



Volume 13. Issue 10

## A Baker's Demai

This week we began *Masecht Demai*. *Demai* refers to produce purchased from an *Am Haaretz* – an individual who is not particular with the laws of separating *terumot* and *maasrot*. Despite the fact that most *Amei Haaretz* separated everything required of them, *Yochanan Kohen Gadol* observed a significant proportion that did not. Consequently, other than *Teruma Gedola* which was universally adhered to, he decreed that *maasrot* must be allocated.<sup>1</sup> However since this requirement was based on a doubt, those gifts that were purely financial (*ma'aser rishon*, *maaser ani*) could stay in the position of the owner. *Terumat maaser* however would need to be separated and given to a *Kohen* whereas *ma'aser sheini* of *demai* would need to be taken to *Yerushalaim*.<sup>2</sup>

The *Mishnah* (2:4) teaches that a baker was afforded further leniencies when it came to *demai*. A baker would only be required to separate *terumat maaser* and *challah*<sup>3</sup>. Absent from that list is *maaser sheni*. We shall try to understand why.

The *Bartenura* explains that the reason for the leniency was due to the pressure applied by the local authorities forcing them to sell at low prices. Given the difficulty, the *Chachamim* resisted pressuring them any further with all that comes with separating *maaser sheni*. The *Bartenura* however adds that this ruling is only in the cases where the baker sells to a *chaver* (one trusted with separating *terumot* and *maasrot*). If however he was selling to an *am haaretz*, the baker would be required to separate *maaser sheni* as well.

This appears to align with the position of the *Rambam* (*Maaser* 9:12) who explains that the leniency was only that requirement of separating *maaser sheni* was transferred to the purchaser. Since the baker had to separate *challah*, *trumat maaser* was nevertheless also separated by the baker to ensure that both were separated in a state of purity.

*Rashi* (*Yoma* 9a) however explains that in this case the *Chachamim* relied on the fact the most *Amei Haaretz* separated *terumot* and *maasrot*. It appears that there is a complete exemption from separating *maaser sheni*.<sup>4</sup> The *Tosfot HaRosh* however understands that the dispensation

was only with respect to taking the separated *maaser sheni* to *Yerushalaim* or redeeming it. The baker would still be required to separate the *maaser sheni* to ensure that everything had properly been separated. The leniency was only that the baker may then consume it outside *Yerushaliam* without redeeming it.

The *Tosfot Yeshanim* however ask that there is a simpler solution. The *Chachamim* could have allowed the baker to separate the *maaser sheni* and then redeem it with a *peruta* – the lowest valued coin. Even though ideally the money used to redeem should be greater than the value of the *maaser sheni*, we find that with the respect to *hekdesh* (items consecrate for use in the *Beit HaMikdash*) that a redemption in this manner would still work.

The *Tosfot Yeshanim* provides two answers. The first answer is that they did not want to legislate this solution - an unideal one in normal circumstances - because they did not want it to be used in other contexts. The *Ritva* provides a similar answer based on a different concern. He explains that since the *Chachamim* had already exempted the baker from taking *maaser sheni* to *Yerushalaim*, there was a concern that adding this relatively minimal requirement would ultimately be neglected.

The second answer of the *Tosfot Yeshanim* however is that unlike *hekdesh*, for *maaser sheni* redemption with a *sha've peruta* simply does not work. The *Ritva* question the reason why one would treat *maaser sheni* harsher than *hekdesh*. The *Biur HaGra* (YD 294:20) explains that the reason it works for *hekdesh* is because *onaah* (fraud) does not apply to *hekdesh*. That logic does not apply to *maaser sheni*.

The *Shulchan Aruch* (YD 294:4) rules that nowadays one redeems *maaser sheni* (and *peiros revaii*) with a *peruta* and discard the coin in the ocean. It appears that this align with the opinion that maintains that is permissible. The *Levush* however explains that since today *maaser sheni* cannot be consumed in any fashion it has next to no value. Consequently, redeeming with the worth of a *peruta* is indeed its value.

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<sup>1</sup> See Volume 7, Issue 10, "Da Mai? Teshuva!" for a more details explanation of the origin of this decree.

<sup>2</sup> Albeit with some leniencies, see 1:2.

<sup>3</sup> The portion removed from a significant amount of dough and given to a *Kohen*.

<sup>4</sup> One may ask why the *Chachamim* did not rely on this to exempt the baker from separating *trumat maser* as well. See the *Gevurat Ari* that deals with this question.

### Revision Questions

פאה ח' די – ט'

- With respect to vegetables – when do we believe the poor person? (ח' די)
- When distributing *ma'aser ani* to the poor directly from the threshing floor, what is the minimum quantity that one must give each poor person? (give the general rule) (ח' ה')
- What should one do if he does not have that amount to give to everyone? (ח' ר')
- What does the *gabbai tz'daka* provide for a poor person: (ח' ז')
- Travelling through the city?
- Staying overnight?
- Staying for over Shabbat?
- What is the financial status of one who can take from the *tamchui? Kuppah?* (ח' ז')
- What is the financial status of one who can take the *matanot ani'im*? How do pledges, *ketubah* and property enter into the calculations? (ח' ח')
- Regarding the previous question, does it make a difference if someone had less than that amount but was trading and supporting himself on that sum of money? (ח' ט')
- What does the *Mishnah* say about one who:
  - Takes the *tz'daka* when he does not need to?
  - Does not take *tz'daka* when he needs to?
  - Judges truthfully?
  - Accepts bribes?
  - Pretends to be disabled?

דמאי א' א' – ב' די

- 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*? (א' ב')
- 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? (ד' א')
- What other laws are more lenient in *demai* than *tevel*? (ד' א')
- 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*? (ג' ב')
- How does one become a *chaver*? What further restriction's does *R' Yehuda* add? (ג' ב')
- What must a baker remove from his bread made from produce purchased from an *am ha'aretz*? (ד' ב')
- What type of produce sold are excluded from the law of *demai* and why? (ד' ב')

### Melbourne, Australia

#### Sunday -Thursday

10 minutes before *Mincha*  
Mizrachi Shul  
 Melbourne, Australia

#### Friday & Shabbat

10 minutes before *Mincha*  
Mizrachi Shul  
 Melbourne, Australia

### Efrat, Israel

*Shiur in English*

#### Sunday -Thursday

Rabbi Mordechai Scharf  
 9:00am  
Kollel Magen Avraham  
 Reemon Neighbourhood

### ONLINE SHIURIM

*Rabbi Chaim Brown*  
[www.shemayisrael.com/mishna/](http://www.shemayisrael.com/mishna/)

*Rabbi E. Kornfeld*  
*Rabbi C. Brown*  
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

### SHIUR ON KOL HALOSHON

*Rabbi Moshe Meir Weiss*  
 In US dial: 718 906 6400  
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### Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
5 June כ"ח אייר	6 June כ"ט אייר	7 June א' סיון	8 June ב' סיון	9 June ג' סיון	10 June ד' סיון	11 June ה' סיון
Damai 2:5-3:1	Damai 3:2-3	Damai 3:4-5	Damai 3:6-4:1	Damai 4:2-3	Damai 4:4-5	Damai 4:6-7

