The Soncino Babylonian Talmud

MA’ASER SHENI

TRANSLATED INTO ENGLISH
WITH NOTES

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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 THEREWITH8 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.21 IF WALNUTS AND ALMONDS [WERE BOUGHT], THEIR SHELLS BECOME COMMON. GRAPE-SKIN WINE22 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 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].
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(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.


(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 without wine, so that the relation of the jar to the wine is that of the hide to the flesh of the animal.

(21) תמד 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.

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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 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 7. BETH SHAMMAI SAY: ONE MAY NOT TURN HIS SELA’37 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
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COINS FOR A WHOLE SELA. BUT BETH HILLEL SAY: SILVER FOR ONE SHEKEL AND COPPER COINS FOR THE OTHER SHEKEL. R. MEIR SAYS: SILVER AND PRODUCE MAY NOT BE EXCHANGED TOGETHER FOR SILVER. BUT THE SAGES ALLOW IT.


MISHNAH 10. IF ONE HAD SOME OF HIS SONS CLEAN AND SOME UNCLEAN, HE MAY LAY DOWN A SELA’ 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.

(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 spoilit 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.
(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) . 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.
(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.

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Mishnah 1. A man may not say to his fellow: Carry up this [Second Tithe] produce to Jerusalem that you may have a share therein; but he may say to him: ‘Carry it up that we may both eat and drink of it in Jerusalem’. ‘But two 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. But R. Simeon allows it. R. Simeon said to them: Why, if a lenient ruling has been adopted in the case of peace-offerings, though they may become unfit or a remnant or unclean, should we not also adopt a lenient ruling in the case of Heave-Offering? 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, 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, 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 purity and the other may do what he needs with his money. But he may not say thus to an Am Ha-Arez except when [the money was] from [Second Tithe of] Demal.

Mishnah 4. If [one had common] produce in Jerusalem and [second tithe money] in the provinces, he may say: ‘Lo, let that money be exchanged for this produce’. 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. Rabban Simeon b. Gamaliel says: Produce also may be brought in and be taken out again.

Mishnah 6. If produce had all its work finished and it passed through Jerusalem, the Second Tithe thereof must be brought back and eaten in Jerusalem. 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. 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 IN THE CASE OF DEMAI.


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

MISHNAH 10. IF WHAT WAS BOUGHT WITH SECOND TITHE MONEY BECAME UNCLEAN, IT SHOULD BE REDEEMED. R. JUDAH SAYS: IT MUST BE BURIED. THEY SAID TO R. JUDAH: WHY, IF SECOND TITHE ITSELF WHEN IT BECAME UNCLEAN MAY BE REDEEMED, SHOULD NOT ALSO WHAT IS BOUGHT WITH SECOND TITHE MONEY BE REDEEMED WHEN IT BECAME UNCLEAN? HE SAID TO THEM: NO; IF YOU SAY THUS OF SECOND TITHE ITSELF, IT IS BECAUSE IT MAY BE REDEEMED ALSO WHEN CLEAN AT A DISTANCE FROM THE [HOLY] PLACE; BUT HOW CAN YOU SAY THUS OF WHAT IS BOUGHT WITH SECOND TITHE MONEY, SEEING THAT IT CANNOT BE REDEEMED WHEN CLEAN 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. IF IT WAS BOUGHT ALIVE AND SLAUGHTERED AND IT THEN BECAME UNCLEAN, IT MAY BE REDEEMED. R. JOSE SAYS: IT MUST BE BURIED. IF IT WAS BOUGHT SLAUGHTERED AND IT BECAME UNCLEAN, THIS IS LIKE PRODUCE.
MISHNAH 12. IF JARS WERE LENT FOR SECOND TITHE [WINE], EVEN IF THEY WERE CORKED, THEY DO NOT ACQUIRE [THE SANCTITY OF] SECOND TITHE BEFORE THEY ARE CORKED. IF UNDEFINED WINE WAS POURED INTO THEM THEY DO NOT ACQUIRE [THE SANCTITY OF] SECOND TITHE BEFORE THEY ARE CORKED. AFTER THEY ARE CORKED THEY ACQUIRE [THE SANCTITY OF] SECOND TITHE. BEFORE THEY ARE CORKED THEY ARE NEUTRALIZED IN A HUNDRED AND ONE, BUT AFTER THEY ARE CORKED THEY SANCTIFY ANY QUANTITY. 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.


(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.
(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 carcass or a dead creeping thing; cf. Kelim I, 1 ff.
(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) Outside Jerusalem.
(44) After being filled with Second Tithe wine. 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) That if he designated the wine as Second Tithe after he had corked the jars they acquire the sanctity of Second Tithe.
(48) Cf. supra I, 3.
(49) Var. lec. ‘its jar’.

**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 takes small change and not at the price at which he gives small change. Second Tithe may not be redeemed in a lump. If its value is known, it may be redeemed according to the valuation of one witness; 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, or produce which has begun to rot, or coins which have become rusty.

**Mishnah 3.** If the owner offered a selah and a stranger offered a selah, the owner has the first right, because he must add a fifth. If the owner offered a selah and a stranger offered a selah and an issar, the one who offered a selah and an issar has the first right, because he added to the principal.

**Mishnah 4.** One may use an artifice in respect of Second Tithe. In what manner? A man may say to his grown-up son or daughter, or to his Hebrew manservant or maidservant: take this money and redeem this second tithe for thyself'. But he may not say so to his son or daughter who are minors or to his Canaanite manservant or maidservant, because their hand is as his own hand.

**Mishnah 5.** If a man was standing in his threshing-floor and he had no money, he may say to his fellow: ‘Lo, this produce is given to thee as a gift’, and then he may say again: ‘Lo,
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LET THIS PRODUCE BE EXCHANGED FOR MONEY WHICH I HAVE IN THE HOUSE’.20


MISHNAH 7. IF A MAN REDEEMED SECOND TITHE BUT DID NOT CALL IT BY ITS NAME,26 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 9. ANY MONEY FOUND 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 WERE 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.

MISHNAH 11. IF A VESSEL WAS FOUND ON WHICH WAS WRITTEN A KOF48 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


(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 selä’ in exchange for the customer’s copper coin. He receives copper coin at a lower rate than its real value.
(4) For the selä’ 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) Var. lec. שקרם. ‘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 selä’; 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 selä’ increase in its value becomes Second Tithe money, and the purchaser must redeem the produce at its new price of two selä’s, one of which is Second Tithe which must be spent in Jerusalem.
(25) But he must still pay the seller two selä’s.
(26) Thus redeeming the produce at its present price of one selä’.
(27) יִשָּׁרָא, the sanctity of which is not as great as of certain Second Tithe. Var. lec., יִשָּׁרָא יִשָּׁרָא, ‘of his own money’. I.e., he may pay the selä’ 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 Second Tithe of demai, 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. Sbek. 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.
MA'ASER SHEINI

This and the following are names of letters of the Hebrew alphabet.

'Tithe'.

Produce from which heave-offering and tithes have not yet been taken.

Heave-offering.

When Jews were persecuted by the Romans for the observance of the Torah.

The initials of the names of the owners of the vessels.

The word in full.

And then filled again with common produce.

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.

Ma'aser Sheni Chapter 5

MISHNAH 1. A VINEYARD IN ITS FOURTH YEAR MUST BE MARKED WITH CLODS OF EARTH, [TREES OF] 'ORLAH WITH POTTER'S CLAY, AND GRAVES WITH LIME WHICH IS DISSOLVED AND POURED ON. RABBI SIMEON R. GAMALIEL SAID: WHEN IS THIS DONE? IN THE SEVENTH YEAR. THE CONSCIENTIOUS USED TO PUT DOWN MONEY AND SAY: ANY FRUIT GATHERED FROM THIS VINEYARD MAY BE EXCHANGED FOR THIS MONEY.


MISHNAH 3. A VINEYARD IN ITS FOURTH YEAR, BETH SHAMMAI SAY, IS NOT SUBJECT TO THE LAW OF THE FIFTH NOR TO THE LAW OF REMOVAL. BUT BETH HILLEL SAY: IT IS SUBJECT. BETH SHAMMAI SAY: IT IS SUBJECT TO THE LAW OF THE GRAPE GLEANING AND TO THE LAW OF DEFECTIVE CLUSTER, AND THE POOR MUST REDEEM THEM FOR THEMSELVES. BUT BETH HILLEL SAY: ALL OF IT GOES TO THE WINE-PRESS.

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 AND SAYS: HOW MANY SUCH BASKETS WOULD A MAN WISH TO REDEEM FOR HIMSELF FOR A SELA' ON CONDITION THAT THE OUTLAY SHALL BE BORNE BY THIS HOUSE? HE THEN PUTS DOWN THE MONEY 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 SEVENTH YEAR HE MUST REDEEM IT FOR ITS FULL VALUE. IF IT HAD ALL BEEN MADE OWNERLESS PROPERTY, THE PERSON WHO SEIZED IT CAN ONLY CLAIM THE COST OF PICKING IT. IF A MAN REDEEMED HIS FRUIT OF A PLANT IN ITS FOURTH YEAR, HE MUST ADD A FIFTH OF ITS VALUE, WHETHER THE FRUIT WAS HIS OWN OR WAS GIVEN HIM AS A GIFT.

MA'ASER SHEINI

BROTH, BETH SHAMMAI SAY: IT MUST BE REMOVED. BUT BETH HILLEL SAY: LO, IT MAY BE CONSIDERED AS ALREADY REMOVED.

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

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

MISHNAH 9. IF A MAN HAD HIS PRODUCE AT A DISTANCE FROM HIM, HE MUST CALL BY NAME [THE RECIPIENTS OF THE TITHE] THEREOF. ONCE IT HAPPENED THAT RABBAN GAMALIEL AND THE ELDERS WERE TRAVELLING HOME BY SHIP, RABBAN GAMALIEL SAID: ‘ONE TENTH WHICH I SHALL MEASURE IS GIVEN TO JOSHUA, AND THE PLACE THEREOF IS LEASED TO HIM; THE OTHER TENTH WHICH I SHALL MEASURE IS GIVEN TO AKIBA B. JOSEPH THAT HE MAY HOLD IT FOR THE POOR, AND THE PLACE THEREOF IS LEASED TO HIM’. R. JOSHUA SAID: THE TENTH WHICH I SHALL MEASURE IS GIVEN TO ELEAZAR B. AZARIAH, AND THE PLACE THEREOF IS LEASED TO HIM, AND THEY EACH RECEIVED RENT ONE FROM ANOTHER.


‘NEITHER HAVE I FORGOTTEN’ — I HAVE NOT FORGOTTEN TO BLESS THEE, NOR TO MAKE MENTION OF THY NAME OVER IT.

MISHNAH 12. ‘I HAVE NOT EATEN THEREOF IN MY MOURNING’ — LO, IF HE HAD EATEN THEREOF IN HIS MOURNING, 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.

‘I HAVE DONE ACCORDING TO ALL THAT THOU HAST COMMANDED ME’ — I HAVE REJOICED AND MADE OTHERS 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 offsprings 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. Hence 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.

Mishnah 15. Johanan The high priest set aside the confession of the tithes. He also abolished the ‘wakers’ and the ‘strikers’. Until his days the hammer used to beat in Jerusalem and in his days one had no need to enquire concerning Demai.

(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.
(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) בַּעַר וַעַר, derived from the verb בָּעַר, 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.
(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 וַגוֹם, ‘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) יִשְׁבֶּית, the interval between the death and the end of the day on which the deceased was buried.
(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. Ic.; 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.