

דמואי

## Overview

### דָמָאי

#### The obligation to tithe **דָמָאי** (1-4)

- ✓ **Leniencies of דָמָאי compared to טובל**
  - Exemptions - מעישר שני
  - Different locations
- ✓ **Who must tithe דָמָאי produce**
  - Who is an אָרֶץ - עַמּוֹת הארץ
  - Becoming responsible to tithe it
  - Not causing others to eat untithed food
  - When one can trust an עַמּוֹת הארץ

#### How to tithe **דָמָאי** (5)

- ✓ **Whether one can tithe דָמָאי produce on behalf of other דָמָאי produce**
  - Buying twice from the same seller

#### Who must tithe produce (6)

- ✓ **Renting and working a field**
  - חֻכָר - אָרִים
- ✓ **Partners**
  - בְּרִירָה

#### Unusual ways of tithing (7)

- ✓ **Formulas for designating tithes verbally**
  - שְׁבַת
- ✓ **Worker tithing**
- ✓ **When produce with different statuses are mixed together**
  - Same amount - Different amounts
  - When one isn't sure which part he tithed

## Key Terms

### דמאי

#### Rules:

- **ספק ספיקא** - In a case where there are 2 doubtful/possible reasons to be lenient, we are lenient
- **ספק ברכות להקל ברכה** - In a doubtful case one doesn't make a blessing
- **אין אדם חוטא ולא לו** - One doesn't sin for no benefit
- **אין קניון לנכרי בארץ ישראל יהפקיין מיד מעשך** - a non-Jew who owns land in Israel is not considered the owner to remove the obligation of tithes
- **ברירה** - When the status of something will only later be defined, but when it is then it's considered to always have had that status, retroactively
- **הפה שאסר הוא הפה שחתיר** - If one makes a statement that forbids/obligates something and subsequently makes a statement which permits/exempts that, he's believed

#### Concepts and Terms:

- **נאכו** - One who is trustworthy with regards to tithing
- **חבר** - One who is trustworthy and knowledgeable of the laws of purity
- **אונן** - One whose relative has died but not yet buried
- **חולין** - A mixture of **תרומה** and **קדושים**
- **בין השמשות** - Twilight, the period when it is uncertain whether it's day or night
- **VIDOI המעשרות** - when one declares that he's fulfilled all that he was commanded with regards to the tithes
- **הגבלה** - Acquiring an item by lifting it
- **עציין נקוב** - A plant-pot with a hole at the bottom; this has the status of the ground
- **אריס** - One who rents and works a field in return for a percentage of the annual crop
- **חוֹכֵר** - One who rents and works a field in return for a fixed amount of the annual crop

# Summaries

## דמאי

### • Leniencies of דמאי:

- **עם הארץ יוחנן כהן גדול** instituted that if one buys produce from an 'עם הארץ' – unlearned person – it is called **דמאי** and the buyer:
  - 1) Doesn't need to separate **תרומה גדולה**, since **עמי הארץ** do so because of the death penalty for failing to do so;
  - 2) Must designate 1/10 of it as **מעשר ראשון** and 1/10 as **מעשר עני** in the 3rd and 6th **המוציא מחברו עליו הראייה** cycle, but doesn't need to give them, since – one who wants to take something from somebody else must prove that they are entitled to it;
  - 3) Must separate 1/10 of the designated as **מעשר ראשון** for a **תרומות מעשר**, since **פיהן** – non – **זיד** – may not eat this.
  - 4) Must separate 1/10 of it as **מעשר שני**, since he eats this himself.
- If one buys produce which often grows in the wild so is 'הפקר' – ownerless – so exempt from tithes, he doesn't need to tithe it at all, since there is a 'ספק ספיקא' – double doubt, since it may not be obligated in tithes (if it's the **הפקר**'s) and even if it is the **עם הארץ** may have tithed it.
  - Whilst the **בית המקדש** stood, the wine from the area of **יהודאה** miraculously never soured and turned to vinegar, so vinegar in **יהודאה** was made from grape skins which were lower quality so were often thrown away and made **הפקר**.
- **מעשר שני** separated from **דמאי** is treated more leniently than regular **מעשר שני**:
  - No 'חוות' – fifth added to its value – needs to be added if redeemed;
  - the **obligation to destroy** any **מעשר שני** (and other tithes) remaining on **ערב פסח** of the 4th and 7th year of the **שניהם** doesn't apply;
  - An whose close relative died that day – may eat it;
  - It may be **brought out of** **ירושלים** and redeemed onto money;
  - He can allow some of it to be **lost on the way** to **ירושלים**;
  - He may **give it to an עם הארץ** to eat even though he will probably make it טמא, as long as he eats that amount himself as additional **מעשר שני** in a state of purity;
  - **ר' מאיר**: He **can** redeem the **מעשר שני** money onto other money/produce and **redeem that onto money once more** to bring to **ירושלים**.

**מעשר שני**: He **cannot** redeem the produce except for the original, just like regular **מעשר שני**.
- Something which is only **obligated in מדרבנן** is **exempt** in a case of **דמאי**, e.g. if he buys the produce not for the sake of consuming it directly.
  - Produce which grows in the parts of **ארץ ישראל** which were conquered in the times of **ihuhash** but **not reconquered in the times of עזרא** is only obligated **דמאי** so exempt in a case of **מדרברן**.



# Summaries

## דמאי

- One does not need to tithe the following things bought from an **עַמְּאָרֶץ**, since they are assumed to have tithed them because of their holy status:
  - the part of the **dough which is given to a Cohen**;
  - a **mixture of cholav** and **תְּרוּמָה** (unsanctified produce) which only a **Cohen** may eat;
  - that which is **bought using money**;
  - the **leftover flour** of a **קָרְבָּנוֹת** which goes to a **Cohen**.
- **בית שמא**: A **mixture of oil** and other spices which is smeared on one's body is **obligated** in a case of **דמאי**, since it's being consumed by the body.  
**בית הל**: It's **exempt**, since it's barely edible.
- A poor person may eat **דמאי** without tithing it, and since a person can always make himself poor by declaring all his property ownerless, it is **considered permissible food**, so it can be used for an **עירוב** and **ברכות** can be made on it.
- No **ברכה** is made when tithing **דמאי**, since **ספק ברכות להקל** – in a doubtful case one doesn't make a **ברכה**; therefore, he **may** tithe it whilst **unclothed**.
- One **may** tithe during **בין השמשות** – **בין השמשות דמאי** twilight – of **דמאי**.
- One **may** still say **'יזדי המעשרות'** – when one declares that he's fulfilled all that he was commanded with regards to the tithes – if he designates the tithes in the **wrong order**, unlike when one tithes **טבל** (produce which is definitely untithed).
- Oil smeared by a weaver onto his **fingers** is **obligated**, whereas that which is put into **wool** by the one combing it is **exempt**.



# Summaries

## דָמָאי

- If one buys produce from an area **עם הארץ ישראלי** which wasn't reconquered by **ערעא** but the produce is **recognisably from a part of ארץ ישראל which was reconquered**, he **must tithe them**.
- Even if rice is being sold in **ארץ ישראל** itself together with other produce, if it **has the appearance of rice which grows outside of ארץ ישראל** then it's **exempt**, since *none* of the **ארץ ישראל** rice looks like that.
- Who must tithe דמאי produce:**
  - In order to be a **'גָּאַכּוֹן'** – one who is trusted and reliable with regards to tithing – one must declare in front of 3 people that he will **tithe** that which he **eats, sells and buys**, and that he **won't eat at an עם הארץ's house**; 2 witnesses must testify that he does this.  
**ר' יהודה**: Even if he eats at an **עמ הארץ**'s house on the odd occasion, he remains a **גָּאַכּוֹן**.  
→ **חִכְמִים**: In order to be a '**חִבָּר**' – a righteous man who is reliable with regards to the laws of **טומאה** (impurity) – he must also declare that he **won't sell food to an עם הארץ**, and **won't buy from him unless it hasn't become wet** since being detached from the ground, in which case the **עם הארץ** couldn't have made it **טומא**; he must also not eat at an **עמ הארץ**'s house, **nor allow an עם הארץ to eat in his house with his own clothes**, since they might make him **טומא**.  
**ר' יהודה**: He must also **not raise an animal which might steal** from other people's fields; frequently make **vows**; behave in an **unserious** manner or frequently become **טמא** from dead bodies unless for a **מצווה**, and he **should learn and serve בית המדרש תלמידי חכמים** in the **תלמידי חכמים**.
- Although when one sells **דמאי** even to somebody who is particular about tithes, the obligation to tithe is upon the seller, a **baker** and one who **sells in bulk and estimation** only needs to **separate the חלה and תרומות מעשר**, whereas the buyer needs to separate the **מעשר שני**, since they make little profit.  
**ר' יוסי**: This applies to one who sells **even a small amount by estimation**.  
**ר' מאיר**: If a seller who is generally exempt from separating the **מעשר שני** **sells a different amount to usual**, such that he does make a relatively large amount of profit, or vice versa, he should **tithe whatever he generally tithes**.  
→ **3 קב** of solid food, and the amount of liquid which one can buy with **1 דינר**, is considered bulk.

## Summaries

### דמאי

- **תנא קמא:** Poor people may receive and eat **דמאי** which hasn't been tithed, so that people will give more **צדקה** and the poor will be able to keep more food.
  - Soldiers passing through a town who need to be fed by the people of that town are considered poor, since they're away from their homes and possessions.
  - **רבנן גמליאל** fed his **poor workers**, even though he gained by doing so.
- **בית שמא:** Poor people **may not eat** **דמאי**, so those who collect **צדקה** from people and distribute it to the poor should make sure to give produce from **עמי הארץ** to poor people who are particular to tithe the produce, and produce from non-**עמי הארץ** to poor **עמי הארץ**.
  - **חכמים:** They shouldn't distribute it like that, so that people don't stop giving when they see that they are viewed as **עמי הארץ**; the poor people must tithe it.
- One may not put down **on the side of a road** **טבל** of his or that which he picks up intending to eat, unless he **tithes it**, so as not to cause an **עומק הארץ** to eat **טבל**.
- If a buyer and seller agree on a price per bundle of produce and the **buyer picks up a few bundles**, thus acquiring them via **'הגבלה'** – lifting up, he **may not return them** without titling them, since that's like selling them back to the owner.
  - If the **price hasn't been agreed upon** yet, he can return them since he didn't acquire them by lifting them up.
- **חכמים:** One who **gives a small quantity of** **דמאי/טבל** **as a gift** to somebody is obligated to tithe it, even though he doesn't profit from the gift, just like if he'd **sold** it.
  - **ר' יוסי:** One may give a gift of definite **טבל** without titling it if he tells the receiver that it hasn't been tithed, since people are more careful to tithe the definite **טבל**.
- If one gives wheat to a **'כותי'** – somebody from a certain nation whose conversion to become Jewish was uncertain – or an **עמך הארץ** to **grind** for him and then comes back to collect the flour, or if he gives him produce **to look after**, he can assume that the flour is from the wheat which he gave and the produce is his, since they aren't suspected of stealing by switching it.
  - **חכמים** → A **non-Jewish grinder** is suspected of switching it with other **עמי הארץ**'s wheat/flour so the flour is **דמאי**, whereas produce which he **looked after** is assumed to be the non-Jew's (since it's unlikely that others gave him produce to look after too) so **exempt**.
  - **ר' שמעון:** Even that produce is **דמאי**, since it is possible that it was switched with another **עמך הארץ**'s produce.
- **חכמים:** One who **gives produce to an innkeeper to cook** for him **must tithe that which he gives and takes back from her**, since she is suspected of switching it with her own food to make sure that her lodgers are happy.
  - **ר' יוסי:** It is assumed that she switches the food for her own sake, and since she is bringing the sin upon herself he **doesn't need to tithe that which he gives her**.



# Summaries

## דמאי

→ **ר' יהודה**: One who **gives produce to his mother-in-law** to cook for him **must tithe that which he gives and takes back from her**, since she is expected to switch it with her own food if she ruins it so as not to serve that to her son-in-law.

**חכמים**: She is not expected to do this so he **doesn't need to tithe it**.

- If he gives her non-**שְׂמִיטָה** produce in a **שְׂמִיטָה** year, she **isn't suspected of switching it for שְׂמִיטָה produce**, since the punishment for eating **שְׂמִיטָה** produce is death.

# Summaries

## דמאי

- When one can trust an **עַמְּהָרֶץ**:

- If one forgets to tithe **דָמָאי** before **שְׁבַת**, he **can trust the עַמְּהָרֶץ** from whom he bought it – and if he can't find him then a different **עַמְּהָרֶץ** – if he **claims on שְׁבַת** **that the produce is tithed**, since (a) he is unlikely to lie **because of his awe of שְׁבַת**, and (b) so that he can fulfil the **מצוות** of having joy on **שְׁבַת** through food.  
→ After **שְׁבַת**, he must tithe it before eating more.
- If the 1% of **דָמָאי** produce which is separated as **תְּרוּמוֹת מִעֵשֶׂר** **falls back into it**, it isn't nullified since there isn't 100 times more than **חוּלִין** and all the produce must be given to a **כהן** who pays the cheaper **תְּרוּמָה** price for the **חוּלִין** part of it.  
**דָמָאי, ר' שְׁמֻעוֹן שְׁזֹורי**: The **עַמְּהָרֶץ** is believed if he claims that he tithed the **דָמָאי**, since (a) he is unlikely to lie **because of the severe punishment** involved in not separating **תְּרוּמוֹת מִעֵשֶׂר**, and (b) because of the large loss involved in selling so much **חוּלִין** for the **תְּרוּמָה** price.
- If an **רָאוּבֵן** from **עַמְּהָרֶץ** vows that if he doesn't eat at his feast on the **שְׁבַת** after his child's wedding, he won't be allowed to benefit from him in the future, **may eat there** if the **רָאוּבֵן** claims that he tithed the food, in order to **preserve the peace** between them. However, he may not eat at subsequent, smaller feasts, since the **עַמְּהָרֶץ** won't be so insulted in those cases.
- עַמְּיָה הָרֶץ, ר' אַלְיעָזָר**: One **doesn't need to designate** from **מִעֵשֶׂר עֲנֵי**, since **דָמָאי** would usually designate in **מִעֵשֶׂר עֲנֵי** in order to remove the produce's status of **טְבִיל** and eat it themselves.
- חַקְמִים**: He **does need to designate it**, since not all **עַמְּיָה הָרֶץ** do so, but doesn't give it since – **'הַמּוֹצִיא מִחְבָּרוֹ עַלְיוֹ הַרְאִיה'** one who wants to take something from somebody else must prove that they are entitled to it.
- Even if a tithe has been designated so the produce has been 'fixed', it **can't be separated** on **שְׁבַת** since people may think that it's permitted to designate it on **שְׁבַת** too.  
→ One **can't even invite a כֹּהֵן or poor person** to come to his house and eat part of the produce, since it appears as though he designated the tithes on **שְׁבַת**, unless they regularly come anyway and he tells them that they are eating tithes, so that he doesn't gain from the tithes by their thinking that he is giving them his food.
- An **עַמְּהָרֶץ** **isn't trusted to buy produce from a non-הָרֶץ**, unless he buys from somebody **specified by name** by the one sending him since then he wouldn't lie as it's easy to find out if he lied.
- A **traveller** who doesn't know anybody in the city **can trust** somebody there who claims that somebody else is a **נוֹאכָנוֹן**, since (a) **'אֵין אָדָם חֹטֵא וְלَا לו'** – one doesn't sin for no benefit, so he's unlikely to be lying, and (b) so that he has enough food.  
→ If the merchant who he buys from **refers him to the one who sent him there** as someone who sells good quality, permitted produce, they're both **still believed**.



# Summaries

## דמאי

- **חכמים:** If 2 merchants enter a city together and one **claims that his produce is bad quality/not tithed** and that the other merchant's is good quality/tithed, he **isn't believed** in case they are working together.  
**ר' יהודה:** He is **believed**, so that merchants continue to supply food for the city and the residents don't go hungry.

# Summaries

## דָמָאי

- **How to tithe דָמָאי:**

- One who buys bread from a baker (who is exempt from tithing it himself since he sells in bulk) should:
  1. Mark off 1% plus 1/48 of the produce
  2. Designate the 1% plus 9% from the rest of the produce as **מעשר ראשון**
  3. Designate the 1% as **תרומות מעשר** for the **תְרוּמַת** **מעשר**
  4. Designate the 1/48 as **חִלָה**, and give the entire marked off part to a **כהן**
  5. Designate a specific 10% of the remaining produce as **מעשר שני** (and redeem it)

→ One who wishes to separate one part of the produce for a **כהן** containing both the **תרומות** and **מעשר** should:

  1. Mark off 3% of the produce
  2. Designate 1% out of the 3% as non-holy, and “the rest”, i.e. 2%, as **תרומה גדוֹלה**, since it can't be separated as an exact, measured amount
  3. Designate the 1% plus 9% from the rest of the produce as **מעשר ראשון**
  4. Designate the 1% as **מעשר ראשון**, **מעשר שני** for the **תְרוּמַת** **מעשר**, and give the entire marked off part to a **כהן**
  5. Designate a specific 10% of the remaining produce as **מעשר שני** (and redeem it)

**Whether one can tithe דָמָאי produce on behalf of other produce:**

1) **ר' מאיר**: One who buys **דָמָאי** loaves from a **baker** on 2 separate occasions **can** separate tithes from one on behalf of the other, since a baker is assumed to buy his ingredients from the same person.

**ר' יהודה**: He **cannot** if they were bought on different days, in case one came from an **עם הארץ** who did tithe and the other came from a different **עם הארץ** who didn't tithe.

**ר' שמעון**: He **cannot even tithe one loaf on behalf of another differently shaped loaf bought on the same day**, since they may have been bought from different **עמי הארץ**.

→ **חִלָה** can be separated from one loaf on behalf of another, since the obligation only sets in after the **עמי הארץ** have given the ingredients to the baker, when it's made into dough.

2) **ר' מאיר**: One who buys from a **פליטר** (one who buys from bakers and sells on) **cannot**.

**ר' יהודה**: If bought on the same day, he **can**.

3) One who buys from a **מנபול** (one who buys from multiple people) (**פליטרים**) **cannot**.

4) If one buys from a **poor person** or if a poor person tithes the produce which he's collected, he **cannot**, since his produce came from multiple people.

→ If the produce is made up of **small dates/dried figs which are mixed and sticking together**, and each portion that the poor person received was roughly the same amount, then he **can** tithe the entire mixture in one go, since the amount that he separates is viewed as containing equal amounts of each portion of the mixture, so he has separated the requisite amount of tithes from **every** portion.



# Summaries

## דמאי

- 5) One who buys 2 lots of produce from a **wholesaler** on 2 separate occasions **cannot** unless the wholesaler claims that he bought them from the same person, since factual statements of an **עַמְּה הארץ** which don't directly concern his tithe are believed.
- 6) One who buys 2 lots of produce from **somebody who sells his own produce** on 2 separate occasions **can**, but if he sells in the marketplace then one must ask him whether both sets of produce that he bought were grown by him.
- Although it's forbidden to sell/buy **טַבֵּל** except for at a time of need, one who **buys** **טַבֵּל** from 2 different people **can**, since they both certainly need to be tithed.

אין קניין לנכרי בארץ ישראל טבל, since a non-Jew's produce is considered **טבל**, since **ארץ ישראל** is not a non-Jew who owns land in - **להפקייע מיד מעשר** considered the owner to remove the obligation of **מעשרות**.

- 7) **חכמים**: One who buys from **2 פותים** can, since they didn't tithe that which they sold.  
**ר' אליעזר**: He cannot, since one of the **בותחים** may have originally intended to eat it himself so tithed it and only then decided to sell it.

- One **can tithe** produce grown in an **'עציין נקוב'** – **plant-pot with a hole** at its bottom – on behalf of produce grown in the ground, and vice versa.
  - If one tithes produce grown in a **plant-pot without a hole** (so is only obligated on behalf of produce grown in an **עציין נקוב**) (מזרבנן), the tithe retains its status so that people don't come to treat **תירוכינה** declarations lightly, but he must tithe the produce grown in the **עציין נקוב** again.
    - The same applies if one tithes **דמאי** (which is obligated on behalf of **מדאוריתתא** or **טבל**) (which is obligated **טבל** or **דמאי**).
  - If one tithes produce grown in an **עציין נקוב** on behalf of produce grown in a **plant-pot without a hole**, the tithe retains its status but tithes must be separated from that tithe since **מדאוריתתא** the tithe didn't work.
    - The same applies if one tithes **טבל** on behalf of **דמאי**.

## Summaries

### דמויי

- Who must tithe produce:

- 1) An **אריס** – one who rents and works a field in return for a percentage of the annual crop – doesn't need to tithe the crop which he gives to the owner, in order to encourage people to work and take care of land in אָרֶץ יִשְׂרָאֵל.
- 2) A **חוֹכֵר** – one who rents and works a field in return for a fixed amount of the annual crop – of a Jew must separate at the end of the harvest the תרומות which the owner would separate later, because of its importance, since he clears the threshing floor of even the owner's produce, unlike an **אריס**.
  - If he pays the owner with crop from a different field, he must tithe it fully first since it's like paying a debt.
- 3) A **אריס of a non-Jew** must tithe the crop which he gives to the owner, to discourage people from working a non-Jew's land in אָרֶץ יִשְׂרָאֵל so that he will be forced to sell it to a Jew.
  - **ר' יהודה**: An **אריס** of a field which was stolen by non-Jews from the **אריס**'s ancestors must tithe the crop, so that it's expensive for him and as a result of his attachment to the field he'll buy it from the non-Jew.
- 4) **מעשר/תרומות לוי or כהן**: A **ר' אליעזר**: **ישראלי** **אריס of a** receives all of the **תרומות**, since this is an understood part of the agreement.
  - חננים**: They don't, since they didn't perform any act of acquisition.
- 5) A **אריס who is an of a** **לווי or כהן** must give all the **תרומות** to the owner, since it's an understood part of the agreement that the owner didn't want to relinquish this right.
  - **ר' ישמעאל**: One who doesn't live in ירושלים and is an **אריס** of one who does must give him all the **מעשר שני** for the same reason.
  - חננים**: This is split regularly, since the **אריס** is able to bring it and eat it there.
  - **ר' חנני**: An **ישראלי** for trees must split all the tithes regularly, since the **ישראלי** is understood not to be willing to give them to the **לווי/כהן** because of their significance.
  - ר' יהודה**: Trees have the same law as other crop.
- 6) One who harvests olives in return for a percentage of the profit made from selling its oil must give tithes to the owner, since they are from the produce and not the profit.
  - **בית שמא**: One may not sell olives to a non-**חבר**, since if he touches them after they've been softened in a vat then they will become טומא.
  - בית הלל**: He may, since the buyer is able to eat them before they've been put in the vat so aren't yet able to become טומא.
    - The pious members of **בית שמא**'s stricter opinion here.
- If 2 people – one of whom is an **ארץ** – who jointly own vineyards harvest their wine into one wine-vat and split it, the **נאכון** must tithe his own wine as well as half of the other partner's wine, since **'אין ביריה'** (we don't consider each partner's half to have belonged to him all along) so half of each partner's half is from the other partner.

## Summaries

### דמאי

- If 2 people receive a field together, e.g. via inheritance, but don't prolong their partnership like in the previous case, then 'יש ביריה' (we do consider each partner's half to have belonged to him all along) so the נאכון doesn't need to tithe any of the other partner's half, as long as they split each type of produce in half.
  - The same applies to a חבר who inherits with his brother their father; produce which can become טמא and those that can't are considered 2 different types of produce.
- If a convert's father dies, the ownership of his father's property doesn't immediately become his, so he can allow his non-Jewish brother to take the idolatrous property and he may take other property; however, once he has taken something idolatrous he may not exchange it for something else, since one may not benefit from idolatry.
- One who buys produce from an עם הארץ 'סורייא' in עם הארץ – the lands conquered by דוד before the entire ארץ ישראל itself was conquered – doesn't need to tithe it, since most produce sold there is grown in חוץ לארץ or by non-Jews.
  - If the seller tells him that it grew in ארץ ישראל or that he grew it, the buyer must tithe it, but if the seller adds that it is tithed then he is believed, since 'הנה שטאסר הוא הפה שהתיר' – if one makes a statement that forbids/obligates something and subsequently makes a statement which permits/exempts that, he's believed – unless the buyer knows that the seller has a field in סורייא.
- If a buyer buys a loaf of bread for himself and one for an עם הארץ, he doesn't need to tithe the one he gives since יש ביריה so we consider that loaf as belonging to the עם הארץ as soon as it was sold and the buyer is just passing it from the seller to him.
  - If he specifies which loaf is for the עם הארץ when he buys it, then so if it gets mixed with his own then he needs to tithe both.

## Summaries

### דמאי

- **Unusual ways of tithing:**

- If one is invited to eat at an **עם הארץ's house on שבת** when he won't be able to tithe the produce, he may designate the tithes before **שבת** in the way that he generally tithes **דמאי**, then repeat the designation and separate the tithes just before eating it on **שבת**.
- When tithing liquid, **דמאי**, e.g. a cup of wine, he should designate the **last 10%** of wine which he'll leave in the cup as **מעשר ראשון** and **מעשר מאישר** using the mechanism of **ברירה**, since otherwise the whole cup of wine will be considered **'מודוקע'** – a mixture of **חולין** and **תרומה** which can only be eaten by a **כהן**; he should designate the **upper 10%** of the wine as **מעשר שני**, and redeem it.
- **חכמים**: If a worker's employer provides him with **100 dried figs per day** as his meals, he must tithe this **דמאי** as usual, and **give 1 of the figs to a Cohen** as **תרומות** to **כהן** as **מעשר**.  
**רבו שמעון בן גמליאל**: He must eat all 100 dried figs, so that he eats and gains as much energy as the employer expects him to gain from 100 figs, so he **must obtain an additional fig to give to a Cohen**.  
**ר' יוסי**: The enacted that the **תרומות מעשר** must come from the employer, so the employer must provide the additional fig to give to a  **Cohen**.
- One who **doesn't manage to tithe שבת before שבת** may still designate the tithes during  **שבת בין השבות** and separate them after  **שבת**, and what he eats on  **שבת** (leaving over the amount of the tithes) is retroactively considered tithed, via **ברירה**.
  - On the other hand, if it's **דמאי** then he can actually separate it on  **שבת** itself.
- If one **declares that the tithes of the produce in Basket 1 are to be found in Basket 2 and vice versa**, only the produce in Basket 1 is considered tithed, since once Basket 1 has been tithed, it can no longer be used to separate tithes on behalf of other produce.
  - If he declares "the tithes of one basket's produce are to be found in the other basket" without specifying which is which, he **has designated the tithes from one basket of his choice on behalf of both**, using **ברירה**.

- 1) If **100 units of טבל get mixed with 100 units of חולין**, the owner **must give 101 units to a Cohen** who must pay him for all of it except for the 1 unit of **טהרה** in it. This is because of a combination of (a) the Halachic reality and (b) how we view it, since **Halachically** each unit is considered half **טהרה** and half **חולין/מעשר**, but he separates 100 units and views them as totally **טהרה**, 10 units of which become **חולין** and 1 unit of that becomes **מעשר**. He views the other 100 units as totally **טהרה**, 1 of which becomes **תרומות מעשר** since **Halachically** the 1 unit of **טהרה** from the first 100 is only half **חולין**, so this unit makes up the other half.



# Summaries

## דמאי

- 2) If **100 units of טבל ראשון** get mixed with **100 units of טבל שני** from which the **מעשר ראשון** hasn't been separated, he **must give 101 units to a כהן** who doesn't pay for 11 of them, since he just needs to have separated 22 units for **תירוקמת מעשר**, which is *Halachically* 11 units of **טבל שני**. We are not concerned that the 10 units which need to be separated from the **מעשר ראשון** must come from the second lot of 100, even though the first 100 is viewed as not containing any **מעשר ראשון**.
- 3) If **100 units of חולין** get mixed with **100 units of טבל ראשון**, he **must give 110 units to a כהן**, since not only is the first 100 viewed as totally **מעשר ראשון** but also the second 100, so 10 units have to be separated from the second 100 too.
- 4) If **100 units of טבל ראשון** get mixed with **90 units of טבל שני**, he **may give just 10 units of טבל שני** – 1 for the **מעשר ראשון** plus 9 for the **תירוקמת מעשר** of **טבל שני** – since the extra **טבל שני** is viewed like another, separate lot of produce from which **תירוקמת מעשר** can be taken on behalf of the rest of the mixture.
  
- 1) If one has 10 rows of 10 barrels each and he declares that one of the barrels **in a specific outer row** should be **מעשר ראשון** but he's not sure which outer row he specified, then he should designate **2 barrels in 2 diagonally opposite corners**, so that he covers all 4 outer rows.
- 2) If his declaration was upon one of the barrels **in half a specific outer row**, he should designate the **4 corner barrels**.
- 3) If his declaration was upon one of the barrels **in a specific straight row**, he should designate **all the barrels in a diagonal row from one corner to another**, to cover every straight row.
- 4) If his declaration was upon one of the barrels **in half a specific straight row**, he should designate **all the barrels in both diagonal rows from corner to corner**.

# TIME 4 MISHNA

## TEST

### מסכת דמאי

1. Which tithes does one who buys produce from an **עם הארץ** need to separate *and give away*?
2. Explain the rule of **הכווציה מוחבירו עליו הראייה** and its relevant to **דמאי**.
3. List 3 things which don't need to be tithed when bought from an **עם הארץ**.
4. Why is no **ברכה** made when titheing **דמאי**?
5. List 2 things which one must do in order to be considered a **נאכו**.
6. Give an example of a type of person who may eat **דמאי** without titheing it.
7. If one picks up produce intending to keep it, may he return it to its original place without titheing it, and why?
8. If one gives produce to an innkeeper to cook for him, why must he tithe it twice?
9. If one asks an **שבט** if he titheid produce, is he believed and why?
10. In what case is an **עם הארץ** trusted to buy produce from a **חבר** on behalf of somebody else?
11. What does 'אין אדם חוטא ולא לו' mean?
12. Why may one generally not separate tithes from **דמאי** produce on behalf of other **דמאי** produce, even though it's permitted to separate tithes from **טבל** on behalf of other **טבל**?
13. Explain the meaning of 'אינו קניין לנכרי בארץ ישראל להפיקע מידי מעשר'.
14. What type of plant-pot is obligated in tithes **מוךורייתא**?
15. What's the difference between an **אריס** and a **חוכר**?
16. Why must a **חוכר** of a non-Jew tithe even the produce which goes to the non-Jewish owner of the field?
17. Why does **בית שמא** say that it's forbidden to sell olives to somebody who isn't a **חבר**?
18. Explain the concept of 'הפה שאסר הוא הפה שהתיר'.
19. Explain the concept of **ברירה** in the context of a **חבר** and an **עם הארץ** who inherit a field together.
20. If one's employer is an **עם הארץ** who gives him 100 dried figs a day as his meals, list one potential reason why he can't give 1 of the figs as **תרומות מעשר** (and eat the rest)?