is man-made is regarded as a utensil. This would exclude produce. A coin, however, would be included.

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

Q: If one instructs his slave to misappropriate a deposit, who will be liable?

A: The sender.

Q: If a *shomer* takes a *revi'is* from a barrel of wine, what would be the *halachah* if it breaks, or if it became sour?

A: If it broke, he will be exempt. If it became sour, he will be liable.

Q: Can a buyer retract after giving money by movables?

A: It is a *machlokes* between the *Chachamim* and R' Shimon.

The Gemora explained: A coin cannot be used as an instrument of chalifin, for a seller's mind is focused on the figure (which is stamped on the coin), and a figure readily becomes obsolete (as the government voids certain coins and removes them from circulation).

The Viznitzer Rebbe, when the Yeshiva began learning this perek, cited the above Gemora, and then said as follows: One's outside clothing is an extra layer of protection; however, one must constantly remain focused that his inside is pure. It is not sufficient to be concerned with just one's outside appearance, for a figure becomes obsolete. If there is no pure content inside, the outside appearance becomes obsolete.