

# TIME 4 MISHNA

## summaries

### מעשרות

#### • When produce must be tithed:

- Although **מדאורייתא** only grapes, olives and grain is obligated in מעשרות (tithes), **מדרבנן** anything which is (1) **human food**, (2) **owned** and looked after, and (3) gains **nourishment from the ground** is obligated.
- Produce is only **obligated in מעשרות** if it is uprooted after it has reached its '**עונת' המעשרות** – stage of growth when it becomes edible for human consumption, and this stage is different for each type of produce.
  - Produce which is **edible from the beginning of their growth** is obligated regardless of when it's uprooted, e.g. cucumbers.
  - **Almonds** which **become bitter at a late stage** of growth are only **obligated if uprooted earlier on**, whereas those which **are bitter only at the beginning** of their growth are only **obligated if uprooted later on**, since that's when they're eaten.
- If one intends to sell his produce, the **obligation to tithe it sets in** at the '**גורן**' stage – when the processing of the produce has been completed ('**גמר מלאכה**'), since he'll sell it as soon as he finds a buyer; if he intends to bring it home, it only becomes obligated when it reaches home.
  - If **individual stalks weren't processed properly**, they remain **exempt** from tithes, e.g. if they weren't separated from the straw or if they weren't piled up.
    - The same applies to oil/wine left in various parts of the olive/wine-press.
      - However, if the **oil is added to a boiling hot pot** which had been cooking, then the oil will be cooked, and this **sets in its obligation**.  
**ר' יהודה**: Only something which is still cooking on a fire, or which contains vinegar/fish brine, is Halachically considered able to cook that which is added to it.
  - If one eats produce as an '**אכילת קבע**' – fixed eating, i.e. **a meal** – then he **must tithe** it first, even if it hasn't reached its **גורן** stage.
  - The **גורן** stage for **figs made into a cake** is once it is shined with fruit juice.
    - **חכמים**: If **fruit are rubbed onto a fig cake**, the cake **doesn't need to be tithed again**, since the juice is absorbed totally and is insignificant.  
**ר' יהודה**: It **does need to be tithed again**.
    - **חכמים**: Rubbing grape juice onto it **makes it able to become טמא**.  
**ר' יהודה**: It **doesn't**, since grape juice only has this ability if it functions as a drink, but not when it's used to shine a cake.
  - **חכמים**: The **גורן** stage for **regular dried figs** is once they are pressed into a barrel or smoothed over in a storehouse, but if the barrel breaks or the storehouse caves in, then all the ones which have already been placed inside **may not be eaten without tithing**.  
**ר' יוסי**: All the figs **may all be eaten without tithing**, since until the entire storehouse/barrel has been processed, none are considered to have reached their **גמר מלאכה**.

# TIME 4 MISHNA

## summaries

### מעשרות

#### When location instigates the tithing obligation:

- If one is **given produce by an 'עם הארץ'** – unlearned person who isn't trustworthy with regards to tithing – who is passing through the market-place on his way home from the field, he **may eat it** there as an **'אכילת עראי'** – temporary eating, i.e. a snack – since its obligation to be tithed hasn't set in yet.
  - If the **עם הארץ told him to take it home and eat it**, he implies that he has already tithed it, but we only believe him regarding the fact that his produce is obligated in tithes, but not that he has tithed it; therefore, he **must tithe it** like regular דמאי.
  - If the **owner of a shop takes it into his shop** to eat it, it **must be tithed** since that's considered his 'house', but not if somebody else brings it into the shop.
    - ר' יהודה**: The owner is **only obligated if he eats it in a regular, private manner**.
- If somebody intends on **selling his produce in another area** of ארץ ישראל, it only **becomes obligated once he reaches that area**, even if he sleeps elsewhere on the way.
  - If he **changes his mind** to sell it in his original location, it remains **exempt** until he reaches his original location.
  - **חכמים**: If **שבת arrives** on his way, the **produce becomes obligated** in מעשרות.
  - ר' מאיר**: It becomes obligated from when he reaches the **house where he will stay for שבת**, since he views this as his living place for that time.
- **חכמים**: A **peddler** must tithe his produce once it enters the **house where he will sleep**, since he tends to stay in the same house for multiple nights.
  - ר' יהודה**: The **first house** into which he enters in the city obligates the produce in tithes, since he carries a lot so anticipates staying in the first available house.

#### Activities which set in the tithing obligation:

- **ר' אליעזר**: If one **separates תרומה** (the first tithe which is separated) from even half-processed produce, it becomes **obligated**, since he shows that he views it as processed.
  - חכמים**: It only becomes **obligated if it has reached its גמר מלאכה**, or is very close to it.
  - ר' שמעון**: Separating תרומה **doesn't obligate produce** in tithes, since it's illogical that produce which hasn't been tithed at all should be permitted to eat and produce from which one tithe has been separated may not be eaten.
- **ר' מאיר**: If one **sells** fruit – even if still attached to the tree – it **becomes obligated**.
  - ר' יהודה**: It **doesn't become obligated** if the buyer eats each one before the seller detaches the next one, since it hasn't reached its **גמר מלאכה**; a collection of 2 fruits at a time is considered its **גמר מלאכה**.
    - If the **buyer detaches the fruit** from the tree himself, he **may eat them one by one**, since the seller didn't do the last stage to show that they've been processed.
      - Each individual **grape**, seed of a **pomegranate** and slice of a **watermelon** is considered an individual fruit, so must be eaten one at a time.
    - If the **buyer specifies which fruits he wants while they are still attached to the tree**, they are **exempt** since the sale takes place straight away whilst it's attached, and this is considered like buying part of the tree and processing it himself.

# TIME 4 MISHNA

## summaries

### מעשרות

- If one gives somebody produce **in return for his work**, it becomes **obligated in tithes** since it's being exchanged, unless he's entitled by the תורה to eat the produce anyway as a worker.
- A worker is only entitled by the תורה to eat that which he is working on at that time, so if he eats it at a different time, he **must tithes it**.
  - **חכמים**: If one **exchanges produce**, it's **obligated in tithes**.
  - **ר' יהודה**: Exchange **only obligates it once it's reached its גמר מלאכה**, e.g. after it's been dried if set aside for that purpose.

# TIME 4 MISHNA

## summaries

### מעשרות

- Bringing produce into one's courtyard only obligates it in tithes once it's reached its גמר מלאכה, so if he **brings produce through it in order to dry it**, his **family and workers who aren't entitled to any food may eat it without tithing**, whereas **he himself may not** since it appears like he changed his mind and considers it completed.
- If one **gives his workers in the field produce** to which they aren't entitled by the תורה, it's **obligated in tithes only if it has reached its גמר מלאכה**, so they can eat 1 at a time and be exempt.
- If one **finds figs** which were cut to be dried but weren't yet dried, or figs which had fallen from a tree and hadn't been gathered together, he **may keep them** even if they are next to a field full of figs, since the owner has **'יאוש'** – when one gives up hope of retrieving his item, and thus loses ownership of it. They are **exempt from tithes**, since they became ownerless before reaching their גמר מלאכה.
  - If the **figs are already dried**, they **must be tithed** if most people in that location had already packed away and completed the processing of the figs, since the owner is assumed to have lost them and had **יאוש** after their גמר מלאכה.
  - If **olives or carobs** fall from a tree, they **may not be kept** since the owner doesn't have **יאוש**, as they can be proven to have come from that tree because each tree's olives/carobs are slightly unique.
  - If one finds **pieces of a fig cake**, he **may keep them** since the owner has **יאוש** as he can't prove they're his, but **must tithe them** since **יאוש** occurred past their גמר מלאכה.
  - One **may feed** his **animals produce which is being dried and hasn't been piled up yet**, as long as he returns that which the animal doesn't eat to its place of drying.
    - **He himself may only eat it next to where they are drying**, since otherwise it appears that he views them as processed so they'd need to be tithed.

#### When location instigates the tithing obligation:

- **ר' ישמעאל**: Produce brought into a courtyard becomes obligated in tithes only if it has **security** like a house, so there must be a **guard**.
- **ר' עקיבא**: Therefore, if there is **more than one person who has keys** to lock and unlock the courtyard, it doesn't obligate produce.
  - **ר' יהודה**: According to this, if there is a **small courtyard within a larger courtyard** and the owner of the inner one has a key to the outer one too in order to get to his, **produce brought into the outer courtyard is exempt**.
- **ר' נחמיה**: Produce becomes obligated in tithes only if the courtyard is **private** like a house, such that **people can't see into the courtyard** whilst members are eating there.
- **ר' יוסי**: It must be private enough that **if a non-member would enter he would be asked what he is doing there**.
- If one brings produce onto a **roof**, it **remains exempt** even if it goes through a courtyard on the way, since a roof isn't a living place.

# TIME4MISHNA

## summaries

### מעשרות

- A **gatehouse**, **porch** and **balcony** are considered **secondary to their courtyard** and have the same status as it.
- **Huts which aren't fit for permanent living** **don't obligate produce** in tithes, e.g. guard-huts and huts constructed to live in during the harvesting season only.
- **חכמים**: If a **craftsman sleeps in the inner room** of a shed and works in the outer room, only **produce brought into the inner room is obligated**.  
**ר' יוסי**: It **remains exempt**, since the sheds aren't fit for living during the height of winter.
- **ר' יהודה**: Produce which enters a **סוכה** on סוכות becomes **obligated**, since it functions in place of one's permanent home during סוכות.  
**חכמים**: It **remains exempt**, since it's temporary by nature.
- **[ר' יהודה:]** Figs from a **fig tree standing inside a courtyard** **may be eaten one by one**, since a courtyard only obligates produce once it's reached its **גמר מלאכה**.  
**ר' שמעון**: He's also **exempt if he holds one fig with his left hand, one with his right hand and one in his mouth**, since it's not considered a collection of fruit.
  - If he **climbs the tree** and eats the fruit there, he's **exempt** since it's separate from the courtyard.
  - **ר' טרפון**: Whereas when grapes, pomegranates and watermelons are sold, they become obligated in tithes if more than one **grape/seed/slice** is picked at a time, **one may pick one whole cluster/fruit in a courtyard and be exempt**. A courtyard is treated more leniently than selling, since it's still possible to continue processing the fruit once it's been brought into a courtyard.  
**ר' עקיבא**: The individual **grape/seed/slice is always considered an entire fruit**.
    - One is only **exempt from tithing coriander leaves if he picks one at a time**, since each one is considered its own distinct unit.
- **Herbs which sprout by themselves** in one's courtyard are considered ownerless and **exempt from tithes**, unless they are looked after.
  - 1) If a fig tree is planted in a **courtyard** and its branches lean outside, or vice versa, we **follow the location of the branches** since that's where the fruit is as soon as it's picked.
  - 2) If a tree is planted inside of **ארץ ישראל** and its branches lean outside, or vice versa, we **follow where it's planted** since the laws of **ארץ ישראל** produce apply to anything which gains nourishment from **ארץ ישראל** land.
  - 3) If a tree is planted inside a **walled city** and it leans outside, or vice versa, we **follow where it's planted** with regards to the laws of selling things fixed to the ground in walled cities (e.g. one may force the buyer to sell it back within the first year only).
  - 4) If a tree is planted **within 2000 אמות of an 'עיר מקלט'** – city which one who kills unintentionally must run to in order not to be killed by the victim's relatives – and it leans outside, or vice versa, the **relatives may not kill one who has climbed the tree even if only its branches are within 2000 אמות**.
  - 5) If a tree is planted in **ירושלים** and it leans outside, or vice versa, one who brings **מעשר שני** fruit onto the tree **may neither eat it** (as if it's outside) **nor redeem it** (as if it's inside).



# TIME 4 MISHNA

## summaries

### מעשרות

#### Activities which set in the tithing obligation:

- Preparing produce to be eaten by **pickling, salting** or **partly cooking** it **obligates it in tithes**, but if one **buries it in the ground** in order to further ripen/cook it, it **remains exempt** since this isn't considered cooking.
  - If one dips produce into **small amount of vinegar/salt**, it **remains exempt**.
  - Salting **obligates** produce only if **a few are salted in one go**.
    - ר' אליעזר**: If a **טמא** person takes olives from a container of many olives in order to salt them, he is **exempt if the container of olives is טמא** since he intends on returning the ones he doesn't eat into the container, thus showing that he doesn't view them as totally processed.
- If **olives are crushed** in order to remove their bitter taste, they **remain exempt** until they are prepared for eating.
- If one **squeezes oil straight from olives onto his skin**, it **remains exempt** since it's unusual, but if he squeezes it into his hand first and rubs that onto his skin then it's **obligated**, since that's like first pouring oil into a container.
- If one **pours wine collected at the bottom of a wine press into a tithed cooked dish** and only then skims it, it's **exempt** since skimming at that stage is not considered the wine's **גמר מלאכה**, rather it's removing bad parts from a cooked dish.

#### What is considered fixed/temporary eating:

- When **שבת** arrives, all produce which has reached its **גמר מלאכה** becomes permanently **obligated** in tithes, since the food which one eats on **שבת** carries extra significance and is always considered an '**אכילת קבע**' – fixed eating and not a snack.
  - **בית שמאי**: If **fruit are set aside for שבת**, it becomes **obligated** in tithes **at the onset of שבת**.
  - בית הלל**: If it's a **basket of fruit**, it becomes **obligated immediately**.
    - **ר' יהודה**: If one **sends a basket of fruit as a gift** to somebody's house, it becomes obligated immediately because of the basket's significance.
- **ר' מאיר**: One who **drinks wine with his head over the winepress** is **exempt** from tithing it, since that's a temporary drinking.
  - ר' אליעזר ברבי צדוק**: He's **obligated**, in case he moves his head away.
  - חכמים**: He's **exempt if the wine was diluted with cold water**, since he's likely to pour back whatever wine he doesn't finish, but he's obligated if the wine is diluted with warm water, since pouring it back ruins the rest of the wine.
- Whereas to be exempt from tithes one can only remove the shell from **one barley stalk** at a time, one may remove the chaff from **multiple stalks of wheat** at a time, since because it's a longer process one would do it to multiple stalks even for an '**אכילת עראי**' – temporary eating. However, he should **remove it in an irregular way**, e.g. throw the stalks from one hand to another, and he **mustn't put the wheat down** before eating it.

# TIME4MISHNA

## summaries מעשרות

- If one plants produce without specific intention, its **seeds, leaves, stalks, shoots** and **berries** are only **tithed if they are a primary part** of the produce.
  - If one plants it for the sake of one of these parts when they are generally a **secondary part, it and the generally primary parts must be tithed.**

# TIME 4 MISHNA

## summaries

### מעשרות

#### • Produce which is replanted:

- One may **uproot several plants from his own field** before their produce has grown fully and replant them elsewhere in his own field, **without tithing** them.
- One who **buys a plant still attached to the ground** is **exempt** from tithing it yet.
- One who **uproots unprocessed plants in order to send them as a gift** is **exempt**.
  - **ר' אלעזר בן עזריה**: If plants with a similar appearance to his unprocessed plants have been processed and are **being sold in the marketplace**, he **must tithe** his before replanting/giving them away.
- If one **uproots radishes and turnips in order to replant them** elsewhere to produce seeds, he **must tithe** them since they will become inedible when left in the ground for a long time to produce seeds.
- If **onions which are stored in one's attic take root**, they are considered planted in that they **cannot be טמא**, since even that which grows by itself cannot be טמא whilst attached to the ground. However, it is **exempt from tithes and other agricultural laws**.
  - If a **wall falls down onto them and covers them** other than their leaves, they are **considered planted** even with regards to agricultural laws, since the owner is pleased as they are planted in the same way as they'd regularly be planted.

#### • Selling/buying produce from those who don't tithe:

- Although one **may not sell** טבל which has been **detached from the ground**, in case the buyer forgets to tithe it, one **may sell** untithed produce which is **still attached to the ground**, since it's obvious that it hasn't been tithed yet.
  - One **may not sell** this to an **ארץ עם**, since it would be causing him to sin if he doesn't tithe it, unless the produce **hadn't yet reached its מעשרות עונת**.
- One **may not sell** his **straw or discarded parts of his grapes/olives** to an **ארץ עם** if he knows that he's going to extract the good and edible parts from them, since they will become obligated in tithes when he does so.
  - One who buys this **must tithe** it but is **exempt from תרומה**, since the original תרומה designation of the seller covers even this grain, oil and wine, since it's an approximation.
- **חכמים**: If one **buys a field from a non-Jew in 'סוריא'** – the lands conquered by **דוד המלך** before he conquered the entire land of **ארץ ישראל** itself – **after the produce reaches its מעשרות עונת**, he is **exempt from tithing** it since its obligation couldn't set in at the **מעשרות עונת**; he **may not hire workers** to harvest the field, so that people don't extend this exemption to one who buys it before its **מעשרות עונת**.
  - ר' יהודה**: He **may hire workers**.
  - רבן שמעון בן גמליאל**: If he **only buys the trees/produce** but not the land, he's **exempt** even if he buys it **before its מעשרות עונת**.
  - רבי**: He is **obligated to tithe the proportion of the produce** which grew after he bought it, and it isn't dependent on the **מעשרות עונת**.



# TIME4MISHNA

## summaries מעשרות

- **חכמים**: **תמד** (diluted wine made from mixing wine sediment with water) whose volume is the same as the volume of water which was added is considered water so is **exempt from tithing**, since evidently no actual wine has been mixed with the water.  
**ר' יהודה**: It's **obligated in tithes** if it's possibly made up of 1/3 wine, since the reason why the volume didn't change is because the sediment also absorbed some of the water.
- Although in general the principal of 'רוב' – following the status of the majority – overrides 'קרוב' – following the status of the nearest item, if **grain is found in ant holes next to a pile of produce** which has reached its **מלאכה** גמר in a field most of which hasn't been harvested, it's obligated in tithes like the pile, if the ants were seen by the pile.
- **Produce which generally grows wild** is **exempt from tithes** and **may be bought from somebody who doesn't open up his field during שמיטה**, unless it's known that they were planted and owned.
  - The same applies to **inedible seeds**, and if they are **תרומה** and planted, the produce which grows from them is **considered חולין**.