



Keviyut Le'Maasrot

There are significant milestones in agricultural production that are important for *trumot* and *maasrot* (*maasrot* for short). Once food products reach a particular stage in their development, one can no longer consume them as part of a fixed meal. The *masechet* began by listing this first stage for various different foods (1:1-4). One can however still eat a small amount as a snack. There comes a point however where even snacks are forbidden until all the *terumot* and *maasrot* are separated – this is referred to as *keviyut le'maasrot*. That time however varies with the intended use of the food. If one wishes to sell the food then, in general, the point is when the required processes are complete (*g'mar melacha*). If however one wants to take them for personal use, the *keviyut* is even later; when the food is taken home.¹

With the above principles in mind, one *Mishnah* at first appears difficult. The *Mishnah* (2:1) teaches that if an *am ha'aretz* was passing through the market and offers a *chaver* some figs, he may eat them without separating any *maasrot*. Now recall, that if one were to purchase food from an *am ha'aretz* it would be treated as *Demai* and a number of *matanot* would need to be separated prior to consumption. This *Mishnah* however teaches that nothing needs to be separated. What exactly are the circumstances in this *Mishnah*?

Matters become further complicated if we ask what the *am ha'aretz* was doing in the market place. If he is coming from his field to sell the products, then, as stated above, the products are already *kavuah lemaasrot* and considered *tevel*! The *Bartenura* explains that this *am ha'aretz* is not a selling the product, and the figs also have not been taken into his house yet.

The *Mishnah Rishona* however is uncomfortable with this assertion. How do we know that they have not been taken home first? Furthermore, perhaps the *am ha'aretz* initially wanted to sell the figs and only later changed his mind. In both cases the figs would be *tevel*. How

then can the *Mishnah* rule leniently in a case of doubt that involves the biblical prohibition of *tevel*?

The *Mishnah Rishona* answer that the *Mishnah* in *Machshirin* (2:10) teaches that if one finds produce in the street, whether one can consume them as a snack without separating *maasrot* depends on what the majority of field owners do with such produce. If the majority sell them, then they are considered *tevel*. If however the majority simply take them home, then one can eat them as we can safely assume that they have not reached the original owners home yet. In our case as well, we must say that a majority people that grow figs simply took them home. Since the *am ha'aretz* is passing through the market with these figs, we can safely assume that they too have not entered the owner's house yet.

The *Mishnah Rishona* however is not satisfied. Perhaps the *am ha'aretz* separated *maasrot* early, particularly as he might be concerned that those that take his gift might eat the figs in a fixed manner (which is prohibited). The *Mishnah Rishona* therefore explains that the case in our *Mishnah* is where he only handed over a small amount that would normally be eaten there and then in the market.

With this we understand the end of the *Mishnah*. We have explained the first case is when the *am ha'aretz* hands over a small number of figs of a type that most growers simply take home. One can assume that the figs are not *kavuah le'maasrot* and the *am ha'aretz* has not pre-emptively separated anything. The end of the *Mishnah* however explains that if the *am ha'aretz* said "take them home with you" when handing the figs over, then they should be treated as *demai*. The *Mishnah Rishona* explains that by him saying "take them home", the *am ha'aretz* is embellishing the gift implying that there is no need to separate anything as it has all been taken care of. Consequently the *chaver* must treat the gift as *demai*, albeit with many thanks and gratitude.

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¹ Note there are other cases that are *koveh* as well, e.g. a sale or *Shabbat*.

Revision Questions

מעשרות א': ג' – ב': ח'

- At what point in time in the growth of the following products is one obligated to separate *ma'asrot*:
 - Olives? (א': ג')
 - Pumpkins and watermelons?
 - Apples? (א': ד')
- To what does the *Mishnah* refer when it asks for the definition of the “*goren*” for *ma'asrot*? (א': ה')
- When is the *goren* for:
 - Pumpkins?
 - Vegetables? (א': ה')
 - Grain? (א': ו')
 - Oil?
 - Wine? (א': ז')
 - Pressed figs? (א': ח')
- If an *Am Ha'Aretz* gave someone fruit as a gift and he takes them home, when does he treat the produce as definite *tevel* and when does he treat it as *demai*? (ב': א')
- Explain the debate regarding the status of a shop keeper's shop. (ב': ב')
- Explain the debates regarding the point in time during a traders journey that his produce become obligated to remove *ma'asrot*: (א': ג')
 - If the seller is taking his stock to sell in another city.
 - If the seller is an ordinary travelling salesman.
- Explain the debate regard the status of produce that has had *trumah gedolah* separated from it prior to the produce's *g'mar melacha*. (ב': ד')
- Regarding the previous question, what product is the exception within the *Chachamim*'s opinion? (ב': ד')
- If someone buys fruit from someone while they were picking them from the tree, does he need to separate *ma'asrot*? (ב': ה')
- If someone buys fruit while they are still connected to the tree, does he need to separate *ma'asrot* before eating the fruit: (א': ג')
 - If he did not specify which fruit he would be taking?
 - If he specified the fruit he was buying?
- Under what condition is a field worker (employee) required to separate *ma'asrot* prior to eating the fruit? (ב': ו')
- If a field worker is working with one type of fruit can he: (ב': ח')
 - Eat from another type without separating *ma'asrot*?
 - Exchange it with a worker working with another type of fruit and eat it without separating *ma'asrot*?

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Rabbi Chaim Brown

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Rav Meir Pogrow

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
20 th February ט"ז אדר א'	21 th February י"ז אדר א'	22 th February י"ח אדר א'	23 th February י"ט אדר א'	24 th February כ' אדר א'	25 th February כ"א אדר א'	26 th February כ"ב אדר א'
Maasrot 3:1-2	Maasrot 3:3-4	Maasrot 3:5-6	Maasrot 3:7-8	Maasrot 3:9-10	Maasrot 4:1-2	Maasrot 4:3-4

