



Volume 7. Issue 10

## Da Mai? Teshuva!

### Mishnah Yomit meets Daf Yomi

*Demai* is produce that is purchased from an *am ha'aretz* - a person not careful with the laws of *trumot* and *ma'asrot* - and as such there is a level of doubt regarding whether all the *ma'asrot* were separated. The understanding that the name *Demai* is a conjunctive of the words "*Da Mai*" ("What is this?") illustrates the point. The *masechet* deals with what is considered *Demai* and how such produce can be remedied.

The *Gemara* (*Sotah* 48a) explains the source of this rabbinic initiative:

[*Yochanan Kohen Gadol*]... instituted *Demai*. He had sent people throughout Israel, and found that everyone only separated *teruma gedola*, but only some separated *maaser rishon* and *maaser sheni*. He said to them: "My sons! Just as eating *truma gedola* carries a penalty of death (in the heavenly courts) so too does eating *maaser rishon* and *tevel*."

The *Gemara* then continues explaining the decree of *Demai*.

The interesting point about *Demai* is that in numerous places, the *Gemara* (e.g. *Shabbat* 13a) states that most people actually separated *ma'asrot*. Consequently, one would ordinarily apply the principle that we follow the majority and not be concerned with a doubt regarding the minority. Nevertheless *Yochanan Kohen Gadol* found it necessary to initiate *Demai*. The *Tifferet Yisrael* explains that even though it was only a minority, it was a common transgression amongst them and therefore a necessary decree.<sup>1</sup>

The *Tosfot* (*Shabbat* 13a) ask that the assertion that most people separated *ma'asrot* does not appear to fit with the story about *Yochanan Kohen Gadol* from which it appears that most did not separate. We shall focus on the answer of the *Tosfot HaRosh*, who explains that indeed initially very few *amei ha'aretz* did. However, the new decree of *Demai* drove everyone to become *chaveirim* - to do *teshuva*. Indeed, the *Mishnah* (*Sota* 47b) teaches that during the time of *Yochanan Kohen Gadol* no one needed to ask about *Demai*, because everyone became *chaveirim*.<sup>2</sup> It was only after his life, that a minority returned to their original ways.

We find that according to the *Tosfot Ha'Rosh*, *Demai* was a decree that drove *teshuva*. With this we can perhaps understand the importance of having such a decree despite being only a minority concern. It is fitting as well that the *masechet* gives time to not only discuss the process of how an *am ha'aretz* can change and become a *ne'eman* (one trusted with *ma'asrot*) but also how he can become a *chaver* as well (a person also trusted with *tumah* and *taharah*) (2:2-3). This is because *teshuva* is at the core of *Demai*. Furthermore the understanding "*Da mai*" can now not only be understood as referring to the questionable produce, but also a question to the seller - what are you?

Let us turn our attention to a *Gemara* learnt in *Daf Yomi* today. The point developed above can perhaps reveal a novel understanding of that *sugya*. The *Gemara* (*Avoda Zara* 25b) teaches that if one is travelling, and a *nochri* asks where he is going, he should tell him a location that is further than his true destination. *Rashi* explains that this lie will perhaps save him, as the *nochri* might wait for an opportunity later in the journey to harm him. One such story is told about *R' Akiva's* students, that when asked, said that they were travelling to *Akko*, yet in fact ended their journey earlier in *Cheziv*. The bandits, having been tricked, exclaimed: "Praiseworthy is *R' Akiva* and his students, for they never met (*paga*) an evil person." In other words, they were unharmed.

The *Torat Maharitz* asks, how could the bandits give such praise? They themselves were evil people! He answers that having met the *talmidim*, they were inspired by their ways and performed *teshuva*; they changed their ways.

Having learnt this week's *mishnayot*, one detail in the story immediately catches our attention. They were travelling towards *Akko* and stopped in *Cheziv* which is north of their revealed destination. The *Mishnah* (1:3) teaches that for most foods, *Cheziv* was the border, north of which (and including it) the laws of *Demai* do not apply. Consequently it was at this border, at the trigger point of *Demai*, that they stopped. They brought them to *Demai*. They bought these bandits to *teshuva*.

So nu? *Da mai*?

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<sup>1</sup> See Volume 1 Issue 13 for a further analysis of this question.

<sup>2</sup> This is in contrast to *Rashi's* explanation that during his time, no one needed to ask an *am ha'aretz* whether their produce was tithed, because he instituted that *Demai* which required all such produce be tithed.

**Revision Questions**

דמאי א' א' ג' ה'

- What foods were the *Chachamim* lenient towards with respect to *demai*? (א: א')
- How is *ma'aser sheni* separated from *demai* different from regular *ma'aser sheni*? (ב: א')
- If someone purchases produce from an *am ha'aretz* for particular uses they may not be treated as *demai* – what are they? (ג: א')
- What other things purchased from an *am ha'aretz* are not considered *demai*? (ג: א')
- What may *demai* be used for that *tevel* may not? (ד: א')
- What other laws are more lenient in *demai* than *tevel*? (ד: א')
- What foods does *demai* apply to beyond *ch'ziv*? (ה: ב: א')
- What does an *am ha'aretz* need to do to become *ne'eman*? (ה: ב: ב')
- What is the difference between someone who is *ne'eman* and a *chaver*? (ה: ב: ב')
- How does one become a *chaver*? What further restriction's does *R' Yehuda* add? (ה: ב: ג')
- What must a baker remove from his bread made from produce purchased from an *am ha'aretz*? (ה: ב: ד')
- What type of produce sold are excluded from the law of *demai* and why? (ה: ב: ד')
- What does *R' Meir* add to the rule described in the previous question? (ה: ב: ה')
- Which two groups of people may be given *demai* to eat? (ה: ג: א')
- Explain the debate between *Beit Shammai* and the *Chachamim* regarding a *gabbai tz'daka* and *demai*. (ה: ג: א')
- 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] (ה: ג: ב: ג')
- Can someone give someone else *demai* food as a gift if they notify them that it is *demai*? (ה: ג: ג')
- What is law regarding tithed wheat given to a *kuti*, *am ha'aretz* and *nochri*: (ה: 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. (ה: ג: ה')

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**Next Week's Mishnayot...**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
12 <sup>th</sup> September ד' תשרי	13 <sup>th</sup> September ה' תשרי	14 <sup>th</sup> September ו' תשרי	15 <sup>th</sup> September ז אלול	16 <sup>th</sup> September ח' תשרי	16 <sup>th</sup> September ט' תשרי	17 <sup>th</sup> September י' תשרי <b>יום כיפור</b>
Demai 3:6-4:1	Demai 4:2-3	Demai 4:4-5	Demai 4:6-7	Demai 5:1-2	Demai 5:3-4	Demai 5:6-7

