



Volume 1. Issue 12.

Trusting The Baker

At the beginning of the fifth *perek* of *Masechet Demai* it becomes clear that one is required to view produce as *Demai* in the case of a *Nachtom*, i.e. in the case where one purchases bread from a baker.

The *Yerushalmi* on this *Mishnah* brings an immediate problem, reminding us that we learnt in the first *perek* that there is no obligation of separating *Demai* from bread.

It seems though as if this problem is easily solved as done by ר"י, who claims that we can differentiate between the separation of an *Am Ha'aretz*, to that of a *Chaver*. I.e. we can say that in our case in the fifth *Perek* we are accepting the bread from an *Am Ha'aretz*, and therefore it has to be re-separated, whereas in the first *Perek* it is discussing the case where a *Chaver* separated the *Demai*, and therefore it does not have to be repeated, as we know he adheres to all the commandments of the *Torah* and can in turn be trusted to have acted appropriately.

Despite this seemingly simple answer, many commentaries have a problem with this because it seems apparent elsewhere that even *Amei Ha'aretz* are not considered suspicious with regards to this issue, and therefore can be trusted.

In the *Yerushalmi* there is a difference of opinion brought between *R'Elazar* and *R'Yochanan*.

R'Yochanan explains that in our case the person's actions are not done in accordance to all the laws of ritual purity, but in the first *perek* they are. I.e. In the first *perek* the *Nachtom* is concerned that his bread should be edible also by *Kohanim*, and therefore he was careful to separate out all the *Trumot* and *Ma'aserot*. The *Pnei Moshe* in the *Yerushalmi* explains that the same *Nachtom* was requested by a *Chaver* that he should take out all the necessary separations for him, and therefore it can all be trusted. In our *Mishnah* though we are talking about a

Nachtom who does not share the same concerns, and therefore the ingredients that he uses are not necessarily suitable for use by *Kohanim*, and he has no intention to sell his products to *Kohanim*. In turn, someone who buys from him must separate the necessary donations himself.

According to *R'Elazar* it's clear that the case is one where the *Nachtom* is reliable with regards to purity etc., but one who buys from his still has to separate. This is because in the first *perek* the *Nachtom* sells in small amounts, and is therefore required to separate himself. In the fifth *perek* though we are dealing with a *Nachtom* that sells produce in large amounts and therefore is exempt from taking out the requirements himself, and therefore when one buys it from him, the obligation rests still upon the buyer. It appears that the *Rambam* holds like *R'Yochanan* since he mentions "that he separated in purity" and all commentators explain this statement in accordance to the opinion of *R' Yochanan*. On the other hand, many of the commentaries on the *Mishnah* hold like *R'Elazar*.

Of course, there is a practical implication between the two. For example, according to *R'Yochanan* it doesn't matter in which fashion, with regards to size or prices, the *Nachtom* sells. Even if he was to be selling large amounts, *R'Yochanan* would force the *Nachtom* to take out the separations if he was selling it to *Kohanim*.

According to *R'Elazar*, we rely on all the *Nachtomim* that they only sell that which is pure, and this has great implications with regards to places that are populated by *kohanim* which must be extremely weary of all these issues.

Of course, there are other practical implications between the two. In any case, according to Kehati, the *Halacha* follows *R'Elazar*.

Amitai Marmor
Translated by: Mark Steiner

Revision Questions

דמאי ד' - ג' - א':

- If someone is visiting a foreign city, how can he determine who is a *ne'eman*? (ד': ג')
- If the visitor went to person A under the advice of person B, and asked person A which local seller is careful about the laws of *chadash* and the response was person B – can he be trusted? (ד': ג')
- If two travelling salesman enter a city and one says that his produce is *chadash* and his friend's is *yashan* while the other salesman says that his friend's produce has been tithed while his own has not – can they be trusted? (ג': ד')
- How does one “fix” demai bread purchased from a baker? (ה': א')
- How does one separate *trumah gedolah* and *trumat ma'aser* from *tevel* at once? (ה': ב')
- Explain the debate regarding separating the tithes from one *demai* loaf for other *demai* loaves
 - Purchased from a baker? (ה': ג')
 - Purchased from a retailer? (ד': ה')
- What is special about the way produce belonging to or purchased from an *ani* must be tithed? (ה': ה')
- Can one tithe from one group of produce for another if they were purchased at different times from
 - The same wholesaler? (ה': ג')
 - A private owner (*ba'al ha'bait*) selling from home? (ג': ה')
 - A *ba'al ha'bait* selling at the market (NB: two cases)? (ג': ה')
- If someone purchased *tevel* from two different people can he tithe from one for the other? (ה': ח')
- Can one tithe from produce belonging to a non-Jew for produces belong to a Jew? Belong to *Cuti* for a Jew? (ה': ט')
- What is the status of produce that has grown in a pot that has a hole in the bottom (*atzitz nakuv*)? (ה': י')
- What is the law if someone tithes: (ה': י"א)
 - From *demai* for other *demai* produce?
 - From *demai* for *tevel* produce?
 - From *tevel* for *demai* produce?
- What is an *aris*? What is a *choker*? (א': ג')
- What must an *aris* and *choker* do before giving the produce to the owner of the field? (א': ג')

Local Shiurim

Sunday -Thursday

Between mincha & ma'ariv

Mizrachi Shul
David Bankier

9:50pm (after ma'ariv)

Beit Midrash -
Naftali Herc
Yehuda Gottlieb

Friday & Shabbat

10 minutes before mincha

Mizrachi Shul

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
26 th Dec.	27 th Dec.	28 th Dec.	29 th Dec.	30 th Dec.	31 st Dec.	1 st Jan.
Demai 6: 2-3	Demai 6: 4-5	Demai 6: 6-7	Demai 6: 8-9	Demai 6:10-11	Demai 6:12-7:1	Demai 7: 2-3

