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Potted Plants and Ma'asrot

The *Mishnah* (5:10) teaches that if produce grows in a pot, provided that the pot has a hole at the base (*atzitz nakuv*), it is no different to the produce that grew in the ground – there is a biblical obligation to separate *trumot u'ma'asrot*. If however there is no hole in the base of the pot (*atzitz she'eino nakuv*), then there is a rabbinic obligation to separate *trumot u'ma'asrot*.

One difficulty arises when trying to separate *trumah* from produce that grew in an *atzitz she'eino nakuv* to satisfy the quantity required for separating from produce that grew in *atzitz nakuv*. The reason is that one cannot separate *trumah* from produce that is exempt from any tithing (*chulin*) for produce that requires it. This case would be violating this rule because on a biblical level the *atzitz she'eino nakuv* is exempt. The *Mishnah* rules that what is separated is treated as *trumah*. Nevertheless, because such a separation is invalid, *trumah* must still be separated for the produce that grew in the *atzitz nakuv*.¹

The second case brought is where one separates from an *atzitz nakuv* to satisfy for an *atzitz she'eino nakuv* as well. On a biblical level, this is similar to case where one tries to separate from produce that is *chayav* for other produce that is exempt for *trumot*. Consequently the “*trumah*” is really *tevel* as the separation was meaningless on a biblical level. In that case, even though it is given to the *kohen*, *trumat* and *ma'asrot* would need to be separated before the *kohen* can eat it.²

The *Tosfot* (*Yevamot* 89b) bring a debate regarding that which was handed to the *kohen* in this second

case. The *Rivan* understands that is not *trumah* at all – it is *tevel*! The *Mishnah* refers to it as being *trumah* simply because it belongs to the *kohen*. The *Ri* however understand that it must be treated as being *trumah mi'd'rabbanan* because on a rabbinic level it nevertheless satisfies the requirement for separating *trumah* for the *atzitz she'eino nakuv* (albeit on a rabbinic level).

The point made by the *Ri* leads us into a discussion regarding the status of the *atzitz she'eino nakuv* for which the *trumah* was separated. *Rashi* (*Yevamot* 89b) explains that since the obligation to separate from it was *d'rabbanan* (rabbinic) and *trumah* was separated (from the *atzitz nakuv*) nothing further is required. This fits with the understanding of the *Ri*. How would the *Rivash* then view the remaining produce from the *atzitz she'eino nakuv*?

There are two understandings brought by the *Meiri* (*Kidushin* 46b) that can possibly be applied to the *Rivash*.³ The first is that the separation was not effective for the *atzitz she'eino nakuv* either and *trumah* would also need to be separated from it. Nothing was achieved. The second understanding is that even though that which is handed to the *kohen* is not even *trumah mi'd'rabbanan*, because the requirement to separate *trumah* was instituted by the *Rabbanan*, they did not require any further separation in this case.

Yisrael Yitzchak Bankier

¹ If the original separation is meaningful why then is it treated as *trumah*? The *Bartenura* explains that this is a *gezeira* to prevent people from treating *trumah* lightly. “Now it is *trumah*; now it is not.” *R' Akiva Eiger* asks that there is a simpler reason: the separation was affective for the produce *atzitz she'eino nakuv* so it should be considered *trumah* on a rabbinic level. He suggests that since the separation the original separation was with the intent that it would be affective for the *atzitz nakuv* as well and this fail, that *hafra* is not affective even for the *atzitz she'eino nakuv*.

² Whether *trumot* and *ma'asrot* are separated from that which is given to the *kohen* or from some other *tevel* to satisfy the requirement is a subject of debate. See the commentaries on the *Mishnah*.

³ This is based on the understanding presented in *Yalkut Biurim*, *Yevamot* 89b, footnote 7, *Metivta*.

Revision Questions

דמאי ה'ז' – ה'י – ט'

- Can one tithe from one group of vegetables for another if they were purchased at different times from:
 - A private owner (*ba'al ha' bait*) selling from home? (ה'ז': ה')
 - A *ba'al ha' bait* selling at the market (include both cases)? (ה'ז': ה')
- If someone purchased *tevel* from two different people can he tithe from one for the other? (ה'ח': ה')
- Can one tithe from produce purchased from a *Nochri* for produce belonging to a *Yisrael*? Purchased from a *Kuti* for produce belonging to a *Yisrael*? (ה'ט': ה')
- What is the status of produce that has grown in a pot that has a hole in the bottom (*atzitz nakuv*)? (ה'י': ה')
- What is the law if someone tithes: (ה'י"א': ה')
 - From *demai* for other *demai* produce?
 - From *demai* for *tevel* produce?
 - From *tevel* for *demai* produce?
- What is an *aris*? What is a *choker*? (ה'י"א': ה')
- What must an *aris* and *choker* do before giving the produce to the owner of the field? (ה'י"א': ה')
- What is the difference in the responsibilities of a *choker* in the field belonging to an *Yisrael* and a *Nochri*? (ה'י"ב': ה')
- Explain the debate regarding a *kohen* or *levi* who is an *aris*. (ה'י"ג': ה')
- 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*? (ה'י"ד': ה')
- What is the law regarding the *ma'asrot* from produce collected by an *aris* *Yisrael* from a field belonging to a *kohen* or *levi*? (ה'י"ד': ה')
- Does the previous law differ when the *aris* is collecting olives and making oil? (ה'י"ה': ה')
- Explain the debate between *Beit Shammai* and *Beit Hillel* regarding the restriction on the sale of olives. (ה'י"ו': ה')
- What must one do when sharing a wine press with someone who is not believed with respect to separating *ma'asrot*? (ה'י"ז': ה')
- 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*? (ה'י"ח': ה')
- Does the previous law differ if the two parties inherited a property? (ה'י"ט': ה')

Local Shiurim

Sunday -Thursday

After *Ma'ariv*

Mizrachi Shul

Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*

Beit Ha'Roeh

Melbourne, Australia

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

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
Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
26 th September י"ח תשרי	27 th September י"ט תשרי	28 th September כ' תשרי	29 th September כ"א אלול	30 th September כ"ב תשרי שמיני עצרת	1 st October כ"ג תשרי שמחת תורה	2 nd October כ"ד תשרי
Demai 6:10-11	Demai 6:12-7:1	Demai 7:2-3	Demai 7:4-5	Demai 7:6-7	Demai 7:8 – Kilayim 1:1	Kilayim 1:2-3

