

## He derives, *Kodesh Kodesh* from *Ma'aser*

## גמר קדש קדש ממעשר –

### Overview

maintain that<sup>1</sup> כרם רבעי requires an additional fifth<sup>2</sup> to redeem it, and that it must be removed from the house on the third and sixth year of the שמיטה cycle,<sup>3</sup> just as תוספות מע"ש from קדש קדש of<sup>4</sup> גז"ש through a כרם רבעי derive, מעשר שני explains why we still need another פסוק regarding כרם רבעי.

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asks: תוספות

ואם תאמר אם כן למה לי הלולים<sup>5</sup> דדריש מיניה בפרק כיצד מברכין (ברכות דף לה, א) -

**And if you will say; if this is so** (that we derive the rules of redemption by כרם רבעי from מע"ש), **why do we need** the word הלולים which is written by כרם רבעי, **from which** the גמרא in **פרק כיצד מברכין** expounds that הלולים teaches us –

אחליה<sup>6</sup> והדר אכליה תיפוק ליה מהך גזירה שוה<sup>7</sup> -

**Redeem** the כרם רבעי **and then eat it; we can derive** this rule of redemption by כרם רבעי **from this** גז"ש of קדש קדש; why is הלולים necessary to teach this to us?!

answers: תוספות

ויש לומר דאי מגזירה שוה לא הוה ידעינן דפדיון רבעי נוהג אלא בזמן שמעשר שני נוהג -

**And one can say; if we would derive** the rule of כרם רבעי **from the** גז"ש **we would only know that** פדיון רבעי **is required specifically in the time when** מע"ש **is separated** namely on the first, second, fourth and fifth years of שמיטה -

ולא בשנה שלישית<sup>8</sup> -

<sup>1</sup> The first three years of a vineyard the fruits are ערלה and are forbidden (even) בהנאה. On the fourth year the fruits are to brought up to ירושלים and eaten there. However one may redeem the fruits and bring up the money to ירושלים and spend it there for food.

<sup>2</sup> This actually means a fourth; if the fruits are worth one hundred זוזים, they must be redeemed with one hundred twenty five זוזים (if redeemed by the owner). The additional twenty five זוזים is a fifth of the total redemption price of one hundred twenty five זוזים. This is called a חומש מלבר.

<sup>3</sup> See וידוי מעשרות and ביעור (תבא) כו, יב-יג where the rule of

<sup>4</sup> Regarding כרם רבעי the תורה writes (in יט, כד) (ויקרא [קדושים] יט, כד) that קדש הלולים לה' מעשר, and by מעשר הארץ וגו' קדש לה' (ויקרא [בחקותי] כז, ל) that קדש הארץ וגו' קדש לה'.

<sup>5</sup> See footnote # 4 (where the word הלולים is mentioned by כרם רבעי).

<sup>6</sup> We are to understand the word חילול (ה"א and the ח"ת are interchangeable). In order to eat the כרם רבעי outside ירושלים one must first redeem it.

<sup>7</sup> There is no question in the reverse (that why do we need the גז"ש if we have הלולים), for the גז"ש is necessary to teach us the חומש דינים (which we cannot derive from הלולים).

<sup>8</sup> On the third and sixth years of שמיטה we separate מעשר עני instead of מע"ש. One might think that if it was planted on the third year of שמיטה, so the רבעי year is the sixth year of שמיטה when there is no מע"ש, so there should be no פדיון רבעי either. See 'Thinking it over' # 1.

**But** we would assume that there is **no פדיון רבעי on the third or sixth year of שמיטה** (since there is no מע"ש on these two years), therefore the תורה writes הלולים that the rules of חילול applies in all the years.

הלולים offers an alternate reason why we require the דרשה from תוספות:

**אי נמי הוה אמינא מאי חזית דגמר ממעשר נילף משביעית<sup>9</sup> שתופס דמיו<sup>10</sup> ואינו יוצא לחולין -**  
**Or you may also answer; if not for הלולים, I would have said, why do you see it fit to derive רבעי from מעשר** (with a גז"ש of קדש קדש), **let us derive רבעי from שביעית** (with the same גז"ש), and say **just as שביעית 'grasps' the money** (used for an exchange) **and the פירוש שביעית do not leave** and become חולין, the same should apply to רבעי -

**(אבל מאחר דגמרי מהלולים שאינו תופס דמיו<sup>11</sup> גמר<sup>12</sup> ממעשר):**  
**(however since we derive from הלולים that it does not 'grasp' its money, we can derive רבעי from מע"ש).**

## Summary

הלולים teaches us that רבעי is not דמיו, and it is not derived from שביעית, but rather it is derived from מעשר.

## Thinking it over

1. According to תוספות first answer (that if not for הלולים), we may have thought that רבעי<sup>13</sup> what would be the rule in those years; would there be a rule of רבעי, but without פדיון (meaning one would have to bring the פירות רבעי to ירושלים) or there would be פדיון but no חומש or ביעור, or there would be no rule of רבעי at all? And how does 'הלולים' teach us that it is not so?<sup>14</sup>

2. Why does one answer assume that (without הלולים) we would exclude שלישי ושני, and the other answer assumes it would be יוצא לחולין?

<sup>9</sup> We find the word קדש by שביעית as well (in [בהר] כה"ב), where the תורה writes יהיה לכם קדש.

<sup>10</sup> If one exchanges פירות שביעית (let us say grapes) with apples, both the apples and the grapes retain שביעית, and we do not say that since the apples received שביעית, the grapes should lose that קדושה and become חולין (see later, נחא). Without הלולים, we could argue that the same should apply to רבעי.

<sup>11</sup> The term חלול indicates that the original item of קדושה becomes נתחלל it loses its קדושה status, which is transferred to the item with which we redeemed it.

<sup>12</sup> Now that we know from הלולים that רבעי (which is not דמיו), is not like שביעית (which is דמיו), so we do not derive רבעי from שביעית, we can derive רבעי from מעשר regarding חומש and ביעור.

<sup>13</sup> See footnote # 8.

<sup>14</sup> See נחלת משה.