



Demai and Chomesh

This week we begin *Masechet Demai*. *Demai* refers to produce that has been purchased from an *Am Haaretz* – one not versed in the laws of separating *terumot* and *maaserot*. The *Gemara* (*Sotah* 48a) explains that *Yochanan Kohen Gadol* surveyed and found that while everyone separated *terumah gedolah* (the first ~2% given to the *kohen*), a substantial¹ minority did not separate any of the other *maaserot*. Consequently, to enable continued commerce and interaction, he decreed that any produce purchased from an *am Haaretz* would be considered *Demai*. The classification meant that the remaining *maaserot* still needed to be separated. Nevertheless, since there was a doubt whether the separation was necessary, many leniencies were built into *Demai*. Similarly, some of the separated *maaserot* could be retained by the owners. These leniencies will be covered over the course of the *masechet*.

The second *Mishnah* discusses the leniencies afforded to *maaser sheni* of *demai*. The second *maaser* in the first, second, fourth and fifth year of the *shemittah* cycle is *maaser sheni*. That *maaser* should be taken to *Yerushalaim* and consumed there. One however can transfer the sanctity to money and take that money to *yerushalaim* and purchase food there instead. If one however does so, they must add “*chomesh*”. While *chomesh* literally means a fifth, it is really a quarter of

the value of the food that one wishes to redeem (since the addition is a fifth of the total sum used for redemption). We learn in the second *Mishnah* that one of the leniencies of the *demai* is that one does not need to add *chomesh* when redeeming *maaser sheni* of *demai*. We shall try to understand why.

The *Bartenura* explains that the reason *chomesh* is not required is because, on biblical level, not adding *chomesh* when redeeming *maaser sheni* does not prevent the redemption from taking effect. The *Gemara* (*Bava Metzia* 54b) records *Ravina* who explains that had *chomesh* been required as part of this *gezeirah*, there was a risk that people would disregard *maaser sheni* of *demai* altogether.

How then do we understand the requirement of adding *chomesh*? We find the requirement to add *chomesh* in other areas also, about which we will learn – redemption of *hekdesh*, *arachin*, one who stole and swore falsely regarding his possession of the article, etc. The *Mishnah Rishona* explains that when the *Torah* discusses the *keren* (principle) it uses different terminology to the *chomesh*. When referring the *keren*, the *Torah* uses the words *ve'shilem* (and he must pay) or *ve'hechzir* (he must return). With respect to *chomesh* the wording is *ve'natan* (and he shall give). It appears to suggest that the *chomesh* does not act as part of the redemption but rather a “*matana*”, a form of gift.³

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¹ The *Tosfot Yom Tov* (1:1) explains that even though we normally are not concerned about the minority, this case is different since here the minority was substantial and widespread.

² Note that doubt alone does not afford this leniency. See *Derech Emunah* (*Maaser Sheni* 5:26) who explains that if one purchased produce from one that is suspected of not separating *maaserot*, then *chomesh* would need to be added. This is based on the *Chazon Ish* (4:14), who explains that

demai is different since the doubt is *me'ikar ha'din*. Similarly, the *Derech Emunah* continues that nowadays, since most do not separate *maaserot* the leniencies of *demai* do not apply. The same is true in other cases of doubt or *maaser sheni derabannan*.

³ The exception to this distinction between *keren* and *chomesh* is the obligation of payment placed on a non-*kohen* that consumes *terumah*. See “Is *Chomesh* a *Kapara*” (Volume 13, Issue 28).

Revision Questions

פאה ז' - ח' - ט'

- What is *kerem reva'i*? To what other law is it similar? (ז': ח')
- *Beit Shammai* and *Beit Hillel* argue whether a number of laws also apply to *kerem reva'i* – what are they? (ז': ח')
- What is the law regarding a vineyard that contains only clusters of *olelot*? (ז': ח')
- If someone sanctifies their vineyard, are the poor still able to take *olelot*? (ז': ח')
- What type of vines are *aris* and *rogliyot* and when does *shichecha* apply? (ח': ט')
- When are the general public allowed to take: (ח': ט')
 - *Leket*?
 - *Peret* and *olelot*?
- *Matanot ani'im* from olive trees?
- When does one believe a poor person (*am ha'aretz*) who claims the produces he is selling is *leket*, *peah*, *shichecha*, *ma'aser ani*? Why is this important? (ב': ח')
- Does one believe a *levi* who claims he is selling *ma'aser rishon*? (ב': ח')
- With respect to the first question – does it make a difference what he is trying to sell? (ג': ח')
- With respect to vegetables – when do we believe the poor person? (ד': ח')
- 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) (ה': ח')
- What should one do if he does not have that amount to give to everyone? (ו': ח')
- What does the *gabbai tz'daka* provide for a poor person: (ז': ח')
 - 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': ט')
- 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': ט')
- 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? (ט': ח')
- 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'

- What foods were the *Chachamim* lenient towards with respect to *demai*? (א': א')

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
27 February כ"ז אדר	28 February כ"ח אדר	1 March כ"ט אדר	2 March ד' אדר	3 March ה' אדר	4 March ו' אדר	5 March ז' אדר
Damai 1:3-4	Damai 2:1-2	Damai 2:3-4	Damai 2:5-3:1	Damai 3:2-3	Damai 3:4-5	Damai 3:6-4:1

