

חולין ומעשר שני מעורבים זה בזה –

חולין and מעשר שני are intermingled one with the other

OVERVIEW

The גמרא cited a ברייתא that if one put aside a מנה of מעשר שני then later he found two מנות there, the rule according to רבי is that there is currently a mixture of חולין and מע"ש (we assume that someone added a מנה of חולין to the מנה of מע"ש). The מע"ש money has various restrictions on it, including that it must be brought to ירושלים and be redeemed for foods to be eaten only in ירושלים. It is in the interest of the owner to separate the מע"ש from the מעות חולין. רש"י offers a method how we can separate the מע"ש from the חולין. Our תוספות objects both to the method and the ruling of רש"י.



פירש הקונטרס¹ שיביא סלעים בשוה מנה –

רש"י explained the method to resolve this issue; that he should bring coins of מע"ש valued at a מנה (the original amount of מעשר שני that was placed there) -

ואומר כל מקום שהוא מעות מעשר שני יהיו מחוללים על מעות² הללו³ –

And he proclaims; any place where monies of מע"ש are found (in this mixture) they should be exchanged for these סלעים. This concludes רש"י.

תוספות disagrees:

ובחנם פירש כן⁴ דמינייהו גופייהו היה יכול ליקח שיעור מעות מעשר⁵ –

And it was unnecessary for him to explain it in this manner in order to resolve the dilemma; for he could take the amount of מע"ש money from these monies itself (that are in doubt) -

ואומר אם אלו מעות מעשר הרי טוב ואם לאו כל מקום שהן הרי הן מחוללים על אלו –

And proclaim; 'if these monies that I am holding are מע"ש money, then it is fine, and if they are not מע"ש money, then anyplace where the מע"ש money is

¹ בד"ה מעורבין.

² In our רש"י the text reads סלעים (not מעות). See מגיני שלמה. See footnote # 7.

³ The קדושה of מע"ש that is in the coins of the mixture gets transferred to the new מנה of סלעים that he is holding; so that the new מנה is now מע"ש and the entire mixture of two מנות are חולין.

⁴ It is not necessary for him to bring a third מנה to resolve the issue. It can be resolved with the monies of the mixture.

⁵ תוספות is suggesting this according to שיטת רש"י who maintains that we can be מחלל money for money. It is not necessary for him to be מחלל מע"ש on new monies, he can use the monies in the mixture for the חילול process. However תוספות maintains (as the ריב"א shortly asks) that one cannot be מחלל money for money.

found **they should be exchanged for this** money. This מנה (that he took from the mixture) becomes מעות מע"ש (in any event).

פירש"י asks a question on תוספות:

ורבינו יצחק בן אשר הקשה לפרש"י דאין יכול לחלל אסלעים –

And the ריב"א asked a question, according to פרש"י how can one exchange the סלעים on מעות מע"ש –

ובפרק הזהב (בבא מציעא דף מה, א⁶) אמר טיבעא אטיבעא לא מחללין –

For in פרק הזהב he stated that one cannot exchange minted coins of מע"ש for other minted coins.

ושם פירשתי⁷:

And I have explained it there.

SUMMARY

תוספות. סלעים on מעות the מחלל and are סלעים outside that we bring רש"י maintains that argues that according to רש"י he can be מחלל the money from the מעות in the mixture. The ריב"א asks that one is not permitted to be מחלל money for money.

THINKING IT OVER

How is it possible that we can be מחלל from these monies (without using outside money) and (still) satisfy the requirement of the ריב"א that מחללין לא טיבעא אטיבעא⁸?

⁶ See the באור to the ש"ף in מהר"ם ש"ף who writes that there is no such כסף על כסף מחללין. Rather when תוספות (there in ביצה) writes that מפרש (ביצה) he is referring to רש"י on רש"י (בד"ה מפני) who states clearly that the חילול הוא וכו' אמר ריב"א here who states that the ריב"א is referring to אמר. We will therefore have to interpret the ריב"א on פירש"י that the ריב"א is referring to אמר.

⁷ See there on פירש"י. מה, א תוספות ד"ה לפלגי. There תוספות maintains that one cannot be מחלל מע"ש for other money of equal quality; however one may be מחלל מע"ש for money of an inferior circulating quality for money of a superior circulating quality. It would seem therefore that רש"י is correct that he is required to bring סלעים (see footnote # 2) which are silver and are superior to the מנה which (according to רש"י who refers to them as מעות) are copper coins. Therefore the חילול is valid. However if we would use the monies of the mixture itself, that would be prohibited since we do not exchange טיבעא אטיבעא as תוספות states (in the name of רש"י). It would seem that the phrase ושם פירשתי means that there I explained why רש"י is correct and there is no question as the ריב"א would have it. See 'Thinking it over'.

⁸ If we base it on footnote # 7. See תוספות הרא"ש הערה 46 בסופו.