
דמואי

Overview

דְּמַאי

- The obligation to tithe דְּמַאי (1-4)**
 - ✓ Leniencies of דְּמַאי compared to טָבֵל
 - Exemptions - מְעַשֵּׂר שְׁנִי
 - Different locations
 - ✓ Who must tithe דְּמַאי produce
 - Who is an עַם הָאָרֶץ - Different sellers
 - Becoming responsible to tithe it
 - Not causing others to eat untithed food
 - When one can trust an עַם הָאָרֶץ

- How to tithe דְּמַאי (5)**
 - ✓ Whether one can tithe דְּמַאי produce on behalf of other דְּמַאי produce
 - Buying twice from the same seller

- Who must tithe produce (6)**
 - ✓ Renting and working a field
 - חוֹכֵר - אָרִיס
 - ✓ Partners
 - בְּרִירָה

- Unusual ways of tithing (7)**
 - ✓ Formulas for designating tithes verbally
 - For שֵׁבֶת
 - ✓ 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

דְּמוּאֵי

Rules:

סְפִיקָא - In a case where there are 2 doubtful/possible reasons to be lenient, we are lenient

סְפִיקָא בְּרִכּוֹת לְהִקָּל - In a doubtful case one doesn't make a בְּרִכָּה

אֵין אָדָם חוֹטֵא וְלֹא לוֹ - One doesn't sin for no benefit

אֵין קַנְיָן לְנִכְרֵי בְּאַרְץ יִשְׂרָאֵל לְהַפְקִיעַ מִיַּדֵי מַעֲשֵׂר - a non-Jew who owns land in אֶרֶץ יִשְׂרָאֵל is not considered the owner to remove the obligation of מַעֲשְׂרוֹת

בְּרִירָה - 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

הִפָּה שְׂאֵסֵר הוּא הִפָּה שְׁהֵתִיר - If one makes a statement that forbids/obligates something and subsequently makes a statement which permits/exempts that, he's believed

Concepts and Terms:

- **נְאֻמָּן** - One who is trustworthy with regards to tithing
- **חֶבֶר** - One who is trustworthy and knowledgeable of the laws of purity

אוֹנָן - One whose relative has died but not yet buried

מְדוּמָע - A mixture of תְּרוּמָה and חוֹלִין

בֵּין הַשְּׁמָשׁוֹת - Twilight, the period when it is uncertain whether it's day or night

וִידוּי הַמַּעֲשְׂרוֹת - when one declares that he's fulfilled all that he was commanded with regards to the tithes

הַגְּבָהָה - Acquiring an item by lifting it

עֲצִיץ נִקְוֵב - A plant-pot with a hole at the bottom; this has the status of the ground

- **אָרִיס** - 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

דְּמָאֵי

• Leniencies of דְּמָאֵי:

- **יוֹחֲנָן כֹּהֵן גָּדוֹל** instituted that if one buys produce from an 'עַם הָאֶרֶץ' – unlearned person – it is called דְּמָאֵי and the buyer:
 - 1) **Doesn't need to separate** תְּרוּמַת גְּדוּלָה, since עַמֵּי הָאֶרֶץ do so because of the death penalty for failing to do so;
 - 2) **Must designate** 1/10 of it as מַעֲשֵׂר רִאשׁוֹן and 1/10 as מַעֲשֵׂר עֲנִי in the 3rd and 6th year of the שְׁמִיטָה cycle, but doesn't need to give them, since 'הַמוֹצִיא מִחֶבְרוֹ עָלָיו' – 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 מַעֲשֵׂר רִאשׁוֹן as תְּרוּמַת מַעֲשֵׂר for a כֹּהֵן, since a 'זָר' – non כֹּהֵן – may not eat this.
 - 4) **Must separate** 1/10 of it as מַעֲשֵׂר שְׁנִי, since he eats this himself.
- If one buys produce which **often grows in the wild** so is 'הַפֶּקֶר' – ownerless – so exempt from tithes, he **doesn't need to tithe it** at all, since there is a 'סִפֵּק סִפִּיקָא' – double doubt, since it may not be obligated in tithes (if it's הַפֶּקֶר) and even if it is the עַם הָאֶרֶץ may have tithed it.
 - Whilst the בֵּית הַמִּקְדָּשׁ stood, the wine from the area of יְהוּדָה miraculously never soured and turned to vinegar, so vinegar in יְהוּדָה was made from grape skins which were lower quality so were often thrown away and made הַפֶּקֶר.
- מַעֲשֵׂר שְׁנִי separated from דְּמָאֵי is treated more leniently than regular מַעֲשֵׂר שְׁנִי, so:
 - No 'חֹמֶשׁ' – **fifth** added to its value – needs to be added if redeemed;
 - 'בִּיעוּר' – the **obligation to destroy** any מַעֲשֵׂר שְׁנִי (and other tithes) remaining on עֶרֶב פֶּסַח of the 4th and 7th year of the שְׁמִיטָה – doesn't apply;
 - An 'אוֹנוֹן' – one whose close relative died that day – may eat it;
 - It may be **brought out of יְרוּשָׁלַיִם** and redeemed onto money;
 - He can allow some of it to be **lost on the way** to יְרוּשָׁלַיִם;
 - He may **give it to an עַם הָאֶרֶץ** to eat even though he will probably make it טָמֵא, as long as he eats that amount himself as additional מַעֲשֵׂר שְׁנִי in a state of purity;
 - **ר' מֵאִיר**: He **can** redeem the מַעֲשֵׂר שְׁנִי money onto other money/produce and **redeem that onto money once more** to bring to יְרוּשָׁלַיִם.
 - **חֲכָמִים**: He **cannot** redeem the produce except for the original מַעֲשֵׂר שְׁנִי, just like regular מַעֲשֵׂר שְׁנִי.
- Something which is only **obligated מִדְּרַבָּנָא** is **exempt** in a case of דְּמָאֵי, e.g. if he buys the produce not for the sake of consuming it directly.
 - Produce which grows in the parts of אֶרֶץ יִשְׂרָאֵל which were conquered in the times of יְהוֹשֻׁעַ but **not reconquered in the times of עֲזָרָא** is only obligated מִדְּרַבָּנָא so exempt in a case of דְּמָאֵי.

Summaries

דְּמַאי

- One does not need to tithe the following things bought from an עַם הָאָרֶץ, since they are assumed to have tithed them because of their holy status:
 - 'חֲלָה' – the part of the **dough which is given to a פֶּהוּ**;
 - 'מְדוּמָע' – a **mixture of תְּרוּמָה** and חוֹלִין (unsanctified produce) which only a פֶּהוּ may eat;
 - that which is **bought using שְׁנֵי מַעֲשֵׂר** money;
 - the **leftover flour** of a מִנְחָה which goes to a פֶּהוּ.
- **בֵּית שְׂמַאי**: A **mixture of oil** and other spices which is smeared on one's body is **obligated** in a case of דְּמַאי, since it's being consumed by the body.
- **בֵּית הֵלֵל**: It's **exempt**, since it's barely edible.
- A poor person may eat דְּמַאי 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 **עִירוּב** and **בְּרָכוֹת** can be made on it.
- No **בְּרָכָה** is made when tithing דְּמַאי, since 'סָפֵק בְּרָכוֹת לְהַקֵּל' – in a doubtful case one doesn't make a **בְּרָכָה**; therefore, he **may** tithe it whilst **unclothed**.
- One **may** tithe דְּמַאי during 'בֵּין הַשְּׁמָשׁוֹת' – twilight – of עֶרֶב שַׁבָּת.
- One **may** still say 'וִידוּי הַמַּעֲשָׂרוֹת' – 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 **טָבֵל** (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

דְּמַאי

- If one buys produce from an אֶרֶץ יִשְׂרָאֵל in a part of אֶרֶץ יִשְׂרָאֵל which wasn't reconquered by עֶזְרָא but the produce is **recognisably from a part of אֶרֶץ יִשְׂרָאֵל which was reconquered**, he **must tithe them**.
- Even if rice is being sold in אֶרֶץ יִשְׂרָאֵל itself together with other אֶרֶץ יִשְׂרָאֵל produce, if it **has the appearance of rice which grows outside of אֶרֶץ יִשְׂרָאֵל** then it's **exempt**, since *none* of the אֶרֶץ יִשְׂרָאֵל rice looks like that.
- **Who must tithe דְּמַאי produce:**
 - In order to be a 'נְאֻמָּן' – 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 אֶרֶץ יִשְׂרָאֵל's house**; 2 witnesses must testify that he does this.

ר' יהודה: Even if he eats at an אֶרֶץ יִשְׂרָאֵל's house on the odd occasion, he remains a נְאֻמָּן.

→ **חֲכָמִים**: In order to be a 'חֲבֵר' – a righteous man who is reliable with regards to the laws of טוּמְאָה (impurity) – he must also declare that he **won't sell food to an אֶרֶץ יִשְׂרָאֵל**, and **won't buy from him unless it hasn't become wet** since being detached from the ground, in which case the אֶרֶץ יִשְׂרָאֵל couldn't have made it טָמֵא; he must also not eat at an אֶרֶץ יִשְׂרָאֵל's house, **nor allow an אֶרֶץ יִשְׂרָאֵל to eat in his house with his own clothes**, since they might make him טָמֵא.

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 טָמֵא from dead bodies** unless for a מִצְוָה, and he **should learn** and serve **בֵּית הַמִּדְרָשׁ** in the **תְּלַמְיָדֵי חֲכָמִים**.
 - Although when one sells דְּמַאי 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 מַעֲשֵׂר וְתְרוּמַת מַעֲשֵׂר** and **חֶלֶה**, whereas the buyer needs to separate the **מַעֲשֵׂר שְׁנִי**, 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 **מַעֲשֵׂר שְׁנִי** **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**.

→ **קב 3** of solid food, and the amount of liquid which one can buy with **1 דִּינָר**, is considered bulk.

Summaries

דְּמַאי

- **תנא קמא**: **Poor people may receive and eat דְּמַאי** which hasn't been tithed, so that people will give more צְדָקָה 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.
 - **רַבֵּן גַּמְלִיאֵל** fed his **poor workers דְּמַאי**, even though he gained by doing so.
- **בֵּית שְׁמַאי**: Poor people **may not eat דְּמַאי**, so those who collect צְדָקָה from people and distribute it to the poor should make sure to give produce from **עַמֵּי הָאָרֶץ** to poor people who are particular to tithe produce, and produce from **עַמֵּי הָאָרֶץ** to poor **עַמֵּי הָאָרֶץ**.
 - **חֲכָמִים**: They shouldn't distribute it like that, so that people don't stop giving when they see that they are viewed as **עַמֵּי הָאָרֶץ**; the poor people must tithe it.
- One may not put down **on the side of a road טֶבֶל / דְּמַאי** of his or that which he picks up intending to eat, unless he **tithes it**, so as not to cause an **עַם הָאָרֶץ** to eat **טֶבֶל**.
- 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 **'הַגְבָּהָה'** – lifting up, he **may not return them** without tithing 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.
- **חֲכָמִים**: One who **gives a small quantity of דְּמַאי/טֶבֶל 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' יוֹסִי**: One may give a gift of definite **טֶבֶל** without tithing it if he tells the receiver that it hasn't been tithed, since people are more careful to tithe definite **טֶבֶל**.
- If one gives wheat to a **'כּוֹתִי'** – somebody from a certain nation whose conversion to become Jewish was uncertain – or an **עַם הָאָרֶץ 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.
 - **חֲכָמִים**: A **non-Jewish grinder** is suspected of switching it with other **עַמֵּי הָאָרֶץ's** wheat/flour so the flour is **דְּמַאי**, 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' שְׁמַעוֹן**: Even that produce is **דְּמַאי**, since it is possible that it was switched with another **עַם הָאָרֶץ's** produce.
- **חֲכָמִים**: 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' יוֹסִי**: 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

דְּמַאי

- **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-שְׁמִיטָה produce in a שְׁמִיטָה year, she **isn't suspected of switching it for שְׁמִיטָה produce**, since the punishment for eating שְׁמִיטָה produce is death.

Summaries

דְּמַאי

• When one can trust an עַם הָאָרֶץ:

- If one forgets to tithe דְּמַאי before שַׁבַּת, he **can trust the עַם הָאָרֶץ** from whom he bought it – and if he can't find him then a different עַם הָאָרֶץ – if he **claims on שַׁבַּת that the produce is tithed**, since (a) he is unlikely to lie **because of his awe of שַׁבַּת**, and (b) so that he can fulfil the מִצְוָה of having joy on שַׁבַּת through food.
 - After שַׁבַּת, he must tithe it before eating more.
- If the 1% of דְּמַאי produce which is separated as תְּרוּמַת מַעֲשֵׂר **falls back into it**, it isn't nullified since there isn't 100 times more חוּלִין than תְּרוּמַת מַעֲשֵׂר and all the produce must be given to a כֹּהֵן who pays the cheaper תְּרוּמָה price for the חוּלִין part of it.
 - **ר' שמעון שְׂזוּרִי**: The עַם הָאָרֶץ **is believed** if he claims that he tithed the דְּמַאי, since (a) he is unlikely to lie **because of the severe punishment** involved in not separating מַעֲשֵׂר, and (b) because of the large loss involved in selling so much חוּלִין for the תְּרוּמָה price.
- If an עַם הָאָרֶץ **vows** that if רַאוּבֵן doesn't eat at his feast on the שַׁבַּת after his child's wedding, he won't be allowed to benefit from him in the future, רַאוּבֵן **may eat there** if the עַם הָאָרֶץ 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 עַם הָאָרֶץ won't be so insulted in those cases.
- **ר' אליעזר**: One **doesn't need to designate עֲנֵי מַעֲשֵׂר** from דְּמַאי, since the עַם הָאָרֶץ would usually designate עֲנֵי מַעֲשֵׂר in order to remove the produce's status of טָבֵל and eat it themselves.
- **חֲכָמִים**: He **does need to designate it**, since not all עַם הָאָרֶץ do so, but doesn't give it since 'הַמוֹצִיא מִחֶבְרוֹ עָלָיו הַרְאִיָּה' – 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 שַׁבַּת** since people may think that it's permitted to designate it on שַׁבַּת 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 שַׁבַּת, 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 עַם הָאָרֶץ **isn't trusted to buy produce from a non-עַם הָאָרֶץ**, 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 גַּאֲמָן, since (a) 'אֵין אָדָם חוֹטֵא וְלֹא לוֹ' – 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

דְּמַאי

• How to tithe דְּמַאי:

- 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 **מַעֲשֵׂר ראשון**
 3. Designate the 1% as **תְּרוּמַת מַעֲשֵׂר** for the **מַעֲשֵׂר ראשון**
 4. Designate the 1/48 as **חֶלֶה**, and give the entire marked off part to a **כֹּהֵן**
 5. Designate a specific 10% of the remaining produce as **מַעֲשֵׂר שְׁנִי** (and redeem it)
 - One who wishes to separate one part of the produce for a **כֹּהֵן** containing both the **תְּרוּמַת גְּדוּלָה** and **תְּרוּמַת מַעֲשֵׂר** 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 **תְּרוּמַת גְּדוּלָה**, since it can't be separated as an exact, measured amount
 3. Designate the 1% plus 9% from the rest of the produce as **מַעֲשֵׂר ראשון**
 4. Designate the 1% as **תְּרוּמַת מַעֲשֵׂר** for the **מַעֲשֵׂר ראשון**, and give the entire marked off part to a **כֹּהֵן**
 5. Designate a specific 10% of the remaining produce as **מַעֲשֵׂר שְׁנִי** (and redeem it)

Whether one can tithe דְּמַאי produce on behalf of other דְּמַאי produce:

- 1) **ר' מאיר**: One who buys דְּמַאי 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 **עַם הָאָרֶץ** who did tithe and the other came from a different **עַם הָאָרֶץ** 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 **עַמֵי הָאָרֶץ**.
 - **חֶלֶה** can be separated from one loaf on behalf of another, since the obligation only sets in after the **עַמֵי הָאָרֶץ** have given the ingredients to the baker, when it's made into dough.
- 2) **ר' מאיר**: One who buys from a **פְּלִטָר** (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 **מִנְפּוּל** (one who buys from multiple **פְּלִטָרִים**) **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

דְּמַאי

- 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 **עַם הָאָרֶץ** which don't directly concern his tithing 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 **טָבֵל** except for at a time of need, one who **buys טָבֵל** from 2 different people **can**, since they both certainly need to be tithed.
 - A **non-Jew's produce** is **considered טָבֵל**, since **אִין קִנְיִן לְנִכְרֵי בְּאֶרֶץ יִשְׂרָאֵל** – a non-Jew who owns land in **יִשְׂרָאֵל** is not considered the owner to remove the obligation of **מַעֲשְׂרוֹת**.
- 7) **חֲכָמִים**: One who buys from **2 כּוֹתִימִים** can, since they didn't tithe that which they sold.
ר' אֱלִיעֶזֶר: He cannot, since one of the **כוֹתִימִים** 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 '**עֵצִיץ נְקוּב**' – **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 **מְדַרְבְּנָן**) on behalf of produce grown in an **עֵצִיץ נְקוּב**, the tithe retains its status so that people don't come to treat **תְּרוּמָה** declarations lightly, but he must tithe the produce grown in the **עֵצִיץ נְקוּב** again.
 - The same applies if one tithes **דְּמַאי** (which is obligated **מְדַרְבְּנָן**) on behalf of **דְּמַאי** or **טָבֵל** (which is obligated **מְדַאורייתא**).
 - If one tithes produce grown in an **עֵצִיץ נְקוּב** 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 **מְדַאורייתא** the tithe didn't work.
 - The same applies if one tithes **טָבֵל** on behalf of **דְּמַאי**.

Summaries

דמאי

- Who must tithe produce:

- 1) An 'אָרִיס' – 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 אַרְרָץ יִשְׂרָאֵל.
- 2) A 'חֹזֵק' – 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 תְּרוּמָה** which the owner would separate later, because of its importance, since he clears the threshing floor of even the owner's produce, unlike an אָרִיס.
 - 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 **חֹזֵק 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 אַרְרָץ יִשְׂרָאֵל so that he will be forced to sell it to a Jew.
 - **ר' יהודה**: An אָרִיס of a field which was stolen by non-Jews from the אָרִיס'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) **ר' אליעזר**: A **כֹּהֵן or לוי who is an אָרִיס of a יִשְׂרָאֵל** receives all of the **תְּרוּמָה/מַעֲשֵׂר**, since this is an understood part of the agreement.
 - חֲכָמִים**: They **don't**, since they didn't perform any act of acquisition.
- 5) A **יִשְׂרָאֵל who is an אָרִיס of a כֹּהֵן or לוי** **must give all the תְּרוּמָה 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 יְרוּשָׁלַיִם** and is an אָרִיס of one who **does** **must give him all the מַעֲשֵׂר שְׁנִי** for the same reason.
 - חֲכָמִים**: This is **split regularly**, since the אָרִיס is able to bring it and eat it there.
 - **חֲכָמִים**: An אָרִיס **for trees must split all the tithes regularly**, since the יִשְׂרָאֵל is understood not to be willing to give them to the לוי/כֹּהֵן 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 שמאי**: One **may not sell olives to a non-חֹזֵק**, since if he touches them after they've been softened in a vat then they will become טָבֵא.
 - 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 טָבֵא.
 - The pious members of **בית הלל** followed **בית שמאי**'s stricter opinion here.
- If 2 people – one of whom is an עַם הָאָרֶץ – who **jointly own vineyards harvest their wine into one wine-vat and split it**, the נֶאֱמָן **must tithe his own wine as well as half of the other partner's wine**, since 'אֵין בְּרִירָה' (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

דְּמַאי

- If 2 people receive a field together, e.g. via inheritance, but don't prolong their partnership like in the previous case, then 'יש בריקה' (we do consider each partner's half to have belonged to him all along) so the נאמן 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 חֵבֵר who inherits with his אָרֶץ עִם brother their אָרֶץ עִם father; produce which can become טְמוּא 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 אָרֶץ עִם in 'סוּרְיָא' – the lands conquered by דָּוִד before the entire אָרֶץ יִשְׂרָאֵל itself was conquered – doesn't need to tithe it, since most produce sold there is grown in אָרֶץ עִם or by non-Jews.
 - If the seller tells him that it grew in אָרֶץ עִם or that he grew it, the buyer must tithe it, but if the seller adds that it is tithed then he is believed, since 'הָפָה הָפָה שְׁהֵתִיר שְׁאִסֵּר הוּא הָפָה' – 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 סוּרְיָא.
- If a חֵבֵר buys a loaf of bread for himself and one for an אָרֶץ עִם, he doesn't need to tithe the one he gives since יש בריקה so we consider that loaf as belonging to the אָרֶץ עִם as soon as it was sold and the חֵבֵר is just passing it from the seller to him.
 - If he specifies which loaf is for the אָרֶץ עִם when he buys it, then אין בריקה so if it gets mixed with his own then he needs to tithe both.

Summaries

דְּמַאי

• Unusual ways of tithing:

- If one is **invited to eat at an אָרֶץ עִם הָאָרֶץ's house on שַׁבָּת** when he won't be able to tithe the produce, he **may designate the tithes before שַׁבָּת** in the way that he generally tithes דְּמַאי, then repeat the designation and separate the tithes just before eating it on שַׁבָּת.
- When tithing liquid דְּמַאי, e.g. a cup of wine, he should designate the **last 10%** of wine which he'll leave in the cup as **מַעֲשֵׂר רֵאשׁוֹן** and **תְּרוּמַת מַעֲשֵׂר** using the mechanism of בְּרִירָה, since otherwise the whole cup of wine will be considered 'מְדוּמָע' – a mixture of תְּרוּמָה and חוּלִין which can only be eaten by a כֹּהֵן; he should designate the **upper 10%** of the wine as **מַעֲשֵׂר שֵׁנִי**, and redeem it.
- **חֲכָמִים**: If a worker's **אָרֶץ עִם הָאָרֶץ employer provides him with 100 dried figs per day** as his meals, he must tithe this דְּמַאי as usual, and **give 1 of the figs to a כֹּהֵן** as תְּרוּמַת מַעֲשֵׂר.

רַבֵּן שְׁמַעוֹן בֶּן גַּמְלִיאֵל: 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 כֹּהֵן**.

ר' יוֹסִי: The רַבָּנַן enacted that the תְּרוּמַת מַעֲשֵׂר must come from the employer, so the **employer must provide the additional fig to give to a כֹּהֵן**.

- One who **doesn't manage to tithe טָבֵל before שַׁבָּת** **may still designate the tithes during בֵּין הַשְּׂמֻשׁוֹת** and separate them after שַׁבָּת, and what he eats on שַׁבָּת (leaving over the amount of the tithes) is retroactively considered tithed, via בְּרִירָה.
 - On the other hand, if it's דְּמַאי then he can actually separate it on שַׁבָּת 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 בְּרִירָה.

- 1) If **100 units of טָבֵל get mixed with 100 units of חוּלִין**, the owner **must give 101 units to a כֹּהֵן** who must pay him for all of it except for the 1 unit of תְּרוּמַת מַעֲשֵׂר 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 טָבֵל and half חוּלִין/מַעֲשֵׂר, but he separates 100 units and *views* them as totally טָבֵל, 10 units of which become מַעֲשֵׂר רֵאשׁוֹן and 1 unit of that becomes תְּרוּמַת מַעֲשֵׂר. He views the other 100 units as totally חוּלִין, 1 of which becomes תְּרוּמַת מַעֲשֵׂר since *Halachically* the 1 unit of תְּרוּמַת מַעֲשֵׂר from the first 100 is only half תְּרוּמַת מַעֲשֵׂר, so this unit makes up the other half.

Summaries

דמאי

- 2) If **100 units of טָבֵל** get mixed with **100 units of מַעֲשֵׂר ראשון** from which the **מַעֲשֵׂר תְּרוּמַת מַעֲשֵׂר** hasn't been separated, he **must give 101 units to a כֹּהֵן** who doesn't pay for 11 of them, since he just needs to have separated 22 units for **תְּרוּמַת מַעֲשֵׂר**, which is *Halachically* 11 units of **תְּרוּמַת מַעֲשֵׂר**. We are not concerned that the 10 units which need to be separated from the **מַעֲשֵׂר ראשון** must come from the second lot of 100, even though the first 100 is viewed as not containing any **מַעֲשֵׂר ראשון**.
 - 3) If **100 units of חוֹלֵין** get mixed with **100 units of מַעֲשֵׂר ראשון**, he **must give 110 units to a כֹּהֵן**, since not only is the first 100 viewed as totally **מַעֲשֵׂר ראשון** but also the second 100, so 10 units have to be separated from the second 100 too.
 - 4) If **100 units of טָבֵל** get mixed with **90 units of מַעֲשֵׂר ראשון**, he **may give just 10 units of תְּרוּמַת מַעֲשֵׂר** - 1 for the **טָבֵל** plus 9 for the **מַעֲשֵׂר ראשון**, since the extra **טָבֵל** is viewed like another, separate lot of produce from which **תְּרוּמַת מַעֲשֵׂר** 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 **מַעֲשֵׂר 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 עַם הָאָרֶץ need to separate *and give away*?
2. Explain the rule of הַמוֹצִיא מִחֻבְרֵוֹ עָלָיו הָרְאִיָּה and its relevant to דְּמַאי.
3. List 3 things which don't need to be tithed when bought from an עַם הָאָרֶץ.
4. Why is no בְּרֵכָה made when tithing דְּמַאי?
5. List 2 things which one must do in order to be considered a גִּאָּמֶן.
6. Give an example of a type of person who may eat דְּמַאי without tithing it.
7. If one picks up דְּמַאי produce intending to keep it, may he return it to its original place without tithing 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 עַם הָאָרֶץ on שַׁבַּת if he tithed produce, is he believed and why?
10. In what case is an עַם הָאָרֶץ trusted to buy produce from a חֻבֵּר on behalf of somebody else?
11. What does 'אֵין אָדָם חוֹטֵא וְלֹא לוֹ' mean?
12. Why may one generally not separate tithes from דְּמַאי produce on behalf of other דְּמַאי produce, even though it's permitted to separate tithes from טָבֵל on behalf of other טָבֵל?
13. Explain the meaning of 'אֵין קִנְיָן לְנִכְרֵי בְּאֶרֶץ יִשְׂרָאֵל לְהַפְקִיעַ מִיַּדִּי מַעֲשֵׂר'.
14. What type of plant-pot is obligated in tithes מְדֹאֲרִיתָא?
15. What's the difference between an אָרִיס and a חוֹכֵר?
16. Why must a חוֹכֵר of a non-Jew tithe even the produce which goes to the non-Jewish owner of the field?
17. Why does שְׁמַאי בֵּית שַׁמַּאי say that it's forbidden to sell olives to somebody who isn't a חֻבֵּר?
18. Explain the concept of 'הִפָּה שְׂאֶסֶר הוּא הִפָּה שְׁהֵתִיר'.
19. Explain the concept of בְּרִירָה in the context of a חֻבֵּר and an עַם הָאָרֶץ who inherit a field together.
20. If one's employer is an עַם הָאָרֶץ 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 תְּרוּמֹת (and eat the rest)?