



Volume 1. Issue 13.

## The Nature of Demai

Produce bought from an *Am ha'Aretz* (an unlearned Jew who is lax in his Torah-observance) is referred to as *Demai* ("Da Mai?" roughly translates as "what is its status?"). *Ma'aser Rishon*, *Terumas Ma'aser*, and *Ma'aser Sheni* must be separated from this produce since a minority of *Amei ha'Aretz* cannot be trusted to have separated them before selling it. *Terumah Gedolah*, however, because of its stringency is presumed to have been separated.

This din of *Demai* that obligates one to be *mafrish Ma'aser Rishon*, *Terumas Ma'aser*, and *Ma'aser Sheni* requires deeper analysis. Usually we apply the Torah principle of following the majority and we are not concerned with what a minority of people may or may not do. Why is it that with regards to *Demai*, *Chazal* seem to be concerned with the minority of *Amei Ha'artez* that were not *mafrish* and therefore classify the produce of every *Am Ha'artez* as being *b'safek*, in doubt?

The *Achronim* attempt to formulate the exact nature of the *chiyuv* of being *mafrish* fruit of *Demai*. Reb Elchonon Wasserman in his *Kobetz Ha'aros* (75:6) suggests that there are two possible ways we can understand the nature of *demai*:

- a) *Mi'Doiraisa* we can assume that most *amei ha'artez* are *mafrish* all *trumos* and *ma'asros* and are not concerned that perhaps the purchased produce is of the minority of *amei ha'artez* who do not *mafrish*. However, *mi'Derabanan* we are *choishesh* that perhaps this produce did in fact come from that minority who are not *makpid* (cautious) to be *mafrish* and therefore the produce is classified as being in a state of *safek*.

- b) *Mi'Deraban* we are not concerned that the produce stems from the minority, however, the Rabbis created a new *chiyuv* of *hafrashas peiros demai* that requires one to be *mafrish Ma'aser Rishon*, *Terumas Ma'aser*, and *Ma'aser Sheni*.

This *chakira* is a classic way of attempting to grapple with the nature of Rabbinic *takanos*. *Chazal* were concerned with the possibility that a Jew would consume produce that may still require *hafrasha*. The question then becomes – when *Chazal* created *takanas Demai*, did they integrate their reasoning into the *takana* itself (as described in possibility 'a'), or did their reasoning merely act as the impetus for the creation of the new *chiyuv* (as described in 'b').

The following *Mishna* seems to indicate that the first possible rationale for the *takana* of *demai* holds true. The *Mishna* (*Demai* 5:11) states:

"If one separates (gifts) from one food that is *Demai* on behalf of another food that is *Demai*...It is *Trumah*, however, one must go back and separate again (on the other food)."

If we assume, like the second possible explanation, that *Chazal* created a new *chiyuv* of *hafrashas peiros Demai*, why then would the *Mishna* require one to repeat the *hafrasha*? The person was already *mekayam* their *chiyuv* of *hafrashas peiros demai*. If however, on the other hand, *Demai* is based on the concern for the possibility that the *peiros* have not undergone *hafrasha*, as described in the first explanation of *Reb Elchonon*, then one can understand the need to repeat the *hafrasha*.

Adam Korbl

**Revision Questions**

- What is a *choker* and what is an *aris*?
- What is the difference in the responsibilities of a *choker* in the field belonging to an *Yisrael* and a *Nochri*? (יב: י)
- Explain the debate regard a *kohen* or *levi* who is an *aris*? (יג: י)
- What is the law regarding *ma'aser sheni* from produce collected by an *aris* who lives outside Jerusalem from a field belonging to a *Yerushalmi*? (יד: י)
- What is the law regarding the *ma'asrot* from produce collected by an *aris Yisrael* from a field belonging to a *kohen* or *levi*? (יד: י)
- Does the previous law differ when the *aris* is collecting olives and making oil? (יה: י)
- Explain the debate between *Beit Shammai* and *Beit Hillel* regarding the restriction on the sale of olives. (יז: י)
- What must one do when sharing a wine press with someone who is not believed with respect to separating *ma'asrot*? (יז: י)
- In what situation is one allowed to join in partnership or joint-*arisut* with someone who is not believed with respect to separating *ma'asrot*? (יח: י)
- Does the previous law differ if the two parties inherited a property? (יט: י)
- How should a *ger* and *goi* divide the inherited possessions? (יט: י)
- If an *am ha'aretz* selling fruit in *Surya* admits that the fruit is from *Israel* yet claim that tithes have be taken, is he believed? Why? (כ: י)
- Explain the issue raised regarding a *chaver* who buys produce for himself and an *am ha'aretz*. (כ: י)
- Can one separate *trumot* and *ma'asrot* from *demai* on *Shabbat*? What can a *chaver* do if he accepts an invitation to eat at an *am ha'aretz*'s house on *Shabbat*? (כא: י)
- Continuing from the previous question, provided that the *chaver* makes the necessary "preparation" what must he do before, e.g., drinking wine at the meal? (כב: י)
- What must an employee do before eating food provided by his *am ha'aretz* employer (3 opinions)? (כג: י)

**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
2 <sup>nd</sup> Jan	3 <sup>rd</sup> Jan.	4 <sup>th</sup> Jan.	5 <sup>th</sup> Jan.	6 <sup>th</sup> Jan.	7 <sup>th</sup> Jan.	8 <sup>th</sup> Jan.
Demai 7: 4-5	Demai 7: 6-7	Demai 7:8- Kilayim 1:1	Kilayim 1:2-3	Kilayim 1: 4-5	Kilayim 1: 6-7	Kilyaim 1: 8-9

