



Demai on Shabbat

The *Mishnah* (4:1) discusses the case where one purchased produce from an *am ha'aretz* and forgot to separate *terumat* and *maaserot* prior to *Shabbat*. On *Shabbat*, one is not allowed to separate *maaserot*. The *Mishnah* however explains that he can ask the *am ha'aretz* on *Shabbat*, and if he confirms that everything was separated, then the food can be consumed without *hafrasha* (separation).

The *Yerushalmi* records two reasons for the leniency. The *Chavraya* (*talmidim*) said in the name of *R' Yochanan*, that the reason for the leniency is *kavod Shabbat*. The *Gemara* asks, that if so, why does one need to ask the *am ha'aretz*? The *Gemara* answers that to permit the food, they needed something on which to rely – the *am ha'aretz*' answer.

Rashi (*Menachot* 30b, s.v. *Terumat Maaser*) explains that this is the food set aside for *Shabbat* and without it, it would impact one's *oneg Shabbat* (pleasure on *Shabbat*). How is this enough for the leniency? *Rashi* explains the *Demai* itself was rabbinic stringency - most *amei haaretz* separated the required *maaserot*.

Returning to the *Yerushalmi*, *R' Beivai* provided a different explanation in the name of *R' Chanina*. He explains that the awe of *Shabbat* is such that he will tell the truth. The *Gemara* then asks that if one can assume he is telling the truth, why does the *Mishnah* rule that one can only consume the food without *hafrasha* on *Shabbat*, but not after *Shabbat*? The *Gemara* answers that we are concerned that there are individuals for whom *Shabbat* does not have this impact. Interestingly, the *Gra* (*Shnot Eliyahu*) comments, that the fact that we are not concerned for that minority on *Shabbat* is because of *kavod Shabbat*. In other words, the position of *R' Chanina* relies on both explanations, *kavod Shabbat* and *eimat Shabbat*.

How do we understand *eimat Shabbat*? The *Bartenura* explains that on *Shabbat* people had a greater sense of fear in transgressing *mitzvot* or lying. The *Tosfot* however provides a different explanation. We will learn that *Shabbat* is “*koveah*” for *maaser*. Simply put, even though one is allowed to snack from produce prior to it reaching “*gmar melacha*” (completion of work), such food on *Shabbat* is considered *tevel* and even a snack is prohibited without *hafrasha*. It would appear then that it is not the awe of

Shabbat that would deter one from lying in general, but rather the impact *Shabbat* has on the status of the produce itself that would affect his perspective.

It appears that these two understandings are present in the end of the *Mishnah*. If *terumat maaser* of *demai* got mixed with less than one hundred parts *chulin* it could potentially be *meduma*. This means that *teruma* is not annulled and the mixture must be sold to a *kohen* for its value excluding the *terumat maaser* in the mixture. The *R' Shimon Shezuri* explains that one can ask the *am haaretz* if he performed *hafrasha* and rely on his answer to save the mixture from becoming *demai*. *R' Shmuel brei DR' Yossi Bar Bun* in the *Yerushalmi* explains that *terumah* and mixtures of *terumah* were treated seriously by *amei haaretz*, consequently they could be trusted in this case. This explanation aligns with the *Tosfot* above that relies on their attitude to *maaserot* itself.

Rashi (*ibid*) however explains that the *Chachamim* were lenient due to the potential loss to the regular produce. One question posed is that it appears to contradict the *Yerushalmi*. Recall that *Rashi* explained the beginning of our *Mishnah* according to the first opinion, that it was a leniency afforded to *Shabbat* alone and not based on the impact *Shabbat* has on the *Am Haaretz*. Consequently, it follows that according to that opinion, if the change in attitude is not considered, the reason must similarly be a leniency afforded in this case.

One final point is that we find that even the fear of *Shabbat* has its limits. The *Yerushalmi* ask how one should approach the *am haaretz* when asking whether *hafrasha* was performed. *R' Yona* explains that it should be in a roundabout manner. For example, *R' Yona* approached an *am haaretz*, and explained that it was not because he suspected him, but rather he saw that he was overwhelmed with customers and might have forgot in this instance. The *Mahara Fulda* explains that if the seller felt he was suspected, he might lie due to embarrassment. The *Rash Sirilio* however says that the concern is that it would be anger that would lead to this outcome. The concern expressed is in line with the *Mishnah* in *Avot* that one's honour can “remove a person from the world”; it can distort his sensibilities. Consequently, the *Yerushalmi* understood that for this *gezeira* to work, one needs to be sensitive to the *am haaretz*.

Revision Questions

דמאי א' ג' – ד' א'

- If someone purchases produce from an *am ha'aretz* for particular uses they may not be treated as *demai* – what are they? (א' ג')
- What other things purchased from an *am ha'aretz* are not considered *demai*? (א' ג')
- What may *demai* be used for that *tevel* may not? (א' ד')
- What other laws are more lenient in *demai* than *tevel*? (א' ד')
- What foods does *demai* apply to beyond *ch'ziv*? (א' ב')
- What does an *am ha'aretz* need to do to become *ne'eman*? (ב' ב')
- What is the difference between someone who is *ne'eman* and a *chaver*? (ב' ג')
- How does one become a *chaver*? What further restriction's does *R' Yehuda* add? (ב' ג')
- What must a baker remove from his bread made from produce purchased from an *am ha'aretz*? (ב' ד')
- What type of produce sold are excluded from the law of *demai* and why? (ב' ד')
- What does *R' Meir* add to the rule described in the previous question? (ב' ה')
- Which two groups of people may be given *demai* to eat? (א' א')
- Explain the debate between *Beit Shammai* and the *Chachamim* regarding a *gabbai tz'daka* and *demai*? (א' ג')
- What three things does the *mishnah* direct one to do to prevent others from eating food from which *trumot* and *ma'asrot* have not been taken? [hint: lightening the load, returning produce and storing food] (ג' ב'-ג')
- Can someone give someone else *demai* food as a gift if they notify them that it is *demai*? (ג' ג')
- What is law regarding tithed wheat given to a *kuti*, *am ha'aretz* and *nochri*: (ג' ד')
 - For grinding?
 - As a collateral? (Explain the debate in this case)
- Explain the debate regarding giving un-tithed produce to an inn-keeper for safe keeping? (ג' ה')
- According to *R' Yehudah* what precautionary measures must one take when giving wheat to his mother-in-law to make bread? (ג' ו')
- If someone forgot to separate *trumot* and *ma'asrot* from *demai* and it is now *Shabbat* what can they do? Does the ruling change on *motzei Shabbat*? (ד' א')
- What can one do if *trumat ma'aser* separated from *demai* gets mixed up with the original produce? (ד' א')

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
6 March ג' אדר	7 March ד' אדר	8 March ה' אדר	9 March ו' אדר	10 March ז' אדר	11 March ח' אדר	12 March ט' אדר
Damai 4:2-3	Damai 4:4-5	Damai 4:6-7	Damai 5:1-2	Damai 5:3-4	Damai 5:5-6	Damai 5:7-8

