



## Prepared by a Nochri

The *Mishnah* (3:5) teaches that if a *nochri* gave an *Yisrael* flour to prepare dough, then the resulting dough would be exempt from *challah*. In other words, even though the dough was prepared by an *Yisrael*, since the dough is owned by a *Nochri* it is exempt from *challah*. The *Yerushalmi* cites the *Tosefta* that teaches that in the opposite case, where the product was owned by an *Yisrael* but prepared by a *Nochri*, *challah* would need to be separated. Put simply, since the *Torah* uses the term “*arisoteichem*” – “your dough” – when referring to the obligation of separating *challah*, it is the ownership of the dough that is critical, not the person who prepared the dough.

This is indeed how the *Shulchan Aruch* rules (YD 330:1). The *Shach* cites the *Derisha* who explains that there was a practice that women would purchase dough for *Nochri* bakers and then separate *challah* from that dough. The *Derisha* explains that this practice is incorrect – the dough was owned by a *Nochri* and therefore exempt from *challah*. The only way to rationalise this practice is if the women pre-paid. Then we can rely on the fact that on a biblical level *ma'ot kanot*. In other words, when they first handed over the money, it is considered as if they already purchased the dough and it belong to an *Yisrael* at the time of kneading. Alternatively, one could suggest that since this was the regular practice, when the *Nochri* prepared the dough for them, it is considered as if the ingredients were gifted to them in advance and the dough already belonged to an *Yisrael*.

Let us turn our attention now to the *Rambam*. The *Rambam* (*Terumot* 1:13) rules that if a *Nochri* formed an *Yisrael*'s produce into a pile (*digun*) then, on a biblical level, it is exempt from *terumot* and *maaserot*.<sup>1</sup> The *Derech Emunah* notes that many *Rishonim* disagree with

the *Rambam* on this point and maintain that even if a *nochri* performed the *diggun* for produce owned by an *Yisrael* it would still be obligated in *terumot* and *maaserot*. Nevertheless, we shall try to understand the *Rambam*'s position.

There are legal parallels between *digun* for produce and forming dough for the laws of *challah*. For example, these stages are considered *gmar melecha* such that one cannot snack from either prior to separating *terumot* and *maaserot* or *challah*. Are there parallels in this law in our *Mishnah* also?

The *Derech Emunah* (*Bikkurim* 8:52) notes that the *Rambam* would maintain the same position for *challah* also. In other words, if a *Nochri* prepared an *Yisrael*'s dough it would be exempt for *challah*. Note that this is not like the *Yerushalmi* or *Shulchan Arucha* cited above. However, this is how the *Tur* rules (*Hilchot Eretz Yisrael Challah* 7) – even though he forbids an *Yisrael* from doing so deliberately.

The *Derech Emunah* however cites the *Ohr Zaruah* (*Challah* 235) that differentiates between *challah*, and *terumot* and *maaserot*. For *terumot* the *Torah* uses the word “*degancha*”. In other words, the *Torah* hinges the obligation on *digun* – the act of forming the pile. For *challah* however, the *Torah* does not write “*gilgulcha*” – “your forming the dough”. It states “*arisoteichem*” – “your dough”. Consequently, while for *terumah* the act is important, for *challah* the material ownership of the dough is critical and not who formed the dough.

Indeed, the *Chazon Ish* (*Sheviit* 1:16) cites the *Shittah Mekubetzet* (*Menachot* 67a:1) who also brings this distinction. Importantly he adds that this is indeed the position of the *Rambam*.

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<sup>1</sup> Rabbinically it would still require separation to prevent this practice, as way of avoiding *terumot* and *maaserot*, from becoming widespread.)

**Revision Questions**

חלה ג' ג' – ג' די: ר'

- If one has *makdish* dough and later redeemed it – in what case would they be exempt from separating *challah*? (ג': ג')
- What is the case in *ma'asrot* that is similar to the one described in the previous question? (ד': ד')
- If a *nochri* gave someone dough as a gift, when would they be obligated to separate *challah*? (ה': ה')
- If someone made bread with a *nochri*, when would they be exempt from separating *challah*? (ה': ג')
- If someone converted and already had dough, when would they be exempt from separating *challah*? (ו': ג')
- Is one obligated to separate *challah* from dough that is made from a mixture of rice and wheat? (ז': ג')
- What are the two options for one who has taken leaven from dough that has not had its *challah* removed and placed it in dough that has had its *challah* removed? (ח': ג')
- What are the two cases relating to *trumot* and *ma'asrot*, cited in the *Mishnah*, that are similar to the case stated in the previous question? (ט': ג')
- Is one obligated to separate *challah* if they took leaven from wheat dough (that has not had its *challah* removed) and placed it in rice dough? (י': ג')
- If two women each had dough that was less than the minimum quantity that requires the separation of *challah*, and their dough came into contact, are they required to separate *challah*? (יא': א')
- If one woman had two portions of dough, each less than the minimum amount, and they came into contact with one another, when is she required to separate *challah* and when is she exempt? (יא': א')
- With which other grain can wheat combine to complete the minimum measure that obligates one to separate *challah*? (יב': ד')
- With which other grain can barley combine to complete the minimum measure that obligates one to separate *challah*? (יב': ד')
- If one had two portions of dough each less than the minimum amount and neither of which have had *challah* removed, and a third in the middle – in which two cases do the portions not combine to obligate one to separate *challah*? (יג': ד')
- Explain the debate regarding what one should do if two portions of dough, each from produce from different years and each less than the minimum amount, come into contact with one another. (יד': ד')
- Explain the debate regarding the status of *challah* removed from dough which was less than the minimum amount. (יד': ד')
- Explain the debate regarding a case where *challah* was removed from two portions of dough which were less than the minimum shiur, and then these two portions were combined together. (יד': ה')

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**Next Week's Mishnayot...**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
9 October י"ד תשרי	10 October ט"ו תשרי	11 October ט"ז תשרי	12 October י"ז תשרי	13 October י"ח תשרי	14 October י"ט תשרי	15 October כ' תשרי
Chalah 4:7-8	Chalah 4:9-10	Chalah 4:11 - <b>Orlah 1:1</b>	Orlah 1:2-3	Orlah 1:4-5	Orlah 1:6-7	Orlah 1:8-9

