



Scheming Traders

The *Mishnah* (4:7) discusses the case where two donkey drivers arrive at a town, and their trustworthiness with *maaserot* and *chadash* is unknown. One admits that his own produce has issues, yet claims his friend's is fine. The *Chachamim* argue that they are not believed. The *Bartenura* explains that we are sure that they planned they would take turns in promoting each other's produce in different towns. This is referred to as *gomlin*. *R' Yehuda* however disagrees. The *Bartenura* explains that since most *amei ha'aretz* separated all the require *maaserot*, *R' Yehuda* ruled leniently to allow a constant flow of suppliers to the city.

The *Mishnah Rishona* notes that the *Mishnah* implies that according to *Chachamim*, it is only out of concern that they have a reciprocal agreement that they are not trusted. If however another *am ha'aretz* vouched for them, then he would be trusted. The *Mishnah Rishona* explains that this would be in line with the position of the *Rambam*, that even if someone is suspected regarding a *halacha*, they are trusted to testify about someone else.

The difficulty with this understanding is the *Mishnah* discussed last week. Recall, that if one had *demai* on *Shabbat*, one could ask the seller if everything was separated and rely on his answer. After *Shabbat* however, the *maaserot* would need to be separated. The *Mishnah* ruled that the same is true if one asked another *am ha'aretz*. Once again, it would only help during *Shabbat*. If an *am ha'aretz* is trusted regarding another's produce, then the food should be able to be consumed after *shabbat* without *hafrasha*.

The *Mishnah Rishona* therefore explains that there was a different reason why the *Mishnah* taught this case. Either that the *Chachamim* would not trust the *am ha'aretz* in all cases. The reason why the case of *gomlin* is taught is to stress how lenient *R' Yehuda* is in trusting them, out of concern for the welfare of the city. Alternatively, the *Chachamim* would trust another *am ha'aretz*, but only to ensure the supplies for the city. Nevertheless the leniency would not extend to the case of *gomlin*. This however does not explain the *Rambam*.

The *Gemara* in *Ketubot* (24a) notes that the positions of *R' Yehuda* and *Chachamim* appear to be reversed in a different case. If two people each say that they are a *kohen* and attest that the other is a *kohen*, the *Chachamim* maintain that we can give them *terumah*, while *R' Yehuda* is concerned for *gomlin*. *Abaye* explains that there is no contradiction. *R'*

Yehuda is more lenient in our case since we are dealing with *demai*. Since most *amei ha'aretz* separated *demai*, we can be lenient. The *Chachamim* however rule differently since their "tools are in their hands". *Rashi* explains that in our case, the *Chachamim* rule stringently, since their measuring containers demonstrate that they are motivated to sell their wares - there is more of a reason to be concerned for *gomlin*. The *Gemara* also however suggests that perhaps the dispute regarding *kohanim* is different. *R' Yehuda* understands that *maalin me'terumah le'yuchsin* and if we give them *terumah*, then it might mistakenly be assumed he has *kosher* lineage.

The difficulty is that that when the *Rambam* rules regarding our case he does not mention the "tools". The *Tosfot* suggest that he understands like the conclusion that the debate in *ketubot* is regarding *yuchsin*. Yet that answer only explains why *R' Yehuda* is more strict in the case of *kohanim*, but not why the *Chachamim* are more strict in the case of *Demai*.

To answer both questions on the *Rambam* we shall turn to the *Chatam Sofer*. The *Chatam Sofer* (*Ketubot* 24a) explains that whether an individual that is suspected can vouch for another is debated between *R' Meir* and *Chachamim* with later maintaining they can. While the *Rambam* rules like the *Chachamim* in other cases for *demai* he does not. Recall that most *amei ha'aretz* separated *maaserot*. Nevertheless, for *demai* we are stringent in that we do not rely on that majority. The *Chachamim* trust one suspected when testifying for another since most people would not sin for the benefit of another. Considering that in *demai* we disregard the majority, we also disregard the consideration that most people would not sin for the sake of another.

In other words, according to the first answer, the fact that most *amei ha'aretz* separate is a reason to be lenient in *demai*. *R' Yehuda* ruling leniently there therefore makes sense and the *Gemara* needed to provide the detail of the tools to explain the position of the *Chachamim*. According to the final answer however, the fact that a majority of *amei ha'aretz* separated *maaserot* and nonetheless the *gezeira* of *demai* exists is a reason to be more stringent rather than lenient regarding trustworthiness. Consequently, the position of the *Chachamim* is sound, and the answer of *yuchsin* is necessary to understand why *R' Yehuda* is more stringent in the case of the *kohanim*. The *Rambam* therefore understands our *Mishnah* like the *Gemara*'s conclusion.

Revision Questions

דמאי ד' ב' – ה' ח'

- When do the *Chachamim* allow you to trust the *am ha'aretz's* claim that his produce has been tithed? (ד' ב')
- Explain the debated between *R' Eliezer* and the *Chachamim* regarding the separating *ma'aser ani*? (ד' ג')
- On *Shabbat* can someone separate food that have been called *trumat ma'aser* or *ma'aser ani* prior to *Shabbat*? (ד' ד')
- If someone sends an *am ha'aretz* to buy food, when can he believe the messenger that he bought it from a seller of *tithed* produce? (ד' ה')
- If someone is visiting a foreign city, how can he determine who is a *ne'eman*? (ד' ו')
- 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' ז')
- 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? (ד' ח')
- 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? (ה' ד')
- 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' ו')
 - A private owner (*ba'al ha'bait*) selling from home? (ה' ז')
 - A *ba'al ha'bait* selling at the market (NB: two cases)? (ה' ח')
- If someone purchased *tevel* from two different people can he tithe from one for the other? (ה' ט')

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
13 March י"ג אדר	14 March י"ד אדר	15 March ט"ו אדר	16 March ט"ז אדר	17 March י"ז אדר	18 March ט"ח אדר	19 March ט"ט אדר
Damai 5:9-10	Damai 5:11-6:1	Damai 6:2-3	Damai 6:4-5	Damai 6:6-7	Damai 6:8-9	Damai 6:10-11

