



Volume 13. Issue 11

Demai for the Poor

The *Mishnah* (3:1) teaches that one is able to feed *demai* produce to the poor. In other words, the requirement of separating *terumot* and *maasrot* from *demai* produce is lifted for an *ani* (poor person). The *Mishnah* continues that this leniency was also afforded to the *achsanya*. The *Bartenura* explains that this refers to Jewish soldiers that passed through from town to town. By force of law, the people of each town were made responsible to feed them. Why are these people excluded from the *gezeirah* of *demai*?

Rashi (*Eiruv* 17b) explains that whether or not one is truly required to separate *terumot* and *maasrot* from *demai* is doubtful – it is a *safek*. Furthermore, most *Amei Haaretz* separated everything that was required anyway. The law of *demai* is itself a stringency. Consequently, these cases, the *Chachamim* were lenient allowing them to consume *demai* without any separation of *maasrot*.

The *Rambam* (*Peirush Mishnayot*) however explains that the *Chachamim* were lenient in the case of the *ani* to the ease the obligation of *tzedaka* (charity). In the case of the *achsanya*, it was to ease the *mitzvah* of *hachnasat orchim* (hosting guests). In other words, unlike the *Rashi* who understands that the focus of this leniency is the receiver, the *Rambam* understands the focus is the giver. Is there a practical difference between these understandings?

The *Rambam* notes that later in the *Mishnah* we learn that if the receiving *ani* is a *chaver*, one needs to inform him that he is receiving *demai*. If the *ani* is permitted to eat *demai* why does he need to be informed? Recall

that the *Rambam* explained the leniency was motivated to ease the *mitzvah* of *tzedaka*. Consequently, the leniency is only afforded to the *ani* in that context – when one feeds an *ani*. If, however the *ani* receives a good portion as part of a *tzedaka* distribution and takes it home, then he is obligated to separate *Demai*. He explains that that is why the *Mishnah* used to word “*ma’achilin*” (feed) and not “*ochlin*” (eat) when teaching this exemption, since it is only in the context of feeding the *ani* that he is exempt. This would also explain why the *Mishnah* only records the requirement of informing the *ani* in the case of a *tzedaka* distribution but not in the case of feeding *aniim demai*.

The *Tosfot Yom Tov*, however notes that the *Rambam* appears to have retracted from this position. In his *Mishnah Torah* (*Maasrot* 10:11) the *Rambam* rules that in both cases we simply inform the *ani* that is a *chaver* that he has received *demai* and it is his discretion whether he separates *maasrot*.¹

Does this mean the *Rambam* also retracted from his understanding of the focus of this leniency? That is not necessarily true. The *Tifferet Yisrael* explains that the reason we inform the *ani* that the produce is *demai* is precisely because the focus of the leniency on the giver. The receiver is still exempt as a result of the leniency, but since the receiver was not the focus of the leniency, he may nevertheless wish to separate *maasrot*. Furthermore, the use of the term “*maachilin*” is not for the legal implication as understood by the earlier *Rambam*, but simply to demonstrate that the focus of the leniency was on the giver or “feeder” and not the receiver.

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¹ Whether an *ani chaver* must separate *demai* appears to be debate between the *Yerushalmi* (*Demai* 3:1) and *Bavli* (e.g. *Eiruv* 31a).

Revision Questions

דמאי ב' ה' - ד' ז'

- What does *R' Meir* add to the rule described in the previous question? (ב' ה')
- Which two groups of people may be given *demai* to eat? (א' ג')
- Explain the debate between *Beit Shammai* and the *Chachamim* regarding a *gabbai tz'daka* and *demai*? (א' ג')
- What three things does the *mishnah* direct one to do to prevent others from eating food from which *trumot* and *ma'asrot* have not been taken? [hint: lightening the load, returning produce and storing food] (ג' ב' ג')
- Can someone give someone else *demai* food as a gift if they notify them that it is *demai*? (ג' ג')
- What is law regarding tithed wheat given to a *kuti*, *am ha'aretz* and *nochri*: (ג' ד')
 - For grinding?
 - As a collateral? (Explain the debate in this case)
- Explain the debate regarding giving un-tithed produce to an inn-keeper for safe keeping? (ה' ג')
- According to *R' Yehudah* what precautionary measures must one take when giving wheat to his mother-in-law to make bread? (ו' ג')
- If someone forgot to separate *trumot* and *ma'asrot* from *demai* and it is now *Shabbat* what can they do? Does the ruling change on *motzei Shabbat*? (ז' א')
- What can one do if *trumat ma'aser* separated from *demai* gets mixed up with the original produce? (ז' א')
- When do the *Chachamim* allow you to trust the *am ha'aretz*'s claim that his produce has been tithed? (ז' ב')
- Explain the debated between *R' Eliezer* and the *Chachamim* regarding the separating *ma'aser ani*? (ז' ד')
- On *Shabbat* can someone separate food that have been called *trumat ma'aser* or *ma'aser ani* prior to *Shabbat*? (ז' ד')
- If someone sends an *am ha'aretz* to buy food, when can he believe the messenger that he bought it from a seller of *tithed* produce? (ז' ה')
- If someone is visiting a foreign city, how can he determine who is a *ne'eman*? (ז' ד')
- If the visitor went to person A under the advice of person B, and asked person A which local seller is careful about the laws of *chadash* and the response was person B – can he be trusted? (ז' ו')
- If two travelling salesman enter a city and one says that his produce is *chadash* and his friend's is *yashan* while the other salesman says that his friend's produce has been tithed while his own has not – can they be trusted? (ז' ז')

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha*
Mizrachi Shul
 Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
Mizrachi Shul
 Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf
 9:00am
Kollel Magen Avraham
 Reemon Neighbourhood

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
 In US dial: 718 906 6400
 Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
12 June ו' סיון	13 June ז' סיון	14 June ח' סיון	15 June ט' סיון	16 June י' סיון	17 June יא' סיון	18 June י"ב סיון
Damai 5:1-2	Damai 5:3-4	Damai 5:5-6	Damai 5:7-8	Damai 5:9-10	Damai 5:11-6:1	Damai 6:2-3

