

OVERVIEW of the Daf

1) Deconsecrating ma'aser sheni worth less than a peruta (cont.)

The Gemara completes its challenge to Chizkiya's ruling that someone whose ma'aser sheni is worth less than a peruta should declare that the ma'aser sheni and its fifth should be deconsecrated on ma'aser sheni money he already has in his possession.

The Gemara imposes conditions upon on the Baraisa so that it should not refute Chizkiya's position.

2) Ma'aser sheni that left Yerushalayim

The Baraisa that ruled that ma'aser sheni that left Yerushalayim is nullified in a majority is challenged.

One possible resolution is suggested but rejected.

A second possible resolution is presented and rejected.

A final resolution is presented and unsuccessfully challenged.

3) Deconsecrating ma'aser sheni worth less than a peruta (cont.)

R' Huna bar Yehudah in the name of R' Sheishes offers another resolution for the challenge to Chizkiya's ruling from the Baraisa.

This explanation is unsuccessfully challenged.

4) Ma'aser sheni worth less than a peruta

A Baraisa teaches that ma'aser sheni worth less than a peruta is not redeemable.

R' Ami and R' Assi disagree whether the Baraisa refers to where the ma'aser sheni is not worth a peruta or the fifth surcharge for redemption is not worth a peruta.

(Continued on page 2)

REVIEW and Remember

1. What is the ratio necessary to nullify ma'aser sheni?

2. What is done with ma'aser sheni that becomes tamei?

3. When is there a restriction against eating ma'aser sheni that is tahor while standing in Yerushalayim?

4. What is the point of dispute between R' Ami and R' Assi?

Distinctive INSIGHT

If it will become permitted, it cannot be nullified

הוה ליה דבר שיש לו מתירין

The rule is **דבר שיש לו מתירין** - that an item which can be used permissibly according to halacha - is not eligible to be nullified according to standard methods (**אינו בטל**). Rashi (Beitza 3b) explains that the halacha legislates that instead of eating something while it is prohibited, even with using the guidelines of **ביטול**, we expect that a person wait and consume the item when it is fully permitted.

Ran (Nedarim 52a) writes that this rule can be understood based upon the law that even when nullification is used, we do not apply it in a case of **מין במינו**, when both the main substance and the additive are of the same type. For example, if milk falls into meat, these are two different "types", and a small amount of milk becomes diffused and nullified within the foreign substance. However, when permitted milk falls into prohibited milk, these are similar types (**מין במינו**), and the opinion of Rabbi Yehuda is that we do not say that the small amount that has fallen in becomes nullified. On the contrary, here we say that the host milk strengthens and reinforces the drop which falls in. The majority view is that **מין במינו** does become cancelled, but this is only when the foreign item being introduced is different than the host substance where the host is permitted and the substance being introduced is prohibited. Yet, where the prohibited aspect of the introduced substance is only a temporary issue, we do not consider it to be absolutely prohibited. Now, where the substance is the same as the host, and its status of being prohibited is also not distinct, in this case we do not use the rules of **ביטול**. In this case we follow the approach of Rabbi Yehuda, and we consider the situation to be **מין במינו** which cannot be nullified.

The Gemara introduced the concept of **דבר שיש לו מתירין** in its question against Chizkiya. Chizkiya had said that all ma'aser can be redeemed, even a portion that is less than a peruta in value, as it can be redeemed onto a coin that has already begun to be used to redeem other ma'aser. The Gemara ultimately answers that this ma'aser in particular is not **דבר שיש לו מתירין** because the circumstances are that there is no coin available to redeem it even according to Chizkiya's rule. Tosafos (**ד"ה ליהדר**) notes that the possibility to take the ma'aser to Yerushalayim without redeeming it and eating it there is not a factor of **היתר** to preclude **ביטול**, as we are dealing with a case where the person is far from Yerushalayim, and it is too difficult to bring it there. It remains as an item without **מתירין**. ■

HALACHAH Highlight

Combining different materials to make a garment that is obligated in tzitzis

דאורייתא ודרבנן לא מצטרפי

Biblical and Rabbinic [ma'aser sheni] do not combine

Teshuvos Torah Leshma¹ addressed an interesting question related to tzitzis. A person took two pieces of material, one from sheep's wool and the other from goat's wool and combined them together. Neither piece of material was large enough to be obligated in tzitzis, but when combined the two pieces contained the minimum size necessary to be obligated in tzitzis. The piece made from sheep's wool was larger than the piece made from goat's wool so the majority of the garment was from a material that is Biblically obligated in the mitzvah of tzitzis. The question is whether one who wears this garment fulfills a Biblical obligation of the mitzvah of tzitzis? Do we say that wearing this garment fulfills a Biblical obligation since the majority of the garment comes from a material that is Biblically obligated in the mitzvah, or perhaps since the piece of sheep's wool is not Biblically obligated in the mitzvah and it is only when sewn to the material made from goat's wool that there is a piece of material that is large enough to be obligated in the mitzvah of tzitzis, it is not considered a fulfillment of a Biblical obligation.

He answered, based on our Gemara, that this is not a fulfillment of the Biblical obligation in tzitzis. In the course

(Overview. Continued from page 1)

R' Yochanan and Reish Lakish debate the same issue.

R' Ami and R' Yochanan's position that the Baraisa refers to where the ma'aser sheni is not worth a peruta is successfully challenged.

5) The fifth

The Gemara inquires how the fifth is calculated.

Ravina begins to demonstrate that it is calculated "from the outside", meaning a fourth is added to the original amount (25 is added to 100) so that the additional amount equals a fifth of the final sum (25 is a fifth of 125). ■

of the Gemara's discussion of ma'aser sheni the Gemara declares that we cannot combine something that is Biblically obligated in a mitzvah with something that is only Rabbinically obligated in a mitzvah to create a Biblical obligation. Accordingly, in our question since it is necessary to combine the material that is Biblically obligated with the material that is only Rabbinically obligated we cannot create from that a Biblical obligation. The only exception to this rule is if the warp threads were from a material that is Biblically obligated in tzitzis and the woof threads were from a material that is only Rabbinically obligated in tzitzis. Since the warp threads contain the minimum size necessary to obligate a garment in tzitzis the garment is Biblically obligated in tzitzis because we look at the woof thread as doing nothing more than holding the warp threads in place. ■

1. שו"ת תורה לשמה סי' ג'.

STORIES Off the Daf

Different standards

"הרי אלו בתרומה...מה שאין כן במעשר"

Today's daf discusses the halachos of terumos and ma'asros.

The Brisker Rav, zt"l, lamented that during his time, people were not careful regarding terumos and ma'asros. "Many people are not aware of the seriousness of this prohibition. When it comes to neveilos and treifos, one violates Torah prohibitions, but one who eats tevel is liable to מיתה בידי שמים. According to some authorities, teruma is a Torah law even in our times.¹ How can rabbis and bnei Torah go to hotels

here in Israel without first checking that the staff there take these halachos seriously?"²

On another occasion, he made an important point regarding this matter. "It is interesting that even among the most religious here in Israel, some totally reject heter mechira during shemittah but are not careful regarding terumos and ma'asros. According to the Torah, neither are halachically acceptable. If one is careful regarding shemittah, why wouldn't he be careful with terumos and ma'asros which are an even more serious matter?

"The answer is simple," said the Rav. "The היתר מכירה provided a means for the authorities here to try to nullify the prohibitions of shemittah

completely. Since there is an element of zealotry here, people feel the need to protest. The involvement of the government and the rabbanut drives home to them that the effort to circumvent the laws of shemittah is absolutely unacceptable. When it comes to terumos and ma'asros, though, the authorities are not involved on any level at all, so people don't feel the seriousness of the prohibitions and often ignore these halachos."

The Rav said half-jokingly, "It's a pity they didn't try to circumvent these prohibitions like they did regarding shemittah!" ■

1. עי' דרך אמונה, הלי תרומות, פ"א, ס"ק נ"ח, וציון הלכה, אי צ"ה
2. הדור והתקופה, עי' ט"ו-ט"ז