

Mishna - Mas. Ma'aser Sheni Chapter 1

MISHNAH 1. SECOND TITHE MAY NOT BE SOLD,¹ NOR MAY IT BE PLEDGED, NOR MAY IT BE EXCHANGED,² NOR MAY IT BE USED AS A WEIGHT.³ ONE MAY NOT SAY TO HIS FELLOW [EVEN] IN JERUSALEM: HERE IS WINE,⁴ GIVE ME [FOR IT] OIL;⁴ THIS APPLIES ALSO TO ALL OTHER PRODUCE. BUT PEOPLE MAY GIVE IT TO ONE ANOTHER AS A FREE GIFT.

MISHNAH 2. TITHE OF CATTLE⁵ WHEN UNBLEMISHED MAY NOT BE SOLD⁶ ALIVE,⁷ AND WHEN BLEMISHED NEITHER ALIVE NOR SLAUGHTERED; NOR MAY A WIFE BE BETROTHED THEREWITH.⁸ A FIRSTLING⁹ WHEN UNBLEMISHED MAY BE SOLD ALIVE, AND WHEN BLEMISHED BOTH ALIVE AND SLAUGHTERED; AND A WIFE MAY BE BETROTHED THEREWITH.¹⁰ SECOND¹¹ TITHE MAY NOT BE EXCHANGED¹² FOR UNSTAMPED COIN,¹³ NOR FOR COIN WHICH IS NOT CURRENT,¹⁴ NOR FOR MONEY WHICH IS NOT IN ONE'S POSSESSION.¹⁵

MISHNAH 3. IF CATTLE WAS BOUGHT¹⁶ FOR A PEACE-OFFERING OR A WILD ANIMAL¹⁷ FOR SECULAR MEAT,¹⁸ THE HIDE BECOMES COMMON,¹⁹ EVEN THOUGH THE VALUE OF THE HIDE EXCEEDS THE VALUE OF THE FLESH. IF SEALED JARS OF WINE [WERE BOUGHT] IN A LOCALITY WHERE THEY WERE USUALLY SOLD SEALED,²⁰ THE JARS BECOME COMMON.¹⁹ IF WALNUTS AND ALMONDS [WERE BOUGHT], THEIR SHELLS BECOME COMMON. GRAPE-SKIN WINE²¹ MAY NOT BE BOUGHT WITH SECOND TITHE MONEY BEFORE IT HAS FERMENTED,²² BUT AFTER IT HAS FERMENTED IT MAY BE BOUGHT WITH SECOND TITHE MONEY.

MISHNAH 4. IF A WILD ANIMAL²³ WAS BOUGHT FOR A PEACE-OFFERING OR CATTLE FOR SECULAR MEAT, THE HIDE DOES NOT BECOME COMMON.²⁴ IF OPEN OR SEALED JARS OF WINE [WERE BOUGHT] IN A LOCALITY WHERE THEY ARE USUALLY SOLD OPEN, THE JARS DO NOT BECOME COMMON.²⁵ IF BASKETS OF OLIVES OR BASKETS OF GRAPES WERE BOUGHT TOGETHER WITH THE VESSEL, THE VALUE OF THE VESSEL DOES NOT BECOME COMMON.²⁶ MISHNAH 5. IF WATER OR SALT²⁷ WERE BOUGHT, OR PRODUCE STILL JOINED TO THE SOIL, OR PRODUCE WHICH CANNOT REACH JERUSALEM, THE PURCHASE DOES NOT BECOME SECOND TITHE. IF PRODUCE WAS BOUGHT UNWITTINGLY,²⁸ THE MONEY MUST BE RESTORED TO ITS FORMER PLACE;²⁹ BUT IF WITH FULL KNOWLEDGE, THE PRODUCE MUST BE TAKEN UP AND BE CONSUMED IN THE [HOLY] PLACE;³⁰ AND WHEN THERE IS NO SANCTUARY,³¹ IT MUST BE LEFT TO ROT.

MISHNAH 6. IF CATTLE WAS BOUGHT UNWITTINGLY,²⁸ THE MONEY MUST BE RESTORED TO ITS FORMER PLACE;²⁹ BUT IF [IT WAS BOUGHT] WITH FULL KNOWLEDGE, THE CATTLE MUST BE TAKEN UP AND BE CONSUMED IN THE [HOLY] PLACE; AND WHEN THERE IS NO SANCTUARY, IT MUST BE BURIED TOGETHER WITH ITS HIDE.³²

MISHNAH 7. MAN-SERVANTS OR MAID-SERVANTS, LAND OR UNCLEAN CATTLE²⁷ MAY NOT BE BOUGHT WITH SECOND TITHE MONEY; AND IF ANY OF THESE WERE BOUGHT, THEIR VALUE MUST BE CONSUMED [AS SECOND TITHE IN JERUSALEM].³³ BIRD-OFFERINGS OF MEN OR WOMEN WHO HAD A FLUX,³⁴ OR BIRD-OFFERINGS OF WOMEN AFTER CHILD-BIRTH,³⁵ OR SIN-OFFERINGS, OR GUILT-OFFERINGS, MAY NOT BE OFFERED OUT OF SECOND TITHE MONEY; BUT IF ANY OF THESE WERE OFFERED, THEIR VALUE MUST BE CONSUMED [AS SECOND TITHE IN JERUSALEM]. THIS IS THE GENERAL RULE: WHATEVER [IS BOUGHT] OUT OF SECOND TITHE MONEY WHICH

CANNOT BE USED FOR EATING OR DRINKING OR ANOINTING, ITS VALUE MUST BE CONSUMED [AS SECOND TITHE IN JERUSALEM].

- (1) In Jerusalem or elsewhere, even on condition that it would be taken up to Jerusalem to be consumed there as Second Tithe. But it may be sold in order that its purchase money should be taken up to Jerusalem and be spent there as Second Tithe money, just as Second Tithe can be redeemed by the owner for money; cf. *infra* IV, 6, n. 1.
- (2) Bartered for other produce.
- (3) To weigh by it other produce in the scales of a balance. Second Tithe is 'holy unto the Lord', (Lev. XXVII, 30), and must not be treated like secular produce.
- (4) Of Second Tithe.
- (5) Cf. *Ibid.* XXVII, 32 — 33.
- (6) This is deduced from the expression 'it shall not be redeemed'. (*Ibid.*, 33), which includes any business transaction.
- (7) Nor when slaughtered. The only difference between unblemished and blemished is that the unblemished has to be offered as a sacrifice and its flesh consumed by the owner in Jerusalem (cf. *Zeb.* V, 8), whereas the blemished may be slaughtered and eaten by the owner anywhere. The wording of the text is merely intended to bring out the difference between cattle tithes and firstlings, spoken of lower down in our Mishnah.
- (8) Cf. *Kid.* II, 8. This is also considered a business transaction.
- (9) Cf. *Deut.* XV, 19 — 23 etc.
- (10) Only when it cannot be offered as a sacrifice, viz., after the destruction of the Temple. It is then the property of the Priest.
- (11) Cf. 'Ed. III, 2.
- (12) Lit., render it 'non-holy' or common.
- (13) This cannot be called 'money'; *Deut.* XIV, 25.
- (14) Which has become obsolete, or is of foreign origin.
- (15) E.g., where one has lost his money in the sea, though a diver could recover it for him. (*Bert.*). With such coin nothing can be bought. (*Deut. ibid.*, 26).
- (16) With Second Tithe money in Jerusalem.
- (17) An animal of chase.
- (18) Lit., 'flesh of lusting'; cf. *Deut.* XII, 15.
- (19) Lit., 'non-holy'. No sanctity of Second Tithe attaches to it.
- (20) I.e., these jars are not sold as a rule without wine, so that the relation of the jar to the wine is that of the hide to the flesh of the animal.
- (21) תַּמְזַר an inferior wine made by steeping in water husks and stones of pressed grapes.
- (22) It is not yet wine, but mere water; cf. *infra* 5. *Mik.* VII, 2, nn. 8 — 9.
- (23) A wild animal may not be offered as a sacrifice.
- (24) In order to encourage people to use Second Tithe money for buying peace-offerings.
- (25) And their value must be consumed as Second Tithe in Jerusalem.
- (26) Since it is unusual to sell olives and grapes without the vessel.
- (27) These do not belong to the list in *Deut.* XIV, 26.
- (28) Not knowing that the money was Second Tithe money.
- (29) The bargain is void.
- (30) In Jerusalem. Things bought with Second Tithe money cannot be redeemed.
- (31) After the destruction of the Temple.
- (32) The hide also belongs to Second Tithe; cf. III, 2.
- (33) I.e., the owner must set aside an amount of money corresponding to the amount of money he had expended for them and consume it as Second Tithe. The reference is where he did it with full knowledge, otherwise the law here applies as *supra* 5 and 6.
- (34) Cf. *Lev* XV, 14, 29.
- (35) *Lev.* XII, 8.

Mishna - Mas. Ma'aser Sheni Chapter 2

MISHNAH 1. SECOND TITHE MUST BE SET APART FOR EATING, FOR DRINKING¹ AND FOR ANOINTING;² FOR EATING WHAT IS USUALLY EATEN,³ FOR DRINKING WHAT IS USUALLY DRUNK, AND FOR ANOINTING WHAT IS CUSTOMARILY USED FOR ANOINTING. [THUS] ONE MAY NOT ANOINT ONESELF WITH WINE OR WITH VINEGAR, BUT ONE MAY ANOINT ONESELF WITH OIL. OIL OF SECOND TITHE MAY NOT BE SPICED,⁴ NOR MAY SPICED OIL BE BOUGHT WITH SECOND TITHE MONEY;⁵ BUT WINE MAY BE SPICED. IF HONEY OR SPICES FELL INTO WINE⁶ AND IMPROVED ITS VALUE, THE IMPROVED VALUE [IS DIVIDED] ACCORDING TO THE PROPORTION.⁷ IF FISH WAS COOKED WITH LEEK OF SECOND TITHE AND IT IMPROVED IN VALUE, THE IMPROVED VALUE [IS DIVIDED] ACCORDING TO THE PROPORTION. IF DOUGH OF SECOND TITHE WAS BAKED AND IT IMPROVED IN VALUE, THE WHOLE IMPROVED VALUE BELONGS TO THE SECOND [TITHE].⁸ THIS IS THE GENERAL RULE: WHENEVER THE IMPROVEMENT IS RECOGNIZABLE⁹ [EXTERNALLY] THE IMPROVED VALUE [IS DIVIDED] ACCORDING TO THE PROPORTION, BUT WHENEVER THE IMPROVED VALUE IS NOT RECOGNIZABLE THE IMPROVED VALUE BELONGS TO THE SECOND [TITHE].

MISHNAH 2. R. SIMEON SAYS: ONE MAY NOT ANOINT ONESELF WITH OIL¹⁰ OF SECOND TITHE IN JERUSALEM. BUT THE SAGES ALLOW IT. THEY SAID TO R. SIMEON: IF A LENIENT RULING HAS BEEN ADOPTED IN THE CASE OF HEAVE-OFFERING¹¹ WHICH IS A GRAVE MATTER,¹² SHOULD WE NOT ALSO ADOPT A LENIENT RULING IN THE CASE OF SECOND TITHE WHICH IS A LIGHT MATTER? HE SAID TO THEM: WHY, NO; A LENIENT RULING HAS BEEN ADOPTED IN THE CASE OF HEAVE-OFFERING THOUGH IT IS A GRAVE MATTER, BECAUSE IN HEAVE-OFFERING WE HAVE ADOPTED A LENIENT RULING ALSO AS REGARDS VETCHES¹³ AND FENUGREEK;¹⁴ BUT HOW CAN WE ADOPT A LENIENT RULING IN THE CASE OF SECOND TITHE THOUGH IT IS A LIGHT MATTER, WHEN WE HAVE NOT ADOPTED A LENIENT RULING IN SECOND TITHE AS REGARDS VETCHES AND FENUGREEK?¹⁵

MISHNAH 3. FENUGREEK OF SECOND TITHE MAY BE EATEN [ONLY] WHEN IT IS STILL TENDER;¹⁶ BUT AS FOR FENUGREEK OF HEAVE-OFFERING, BETH SHAMMAI SAY: WHATEVER IS DONE WITH IT MUST BE DONE IN A STATE OF PURITY,¹⁷ EXCEPT WHEN IT IS USED FOR CLEANSING THE HEAD. BUT BETH HILLEL SAY: WHATEVER IS DONE WITH IT MAY BE DONE IN A STATE OF IMPURITY,¹⁸ EXCEPT SOAKING IT IN WATER.¹⁹

MISHNAH 4. VETCHES²⁰ OF SECOND TITHE MAY BE EATEN ONLY WHEN STILL TENDER, AND MAY BE BROUGHT INTO JERUSALEM AND TAKEN OUT AGAIN.²¹ IF THEY BECAME UNCLEAN, R. TARFON SAYS: THEY MUST BE DIVIDED²² AMONG PIECES OF DOUGH. BUT THE SAGES SAY: THEY MAY BE REDEEMED.²³ [VETCHES] OF HEAVE OFFERING, BETH SHAMMAI SAY: THEY MUST BE SOAKED AND RUBBED IN A STATE OF PURITY,²⁴ BUT MAY BE GIVEN AS FOOD²⁵ IN A STATE OF IMPURITY.²⁶ BETH HILLEL SAY: THEY MUST BE SOAKED [ONLY] IN A STATE OF PURITY,²⁷ BUT MAY BE RUBBED AND GIVEN AS FOOD IN A STATE OF IMPURITY. BETH SHAMMAI SAY: THEY MUST BE EATEN DRY²⁸ [ONLY]. R. AKIBA SAYS: WHATEVER IS DONE WITH THEM²⁹ MAY BE DONE IN A STATE OF IMPURITY.

MISHNAH 5. IF COMMON MONEY AND SECOND TITHE MONEY WERE SCATTERED TOGETHER,³⁰ WHATEVER IS PICKED UP [SINGLY] BELONGS TO SECOND TITHE UNTIL ITS SUM IS COMPLETED, AND THE REMAINDER BELONGS TO THE COMMON MONEY.³¹ IF THEY WERE SO MIXED UP AS TO BE TAKEN UP BY THE HANDFUL, [THEY ARE DIVIDED] ACCORDING TO THE PROPORTION.³² THIS IS THE GENERAL RULE: WHAT IS PICKED UP [SINGLY] MUST BE FIRST GIVEN TO SECOND TITHE, BUT WHAT

IS PICKED UP IN A MIXED [QUANTITY MUST BE DIVIDED] ACCORDING TO THE PROPORTION.

MISHNAH 6. IF A SELA³³ OF SECOND TITHE WAS MIXED UP WITH A SELA' OF COMMON MONEY,³⁴ ONE MAY BRING COPPER COINS FOR A SELA' AND SAY: LET THE SELA' OF SECOND TITHE WHEREVER IT MAY BE, BE EXCHANGED FOR THESE COPPER COINS;³⁵ AND THEN HE MUST SELECT THE BETTER OF THE TWO SELA'S, AND CHANGE [AGAIN] THE COPPER COINS FOR IT.³⁶ FOR THEY HAVE DECLARED: ONE MAY CHANGE SILVER FOR COPPER [ONLY] IN CASE OF NECESSITY, AND NOT TO LEAVE IT SO BUT TO CHANGE IT AGAIN FOR SILVER.

MISHNAH 7. BETH SHAMMAI SAY: ONE MAY NOT TURN HIS SELA'S³⁷ INTO GOLD DENARS.³⁸ BUT BETH HILLEL ALLOW IT. R. AKIBA SAID: ONCE I TURNED SILVER COINS FOR GOLD DENARS FOR RABBAN GAMALIEL AND R. JOSHUA.

MISHNAH 8. IF³⁹ ONE CHANGES FOR A SELA' COPPER COINS OF SECOND TITHE,⁴⁰ BETH SHAMMAI SAY: HE MAY CHANGE COPPER COINS FOR A WHOLE SELA. BUT BETH HILLEL SAY: SILVER FOR ONE SHEKEL AND COPPER COINS FOR THE OTHER SHEKEL.⁴¹ R. MEIR SAYS: SILVER AND PRODUCE MAY NOT BE EXCHANGED TOGETHER FOR SILVER.⁴² BUT THE SAGES ALLOW IT.

MISHNAH 9. IF⁴³ ONE CHANGES A SELA OF SECOND TITHE IN JERUSALEM,⁴⁴ BETH SHAMMAI SAY: HE MAY CHANGE THE WHOLE SELA' FOR COPPER COINS. BETH HILLEL SAY: SILVER FOR ONE SHEKEL AND COPPER COINS FOR THE OTHER SHEKEL. THE DISPUTANTS⁴⁵ BEFORE THE SAGES SAY: SILVER FOR THREE DENARS AND COPPER COINS FOR ONE DENAR. R. AKIBA SAYS: SILVER FOR THREE DENARS AND COPPER COINS FOR A FOURTH [OF THE FOURTH DENAR].⁴⁶ R. TARFON SAYS: FOUR ASPERS⁴⁷ IN SILVER. BETH SHAMMAI SAY: HE MUST LEAVE IT⁴⁸ IN A SHOP AND EAT ON THE CREDIT THEREOF.

MISHNAH 10. IF ONE HAD SOME OF HIS SONS CLEAN AND SOME UNCLEAN,⁴⁹ HE MAY LAY DOWN A SELA'⁵⁰ AND SAY: MAY THIS SELA BE AN EXCHANGE FOR WHAT THE CLEAN SHALL DRINK. THUS THE CLEAN AND THE UNCLEAN MAY DRINK FROM ONE JAR.⁵¹

(1) Drinking is implied in the expression 'and for wine, or for strong drink'. (Deut. XIV, 26).

(2) Ointment is considered a drink for the bones of the human body; cf. Ps. CIX, 18.

(3) But not spoilt or raw food.

(4) The spices absorb oil which is thus wasted.

(5) Because spiced oil is an unusual luxury.

(6) Second Tithe wine.

(7) If for example the wine alone was worth two sela's and the honey or spices which fell into it was worth one sela', and the mixture was now worth six sela's, the wine must be assessed for redemption at four sela's, and two sela's must be assigned to the spices.

(8) It must be redeemed at the price of bread without deduction for the cost of baking etc.

(9) By an increase in the weight or measure.

(10) He holds that oil must be used for food only.

(11) Oil of heave-offering may be used as an ointment; cf. Sheb. VIII, 3.

(12) Heave offering is of greater sanctity than Second Tithe.

(13) It may be given to animals; cf. Ter. XI, 9,

(14) It may be eaten when green or dry.

(15) Both these if of Second Tithe may only be eaten when green; cf. 3 and 4.

- (16) When it overgrows it becomes tasteless and unfit for ordinary food. But fenugreek of heave-offering may be eaten also when dry since it may be used for other purposes than eating and in an unclean state.
- (17) With clean hands, as mere indication that it is heave-offering, not to be eaten by non-priests
- (18) With hands unclean.
- (19) Cf. n. 8. Because the water renders it susceptible to contract uncleanness from the touch of the unclean hands. Cf. Lev. XI, 37 — 38. Maksh., Introd.
- (20) Like fenugreek, n. 7. They are eaten by human beings only in case of great poverty.
- (21) Which is not permitted in the case of other produce; cf. III, 5.
- (22) In quantities less than the size of an egg, so that they may be neutralized by the dough.
- (23) Like other Second Tithe produce which has become unclean.
- (24) As in n. 8, p 289.
- (25) To animals.
- (26) As in n. 9, P. 289.
- (27) As in n. 10, p 289.
- (28) When it is not susceptible to uncleanness, cf. n. 10, p. 289.
- (29) Even soaking in water.
- (30) And were mixed up.
- (31) Stipulating to the effect that whatever coin in the remainder may belong to the Second Tithe would be exchanged for a corresponding coin the lot first picked up.
- (32) If the Second Tithe money was ten and the common money twenty, a third of the money recovered belongs to the Second Tithe and two thirds to the common money.
- (33) סֵלָע . It equals two silver shekels or four silver denars.
- (34) And the owner wants to spend the common sela' outside Jerusalem.
- (35) So that now both sela's are common.
- (36) Thus turning the better sela' back into Second Tithe.
- (37) Of Second Tithe money.
- (38) The difficulty of changing again the gold into silver may cause the owner to delay his pilgrimage to Jerusalem.
- (39) Cf. 'Ed. I, 9. (Sonc. Ed.).
- (40) He changes copper coin into silver sela's, in order to lighten for the journey to Jerusalem the weight of the money.
- (41) If pilgrims will bring to Jerusalem only silver coin, copper coin will go up in price and thus cause a loss to Second Tithe.
- (42) Half a silver denar and its value in produce may not together be changed for a silver denar.
- (43) Cf. 'Ed. I, 10. (Sonc. Ed.).
- (44) Silver for copper in order to buy provisions.
- (45) Young Sages who were not yet members of the Sanhedrin. For their identity cf. Sanh. 17b.
- (46) I.e., for one sixteenth of a sela'. So the commentaries, The text is uncertain.
- (47) According to Bert. it equals one fifth of a denar, or one twentieth of a sela'.
- (48) The whole sela' without changing it at all, lest when there is any surplus he may unwittingly use it as common money.
- (49) Unclean persons may not consume Second Tithe produce, but the father wants all the sons to drink wine out of one jug, and the drink of the clean ones should be on the account of Second Tithe.
- (50) Second Tithe money.
- (51) The wine drunk by the clean sons becomes Second Tithe, while the wine drunk by the unclean sons (without, of course, coming into contact with the jar itself) remains common.

Mishna - Mas. Ma'aser Sheni Chapter 3

MISHNAH 1. A MAN MAY NOT SAY TO HIS FELLOW: CARRY UP THIS [SECOND TITHE] PRODUCE TO JERUSALEM THAT YOU MAY HAVE A SHARE THEREIN¹ BUT HE MAY SAY TO HIM: 'CARRY IT UP THAT WE MAY BOTH EAT AND DRINK OF IT IN JERUSALEM'. 'BUT² PEOPLE MAY GIVE IT TO ONE ANOTHER AS A FREE GIFT.

MISHNAH 2. HEAVE-OFFERING MAY NOT BE BOUGHT WITH SECOND TITHE MONEY, BECAUSE THEREBY THE NUMBER OF THOSE WHO CAN EAT IT BECOMES REDUCED.³ BUT R. SIMEON ALLOWS IT. R. SIMEON SAID TO THEM: WHY, IF A LENIENT RULING HAS BEEN ADOPTED IN THE CASE OF PEACE-OFFERINGS,⁴ THOUGH THEY MAY BECOME UNFIT OR A REMNANT OR UNCLEAR,⁵ SHOULD WE NOT ALSO ADOPT A LENIENT RULING IN THE CASE OF HEAVE-OFFERING?⁶ BUT THEY SAID TO HIM: WHY, IF A LENIENT RULING HAS BEEN ADOPTED IN THE CASE OF PEACE-OFFERINGS, IT IS BECAUSE THEY ARE PERMITTED TO NON-PRIESTS,⁷ BUT HOW CAN WE ADOPT A LENIENT RULING IN THE CASE OF HEAVE-OFFERING, SEEING THAT IT IS FORBIDDEN TO NON-PRIESTS?

MISHNAH 3. IF A MAN HAD [SECOND TITHE] MONEY IN JERUSALEM AND HE NEEDED [TO SPEND] IT,⁸ AND HIS FELLOW HAD [COMMON] PRODUCE, HE MAY SAY TO HIS FELLOW: 'LET THIS MONEY BE EXCHANGED FOR YOUR PRODUCE'. THUS, THE ONE EATS HIS PRODUCE IN A CONDITION OF PURITY⁹ AND THE OTHER MAY DO WHAT HE NEEDS WITH HIS MONEY. BUT HE MAY NOT SAY THUS TO AN AM HA-AREZ¹⁰ EXCEPT WHEN [THE MONEY WAS] FROM [SECOND TITHE OF] DEMAI.¹¹

MISHNAH 4. IF [ONE HAD COMMON] PRODUCE IN JERUSALEM AND [SECOND TITHE MONEY] IN THE PROVINCES,¹² HE MAY SAY: 'LO, LET THAT MONEY BE EXCHANGED FOR THIS PRODUCE'.¹³ IF [HE HAD SECOND TITHE] MONEY IN JERUSALEM AND [COMMON] PRODUCE IN THE PROVINCES, HE MAY SAY: LO, LET THIS MONEY BE EXCHANGED FOR THAT PRODUCE, BUT ONLY ON CONDITION THAT THE PRODUCE SHALL BE CARRIED UP AND BE EATEN IN JERUSALEM.

MISHNAH 5. [SECOND TITHE] MONEY MAY BE BROUGHT INTO JERUSALEM AND BE TAKEN OUT AGAIN, BUT [SECOND TITHE] PRODUCE MAY ONLY BE BROUGHT IN, BUT MAY NOT BE TAKEN OUT AGAIN.¹⁴ RABBAN SIMEON B. GAMALIEL SAYS: PRODUCE¹⁵ ALSO MAY BE BROUGHT IN AND BE TAKEN OUT AGAIN.

MISHNAH 6. IF PRODUCE HAD ALL ITS WORK FINISHED¹⁶ AND IT PASSED THROUGH JERUSALEM.¹⁷ THE SECOND TITHE THEREOF MUST BE BROUGHT BACK AND EATEN IN JERUSALEM.¹⁸ IF ALL ITS WORK HAD NOT BEEN FINISHED, [SUCH AS] BASKETS OF GRAPES [THAT WERE GOING] TO THE WINE-PRESS OR BASKETS OF FIGS [THAT WERE GOING] TO THE DRYING-PLACE, BETH SHAMMAI SAY: THE SECOND TITHE THEREOF MUST BE BROUGHT BACK AND BE EATEN IN JERUSALEM.¹⁹ BUT BETH HILLEL SAY: IT MAY BE REDEEMED AND EATEN ANYWHERE. R. SIMEON B. JUDAH SAYS IN THE NAME OF R. JOSE: THERE WAS NO CONTROVERSY BETWEEN BETH SHAMMAI AND BETH HILLEL CONCERNING PRODUCE WHICH DID NOT HAVE ALL ITS WORK FINISHED THAT THE SECOND TITHE THEREOF MAY BE REDEEMED AND BE EATEN ANYWHERE. BUT ABOUT WHAT WAS THEIR CONTROVERSY? ABOUT PRODUCE WHICH HAD ALL ITS WORK FINISHED, OF WHICH BETH SHAMMAI SAID THAT THE SECOND TITHE THEREOF MUST BE BROUGHT BACK AND BE EATEN IN JERUSALEM, AND BETH HILLEL SAID THAT IT MIGHT BE REDEEMED AND BE EATEN ANYWHERE.²⁰ IN THE CASE OF DEMAI²¹, [THE SECOND TITHE THEREOF] MAY BE BROUGHT IN AND TAKEN OUT AGAIN AND BE REDEEMED.²²

MISHNAH 7. IF A TREE STOOD WITHIN²³ AND WAS BENDING OUTWARDS, OR IF IT STOOD OUTSIDE AND WAS BENDING INWARDS, WHAT FACES THE WALL INWARDS AS DEEMED AS BEING WITHIN,²⁴ AND WHAT FACES THE WALL OUTWARDS IS DEEMED AS BEING OUTSIDE. OLIVE-PRESSES WHICH HAVE THEIR ENTRANCE WITHIN AND THEIR INNER SPACE OUTSIDE, OR WHICH HAVE THEIR ENTRANCE

OUTSIDE AND THEIR INNER SPACE WITHIN, BETH SHAMMAI SAY: THE WHOLE IS DEEMED AS BEING WITHIN.²⁵ BUT BETH HILLEL SAY: WHAT FACES THE WALL INWARDS IS DEEMED AS BEING WITHIN, AND WHAT FACES THE WALL OUTWARDS IS DEEMED AS BEING OUTSIDE.

MISHNAH 8. IN CHAMBERS WHICH WERE BUILT ON HOLY GROUND²⁶ BUT WERE OPEN TOWARDS COMMON GROUND,²⁷ THE INTERIOR WAS DEEMED COMMON²⁸ AND THEIR ROOFS WERE DEEMED HOLY.²⁹ IN THOSE WHICH WERE BUILT ON COMMON GROUND BUT WERE OPEN TOWARDS HOLY GROUND, THE INTERIOR WAS DEEMED HOLY AND THEIR ROOFS WERE DEEMED COMMON. IN THOSE WHICH WERE BUILT BOTH ON HOLY AND ON COMMON GROUND AND WERE OPEN BOTH TOWARDS HOLY AND COMMON GROUND, [THE INTERIOR AND THE ROOFS] FACING HOLY GROUND INWARDS³⁰ WERE DEEMED HOLY, BUT THOSE FACING COMMON GROUND OUTWARDS³¹ WERE DEEMED COMMON.

MISHNAH 9. IF SECOND TITHE WAS BROUGHT INTO JERUSALEM AND IT BECAME UNCLEAR, WHETHER IT BECAME UNCLEAR BY A PRINCIPAL DEFILEMENT³² OR BY A SECONDARY DEFILEMENT,³³ WHETHER IT BECAME UNCLEAR WITHIN [JERUSALEM] OR OUTSIDE, BETH SHAMMAI SAY: IT MUST ALL BE REDEEMED AND BE EATEN WITHIN EXCEPT WHAT BECAME UNCLEAR BY A PRINCIPAL DEFILEMENT OUTSIDE.³⁴ BUT BETH HILLEL SAY: IT MUST ALL BE REDEEMED AND BE EATEN OUTSIDE EXCEPT WHAT BECAME UNCLEAR BY A SECONDARY DEFILEMENT WITHIN.

MISHNAH 10. IF WHAT WAS BOUGHT WITH SECOND TITHE MONEY BECAME UNCLEAR, IT SHOULD BE REDEEMED. R. JUDAH SAYS: IT MUST BE BURIED.³⁵ THEY SAID TO R. JUDAH: WHY, IF SECOND TITHE ITSELF WHEN IT BECAME UNCLEAR MAY BE REDEEMED, SHOULD NOT ALSO WHAT IS BOUGHT WITH SECOND TITHE MONEY BE REDEEMED WHEN IT BECAME UNCLEAR? HE SAID TO THEM: NO; IF YOU SAY THUS OF SECOND TITHE ITSELF, IT IS BECAUSE IT MAY BE REDEEMED ALSO WHEN CLEAR AT A DISTANCE FROM THE [HOLY] PLACE;³⁶ BUT HOW CAN YOU SAY THUS OF WHAT IS BOUGHT WITH SECOND TITHE MONEY, SEEING THAT IT CANNOT BE REDEEMED WHEN CLEAR AT A DISTANCE FROM THE [HOLY] PLACE.

MISHNAH 11. IF A GAZELLE WHICH HAD BEEN BOUGHT WITH SECOND TITHE MONEY DIED, IT MUST BE BURIED TOGETHER WITH ITS HIDE. R. SIMEON SAYS: IT MAY BE REDEEMED.³⁷ IF IT WAS BOUGHT ALIVE AND SLAUGHTERED AND IT THEN BECAME UNCLEAR, IT MAY BE REDEEMED. R. JOSE SAYS: IT MUST BE BURIED. IF IT WAS BOUGHT SLAUGHTERED AND IT BECAME UNCLEAR, THIS IS LIKE PRODUCE.³⁸

MISHNAH 12. IF JARS WERE LENT³⁹ FOR SECOND TITHE [WINE], EVEN IF THEY WERE CORKED,⁴⁰ THEY DO NOT ACQUIRE [THE SANCTITY OF] SECOND TITHE.⁴¹ IF UNDEFINED WINE⁴² WAS Poured INTO THEM THEY DO NOT ACQUIRE [THE SANCTITY OF] SECOND TITHE BEFORE THEY ARE CORKED,⁴³ BUT AFTER THEY ARE CORKED⁴⁴ THEY ACQUIRE [THE SANCTITY OF] SECOND TITHE. BEFORE THEY ARE CORKED THEY ARE NEUTRALIZED IN A HUNDRED AND ONE,⁴⁵ BUT AFTER THEY ARE CORKED THEY SANCTIFY ANY QUANTITY.⁴⁶ BEFORE THEY ARE CORKED HEAVE-OFFERING MAY BE TAKEN FROM ONE JAR FOR ALL THE OTHERS, BUT AFTER THEY ARE CORKED HEAVE-OFFERING MUST BE TAKEN FROM EACH JAR SEPARATELY.

MISHNAH 13. BETH SHAMMAI SAY: THE JARS MUST BE OPENED AND EMPTIED INTO THE WINE-PRESS.⁴⁷ BETH HILLEL SAY: THEY MUST BE OPENED BUT NEED NOT

BE EMPTIED. WHERE IS THIS THE CASE?⁴⁸ IN A PLACE WHERE THEY ARE USUALLY SOLD CLOSED;⁴⁹ BUT IN A PLACE WHERE THEY ARE USUALLY SOLD OPEN, THE JAR DOES NOT REMAIN COMMON.⁵⁰ IF, HOWEVER, THE DEALER WISHED TO IMPOSE A STRINGENCY UPON HIMSELF AND TO SELL [ONLY] BY MEASURE, THE JAR REMAINS COMMON.⁵¹ R. SIMEON SAYS: ALSO WHEN ONE SAYS TO HIS FELLOW: 'THIS JAR [OF WINE] I SELL THEE⁵² WITHOUT THE EMPTY JAR', THE JAR⁵³ REMAINS COMMON.

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- (1) It is the duty of the owner to carry up his Second Tithe to Jerusalem. If he employs another person to do it for him, he must not pay him out of the Second Tithe. But he may make him a gift of Second Tithe.
 - (2) A quotation from I, 1.
 - (3) Heave-offering may only be eaten by priests, and by them also only when they are in a state of purity.
 - (4) Allowing it to be bought with Second Tithe money.
 - (5) Which restricts the consumption of peace-offerings. Cf. Lev. VII, 17,19; Zeb. I, 2 ff.
 - (6) And allow it to be bought with Second Tithe money.
 - (7) Thus everybody can eat of it.
 - (8) On things which cannot be bought with Second Tithe money; cf. II, 1.
 - (9) The produce has now become Second Tithe which may be eaten only by those who are clean.
 - (10) Who does not observe the laws of purity; cf. Demai, Introd.
 - (11) And thus it is doubtful whether it is really Second Tithe.
 - (12) And he needed the money for things which may not be bought with Second Tithe money.
 - (13) The produce becomes Second Tithe and the money becomes common. For the purpose of such an exchange the produce and the money need not be both in one and the same place.
 - (14) Once produce enters Jerusalem, it must be consumed there as Second Tithe and cannot be redeemed for money.
 - (15) Such as wheat may be taken out of Jerusalem to be ground and baked and then be brought back to Jerusalem for consumption.
 - (16) In connection with its harvesting, when it becomes liable for tithing; cf. Ma'as. I, 1 ff.
 - (17) Before, it had been tithed.
 - (18) It may not be redeemed for money. For since the produce was already liable to tithing when it reached Jerusalem, a tenth part of it is considered as virtual Second Tithe which had entered Jerusalem; cf. n. 7, p. 294.
 - (19) Like regular Second Tithe which had once been brought into Jerusalem.
 - (20) Since the Second Tithe had not actually been separated from the produce.
 - (21) Even if all its work had been finished.
 - (22) Even according to Beth Shammai.
 - (23) Within the wall of Jerusalem.
 - (24) And the Second Tithe of its fruit may not be redeemed, like Second Tithe which has once entered into Jerusalem, n. 7, p. 294.
 - (25) It all belongs to the precincts of the Holy City in respect of the consumption of sacrificial flesh (cf. Zeb. V, 6 — 8), of Second Tithe, etc.
 - (26) On the Temple court.
 - (27) Outside the Temple precincts.
 - (28) As outside the Temple.
 - (29) As within the Temple.
 - (30) Lit., 'towards the holy'.
 - (31) Lit., 'towards the common'.
 - (32) By the touch of a carcase or a dead creeping thing; cf. Kelim I, 1 ff.
 - (33) A defilement produced by the touch of a principal defilement; cf. 'Ed.. (Sonc. Ed.), p. 9, n. 14.
 - (34) The rule that Second Tithe which had entered Jerusalem may not be redeemed does not apply to such unclean Second Tithe.
 - (35) It may not be redeemed again.
 - (36) From Jerusalem.
 - (37) And given to dogs for food.
 - (38) Viz., like the case of produce bought with Second Tithe money, which had become unclean, discussed in the last

Mishnah.

(39) Outside Jerusalem.

(40) After being filled with Second Tithe wine.

(41) And the owner need redeem the wine only.

(42) Which had not been tithed.

(43) If after pouring in the wine and before corking the jars he designated the wine as Second Tithe.

(44) If he designated the wine as Second Tithe.

(45) If such an open jar containing heave-offering wine was mixed up with 101 jars of common wine, it is neutralized and becomes common, as in the case of heave-offering becoming mixed up with ordinary common produce; cf. Ter. IV, 7.

(46) If a corked jar of heave-offering wine was mixed with any number of jars containing common wine, all the jars become forbidden to the non-priest, and the owner must sell all the jars, but one, to a priest at the price of heave-offering wine (which is lower than the price of common wine, because its consumption is restricted to the small public of priests), and one jar he must give away to a priest as heave-offering.

(47) If he wants to give heave-offering from one corked jar for other corked jars.

(48) That if he designated the wine as Second Tithe after he had corked the jars they acquire the sanctity of Second Tithe.

(49) Cf. supra I, 3.

(50) And the jar has to be redeemed together with its contents.

(51) If he sold for Second Tithe money a jar full of wine by measure, whether the jar was open or closed.

(52) For Second Tithe money.

(53) Var. lec. 'its jar'.

Mishna - Mas. Ma'aser Sheni Chapter 4

MISHNAH 1. IF A MAN CARRIED PRODUCE OF SECOND TITHE FROM A PLACE WHERE IT WAS DEAR TO A PLACE WHERE IT WAS CHEAP, OR FROM A PLACE WHERE IT WAS CHEAP TO A PLACE WHERE IT WAS DEAR, HE MAY REDEEM IT ACCORDING TO THE MARKET PRICE OF THE PLACE [OF REDEMPTION]. IF A MAN BROUGHT PRODUCE FROM THE THRESHING-FLOOR INTO THE CITY, OR JARS OF WINE FROM THE WINE-PRESS INTO THE CITY, THE INCREASE IN THE PRICE¹ BELONGS TO THE SECOND TITHE AND THE EXPENSES² [MUST BE COVERED] FROM HIS HOUSEHOLD.

MISHNAH 2. SECOND TITHE MAY BE REDEEMED AT THE LOWER MARKET PRICE, AT THE PRICE AT WHICH THE SHOPKEEPER BUYS AND NOT AT WHICH HE SELLS, AT THE PRICE AT WHICH THE MONEY-CHANGER TAKES³ SMALL CHANGE AND NOT AT THE PRICE AT WHICH HE GIVES⁴ SMALL CHANGE. SECOND TITHE MAY NOT BE REDEEMED IN A LUMP.⁵ IF ITS VALUE IS KNOWN,⁶ IT MAY BE REDEEMED ACCORDING TO THE VALUATION OF ONE WITNESS;⁷ BUT IF ITS VALUE IS NOT KNOWN, IT MUST BE REDEEMED ACCORDING TO THE VALUATION OF THREE, AS FOR INSTANCE IN THE CASE OF WINE WHICH HAS FORMED A FILM,⁸ OR PRODUCE WHICH HAS BEGUN TO ROT, OR COINS WHICH HAVE BECOME RUSTY.

MISHNAH 3. IF THE OWNER OFFERED A SELA⁹ AND A STRANGER OFFERED A SELA, THE OWNER HAS THE FIRST RIGHT, BECAUSE HE MUST ADD A FIFTH.¹⁰ IF THE OWNER OFFERED A SELA AND A STRANGER OFFERED A SELA' AND AN ISSAR,¹¹ THE ONE WHO OFFERED A SELA' AND AN ISSAR HAS THE FIRST RIGHT, BECAUSE HE ADDED TO THE PRINCIPAL.¹² IF A MAN REDEEMS HIS SECOND TITHE HE MUST ADD A FIFTH,¹³ WHETHER IT IS HIS OWN OR IT WAS GIVEN HIM AS A GIFT.¹⁴

MISHNAH 4. ONE MAY USE AN ARTIFICE IN RESPECT OF SECOND TITHE.¹⁵ IN WHAT MANNER? A MAN MAY SAY TO HIS GROWN-UP SON OR DAUGHTER, OR TO HIS

HEBREW MAN-SERVANT OR MAID-SERVANT: TAKE THIS MONEY¹⁶ AND REDEEM¹⁷ THIS SECOND TITHE FOR THYSELF'. BUT HE MAY NOT SAY SO TO HIS SON OR DAUGHTER WHO ARE MINORS OR TO HIS CANAANITE MAN-SERVANT OR MAID-SERVANT, BECAUSE THEIR HAND IS AS HIS OWN HAND.¹⁸

MISHNAH 5. IF A MAN WAS STANDING IN HIS THRESHING-FLOOR AND HE HAD NO MONEY,¹⁹ HE MAY SAY TO HIS FELLOW: 'LO, THIS PRODUCE IS GIVEN TO THEE AS A GIFT', AND THEN HE MAY SAY AGAIN: 'LO, LET THIS PRODUCE BE EXCHANGED FOR MONEY WHICH I HAVE IN THE HOUSE'.²⁰

MISHNAH 6. IF A MAN²¹ TOOK POSSESSION²² FROM THE OWNER OF SECOND TITHE FOR A SELA', BUT BEFORE HE HAD TIME TO REDEEM IT,²³ IT STOOD AT THE PRICE OF TWO SELA'S, HE MAY GIVE HIM ONE SELA' AND MAKE A PROFIT OF ONE SELA' AND THE SECOND TITHE REMAINS HIS.²⁴ IF HE TOOK POSSESSION FROM THE OWNER OF SECOND TITHE FOR TWO SELA'S, BUT BEFORE HE HAD TIME TO REDEEM²³ IT, IT STOOD AT THE PRICE OF ONE SELA',²⁵ HE MAY GIVE HIM ONE SELA' OUT OF COMMON [MONEY] AND ONE SELA' OUT OF HIS SECOND TITHE [MONEY].²⁶ IF THE OWNER WAS AN'AM HA-AREZ, HE MAY GIVE HIM OUT OF [SECOND TITHE OF] DEM'AI.²⁷

MISHNAH 7. IF A MAN REDEEMED SECOND TITHE BUT DID NOT CALL IT BY ITS NAME,²⁸ R. JOSE SAYS: IT IS SUFFICIENT. BUT R. JUDAH SAYS: HE MUST NAME IT EXPLICITLY. IF A MAN WAS SPEAKING TO A WOMAN CONCERNING HER DIVORCE OR HER BETROTHAL, AND GAVE HER HER BILL OF DIVORCE OR HER GIFT OF BETROTHAL BUT DID NOT NOTIFY IT EXPLICITLY,²⁹ R. JOSE SAYS: IT IS SUFFICIENT. BUT R. JUDAH SAYS: HE MUST NOTIFY IT EXPLICITLY.

MISHNAH 8. IF A MAN PUT DOWN AN ISSAR³⁰ [FOR THE REDEMPTION OF SECOND TITHE] AND ON THE ACCOUNT THEREOF HE ATE [THE VALUE OF] HALF [AN ISSAR] AND THEN WENT TO ANOTHER PLACE WHERE THE PRODUCE WAS SOLD FOR A PONDION,³¹ HE MAY EAT OF IT [ONLY TO THE VALUE OF] ANOTHER ISSAR.³² IF HE PUT DOWN A PONDION [FOR THE REDEMPTION OF SECOND TITHE] AND ON THE ACCOUNT THEREOF HE ATE [TO THE VALUE OF] HALF [A PONDION] AND THEN WENT TO ANOTHER PLACE WHERE THE PRODUCE WAS SOLD FOR AN ISSAR, HE MAY EAT OF IT [ONLY TO THE VALUE OF ANOTHER] HALF [AN ISSAR].³³ IF HE PUT DOWN AN ISSAR³⁴ OF SECOND TITHE [MONEY] HE MAY EAT ON THE ACCOUNT THEREOF [UNTIL THERE IS LEFT] AN ELEVENTH PART³⁵ OF [THE VALUE OF] AN ISSAR,³⁶ OR [UNTIL THERE IS LEFT] A HUNDREDTH PART OF [THE VALUE OF] AN ISSAR.³⁷ BETH SHAMMAI SAY: IN BOTH CASES³⁸ [HE MAY EAT UNTIL THERE IS LEFT THE VALUE OF] ONE TENTH PART³⁹ [OF AN ISSAR]. BUT BETH HILLEL SAY: IN THE CASE OF CERTAIN⁴⁰ [SECOND TITHE HE MAY EAT UNTIL THERE IS LEFT THE VALUE OF] AN ELEVENTH PART⁴¹ [OF AN ISSAR] BUT IN THE CASE OF [SECOND TITHE] OF DEMAI,⁴² [HE MAY EAT UNTIL THERE IS LEFT THE VALUE OF] A TENTH PART⁴¹ [OF AN ISSAR].

MISHNAH 9. ANY MONEY FOUND⁴³ IS CONSIDERED COMMON,⁴⁴ EVEN A GOLD DENAR WITH SILVER AND WITH COPPER COINS.⁴⁵ IF A POTSHERD WAS FOUND WITH THE MONEY ON WHICH WAS WRITTEN 'TITHE' THIS IS CONSIDERED SECOND TITHE [MONEY].

MISHNAH 10. IF A VESSEL WAS FOUND ON WHICH WAS WRITTEN 'KORBAN'⁴⁵ R. JUDAH SAYS: IF IT WAS OF EARTHENWARE, IT IS ITSELF COMMON AND WHAT IS IN IT IS KORBAN;⁴⁶ BUT IF IT WAS OF METAL IT IS ITSELF KORBAN AND WHAT IS IN IT IS

COMMON. BUT THEY SAID UNTO HIM: IT IS NOT THE CUSTOM OF PEOPLE TO PUT WHAT IS COMMON INTO WHAT IS KORBAN.⁴⁷

MISHNAH 11. IF A VESSEL WAS FOUND ON WHICH WAS WRITTEN A KOF,⁴⁸ IT IS KORBAN; IF A MEM, IT IS MA'ASER;⁴⁹ IF A DALETH, IT IS DEMAI; IF A TETH, IT IS TEBEL;⁵⁰ IF A TAW, IT IS TERUMAH,⁵¹ FOR IN THE TIME OF DANGER⁵² PEOPLE WROTE TAW FOR TERUMAH. R. JOSE SAYS: THEY MAY ALL STAND FOR THE NAMES OF MEN.⁵³ R. JOSE SAID: EVEN IF A JAR WAS FOUND WHICH WAS FULL OF PRODUCE AND ON IT WAS WRITTEN 'TERUMAH'⁵⁴ IT MAY YET BE CONSIDERED COMMON PRODUCE, BECAUSE I MAY ASSUME THAT LAST YEAR IT WAS FULL OF PRODUCE OF HEAVE-OFFERING AND WAS AFTERWARDS EMPTIED.⁵⁵

MISHNAH 12. IF A MAN SAID TO HIS SON: 'THERE IS SECOND TITHE [MONEY] IN THIS CORNER, BUT THE SON FOUND [MONEY] IN ANOTHER CORNER, THIS MAY BE CONSIDERED COMMON⁵⁶ [MONEY]. [IF THE FATHER SAID] THERE WAS THERE A HUNDRED AND THE SON FOUND TWO HUNDRED, THE REMAINDER IS COMMON. [IF THE FATHER SAID THERE WERE THERE] TWO HUNDRED AND THE SON FOUND ONE HUNDRED, IT IS ALL SECOND TITHE MONEY.

(1) In the city, as compared with the lower price at the threshing-floor or wine-press.

(2) Of the transport to the city.

(3) For a sela' in exchange for the customer's copper coin. He receives copper coin at a lower rate than its real value.

(4) For the sela' of his customer. He charges the copper coin at a higher rate than its true value.

(5) But only according to its exact measure or weight.

(6) It has a more or less fixed price.

(7) Who acts as valuer.

(8) שקרם . Var. lec. שקםם 'which has become pungent'.

(9) For Second Tithe produce which is to be redeemed.

(10) As infra, n. 5.

(11) The Roman As. Its value was 1/24 of a denar, or 1/96 of a sela'; cf. B.M. IV, 5.

(12) Thus increasing the real price of the Second Tithe, although the increase is less than the fifth which the owner would have to add.

(13) In accordance with the law in Lev. XXVII, 31; cf. Introd.; B.M. IV, 8.

(14) I.e., the produce was given him as a gift before the Second Tithe was taken from it. Cf. supra I, 1.

(15) To escape the duty of adding a fifth.

(16) As a gift.

(17) I.e., buy, and since they are not the owners, they need not add the fifth.

(18) Whatever they do possess is deemed his possession.

(19) He wants to evade paying the fifth in redeeming his Second Tithe, but has no money in hand which he might give to his fellow that his fellow should redeem the Second Tithe for him.

(20) It is as if he had bought back his gift from his fellow.

(21) Who had bought Second Tithe produce in order that its purchase money might be turned by the owner.

(22) Lit., 'drew into his possession.' I.e., he acquired it by means of Meshikah, v. Glos.

(23) To pay its purchase money.

(24) The produce became the property of the purchaser as soon as he took possession of it; cf. B.M. IV, 2. But it still retained its sanctity as Second Tithe until its price was paid. Therefore the sela' increase in its value becomes Second Tithe money, and the purchaser must redeem the produce at its new price of two sela's, one of which is Second Tithe which must be spent in Jerusalem.

(25) But he must still pay the seller two sela's.

(26) Thus redeeming the produce at its present price of one sela'.

(27) מדמאי, the sanctity of which is not as great as of certain Second Tithe. Var. lec., מדמיו, 'of his own money'. I.e., he may pay the sela' with common money.

- (28) He had not designated the money as Second Tithe money; cf. *infra*, V. .
- (29) That what he gave her was a bill of divorce or a gift of betrothal.
- (30) Cf. *supra*, 3, n. 3.
- (31) Which is equal to two issars.
- (32) And not one issar and a half.
- (33) And not to the value of half a pondion.
- (34) To serve as the purchase price of produce.
- (35) Lit., 'eleven'. The interpretation of this passage is difficult and doubtful. The explanation given here follows Maim. and Bert.
- (36) In case the issar was the redemption money of Second Tithe of demai, and then the remaining eleventh becomes common produce.
- (37) In case the issar was the redemption money of certain Second Tithe, and then the remaining hundredth becomes common produce.
- (38) Whether the issar was the redemption money of demai Second Tithe or of certain Second Tithe.
- (39) Lit., 'ten'.
- (40) The issar was the redemption money of certain Second Tithe.
- (41) Lit., 'eleven', 'ten'.
- (42) The issar was the redemption money of demai Second Tithe.
- (43) Except in Jerusalem during a festival or pilgrimage; cf. *Shek.* VII, 2.
- (44) It need not be suspected of being Second Tithe money. (15) Which is not usual to mix together, except in the case of Second Tithe money; cf. *supra*, II, 7 ff.
- (45) 'Offering', or gift to the Temple.
- (46) Holy property, because people did not make gifts to the Temple of earthenware articles and therefore the inscription was intended for the contents, and not for the vessel itself.
- (47) Therefore in the case of a metal vessel, both the vessel and its contents are holy.
- (48) This and the following are names of letters of the Hebrew alphabet.
- (49) 'Tithe'.
- (50) Produce from which heave-offering and tithes have not yet been taken.
- (51) Heave-offering.
- (52) When Jews were persecuted by the Romans for the observance of the Torah.
- (53) The initials of the names of the owners of the vessels.
- (54) The word in full.
- (55) And then filled again with common produce.
- (56) The Second Tithe money had been removed before the son came to look for it, and this is other money, which is usually common money.

Mishna - Mas. Ma'aser Sheni Chapter 5

MISHNAH 1. A VINEYARD¹ IN ITS FOURTH YEAR² MUST BE MARKED³ WITH CLODS OF EARTH, [TREES OF] 'ORLAH⁴ WITH POTTER'S CLAY, AND GRAVES⁵ WITH LIME WHICH IS DISSOLVED AND Poured ON.⁶ RABBAN SIMEON R. GAMALIEL SAID: WHEN IS THIS DONE?⁷ IN THE SEVENTH YEAR.⁸ THE CONSCIENTIOUS⁹ USED TO PUT DOWN MONEY AND SAY: ANY FRUIT GATHERED FROM THIS VINEYARD MAY BE EXCHANGED FOR THIS MONEY.

MISHNAH 2. [THE FRUIT OF] A VINEYARD IN ITS FOURTH YEAR WAS BROUGHT UP TO JERUSALEM¹⁰ WITHIN A DISTANCE OF ONE DAY'S JOURNEY ON EACH SIDE. AND WHAT WAS THE LIMIT THEREOF? ELATH ON THE SOUTH, AKRABAH ON THE NORTH, LYDDA ON THE WEST, AND THE JORDAN ON THE EAST.¹¹ WHEN FRUIT INCREASED,¹² IT WAS ORDAINED THAT IT SHOULD BE REDEEMED EVEN IF THE VINEYARD WAS CLOSE TO THE WALL;¹³ BUT THIS WAS DONE ON THE CONDITION THAT WHENEVER IT WAS SO DESIRED, THE ARRANGEMENT WOULD BE RESTORED AS IT HAD BEEN

BEFORE.¹⁴ R. JOSE SAYS: THIS WAS THE UNDERSTANDING AFTER THE TEMPLE WAS DESTROYED, AND THE UNDERSTANDING WAS THAT WHEN THE TEMPLE SHOULD BE REBUILT THE ARRANGEMENT WOULD BE RESTORED AS IT HAD BEEN BEFORE.¹⁴

MISHNAH 3. A¹⁵ VINEYARD¹⁶ IN ITS FOURTH YEAR, BETH SHAMMAI SAY, IS NOT SUBJECT TO THE LAW OF THE FIFTH¹⁷ NOR TO THE LAW OF REMOVAL.¹⁸ BUT BETH HILLEL SAY: IT IS SUBJECT. BETH SHAMMAI SAY: IT IS SUBJECT¹⁹ TO THE LAW OF THE GRAPE GLEANING AND TO THE LAW OF DEFECTIVE CLUSTER, AND THE POOR MUST REDEEM THEM FOR THEMSELVES.²⁰ BUT BETH HILLEL SAY: ALL OF IT²¹ GOES TO THE WINE-PRESS.²²

MISHNAH 4. HOW DOES ONE REDEEM THE FRUIT OF A PLANT IN ITS FOURTH YEAR? THE OWNER PUTS DOWN A BASKET IN THE PRESENCE OF THREE [PERSONS]²³ AND SAYS: HOW MANY SUCH BASKETS WOULD A MAN WISH TO REDEEM²⁴ FOR HIMSELF FOR A SELA' ON CONDITION THAT THE OUTLAY²⁵ SHALL BE BORNE BY THIS HOUSE?'²⁶ HE THEN PUTS DOWN THE MONEY²⁷ AND SAYS: WHATEVER SHALL BE PICKED FROM THIS PLANT MAY IT BE EXCHANGED FOR THIS MONEY AT THE PRICE OF SO MANY BASKETS FOR A SELA'.

MISHNAH 5. BUT IN THE SEVENTH²⁸ YEAR HE MUST REDEEM IT FOR ITS FULL VALUE.²⁹ IF IT HAD ALL BEEN MADE OWNERLESS PROPERTY,³⁰ THE PERSON WHO SEIZED IT CAN ONLY CLAIM THE COST OF PICKING IT.³¹ IF A MAN REDEEMED HIS FRUIT OF A PLANT IN ITS FOURTH YEAR, HE MUST ADD A FIFTH OF ITS VALUE,³² WHETHER THE FRUIT WAS HIS OWN OR WAS GIVEN HIM AS A GIFT.

MISHNAH 6. ON THE EVE OF THE FIRST FESTIVAL-DAY OF THE PASSOVER IN THE FOURTH AND IN THE SEVENTH³³ [YEARS OF THE SABBATICAL CYCLE] THE REMOVAL³⁴ WAS PERFORMED. HEAVE-OFFERING AND THE HEAVE-OFFERING OF TITHE³⁵ WERE GIVEN TO THEIR OWNERS,³⁶ THE FIRST TITHE WAS GIVEN TO ITS OWNER,³⁷ THE TITHE OF THE POOR TO ITS OWNER,³⁸ AND SECOND TITHE AND FIRST-FRUITS³⁹ WERE REMOVED EVERYWHERE. R. SIMEON SAYS: FIRST-FRUITS WERE GIVEN TO THE PRIESTS⁴⁰ LIKE HEAVE-OFFERING. AS FOR BROTH,⁴¹ BETH SHAMMAI SAY: IT MUST BE REMOVED. BUT BETH HILLEL SAY: LO, IT MAY BE CONSIDERED AS ALREADY REMOVED.⁴²

MISHNAH 7. IF A MAN HAD PRODUCE AT THIS TIME⁴³ AND THE TIME OF REMOVAL ARRIVED, BETH SHAMMAI SAY: HE MUST EXCHANGE IT FOR MONEY.⁴⁴ BUT BETH HILLEL SAY: IT IS ALL THE SAME WHETHER IT BECOMES MONEY OR IT REMAINS FRUIT.⁴⁵

MISHNAH 8. R. JUDAH SAID: FORMERLY THEY USED TO SEND TO HOUSEHOLDERS IN THE PROVINCES [SAYING:] 'HASTEN TO SET RIGHT YOUR PRODUCE⁴⁶ BEFORE THE TIME OF REMOVAL ARRIVES', UNTIL R. AKIBA CAME AND TAUGHT THAT ALL PRODUCE WHICH HAS NOT REACHED THE SEASON⁴⁷ OF TITHING IS EXEMPT FROM THE REMOVAL.

MISHNAH 9. IF A MAN HAD HIS PRODUCE AT A DISTANCE FROM HIM,⁴⁸ HE MUST CALL BY NAME [THE RECIPIENTS OF THE TITHE] THEREOF.⁴⁹ ONCE IT HAPPENED THAT RABBAN GAMALIEL AND THE ELDERS WERE TRAVELLING HOME BY SHIP,⁵⁰ AND RABBAN GAMALIEL SAID: 'ONE TENTH WHICH I SHALL MEASURE IS GIVEN TO JOSHUA,⁵¹ AND THE PLACE THEREOF IS LEASED TO HIM,⁵² THE OTHER TENTH WHICH I SHALL MEASURE IS GIVEN TO AKIBA B. JOSEPH⁵³ THAT HE MAY HOLD IT FOR THE

POOR, AND THE PLACE THEREOF IS LEASED TO HIM'. R. JOSHUA SAID: THE TENTH WHICH I SHALL MEASURE⁵⁴ IS GIVEN TO ELEAZAR B. AZARIAH,⁵⁵ AND THE PLACE THEREOF IS LEASED TO HIM', AND THEY EACH RECEIVED RENT⁵⁶ ONE FROM ANOTHER.

MISHNAH 10. IN THE AFTERNOON OF THE LAST FESTIVAL-DAY THE CONFESSION⁵⁷ WAS MADE. HOW WAS THE CONFESSION MADE? [HE SAID:] 'I HAVE REMOVED THE HALLOWED THINGS OUT OF MINE HOUSE' — THIS MEANS⁵⁸ SECOND TITHE AND THE FRUIT OF PLANTS IN THEIR FOURTH YEAR; 'I HAVE GIVEN THEM TO THE LEVITE' — THIS MEANS THE TITHE OF THE LEVITES; 'AND ALSO⁵⁹ I HAVE GIVEN THEM' — THIS MEANS HEAVE-OFFERING AND THE HEAVE-OFFERING OF TITHE; 'UNTO THE STRANGER, TO THE FATHERLESS, AND TO THE WIDOW' — THIS MEANS THE TITHE OF THE POOR, GLEANINGS, FORGOTTEN SHEAF, AND THE CORNER OF THE FIELD, ALTHOUGH THESE DO NOT DEBAR⁶⁰ [ONE FROM MAKING] THE CONFESSION; 'OUT OF MINE HOUSE' — THIS MEANS THE DOUGH-OFFERING.⁶¹

MISHNAH 11. 'ACCORDING TO ALL THY COMMANDMENTS WHICH THOU HAST COMMANDED ME' — LO, IF HE TOOK OFF THE SECOND TITHE BEFORE THE FIRST TITHE HE CANNOT MAKE THE CONFESSION; 'I HAVE NOT TRANSGRESSED ANY OF THY COMMANDMENTS' — I HAVE NOT SET APART [DUES] FROM ONE KIND FOR SOME OTHER KIND, NOR FROM PLUCKED [PRODUCE] FOR [PRODUCE STILL] JOINED [TO THE SOIL], NOR FROM NEW [PRODUCE] FOR OLD [PRODUCE], NOR FROM OLD [PRODUCE] FOR NEW;⁶² 'NEITHER HAVE I FORGOTTEN' — I HAVE NOT FORGOTTEN TO BLESS THEE, NOR TO MAKE MENTION OF THY NAME OVER IT.⁶³

MISHNAH 12. 'I HAVE NOT EATEN THEREOF IN MY MOURNING' — LO, IF HE HAD EATEN THEREOF IN HIS MOURNING,⁶⁴ HE CANNOT MAKE THE CONFESSION; 'NEITHER HAVE I REMOVED OUGHT THEREOF WHEN UNCLEAN' — LO, IF HE HAD SET IT APART IN UNCLEANNESS HE CANNOT MAKE THE CONFESSION; 'NOR GIVEN OUGHT THEREOF FOR THE DEAD' — I HAVE NOT TAKEN THEREOF FOR A COFFIN OR SHROUDS FOR THE DEAD, NOR HAVE I GIVEN THEREOF TO OTHER MOURNERS: 'I HAVE HEARKENED TO THE VOICE OF THE LORD MY GOD' — I HAVE BROUGHT IT TO THE CHOSEN HOUSE.⁶⁵ 'I HAVE DONE ACCORDING TO ALL THAT THOU HAST COMMANDED ME' — I HAVE REJOICED AND MADE OTHERS⁶⁶ TO REJOICE.

MISHNAH 13. 'LOOK DOWN FROM THY HOLY HABITATION, FROM HEAVEN' — WE HAVE DONE WHAT THOU HAST DECREED CONCERNING US, DO THOU ALSO WHAT THOU HAST PROMISED US; 'LOOK DOWN FROM THY HOLY HABITATION, FROM HEAVEN, AND BLESS THY PEOPLE ISRAEL' — WITH SONS AND DAUGHTERS; 'AND THE LAND WHICH THOU HAST GIVEN US' — WITH DEW AND RAIN AND WITH OFFSPRING OF CATTLE; 'AS THOU DIDST SWEAR UNTO OUR FATHERS, A LAND THAT FLOWETH WITH MILK AND HONEY' — THAT THOU MAYEST GRANT A GOOD TASTE IN THE FRUIT.

MISHNAH 14. HENCE⁶⁷ IT WAS DEDUCED THAT ISRAELITES AND BASTARDS MAY MAKE THE CONFESSION, BUT NOT PROSELYTES, NOR FREED BONDMEN, SINCE THEY HAVE NO SHARE IN THE LAND. R. MEIR SAYS: NEITHER MAY PRIESTS AND LEVITES SINCE THEY DID NOT RECEIVE A SHARE IN THE LAND. R. JOSE SAYS: THEY HAVE THE CITIES WITH SUBURBS.⁶⁸

MISHNAH 15. JOHANAN⁶⁹ THE HIGH PRIEST⁷⁰ SET ASIDE THE CONFESSION OF THE TITHES.⁷¹ HE ALSO ABOLISHED THE 'WAKERS'⁷² AND THE 'STRIKERS'.⁷³ UNTIL HIS

DAYS THE HAMMER USED TO BEAT IN JERUSALEM.⁷⁴ AND IN HIS DAYS ONE HAD NO NEED TO ENQUIRE CONCERNING DEMAI.⁷⁵

- (1) The same applies also to a single vine or other fruit tree.
- (2) Cf. Lev. XIX, 24. The Fruit of the fourth year since the tree was planted was considered like Second Tithe. It had to be consumed in Jerusalem, or redeemed and its value spent in Jerusalem.
- (3) As a sign that its fruit must not be picked and eaten.
- (4) 'Uncircumcision', Lev. XIX, 23.
- (5) To mark them as a place of impurity, cf. Shek I, 1; M.K. I, 2.
- (6) On the grave.
- (7) The marking of forbidden fruit.
- (8) The sabbatical year when all produce was ownerless and free to everybody; cf. Lev. XXV, 6. But in other years no marking was needed because strangers who were scrupulous about the observance of religious laws would not in any case eat of fruit which was private property.
- (9) Who were eager to prevent the commission of a religious transgression through their fruit. Lit., 'the modest'. v. Kil'ayim, IX, 5.
- (10) The fruit itself, and not its redemption money, in order to enrich the Holy City with an abundance of fruit.
- (11) V. Bez. 5a, R.H. 31b.
- (12) And there was a superfluity of fruit in Jerusalem.
- (13) Of Jerusalem.
- (14) That no redemption of such fruit should be allowed within a day's journey from Jerusalem. When Jerusalem was in the hand of the enemy there was no eagerness to increase the supply of fruit in Jerusalem, and it was therefore permitted to redeem all such fruit from outside Jerusalem, even within a day's journey from the city.
- (15) Cf. Pe'ah. VII, 6; 'Ed. IV, 5.
- (16) The same applies also to a single fruit tree; cf. note I, p. 305.
- (17) Like Second Tithe; cf. IV, 3, n. 5.
- (18) Like Second Tithe; cf. infra Mishnah 6.
- (19) Like common fruit; cf. Lev. XIX, 10; Pe'ah VII, 3-4.
- (20) If they will not take up their gleanings to Jerusalem.
- (21) The whole crop, including defective cluster and gleanings.
- (22) As the property of the owner, who must take up to Jerusalem either itself or its redemption money.
- (23) Who are expert valuers of fruit.
- (24) I.e., to buy it on the tree.
- (25) The cost of guarding, hoeing, picking etc.
- (26) Thus reducing the value of the fruit by the amount of this outlay.
- (27) As fixed by the valuers in reply to his inquiry.
- (28) When there is no work on the soil, nor guarding of produce in the field; Lev. XXV, 4.
- (29) And without having to value by experts the cost involved by the fruit on the tree until it is gathered.
- (30) In years other than the seventh year.
- (31) He must redeem it at its full value minus the cost of picking it.
- (32) In accordance with the opinion of Beth Hillel in Mishnah 3.
- (33) Cf. Deut. XIV, 28: 'At the end of every three years'. i.e., at the end of each period of three years, viz., the fourth and the seventh years; cf. also Deut. XXVI, 12.
- (34) **בעור**, derived from the verb **בערתי**, Deut. XXVI, 13; cf. infra 10. All the dues on the produce which had not been paid in the previous three years had to be removed from the house and given to those who had a right to receive them.
- (35) Of the First, or Levitical, Tithe; cf. Num. XVIII, 26ff.
- (36) Viz., the priests.
- (37) The Levites; cf. Mishnah 10.
- (38) The poor.
- (39) Of the previous three years were removed and destroyed.
- (40) They originally belonged to the priests.

- (41) Containing produce subject to removal.
- (42) Such produce is absorbed and neutralized by the broth.
- (43) After the destruction of the Temple.
- (44) And destroy the money.
- (45) Since neither itself nor its value in money can nowadays be consumed in Jerusalem; therefore it should just be destroyed.
- (46) By distributing its dues in the manner prescribed by the law.
- (47) As laid down in Ma'as. I, 2ff.
- (48) When the season for removal arrived.
- (49) And this is considered as if the tithes were already given away.
- (50) At the season of removal.
- (51) Who was a Levite.
- (52) That this place may secure for him the ownership of the tithe.
- (53) Who was a guardian of the poor.
- (54) The heave-offering of the Levitical tithe.
- (55) Who was a priest.
- (56) For the lease of the respective places.
- (57) The declaration as given in Deut. XXVI, 13ff.
- (58) Here follows a running commentary on the verses of the confession after the Midrashic method of exposition of the Torah. Cf. also Sifre, Deut., ad loc.
- (59) The particle וְגַם , 'and also', implies something more than the explicit words of the text.
- (60) One may make the confession even if these had not been given to the poor.
- (61) Which was given from the home; cf. Num. XV, 20.
- (62) All of which acts would have rendered the tithing invalid; cf. Ter. I, 5; II, 4.
- (63) To pronounce the prescribed benediction prior to setting apart these dues.
- (64) אֶזְרֵינוּת , the interval between the death and the end of the day on which the deceased was buried.
- (65) The Temple. Cf. Deut. XII, 5.
- (66) The poor and the unprotected; cf. Deut. XXVI, 11; XII, 12.
- (67) From the expression 'the land which thou hast given us'.
- (68) Cf. Num. XXXV, 2 ff.
- (69) Cf. Sot. IX, 10.
- (70) John Hyrcanus, 135 — 104 B.C.E. The rendering and explanation of this ancient Mishnah are uncertain. The interpretation given here follows the explanations found in Tosef Sot. XIII, 9 — 10; T.J. Ma'as Sh. ad loc., and Sot. l.c.; V. Sot. 47b, 48a and notes a.l. in Sonc. ed.
- (71) Because Ezra had enacted that the First Tithe should be given to the priests, not to the Levites, as a punishment for the refusal of the Levites to return from Babylon; cf. Ezra VIII, 15. Therefore one could not truthfully declare in confession, 'I have given it to the Levite'.
- (72) The singing by the Levites in the temple of the verse 'Awake, why sleepest thou, O Lord?' (Ps. XLIV, 24), because it sounded like blasphemy.
- (73) Those who used to strike the animal between its horns before slaughtering it for a sacrifice, in order to stun it. This appeared like causing a blemish in the sacrifice.
- (74) Workmen's hammers on the middle days of Passover and the Feast of Tabernacles. Johanan abolished work on these semi-sacred days.
- (75) Whether the original owner had tithed it. Johanan ordered that all demai produce of an 'am ha-arez must be tithed by the new owners; cf. Demai, introd.