
מעשרות

TIME 4 MISHNA

mikra

מעשרות

וּלְבְנֵי לֵוִי הִנֵּה נָתַתִּי כָּל־מַעֲשֵׂר בְּיִשְׂרָאֵל לְנַחֲלָה חֶלֶף עֲבַדְתֶּם אֲשֶׁר־הֵם עֲבָדִים
אֶת־עֲבַדְתָּ אֹהֶל מוֹעֵד:
(במדבר יח:כא)

“And to the children of Levi behold I have given all of the tithe in Israel, as an inheritance, in return for their service which they are serving – the service of the משכן.”

כִּי אֶת־מַעֲשֵׂר בְּנֵי־יִשְׂרָאֵל אֲשֶׁר יִרְיָמוּ לָהּ תְּרוּמָה נָתַתִּי לְלוֹיִם לְנַחֲלָה עֲלֵיכֶן
אָמַרְתִּי לָהֶם בְּתוֹךְ בְּנֵי יִשְׂרָאֵל לֹא יִנְחֲלוּ נַחֲלָה:
(במדבר יח:כד)

“Because the tithe of the Jewish People which they will separate for Hashem as a תְּרוּמָה, I have given to the Leviim as an inheritance; therefore I said to them that they will not inherit an inheritance amongst the Jewish People.

Overview

מַעֲשֵׂרוֹת

**When
produce must
be tithed
(1-4)**

- ✓ עוֹנֵת הַמַּעֲשֵׂרוֹת
- ✓ When the obligation begins
 - גָּמַר מְלֶאכָה - Brought into תְּצַר
 - תְּרוּמָה separated - Sold
 - Cooked, pickled or salted
- ✓ אֲכִילַת עֲרָאִי and אֲכִילַת קִבֵּעַ
 - Fixed meal
 - שֻׁבַת instigates the obligation

**Produce
which is
replanted
(5.1-5.2)**

- ✓ Tithing it if it's ready to eat

**Buying from
or selling to
one who
doesn't tithe
(5.3-5.8)**

- ✓ Not causing an עַם הָאֲרָץ to eat untithed produce
- ✓ Buying a field from a non-Jew

Key Terms

מַעֲשָׂרוֹת

Rules:

- **רוב** - Following the status of the majority
- **קרוב** - Following the status of the nearest item

Concepts and Terms:

- **עונת המעשרות** - Stage of growth when any particular produce becomes edible for human consumption; it's obligated in tithes if it reaches this stage
- **גמר מלאכה** - When the processing of produce has been completed and tithes must be separated (if he intends to sell the produce)
- **אכילת קבע** - Fixed eating, i.e. a meal
- **אכילת עראי** - Temporary eating, i.e. a snack

יאוש - When one gives up hope of retrieving his item, and thus loses ownership of it

עיר מקלט - City which one who kills unintentionally must run to in order not to be killed by the victim's relatives

Summaries

מעשרות

- **When produce must be tithed:**

- Although **מְדֹאֲרֵי יִתָּא** only grapes, olives and grain are obligated in **מעשרות** (tithes), **מְדֹרְבָּנִן** 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 its 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.
 - o 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 טבוא**.
 - 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 of the figs **may be eaten without tithing**, since until the entire storehouse/barrel has been processed, none are considered to have reached their **גמר מלאכה**.

Summaries

מַעֲשָׂרוֹת

When location instigates the tithing obligation:

- If one is **given produce by an 'עַם הָאָרֶץ** – 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 **'אֲכִילַת עֵרָאִי** – 'temporary eating', i.e. a snack – since its obligation to be tithed hasn't set in yet.
 - If the **עַם הָאָרֶץ** **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 **דְּמָאִי**.
 - 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' יְהוּדָה: 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 **אֶרֶץ יִשְׂרָאֵל**, 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.
 - **חֲכָמִים**: If **שַׁבָּת** **arrives** on his way, the **produce becomes obligated** in **מַעֲשָׂרוֹת**.
ר' מֵאִיר: It becomes obligated from when he reaches the **house where he will stay for שַׁבָּת**, since he views this as his living place for that time.
- **חֲכָמִים**: 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' יְהוּדָה: 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.

Acts which set in the tithing obligation:

- **ר' אֱלִיעֶזֶר**: If one **separates תְּרוּמָה** (the first tithe which is separated) from even half-processed produce, it becomes **obligated**, since he shows that he views it as processed.
חֲכָמִים: It only becomes **obligated if it has reached its מְלֶאכָה**, or is very close to it.
ר' שִׁמְעוֹן: Separating **תְּרוּמָה** **doesn't obligate produce** in tithes, since it's not logical 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' מֵאִיר**: If one **sells** fruit – even if it is still attached to the tree – it **becomes obligated**.
ר' יְהוּדָה: It **doesn't become obligated** if the buyer eats each one before the seller detaches the next one, since it hasn't reached its **מְלֶאכָה**; a collection of 2 fruits at a time is considered its **מְלֶאכָה**.
 - 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.

Summaries

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- Bringing produce into one's courtyard only obligates it in tithes once it's reached its גְּמֵר מִלְאָכָה, 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 to by the תּוֹרָה, it's **obligated in tithes only if it has reached its גְּמֵר מִלְאָכָה**, 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 גְּמֵר מִלְאָכָה.
 - 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 גְּמֵר מִלְאָכָה.
 - 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 גְּמֵר מִלְאָכָה.
- 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.

Summaries

מַעֲשָׂרוֹת

- 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 harvest season only.
- **חֲכָמִים**: 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**.
חֲכָמִים: 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 **גְּמֵר מְלֵאכָה**.
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 **אֶרֶץ יִשְׂרָאֵל** and its branches lean outside, or vice versa, we **follow where it's planted** since the laws of **אֶרֶץ יִשְׂרָאֵל** produce apply to anything which gains nourishment from **אֶרֶץ יִשְׂרָאֵל** land.
 - 3) If a tree is planted inside a **walled city** and its branches lean 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 אַמּוֹת 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 its branches lean outside, or vice versa, the **relatives may not kill one who has climbed the tree even if only its branches are within 2000 אַמּוֹת**.
 - 5) If a tree is planted in **ירוּשָׁלַיִם** and it leans outside, or vice versa, one who brings **מַעֲשֵׂר שְׁנִי** fruit onto the tree **may neither eat it** (as if it's outside) **nor redeem it** (as if it's inside).

Summaries

מַעֲשָׂוֹת

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 amounts of vinegar/salt**, it **remains exempt**.
 - Salting **obligates** produce only if **a few items are salted in one go**.
- **ר' אליעזר**: If a **טָמֵא** person takes olives from a container of many olives in order to salt them, he is **exempt if the container of olives is טָמֵא** 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 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 **גְּמֵר**, rather it's removing bad parts from a cooked dish.

What is considered fixed/temporary eating:

- When **שַׁבָּת** arrives, all produce which has reached its **גְּמֵר** becomes permanently **obligated** in tithes, since the food which one eats on **שַׁבָּת** carries extra significance and is always considered an **'אֲכִילַת קֹבֵע'** – a fixed eating and not a snack.
 - **בית שמאי**: If **fruits are set aside for שַׁבָּת**, they become **obligated** in tithes **at the onset of שַׁבָּת**.
 - 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, as he won't pour leftovers back, since this would ruin the rest of the wine.
- To be exempt from tithes for barley one must remove the shell from **one barley stalk** at a time, but with wheat 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 **'אֲכִילַת עֲרָאִי'** – '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.

Summaries

מַעֲשֵׂרוֹת

- 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 produce for the sake of one of these parts** when they are generally a **secondary part, it and the generally primary parts must be tithed.**

Summaries

מַעֲשָׂרוֹת

• 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 טָמא**, since even that which grows by itself cannot be טָמא 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** apart from 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 טָבֵל** 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 **עַם הָאָרֶץ**, since it would be causing him to sin if he doesn't tithe it, unless the produce **hasn't yet reached its הַמַּעֲשָׂרוֹת עוֹנֵת**.
- One **may not sell** his **straw or discarded parts of his grapes/olives** to an **עַם הָאָרֶץ** 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 תְּרוּמָה**, since the original תְּרוּמָה designation of the seller covers even this grain, oil and wine, since it's an approximation.
- **חֻכְמִים**: If one **buys a field from a non-Jew in 'סוּרְיָא'** – the lands conquered by **דָּוִד** before he conquered the entire land of **יִשְׂרָאֵל** itself – **after the produce reaches its הַמַּעֲשָׂרוֹת עוֹנֵת**, he is **exempt from tithing** it since its obligation couldn't set in at the **הַמַּעֲשָׂרוֹת עוֹנֵת**; he **may not hire workers** to harvest the field, so that people don't extend this exemption to one who buys it before its **הַמַּעֲשָׂרוֹת עוֹנֵת**.
ר' יהודה: He **may hire workers**.
רַבִּי שְׁמַעוֹן בֶּן גַּמְלִיאֵל: If he **only buys the trees/produce** but not the land, he's **exempt** even if he buys it **before its הַמַּעֲשָׂרוֹת עוֹנֵת**.
רַבִּי: He is **obligated to tithe the proportion of the produce** which grew after he bought it, and it isn't dependent on the **הַמַּעֲשָׂרוֹת עוֹנֵת**.

Summaries

מַעֲשָׂרוֹת

- **חֲכָמִים**: **תַּמְד** (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' יְהוּדָה**: 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 **גְּמֵר מְלֶאכָה** in a field which most of it 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 שְׁמִיטָה**, unless it's known that they were planted and owned.
 - The same applies to **inedible seeds**, and if they are **תְּרוּמָה** and planted, the produce which grows from them is **considered חוֹלִין**.

TIME 4 MISHNA

TEST

מסכת מעשרות

1. Define:
 - (a) עֹנֵת הַמַּעֲשָׂרוֹת
 - (b) גִּמְר מִלְאָכָה/גִּוּרָן
 - (c) אֲכִילַת קִבֵּעַ
 - (d) אֲכִילַת עֲרָאֵי
2. (a) Which species are obligated in tithes **מִדְּאֻרְיֵיתָא**?
(b) List 2 of the 3 conditions for produce to be obligated in tithes **מִדְּרַבְּנֵי**?
3. Name 4 different *acts* that obligate produce in tithes.
4. Why would eating each fruit before the next one is picked off the tree mean that one is exempt from tithing it?
5. (a) If one finds figs which are cut to be dried but haven't yet been dried, may he keep them, and why?
(b) Are they obligated in tithes, and why?
6. What is one possible feature which a courtyard must have to be like a house in order to obligate produce in tithes?
7. List 3 laws for which it makes a difference where a tree is considered to be situated.
8. Why does **שִׁבְתָּ** obligate produce in tithes?
9. Describe one of the cases mentioned in the **מִסְקָתָא** where if one intends on returning the leftover produce to its original place then it's exempt from tithes.
10. Describe a situation in which produce is considered planted in that it cannot be **טָמֵא**, yet it is exempt from tithes when uprooted.