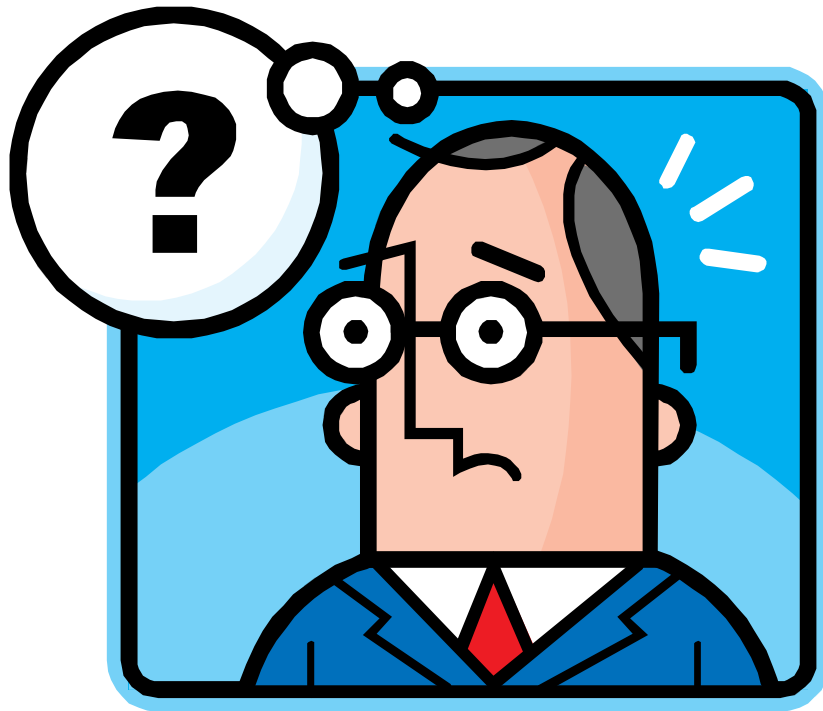


The Soncino Babylonian Talmud



DEMAI

TRANSLATED INTO ENGLISH WITH NOTES

*Reformatted by Reuven Brauner, Raanana 5771*

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# DEMAI

## Demai Chapter 1

**MISHNAH 1.** THE [FOLLOWING] ARE TREATED LENIENTLY<sup>1</sup> IN RESPECT OF [THE RULES OF] DEMAI: WILD FIGS,<sup>2</sup> JUJUBE FRUIT,<sup>3</sup> CRAB APPLES, WILD WHITE FIGS,<sup>4</sup> YOUNG SYCAMORE FIGS, UNRIPE DATES,<sup>5</sup> LATE GRAPES AND THORNY CAPERS; IN JUDEA<sup>6</sup> ALSO SUMACH, JUDEAN<sup>7</sup> VINEGAR, AND CORIANDER. R. JUDAH SAYS: ALL WILD FIGS ARE EXEMPT, EXCEPT THOSE WHICH HAVE A CROP TWICE [A YEAR]; ALL JUJUBE FRUITS ARE EXEMPT, EXCEPT THE JUJUBE FRUITS OF SHIKMONAH;<sup>8</sup> ALL YOUNG SYCAMORE FIGS ARE EXEMPT, EXCEPT THOSE THAT BURST OPEN ON THE TREE.

**MISHNAH 2.** THE [SECOND TITHE<sup>9</sup> OF] DEMAI IS NOT SUBJECT TO [THE RULES OF] THE FIFTH<sup>10</sup> AND OF REMOVAL;<sup>11</sup> IT MAY BE EATEN BY AN ONAN;<sup>12</sup> IT MAY BE BROUGHT INTO JERUSALEM AND TAKEN OUT AGAIN;<sup>13</sup> IF SMALL IN QUANTITY<sup>14</sup> IT MAY BE ALLOWED TO BE LOST ON THE ROAD;<sup>15</sup> ONE MAY GIVE IT TO AN 'AM HA-AREZ<sup>16</sup> AND CONSUME ITS EQUIVALENT IN JERUSALEM. [SECOND TITHE MONEY<sup>17</sup> OF DEMAI] MAY BE CHANGED<sup>18</sup> AGAIN, SILVER [COINS] FOR [OTHER] SILVER [COINS], COPPER [COINS] FOR [OTHER] COPPER [COINS], SILVER FOR COPPER, AND COPPER [BACK] INTO FRUIT, PROVIDED<sup>19</sup> THAT THE FRUIT WILL AGAIN BE REDEEMED FOR MONEY; THUS R. MEIR. BUT THE SAGES SAY: THE FRUIT ITSELF MUST BE BROUGHT UP AND CONSUMED IN JERUSALEM.

**MISHNAH 3.** IF A MAN BOUGHT [CORN]<sup>20</sup> FOR SEED OR FOR CATTLE, FLOUR FOR HIDES,<sup>21</sup> OIL FOR THE LAMP, OR OIL FOR GREASING UTENSILS, IT IS EXEMPT FROM [THE RULES OF] DEMAI. [PRODUCE GROWN] BEYOND CHEZIB<sup>22</sup> IS EXEMPT FROM [THE RULES OF] DEMAI. THE HALLAH<sup>23</sup> OF AN 'AM HA-AREZ, PRODUCE MIXED WITH TERUMAH,<sup>24</sup> PRODUCE

BOUGHT WITH SECOND TITHE MONEY,<sup>25</sup> AND THE REMAINDER OF MEAL-OFFERINGS<sup>26</sup> ARE EXEMPT<sup>27</sup> FROM [THE RULES OF] DEMAI. SPICED<sup>28</sup> OIL, BETH SHAMMAI DECLARE LIABLE [TO THE RULES OF DEMAI]; BUT BETH HILLEL EXEMPT<sup>29</sup> IT.

**MISHNAH 4.** DEMAI MAY BE USED FOR MAKING AN 'ERUB<sup>30</sup> AND FOR FORMING A PARTNERSHIP.<sup>31</sup> A BENEDICTION IS SAID OVER IT,<sup>32</sup> AND GRACE IN COMPANY IS RECITED AFTER IT.<sup>33</sup> ONE MAY SEPARATE [TITHES] FROM IT EVEN WHEN ONE IS NAKED,<sup>34</sup> OR WHEN IT IS TWILIGHT<sup>35</sup> ON THE EVE OF SAB BATH. LO, IF ONE HAS TAKEN FROM IT THE SECOND TITHE BEFORE THE FIRST TITHE IT MATTERS NOUGHT.<sup>36</sup> THE OIL WITH WHICH THE WEAVER GREASES HIS FINGERS IS LIABLE<sup>37</sup> TO [THE RULES OF] DEMAI, BUT [THE OIL] WHICH THE WOOL-COMBER PUTS ON THE WOOL IS EXEMPT<sup>38</sup> FROM [THE RULES OF] DEMAI.

(1) The rules of demai are not enforced in the case of these fruits when bought from an 'am ha-arez. The list consists of fruits which are esteemed of little value, and the owners of which often leave them for general use without claiming in them their property rights. Therefore it may be assumed that they had not been grown by the 'am ha-arez who sold them, but had been picked up by him as ownerless property, in which case they would be exempt from tithes; cf. Ma'as. I, 1. Or again, even if they had been grown by the 'am ha-arez himself, it may be assumed that he had already tithed them, since the cost of tithing them would have been small. And on account of this double doubt they are treated leniently in respect of demai.

(2) Cf. Ber. 40b.

(3) Or 'lote'.

(4) These grow wild once in three years.

(5) Which only ripen after they had been picked. According to another explanation: dates blown from the tree by the wind.

(6) Where the value of these articles is small.

(7) Made from wine which had been extracted from grape-skins, and therefore of little value. Ordinary wine was much used in Judea for drink-offerings in the Temple, and could not be spared for making vinegar; cf. Pes. 42b; Buchler, Der galilaeische 'Am-ha-'Arez, p. 18, n. 1.

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- (8) A place in the vicinity of Haifa.
- (9) Cf. Introduction p. 50.
- (10) If a man set apart Second Tithe from demai produce and he wished to redeem it for money (Deut. XIV, 25) he need not add a fifth of its value, as in the case of Second Tithe from produce which had been certainly untithed; cf. Lev. XXVII, 31; Ma'as. Sh. IV, 3; B.M. IV, 8. The reason is because the duty of tithing demai is only a Rabbinic enactment; cf. B.M. 54a.
- (11) Tithes taken from demai need not be removed from the house and distributed on the eve of the Passover of the fourth and seventh year of the Sabbatical cycle, as in the case of tithes from ordinary produce; cf. Deut. XIV, 28; XXVI, 13; Ma'as. Sh. V, 6; also 'Ed. IV, 5 (Sonc. ed. p. 23, n. 12; p. 24, n. 1).
- (12) Lit., 'one who grieves', 'a mourner': on the day of the death of a kinsman whether before or after the burial, and also Rabbinically on the day of the burial. This is forbidden in the case of Second Tithe from ordinary produce, Deut. XXVI, 14; Ma'as. Sh. V, 12.
- (13) In the case of Second Tithe from ordinary produce this is forbidden, Ma'as. Sh. III, 5.
- (14) And therefore of little value.
- (15) If its preservation would involve risk from robbers and the like.
- (16) He need not be suspected of eating it outside Jerusalem, though he may be suspected of eating it in uncleanness.
- (17) V. n. 9, p. 53.
- (18) Lit., 'rendered common'; cf. 'Ed. I, 9 (Sonc. ed. p. 4, n. 15).
- (19) Other texts read: 'And the fruit may again be redeemed for money'.
- (20) Of demai.
- (21) For use in tanning.
- (22) The Biblical Achzib (Josh. XIX, 29; Judg. I, 31) north of Acre. It formed the limit of Jewish territory after the return from the Babylonian exile, and what was beyond it was therefore treated as Syria; cf. infra VI, 11, n. 5.
- (23) Lit., 'cake'; the portion of dough which had to be given to the priest; cf. Num. XV, 20; 'Ed. I, 2 (Sonc. ed. p. 2, n. 2).
- (24) Cf. Introduction p. 50. If one part of terumah produce was mixed up with less than a hundred parts of common produce, the whole mixture could not be eaten by a non-priest, and had to be sold to a priest at the price of less than the terumah in the mixture. If terumah was mixed with common produce a hundred times in quantity, the terumah is neutralized in the mixture, and it may be eaten by a non-priest; cf. Ter. IV, 7.
- (25) To be eaten in Jerusalem.
- (26) After a handful of the meal had been offered on the altar. This remainder was to be eaten by the priests only, Lev. II, 3.
- (27) Because owing to their great sanctity. the 'am ha-arez may be presumed to have duly tithed them.
- (28) Cf. Buchler, op. cit. p. 15, n. 2. Others explain it as Balsam oil.
- (29) Because it may have been already tithed owing to its scarcity and its great value.
- (30) Lit., 'mixture', or 'amalgamation' of boundaries; food placed before the Sabbath at a convenient spot, making that spot a temporary abode, and enabling the owner to move freely on the Sabbath day within a distance of 2000 cubits on all sides of the spot. The 'erub thus serves to amalgamate and extend the limits of a Sabbath day journey; cf. 'Er. III, 2.
- (31) I.e., שותף, shittuf, partnership of a courtyard or a private alley, containing several private domiciles. The owners of the domiciles combine to place jointly before the Sabbath some food in a convenient spot in the courtyard or the alley, which thus converts the several domiciles into a joint property, and enables the various owners to move freely on the Sabbath day from one domicile into the other; cf. 'Er. VII, 6 — 8.
- (32) V. Rashi Shab. 23a; Aliter: One recites grace after it (alone).
- (33) I.e., זמין, invitation. Three or more persons eating together in the same room may be invited by one of them by a prescribed formula to join together in saying grace; cf. Ber. VII, 1,3. But produce which is certainly untithed cannot be used for these purposes, since its consumption involves a sin.
- (34) Since no benediction need be said on tithing demai produce, as on tithing produce which is certainly untithed; cf. Ter. I, 6.
- (35) This is forbidden in the case of produce certainly untithed; cf. Shab. II,7.
- (36) This is forbidden in the case of ordinary produce; cf. Ter. III, 6; Ma'as. Sh. V, 11.
- (37) This is like anointing the body, and anointing is equivalent to drinking, Shab. IX, 4.
- (38) It is like the greasing of utensils, v. supra 3, p. 54.

## Demai Chapter 2

**MISHNAH 1. THE FOLLOWING THINGS MUST BE TITHED AS DEMAI IN ALL PLACES: 1 PRESSED FIGS, DATES, CAROBS, RICE, AND CUMIN. AS TO RICE FROM OUTSIDE THE LAND [OF ISRAEL], WHOEVER USES IT 2 IS EXEMPT FROM TITHING IT.**

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**MISHNAH 2.** IF A MAN HAS TAKEN UPON HIMSELF TO BE TRUSTWORTHY,<sup>3</sup> HE MUST TITHE WHATEVER HE EATS AND WHATEVER HE SELLS<sup>4</sup> AND WHATEVER HE BUYS;<sup>5</sup> AND HE MAY NOT BE THE GUEST<sup>6</sup> OF AN 'AM HA-AREZ.<sup>7</sup> R. JUDAH SAYS: A MAN WHO IS THE GUEST OF AN 'AM HA-AREZ MAY STILL BE CONSIDERED TRUSTWORTHY.<sup>8</sup> BUT THEY SAID TO HIM: IF HE IS NOT TRUSTWORTHY IN RESPECT OF HIMSELF,<sup>9</sup> HOW CAN HE BE CONSIDERED TRUSTWORTHY IN RESPECT OF OTHERS?<sup>10</sup>

**MISHNAH 3.** IF A MAN HAS TAKEN UPON HIMSELF TO BECOME AN ASSOCIATE,<sup>11</sup> HE MAY NOT SELL TO AN 'AM HA-AREZ EITHER MOIST OR DRY<sup>12</sup> [PRODUCE]; NOR MAY HE BUY FROM HIM MOIST<sup>13</sup> [PRODUCE]. HE MAY NOT BE THE GUEST OF AN 'AM HA-AREZ,<sup>14</sup> NOR MAY HE RECEIVE AS GUEST AN AM HA-AREZ WHO IS WEARING HIS OWN GARMENT.<sup>15</sup> R. JUDAH SAYS: HE MAY NOT ALSO BREED SMALL CATTLE,<sup>16</sup> NOR MAY HE BE ADDICTED TO MAKING VOWS<sup>17</sup> , OR TO LAUGHTER;<sup>18</sup> NOR MAY HE DEFILE HIMSELF BY THE DEAD,<sup>19</sup> BUT HE MUST BE AN ATTENDANT AT THE HOUSE OF STUDY. BUT THEY SAID TO HIM: THESE [REQUIREMENTS] DO NOT COME WITHIN THE GENERAL RULE [OF ASSOCIATESHIP].<sup>20</sup>

**MISHNAH 4.** BAKERS<sup>21</sup> [WHO ARE ASSOCIATES] ARE BOUND BY THE SAGES TO SET APART [FROM DEMAI PRODUCE] NO MORE THAN SUFFICES FOR THE TERUMAH OF TITHE<sup>22</sup> AND FOR HALLAH.<sup>23</sup> SHOPKEEPERS<sup>24</sup> MAY NOT SELL DEMAI [PRODUCE]. ALL [MERCHANTS] WHO SUPPLY IN LARGE QUANTITIES<sup>25</sup> MAY SELL DEMAI. [MERCHANTS] WHO SUPPLY IN LARGE QUANTITIES ARE SUCH AS WHOLESALE PROVISION DEALERS AND VENDORS OF CORN.

**MISHNAH 5.** R. MEIR SAYS: IF [PRODUCE] WHICH IS USUALLY MEASURED OUT [FOR SALE] IN A LARGE [QUANTITY] HAPPENED TO HAVE BEEN MEASURED OUT IN A SMALL [QUANTITY]. THE SMALL QUANTITY IS TREATED AS IF IT WAS A LARGE<sup>26</sup> [QUANTITY]; IF [PRODUCE] WHICH IS USUALLY MEASURED OUT FOR SALE IN A SMALL [QUANTITY] HAPPENED TO HAVE BEEN MEASURED OUT IN A LARGE [QUANTITY]. THE LARGE [QUANTITY] IS TREATED AS IF IT WAS A SMALL<sup>27</sup> [QUANTITY]. WHAT IS CONSIDERED A LARGE QUANTITY? THREE KABS FOR DRY [PRODUCE], AND [OF THE VALUE OF] ONE DENAR FOR LIQUID [PRODUCE]. R. JOSE SAYS: IF BASKETS OF FIGS AND BASKETS OF GRAPES AND HAMPERS OF VEGETABLES ARE SOLD IN THE LUMP, THEY ARE EXEMPT [FROM THE RULES OF DEMAI].

(1) Even when bought beyond Chezib (I, 3, n. 11). because they may be produce grown in the Land of Israel.

(2) Even in the Land of Israel, because foreign rice is easily distinguished by its reddish color from the white rice grown in the Land of Israel.

(3) גאמן, in respect of tithes, so that the produce he sells may be considered duly tithed; cf. Introduction, p. 51.

(4) From his fields.

(5) For selling to others.

(6) That he may not be tempted to eat untithed produce.

(7) עם הארץ. Lit., 'the people of the land', an uninstructed person who is indifferent to the tithing of produce and to the observance of clean and unclean; cf. Introduction p. 51; 'Ed. I, 14 (Sonc. ed. p. 8, n. 1).

(8) If he declares that he did not eat with his host anything untithed.

(9) As is proved by his eating with an 'am ha-arez.

(10) In respect of the produce he sells to others.

(11) חבר, haber, a member of an association of scrupulous observers of the Law, especially in matters of tithes and purity.

(12) Lest it contract a defilement while in the possession of the 'am ha-arez.

(13) Moisture renders produce susceptible to defilement; cf. Lev. XI, 38; 'Ed. I, 8 (Sonc. ed. p. 4, n. 12); Maksh.

(14) Lest he contract a defilement while at his house.

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(15) The garment of an 'am ha-arez is considered a 'principal' cause of defilement, because it may have been used by a menstruous woman or by a person with an issue; cf. Lev. XV, 4, 20; Hag. II, 7.

(16) Breeding small cattle is prohibited in the Land of Israel because of the damage they cause to trees and bushes; cf. B.K. VII, 7.

(17) That he may not be tempted to break a vow; cf. Eccl. V, 4.

(18) Which leads to immorality; cf. Ab. III, 13 (Sonc. ed. p. 36, n. 3).

(19) Unnecessarily.

(20) Associateship is concerned only with the observance of tithing and purity.

(21) Who supply bread to shopkeepers at a low profit.

(22) The heave-offering which the Levite gives to the priest from the First Tithe; cf. Introduction p. 50.

(23) cf. I, 3, n. 12.

(24) Who sell to the private consumer at a big profit.

(25) Whose profit is small, as they generally give a liberally heaped measure.

(26) And is exempt from tithing as demai.

(27) It must be tithed as demai by the vendor.

## Demai Chapter 3

**MISHNAH 1.** ONE MAY GIVE DEMAI PRODUCE FOR FOOD TO THE POOR<sup>1</sup> AND TO PASSING TROOPS.<sup>2</sup> RABBAN GAMALIEL USED TO GIVE DEMAI FOR FOOD TO HIS WORKMEN.<sup>3</sup> AS FOR COLLECTORS OF CHARITY, BETH SHAMMAI SAY: THEY SHOULD GIVE TITHED [PRODUCE] TO PERSONS WHO DO NOT TITHE, AND UNTITHED [PRODUCE] TO PERSONS WHO DO TITHE;<sup>4</sup> IT WILL THUS RESULT THAT EVERY ONE WILL BE EATING [PRODUCE] THAT HAS BEEN SET RIGHT.<sup>5</sup> BUT THE SAGES SAY: THEY MAY COLLECT INDETERMINATELY<sup>6</sup> AND DISTRIBUTE INDETERMINATELY. AND WHOEVER [OF THE RECIPIENTS] WISHES TO SET RIGHT<sup>7</sup> [HIS PORTION] MAY DO SO.

**MISHNAH 2.** IF A MAN WISHED TO CUT OFF LEAVES OF VEGETABLES IN ORDER TO LIGHTEN HIS BURDEN, HE MAY NOT THROW THEM DOWN UNLESS HE HAS [FIRST] TITHED THEM.<sup>8</sup> IF A MAN PICKED UP VEGETABLES<sup>9</sup> IN THE MARKET [WITH

THE INTENTION OF BUYING THEM], AND THEN DECIDED TO PUT THEM BACK, HE MAY NOT PUT THEM BACK EXCEPT HE HAD [FIRST] TITHED THEM,<sup>10</sup> FOR NOTHING WAS NEEDED [TO MAKE THEM HIS OWN] BUT NUMBERING<sup>11</sup>, [THEM]. BUT IF HE [ONLY] STOOD [THERE] BARGAINING<sup>12</sup> AND THEN SAW ANOTHER LOAD OF BETTER QUALITY, HE MAY PUT THEM BACK [UNTITHED]. SINCE HE HAD NOT YET DRAWN THEM INTO HIS POSSESSION.<sup>13</sup>

**MISHNAH 3.** IF A MAN FOUND FRUIT ON THE ROAD AND PICKED IT UP IN ORDER TO EAT IT, AND THEN DECIDED TO HIDE IT, HE MAY NOT HIDE IT UNLESS HE HAS [FIRST] TITHED IT. BUT IF FROM THE FIRST HE HAD PICKED IT UP ONLY IN ORDER TO GUARD IT AGAINST DESTRUCTION,<sup>14</sup> HE IS EXEMPT [FROM TITHING IT]. ANY PRODUCE WHICH A MAN MAY NOT SELL<sup>15</sup> [IN THE CONDITION OF] DEMAI, HE MAY NEITHER SEND IT [AS A GIFT] TO HIS FRIEND<sup>16</sup> [IN THE CONDITION OF] DEMAI. R. JOSE PERMITS [TO BE SENT AS A GIFT PRODUCE] THAT IS CERTAINLY UNTITHED,<sup>17</sup> ON CONDITION THAT HE MAKES THE MATTER KNOWN TO THE RECIPIENT.

**MISHNAH 4.** IF A MAN CARRIED HIS WHEAT<sup>18</sup> TO A MILLER WHO WAS A CUTHEAN<sup>19</sup> OR TO A MILLER WHO WAS AN 'AM HA-AREZ, [THE WHEAT WHEN GROUND CONTINUES] IN ITS FORMER CONDITION IN RESPECT OF TITHES AND THE LAW OF SEVENTH YEAR<sup>20</sup> PRODUCE. [BUT IF HE CARRIED IT] TO A MILLER WHO WAS A GENTILE, [THE WHEAT WHEN GROUND BECOMES] DEMAI.<sup>21</sup> IF A MAN LEFT HIS FRUIT IN THE KEEPING OF A CUTHEAN OR OF AN 'AM HA-AREZ, [IT CONTINUES WHEN RETURNED] IN ITS FORMER CONDITION IN RESPECT OF TITHES AND THE LAW OF SEVENTH YEAR PRODUCE. [BUT IF HE LEFT IT] WITH A GENTILE,<sup>22</sup> [IT BECOMES] LIKE THE FRUIT

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OF THE GENTILE.<sup>23</sup> R. SIMEON SAYS: [IT BECOMES] DEMAI.<sup>24</sup>

**MISHNAH 5.** IF A MAN GAVE [PRODUCE] TO THE HOSTESS OF AN INN [TO PREPARE IT FOR FOOD], HE MUST TITHE WHAT HE GIVES TO HER<sup>25</sup> AND WHAT HE TAKES BACK FROM HER,<sup>26</sup> BECAUSE SHE MAY BE SUSPECTED OF CHANGING IT. R. JOSE SAID: WE ARE NOT RESPONSIBLE FOR IMPOSTORS.<sup>27</sup> NAY, HE NEED TITHE ONLY WHAT HE TAKES BACK FROM HER.

**MISHNAH 6.** IF A MAN GAVE [PRODUCE] TO HIS MOTHER-IN-LAW [TO PREPARE IT FOR FOOD], HE MUST TITHE WHAT HE GIVES TO HER<sup>25</sup> AND WHAT HE TAKES BACK FROM HER, BECAUSE SHE IS SUSPECTED OF CHANGING ANY [FOOD] WHICH IS LIABLE TO BE SPOILT. R. JUDAH SAID: [SHE MIGHT HAVE TO DO IT BECAUSE] SHE DESIRES THE WELFARE OF HER DAUGHTER AND IS BASHFUL OF HER SON-IN-LAW.<sup>28</sup> R. JUDAH AGREES THAT IF A MAN GAVE TO HIS MOTHER-IN-LAW SEVENTH YEAR PRODUCE,<sup>29</sup> SHE IS NOT SUSPECTED OF CHANGING IT<sup>30</sup> AND GIVING HER DAUGHTER TO EAT OF SEVENTH YEAR PRODUCE.

- (1) Even if they are associates; but they must be told that the food is demai.
- (2) Who are Israelites. The Hebrew word אֲכֵנִיָּה (from the Greek \*\*) may also mean 'passing guests'.
- (3) Who were poor, though he was bound to provide their food during their working hours; cf. infra VII, 3, n. 2.
- (4) Telling them that the produce is demai.
- (5) Hebrew מְתוּקָן; i.e., that has been duly tithed; cf. Introduction p. 49.
- (6) I.e., without inquiring from the donors whether the produce they give has been tithed.
- (7) I.e., tithed it.
- (8) To prevent their being eaten untithed by an 'am ha-arez who may happen to pick them up.
- (9) Which are sold at a fixed price per bundle.
- (10) And paying the dealer the cost of the tithe.
- (11) Since they are sold at a fixed price per bundle, the mere act of picking them up is sufficient to make him the owner of the vegetables, and to render him responsible for tithing them.
- (12) Without having decided to buy them.

(13) I.e., he had not performed the required Meshikah, v. Glos.

(14) Without intending to take possession of them.

(15) Such as bread by shopkeepers, or produce in a small quantity; cf. supra II, 5.

(16) Even if his friend is an associate.

(17) Even in a small quantity.

(18) Which had been duly tithed.

(19) A man from Cutha, a Samaritan; cf. II Kings XVII, 24.

(20) The Cuthean and the 'am ha-arez are not suspected of having changed the tithed wheat for untithed wheat, or for wheat of Seventh Year produce in which the laws regulating the produce of the Sabbatical Year had not been observed; cf. Lev. XXV, 4 — 7 and Tractate Shebi'ith.

(21) The Gentile may have exchanged the wheat for wheat brought to him by another Israelite, an 'am ha-arez which is demai.

(22) Which is exempt from tithing.

(23) Unlike the case of the miller, it is not usual for people to deposit fruit with another person.

(24) The Gentile may still have exchanged it for the fruit of an Israelite 'am ha-arez, who happened to deposit some with him.

(25) So that if she cheats him and eats it herself, she may not eat it untithed.

(26) This may not be the same produce he had given her.

(27) To guard them against eating untithed produce.

(28) She has a high respect for him. For these reasons she may be suspected of having exchanged the produce he had given her for produce of a better quality.

(29) In which the laws of Seventh Year produce had been observed, and was therefore permitted to be eaten.

(30) For Seventh Year produce in which the special laws had not been observed. She would not wish to cause her daughter to commit the sin of eating prohibited Seventh Year produce.

## Demai Chapter 4

**MISHNAH 1.** IF A MAN BOUGHT FRUIT FROM ONE WHO WAS NOT TRUSTWORTHY IN RESPECT OF TITHES, AND HE FORGOT TO TITHE IT,<sup>1</sup> HE MAY EAT OF IT AT THE VENDOR'S WORD IF HE ASKED HIM ON THE SABBATH.<sup>2</sup> BUT AT THE NIGHTFALL OF THE SABBATH DAY, HE MAY NOT EAT OF IT<sup>3</sup> UNLESS HE HAD FIRST TITHED IT. IF HE COULD NOT FIND THE VENDOR, BUT ANOTHER PERSON WHO WAS NOT TRUSTWORTHY IN RESPECT OF TITHES

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DECLARED TO HIM THAT IT HAD BEEN TITHED, HE MAY EAT OF IT AT HIS WORD.<sup>4</sup> BUT AT THE NIGHTFALL OF THE SABBATH DAY, HE MAY NOT EAT OF IT UNLESS HE HAD FIRST TITHED IT. IF TERUMAH OF THE TITHE OF DEMAI<sup>5</sup> HAD BECOME MIXED UP AGAIN [WITH THE FRUIT] FROM WHICH IT HAD BEEN TAKEN, R. SIMEON OF SHEZUR SAYS: EVEN ON A WEEK-DAY HE MAY ASK THE VENDOR AND EAT AT HIS WORD.<sup>6</sup>

*MISHNAH 2.* IF A MAN IMPOSED A VOW<sup>7</sup> UPON HIS FRIEND TO EAT WITH HIM, AND THE FRIEND DOES NOT TRUST HIM IN RESPECT OF TITHES, HE MAY EAT WITH HIM<sup>8</sup> ON THE FIRST SABBATH<sup>9</sup> THOUGH HE DOES NOT TRUST HIM IN RESPECT OF TITHES, PROVIDED THAT THE MAN HAD DECLARED TO HIM THAT THE FOOD HAD BEEN TITHED. BUT ON THE SECOND SABBATH, THOUGH THE MAN HAD BOUND HIMSELF BY A VOW NOT TO ENJOY ANY BENEFIT FROM HIM,<sup>10</sup> HE MAY NOT EAT WITH THE MAN EXCEPT HE HAD FIRST TITHED [THE FOOD].<sup>11</sup>

*MISHNAH 3.* R. ELIEZER SAYS: A MAN NEED NOT DESIGNATE<sup>12</sup> THE POORMAN'S<sup>13</sup> TITHE OF DEMAI. BUT THE SAGES SAY: HE MUST DESIGNATE IT, BUT HE NEED NOT SET IT APART.<sup>14</sup>

*MISHNAH 4.* IF A MAN HAD DESIGNATED<sup>15</sup> THE TERUMAH OF THE TITHE OF DEMAI,<sup>16</sup> OR THE POORMAN'S TITHE OF PRODUCE THAT HAD CERTAINLY NOT BEEN TITHED,<sup>17</sup> HE MAY NOT TAKE THEM ON THE SABBATH.<sup>18</sup> BUT IF THE PRIEST AND THE POOR MAN WERE WONT TO EAT WITH HIM, THEY MAY COME AND EAT OF THEM PROVIDED THAT HE MAKES THE MATTER KNOWN TO THEM.<sup>19</sup>

*MISHNAH 5.* IF A MAN SAID TO ONE WHO WAS NOT TRUSTWORTHY IN RESPECT OF TITHES: 'BUY [PRODUCE] FOR ME FROM ONE WHO IS TRUSTWORTHY OR FROM ONE WHO GIVES TITHES', [THE

MESSENGER] MAY NOT BE TRUSTED.<sup>20</sup> BUT IF THE MAN SAID: BUY IT FOR ME FROM SO-AND-SO', HE IS TO BE TRUSTED.<sup>21</sup> IF HE WENT TO BUY IT FROM HIM [AND THEN CAME BACK] AND SAID: 'I DID NOT FIND HIM, SO I BOUGHT FOR YOU FROM ANOTHER MAN WHO IS TRUSTWORTHY', HE MAY NOT BE TRUSTED.

*MISHNAH 6.* IF A MAN ENTERED A CITY WHERE HE KNEW NO ONE, AND SAID: 'WHO IS HERE TRUSTWORTHY? WHO GIVES TITHES HERE?', AND SOME ONE REPLIED: 'I', HE MAY NOT BE TRUSTED. BUT IF HE REPLIED: 'SO-AND-SO IS TRUSTWORTHY', HE MAY BE BELIEVED.<sup>22</sup> IF THE MAN WENT TO BUY FROM SO-AND-SO, AND HE ASKED HIM: 'WHO SELLS HERE OLD PRODUCE?'<sup>23</sup> AND SO-AND-SO REPLIED: 'HE WHO HAD SENT YOU TO ME', THOUGH THEY APPEAR AS REPAYING EACH OTHER'S FAVOUR, THEY MAY YET BE TRUSTED.<sup>24</sup>

*MISHNAH 7.* IF ASS-DRIVERS<sup>25</sup> ENTERED A CITY AND ONE OF THEM DECLARED: 'MY PRODUCE IS NEW BUT MY FRIEND'S PRODUCE IS OLD', OR: 'MY PRODUCE HAS NOT BEEN SET RIGHT BUT MY FRIEND'S PRODUCE HAS BEEN SET RIGHT',<sup>26</sup> THEY MAY NOT BE TRUSTED.<sup>27</sup> R. JUDAH SAYS: THEY MAY BE TRUSTED.<sup>28</sup>

- (1) Before the Sabbath. Tithing is not permitted on the Sabbath; cf. supra I, 4, n. 12.
- (2) It may be presumed that the vendor, though an 'am ha-arez, will not lie on the Sabbath day.
- (3) Although he had already eaten of it on the Sabbath, because he is now able to tithe it.
- (4) Even another person may be believed on the Sabbath day.
- (5) Lit., 'which had returned to its place'; supra II, 4, n. 10. The quantity of this terumah is one tenth of the tithe, or a hundredth part of the whole, and this had become mixed up with the remaining ninety-nine parts, which are not sufficient to neutralize the sanctity of the terumah; cf. I, 3, n. 2.
- (6) If the vendor declares that the produce had been tithed from the first, and that the tithing by the buyer was

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unnecessary, he is believed, as otherwise the whole mixture would be rendered forbidden as terumah, and the buyer

would suffer a great loss; v. Rashi. Men. 30b.

(7) He said: 'May you be forbidden to derive any benefit from me if you do not eat with me'; cf. Ned. III, 1; IV. The

man was celebrating his marriage to a virgin.

(8) In order to prevent ill-feeling.

(9) The Hebrew word 'Sabbath' may also mean 'week'.

(10) A vow by which he binds his own person is more conducive to ill-feeling than a vow by which he binds his friend.

(11) The rule that an 'am ha-arez may be believed on the Sabbath (supra 1, n. 2) applies only to the statement of a vendor.

(12) I.e., declare that the tithe shall be in a certain part of the produce, as infra V, 1, 2; VII; cf. Ter. III, 5, and

Introduction p. 51. R. Eliezer holds that the 'am ha-arez does set apart the Poorman's Tithe, but keeps it for his own use.

(13) V. Introduction p. 50.

(14) He need not give it to the poor, because the burden of proof that the demai produce had not been tithed by the 'am ha-arez who was its original owner, lies on the poor; cf. Introduction p. 51.

(15) Before the Sabbath.

(16) In the case of produce that was certainly untithed, the owner himself cannot separate the Terumah of the Tithe. This must be done by the Levite who receives the tithe.

(17) In the case of demai produce there is no need to give away the Poorman's Tithe, as stated above n. 7.

(18) In order to deliver them respectively to the priest and to the poor. This delivery is forbidden on the Sabbath or on the Festival; cf. Bez. 12b.

(19) That they may know that they are eating their own produce. It is forbidden to discharge one's personal obligations to guests by treating them with tithes.

(20) When he says that he had bought it from a trustworthy person because the vendor considered trustworthy by the messenger may not really be so.

(21) When he says that he bought it from the person named by the sender.

(22) The rule that a person who is not trustworthy himself may not testify about the trustworthiness of another person is

relaxed in this case, in view of the difficulty the enquirer may have in obtaining food in a strange place from a trustworthy person.

(23) Of last year's harvest. The new produce of the current year may not be eaten before the 'Omer, or Sheaf-offering,

has been offered on the altar on the first day of the Passover; cf. Lev. XXIII, 10 — 14; Men. X, 5.

(24) Most 'amme ha-arez used to observe the rules respecting the consumption of new produce.

(25) 'Who hawk their produce for sale in different localities.

(26) Duly tithed; III, 1, n. 5.

(27) This testimony may be part of a mutual arrangement to assist one another in the sale of their produce in different localities.

(28) Since most 'amme ha-arez do tithe, the strict rule of demai may be relaxed in this case, in order to attract produce dealers to the city and thereby promote its economic prosperity.

## Demai Chapter 5

**MISHNAH 1. IF A MAN<sup>1</sup> BOUGHT BREAD FROM A BAKER<sup>2</sup> HOW SHOULD HE TITHE? HE SHOULD TAKE<sup>3</sup> SUFFICIENT FOR THE TERUMAH OF THE TITHE<sup>4</sup> AND FOR HALLAH<sup>5</sup> AND SAY: A HUNDREDTH PART OF WHAT IS HERE<sup>6</sup> SHALL BE TITHE ON THIS SIDE, AND WHAT IS NEAREST TO IT SHALL BE THE REST OF THE TITHE;<sup>7</sup> THAT WHICH I MADE TITHE<sup>8</sup> SHALL BECOME THE TERUMAH OF THE TITHE FOR THE WHOLE;<sup>9</sup> THE REMAINDER<sup>10</sup> SHALL BE HALLAH, AND WHAT IS TO THE NORTH OR TO THE SOUTH OF IT<sup>11</sup> SHALL BE SECOND TITHE WHICH SHALL BE EXCHANGED<sup>12</sup> FOR MONEY.<sup>13</sup>**

**MISHNAH 2. IF A MAN WISHED TO SET APART<sup>14</sup> TERUMAH<sup>15</sup> AND THE TERUMAH OF THE TITHE BOTH TOGETHER, HE SHOULD TAKE THREE HUNDREDTHS<sup>16</sup> AND SAY: ONE HUNDREDTH PART OF WHAT IS HERE SHALL BE COMMON PRODUCE<sup>17</sup> ON THIS SIDE, AND THE REST<sup>18</sup> SHALL BE TERUMAH FOR THE WHOLE; THE HUNDREDTH PART<sup>19</sup> COMMON PRODUCE WHICH IS HERE SHALL BE TITHE ON THIS SIDE,<sup>20</sup> AND WHAT IS NEAREST TO IT SHALL BE THE REST OF THE TITHE;<sup>21</sup> THAT WHICH I MADE TITHE<sup>22</sup> SHALL BECOME THE TERUMAH OF TITHE FOR**



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THE WHOLE;<sup>23</sup> THE REMAINDER SHALL BE HALLAH,<sup>24</sup> AND WHAT IS TO THE NORTH OR TO THE SOUTH OF IT SHALL BE SECOND TITHE WHICH SHALL BE EXCHANGED FOR MONEY.

*MISHNAH 3.* IF A MAN BOUGHT FROM A BAKER, HE MAY GIVE TITHE FROM HOT<sup>25</sup> BREAD FOR COLD<sup>26</sup> OR FROM COLD BREAD FOR HOT BREAD, EVEN WHEN THEY ARE OF VARIOUS MOULDS; THUS R. MEIR. R. JUDAH PROHIBITS IT, BECAUSE IT MAY BE ASSUMED THAT YESTERDAY'S WHEAT WAS BOUGHT FROM ONE MAN<sup>27</sup> AND TODAY'S WHEAT FROM ANOTHER MAN.<sup>28</sup> R. SIMEON PROHIBITS IT IN THE CASE OF TERUMAH OF THE TITHE, BUT PERMITS IT IN THE CASE OF HALLAH.<sup>29</sup>

*MISHNAH 4.* IF A MAN BOUGHT FROM A BREAD DEALER HE MUST TITHE EVERY MOULD [SEPARATELY];<sup>30</sup> THUS R. MEIR. R. JUDAH SAYS: HE MAY GIVE TITHES FROM ONE MOULD FOR ALL THE OTHERS.<sup>31</sup> BUT R. JUDAH AGREES THAT IF A MAN BOUGHT FROM A MONOPOLIST<sup>32</sup> HE MUST TITHE EVERY MOULD [SEPARATELY].

*MISHNAH 5.* IF A MAN BOUGHT FROM A POOR MAN<sup>33</sup> (LIKEWISE IF A POOR MAN WAS GIVEN SLICES OF BREAD OR PIECES OF FIG-CAKE) HE MUST TITHE EVERY PIECE;<sup>34</sup> BUT IN THE CASE OF DATES AND DRIED FIGS HE MAY MIX THEM TOGETHER AND TAKE [THE TITHES FROM THE MIXTURE]. R. JUDAH SAID: HE MAY DO SO ONLY WHEN THE POOR MAN WAS GIVEN A LARGE QUANTITY; BUT WHEN THE GIFT WAS SMALL [IN QUANTITY] HE MUST TITHE EACH KIND SEPARATELY.

*MISHNAH 6.* IF A MAN BOUGHT FROM A WHOLESALE MERCHANT<sup>35</sup> ONCE AND THEN AGAIN, HE MAY NOT GIVE TITHES FROM THE ONE [PURCHASE] FOR THE OTHER, EVEN WHEN BOTH CAME FROM THE SAME HAMPER AND BOTH ARE OF THE SAME KIND. BUT THE WHOLESALE

MERCHANT MAY BE TRUSTED IF HE SAYS THAT BOTH CAME FROM ONE MAN.

*MISHNAH 7.* IF A MAN BOUGHT FROM A LANDOWNER<sup>36</sup> ONCE AND THEN AGAIN, HE MAY GIVE TITHES FROM THE ONE [PURCHASE] FOR THE OTHER,<sup>37</sup> EVEN WHEN THEY CAME FROM TWO BASKETS AND EVEN FROM TWO TOWNS. IF A LANDOWNER SOLD VEGETABLES IN THE MARKET, [HE THAT BOUGHT FROM HIM] MAY GIVE TITHES FROM ONE [LOT OF VEGETABLES] FOR ALL [THE OTHER LOTS] IF THEY WERE [ALL] BROUGHT TO THE LANDOWNER FROM HIS OWN GARDENS; BUT [IF THEY WERE BROUGHT] FROM OTHER GARDENS, THE PURCHASER MUST TITHE EACH LOT SEPARATELY.

*MISHNAH 8.* IF A MAN BOUGHT UNTITHED PRODUCE<sup>38</sup> FROM TWO PLACES HE MAY GIVE TITHES FROM ONE LOT FOR THE OTHER. ALTHOUGH THEY HAVE PERMITTED [THIS, NEVERTHELESS] ONE MAY NOT SELL UNTITHED PRODUCE<sup>39</sup> EXCEPT IN THE CASE OF A NECESSITY.<sup>40</sup>

*MISHNAH 9.* TITHES MAY BE GIVEN FROM PRODUCE [BOUGHT] FROM AN ISRAELITE FOR PRODUCE [BOUGHT] FROM A GENTILE,<sup>41</sup> FROM PRODUCE [BOUGHT] FROM A GENTILE FOR PRODUCE [BOUGHT] FROM AN ISRAELITE, FROM PRODUCE [BOUGHT] FROM AN ISRAELITE FOR PRODUCE [BOUGHT] FROM CUTHEANS,<sup>42</sup> AND FROM PRODUCE [BOUGHT] FROM CUTHEANS FOR PRODUCE [BOUGHT] FROM [OTHER] CUTHEANS. R. ELIEZER PROHIBITS [THE TITHING] FROM PRODUCE [BOUGHT] FROM CUTHEANS FOR PRODUCE [BOUGHT] FROM [OTHER] CUTHEANS.<sup>43</sup>

*MISHNAH 10.* A PERFORATED POT<sup>44</sup> IS CONSIDERED AS THE SOIL<sup>45</sup> [ITSELF]. IF A MAN GAVE TERUMAH FROM [PRODUCE GROWN IN] THE SOIL FOR [PRODUCE GROWN IN] A PERFORATED POT, OR FROM [PRODUCE GROWN IN] A PERFORATED POT

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FOR [PRODUCE GROWN IN] THE SOIL, THE TERUMAH IS VALID. [IF HE GAVE TERUMAH] FROM [PRODUCE GROWN IN] A POT THAT WAS NOT PERFORATED FOR [PRODUCE GROWN IN] A POT THAT WAS PERFORATED, [IT BECOMES] TERUMAH,<sup>46</sup> BUT HE MUST GIVE TERUMAH OVER AGAIN. [IF HE GAVE TERUMAH] FROM [PRODUCE GROWN IN] A PERFORATED POT FOR [PRODUCE GROWN IN] A POT WHICH WAS NOT PERFORATED, [IT BECOMES] TERUMAH, BUT MAY NOT BE EATEN<sup>47</sup> EXCEPT HE FIRST GAVE AGAIN TERUMAH AND TITHES FOR IT.

*MISHNAH 11.* IF A MAN GAVE TERUMAH FROM [PRODUCE OF] DEMAI FOR [OTHER PRODUCE OF] DEMAI, OR FROM [PRODUCE OF] DEMAI FOR [PRODUCE] WHICH WAS CERTAINLY UNTITHED, [THIS BECOMES] TERUMAH, BUT HE MUST GIVE TERUMAH OVER AGAIN.<sup>48</sup> [IF HE GAVE TERUMAH] FROM [PRODUCE] WHICH WAS CERTAINLY UNTITHED FOR [PRODUCE OF] DEMAI, [THIS BECOMES] TERUMAH, BUT IT MAY NOT BE EATEN<sup>47</sup> EXCEPT HE FIRST GAVE AGAIN TERUMAH AND TITHES FOR IT.

- (1) Who is an associate.
- (2) Who is an 'am ha-arez and who does not observe the rule laid down in II, 4 or one who sells in large quantities and is exempt from tithing demai produce; II, 4.
- (3) By word of mouth, i.e., by designating them and without actually cutting off from the bread the various portions of the tithes.
- (4) One hundredth part of the whole; IV, 1, n. 5.
- (5) Cf. I, 3, n. 12. The legal quantity of Hallah for a private person is one twenty-fourth part of the whole, and one forty-eighth part for a baker; cf. Hal. II, 7.
- (6) Of the bread.
- (7) I.e., 9/100 of the whole, making together with the first hundredth, one tenth of the whole for First (Levitical) Tithe.
- (8) I.e., the first hundredth.
- (9) Of the 10/100, or the First Tithe.
- (10) I.e., 1/24 of the 9/10 of the loaf.
- (11) Of the Terumah of the Tithes.
- (12) Lit., 'rendered common'; cf. I, 2, n. 7.
- (13) To enable it to be eaten outside Jerusalem. He need not add the Fifth; I, 2, n. 10. This rather complicated method is enjoined because the more

sacred portion must be set apart before the less sacred, (cf. Ter. III, 6 — 7). Hence when a person who is not a Levite wishes to set apart not only First Tithe but also the Terumah of the Tithe (cf. IV, 4, n. 9) he must set apart the Terumah of the Tithe (viz., one hundredth part) before the tithe, as more sacred than the tithe. But this hundredth part cannot become Terumah of the Tithe before it had first become tithe, therefore the man must set apart the tithe in two portions; first one tenth of the tithe (one hundredth of the whole), which later becomes Terumah of the Tithe, and then the remaining nine tenths of the tithe (nine hundredths of the whole). Hallah is indeed more sacred than the tithe (since Hallah belongs to the priest), but nevertheless it may be set apart after the tithe, from the remaining nine tenths of the whole, because Hallah need not be given from the tithe. Finally, Second Tithe must be set apart only after the First Tithe; cf. I, 4, n. 1.

- (14) From produce which had certainly not been tithed.
- (15) The Priest's heave-offering; cf. I, 3, n. 1.
- (16) Lit., 'one part in thirty-three and a third'.
- (17) Provisionally, to be made later into First Tithe, and finally into Terumah of the Tithe.
- (18) Of the three hundredths, i.e., two hundredths, or one fiftieth of the whole, which is the usual quantity of the terumah; cf. Introd. p. 50. Terumah, as the most sacred of all portions, must be set apart first, to be followed by Terumah of the Tithe, as explained in n. 12, p. 67.
- (19) I.e., the first hundredth of the three hundredths.
- (20) Later to become Terumah of the Tithe, as in the last Mishnah.
- (21) I.e., nine tenths of the tithe, or about nine hundredths of the whole, making together with the one hundredth, which will become Terumah of the Tithe, one tenth of the whole.
- (22) I.e., the first hundredth.
- (23) Of the ten hundredths.
- (24) I.e., one twenty-fourth of the remainder of the produce after Terumah and the Tithe with its terumah have been taken off. In this way the more sacred portions, terumah and Terumah of the Tithe are separated first.
- (25) I.e., freshly baked.
- (26) Stale.
- (27) Who gave tithes.
- (28) Who did not give tithes. The buyer may thus be tithing from tithed produce for untithed produce, or from produce which is exempt for produce which is liable, but this is forbidden; cf. Ter. I, 5; B.M. 56a.
- (29) Because produce does not become liable to Hallah, except when turned into dough (cf. Hal. II, 5); so that even if the wheat was bought from two

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different persons, it became liable to Hallah only after it had come into the possession of the baker.

(30) The dealer may have bought the bread in the different moulds from different people. Therefore if he tithed from one mould for another, he may be tithing from produce which is exempt for produce which is liable.

(31) The dealer usually buys his bread from one baker.

(32) A dealer who has the sole right of selling bread to the public. He usually buys from various bakers.

(33) Who begs from door to door.

(34) To prevent tithing from what is exempt for what is liable.

(35) Who buys from different people.

(36) Lit., 'a householder', who sells the produce of his own fields.

(37) Both purchases are either tithed or untithed.

(38) Lit., 'tebel,' but not quite in its stricter sense of produce from which neither terumah nor tithes have been separated; cf. Introd. p. 50.

(39) Even to an associate.

(40) As when some tithed produce was mixed up with tebel which can only be set right by finding for it Terumah and Tithes from another similar lot; cf. Men. 31a. But if the owner has not got other similar produce, he must sell the mixture to one who has.

(41) According to this halachah, produce grown by a Gentile in the soil of the Land of Israel is liable to the duty of tithes; cf. B.M. 101a.

(42) Cf. III, 4, n. 8. Samaritans usually tithe the produce they keep for their own use, but not the produce they keep for sale.

(43) One Cuthean may have sold tithed produce which he had originally intended for his own use, whilst the other Cuthean sold untithed produce. In tithing from one for the other, one may be tithing the exempt for the liable.

(44) A pot with holes in the bottom, filled with soil, and used for growing plants.

(45) Produce grown in it is liable to the laws of Terumah and Tithes.

(46) In name, and therefore can be eaten only by a priest; but it is not valid to discharge the produce of the other pot from the duty of terumah.

(47) Even by priests, because it is still tebel.

(48) The terumah he gave from demai is not valid to discharge the other produce from the duty of terumah, because the demai from which the terumah was taken may have been set right originally by its former owner, and the present owner may thus be giving terumah from what is exempt for what is liable.

**MISHNAH 1.** IF A MAN RENTED A FIELD FROM AN ISRAELITE, OR FROM A GENTILE, OR FROM A CUTHEAN [FOR A SHARE IN THE PRODUCE].<sup>1</sup> HE MAY SET THE [LANDLORD'S] SHARE BEFORE HIM [UNTITHED].<sup>2</sup> IF A MAN HIRED A FIELD FROM AN ISRAELITE [FOR A FIXED RENTAL OUT OF THE PRODUCE],<sup>3</sup> HE MUST FIRST GIVE TERUMAH [FROM THE RENTAL]<sup>4</sup> AND THEN GIVE IT TO THE LANDLORD.<sup>5</sup> R. JUDAH SAID: THIS APPLIES ONLY WHEN HE PAYS HIM [THE RENTAL WITH PRODUCE] OF THE SAME FIELD AND OF THE SAME KIND; BUT WHEN HE PAYS HIM WITH THE PRODUCE OF ANOTHER FIELD OR OF ANOTHER KIND, HE MUST [ALSO] TITHE [THE RENTAL FIRST] AND THEN GIVE IT TO HIM.<sup>6</sup>

**MISHNAH 2.** IF A MAN HIRED A FIELD FROM A GENTILE [FOR A FIXED RENTAL OUT OF THE PRODUCE], HE MUST [FIRST] TITHE [THE RENTAL] AND THEN GIVE IT TO HIM.<sup>7</sup> R. JUDAH SAYS: ALSO IF A MAN RENTED FROM A GENTILE A FIELD WHICH HAD FORMERLY BELONGED TO HIS FATHERS<sup>8</sup> [FOR A SHARE IN THE PRODUCE], HE MUST FIRST TITHE THE RENTAL<sup>9</sup> AND THEN GIVE IT TO HIM.

**MISHNAH 3.** IF A PRIEST OR A LEVITE RENTED A FIELD FROM AN ISRAELITE [FOR A SHARE IN THE PRODUCE], THE TENANTS SHARE WITH THE LANDLORD THE TERUMAH<sup>10</sup> JUST AS THEY SHARE THE COMMON PRODUCE. R. ELIEZER SAYS: ALSO THE TITHES<sup>11</sup> BELONG TO THE TENANTS, FOR THEY ENTERED THE FIELD WITH THIS EXPECTATION.

**MISHNAH 4.** IF AN ISRAELITE RENTED A FIELD FROM A PRIEST OR FROM A LEVITE [FOR A SHARE IN THE PRODUCE.] THE TITHES BELONG TO THE LANDLORD.<sup>12</sup> R. ISHMAEL SAYS: IF AN INHABITANT OF THE PROVINCES RENTED A FIELD FROM AN INHABITANT OF JERUSALEM, THE SECOND

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TITHE BELONGS TO THE INHABITANT OF JERUSALEM.<sup>13</sup> BUT THE SAGES SAY: THE INHABITANT OF THE PROVINCES IS ABLE TO GO UP HIMSELF AND EAT THE SECOND TITHE IN JERUSALEM.

*MISHNAH 5.* IF [AN ISRAELITE] RENTED OLIVE TREES [FROM A PRIEST OR A LEVITE] FOR THE OIL. HE AND THE LANDLORD SHARE THE TERUMAH<sup>14</sup> JUST AS THEY SHARE THE COMMON PRODUCE. R. JUDAH SAYS: IF AN ISRAELITE RENTED OLIVE TREES FROM A PRIEST OR A LEVITE FOR THE OIL FOR A SHARE OF HALF THE PROFIT, THE TITHES BELONG TO THE LANDLORD.<sup>15</sup>

*MISHNAH 6.* BETH SHAMMAI SAY: A MAN MAY ONLY SELL HIS OLIVES TO AN ASSOCIATE.<sup>16</sup> BUT BETH HILLEL SAY: ONE MAY SELL THEM ALSO TO A MAN WHO ONLY GIVES TITHES.<sup>17</sup> HOWBEIT, THE PIOUS AMONG BETH HILLEL USED TO ACT IN ACCORDANCE WITH THE OPINION OF BETH SHAMMAI.

*MISHNAH 7.* IF TWO MEN GATHERED [THE FRUIT OF] THEIR VINEYARDS INTO ONE VAT,<sup>18</sup> [OF WHOM] ONE GIVES TITHES AND THE OTHER DOES NOT GIVE TITHES, HE WHO GIVES TITHES MAY TITHE HIS OWN SHARE<sup>19</sup> AND [TAKE] HIS SHARE WHEREVER IT MAY BE.

*MISHNAH 8.* IF TWO MEN RENTED A FIELD [FOR A SHARE IN THE PRODUCE], OR IF THEY INHERITED [THE FIELD] OR BECAME PARTNERS IN IT, THE ONE [WHO GIVES TITHES] MAY SAY TO THE OTHER [WHO DOES NOT GIVE TITHES]: 'YOU TAKE THE WHEAT WHICH IS IN THIS PLACE AND I WILL TAKE THE WHEAT WHICH IS IN THAT PLACE', OR: 'YOU TAKE THE WINE WHICH IS IN THIS PLACE AND I WILL TAKE THE WINE WHICH IS IN THAT PLACE';<sup>20</sup> BUT HE MAY NOT SAY TO HIM: 'YOU TAKE THE WHEAT AND I WILL TAKE THE BARLEY', OR: 'YOU TAKE THE WINE AND I WILL TAKE THE OIL.'<sup>21</sup>

*MISHNAH 9.* IF AN ASSOCIATE AND AN 'AM HA-AREZ INHERITED [THE PROPERTY OF] THEIR FATHER WHO WAS AN 'AM HA-AREZ, THE ASSOCIATE MAY SAY TO HIS BROTHER: 'YOU TAKE THE WHEAT WHICH IS IN THIS PLACE AND I WILL TAKE THE WHEAT WHICH IS IN THAT PLACE', OR: 'YOU TAKE THE WINE WHICH IS IN THIS PLACE AND I WILL TAKE THE WINE WHICH IS IN THAT PLACE'; BUT HE MAY NOT<sup>22</sup> SAY TO HIM: 'YOU TAKE THE WHEAT AND I WILL TAKE THE BARLEY,' OR: 'YOU TAKE THE MOIST PRODUCE AND I WILL TAKE THE DRY<sup>23</sup> PRODUCE'.

*MISHNAH 10.* IF A PROSELYTE AND A GENTILE INHERITED [THE PROPERTY OF] THEIR FATHER WHO WAS A GENTILE, THE PROSELYTE MAY SAY TO HIS BROTHER:<sup>24</sup> 'YOU TAKE THE IDOLS<sup>25</sup> AND I WILL TAKE THE MONEY', OR: 'YOU TAKE THE WINE<sup>25</sup> AND I WILL TAKE THE FRUIT': BUT IF ANY [PART OF THE INHERITANCE] HAD ALREADY COME INTO THE POSSESSION OF THE PROSELYTE, HE IS FORBIDDEN<sup>26</sup> [TO SAY SO].

*MISHNAH 11.* IF A MAN SOLD FRUIT IN SYRIA<sup>27</sup> AND DECLARED THAT IT WAS GROWN IN THE LAND OF ISRAEL, THE PURCHASER IS BOUND TO TITHE IT.<sup>28</sup> [BUT IF HE ADDED THAT] IT HAD ALREADY BEEN TITHED, HE MAY BE TRUSTED, 'BECAUSE THE EVIDENCE<sup>29</sup> WHICH MADE IT UNLAWFUL IS THE SAME EVIDENCE WHICH MADE IT LAWFUL'. [IF HE SAID: 'THE FRUIT IS] FROM MY OWN FIELD',<sup>30</sup> THE PURCHASER IS BOUND TO TITHE IT. [BUT IF HE ADDED:] 'IT HAS ALREADY BEEN TITHED', HE MAY BE TRUSTED, 'BECAUSE THE EVIDENCE WHICH MADE IT UNLAWFUL IS THE SAME EVIDENCE WHICH MADE IT LAWFUL'. IF IT WAS KNOWN THAT HE HAD ANOTHER FIELD IN SYRIA, THE PURCHASER IS BOUND<sup>31</sup> TO TITHE IT.

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**MISHNAH 12.** IF AN 'AM HA-AREZ SAID TO AN ASSOCIATE:<sup>32</sup> 'BUY FOR ME A BUNDLE OF VEGETABLES', OR: 'BUY FOR ME A LOAF OF BREAD', THE ASSOCIATE MAY BUY IT WITHOUT INQUIRING [WHETHER IT HAD BEEN TITHED], AND HE IS ABSOLVED<sup>33</sup> [FROM TITHING IT]. BUT IF THE ASSOCIATE SAID: 'THIS ONE I BUY FOR MYSELF AND THIS ONE FOR MY FRIEND', AND THE TWO PURCHASES WERE MIXED UP, HE IS BOUND TO TITHE<sup>34</sup> [BOTH PURCHASES], EVEN IF THE PURCHASE [FOR THE 'AM HA-AREZ] IS A HUNDRED [TIMES MORE THAN HIS OWN].

- (1) מקבל viz., באריסות; cf. Mishnah 8.
- (2) But he must tell the landlord that his share is untithed.
- (3) חיכר.
- (4) Because the produce becomes liable to terumah while still in the threshing-floor; but not tithes, which the landlord must give himself.
- (5) After deducting the amount of the terumah from the rental.
- (6) In this case he is like one paying a debt with his own produce, and therefore he is bound to tithe the produce before it leaves his possession.
- (7) This rule is intended to make it unprofitable for a Jew to rent the field from the Gentile, originally confiscated from another Jew; and this may induce the Gentile to sell his field to the Jew rather than leave it uncultivated.
- (8) And which the Gentile had seized by violence.
- (9) In order to lead to the sale of the field by the Gentile; cf. n. 7.
- (10) Including also the tithe. The landlord may give them to any other priest or Levite he likes.
- (11) Including the terumah.
- (12) It must be presumed that when the landlord leased his field he reserved the tithe for himself.
- (13) The landlord must have reserved the Second Tithe for himself, since it can only be consumed in Jerusalem.
- (14) In the case of trees the terumah, and also the tithe, belong to both landlord and tenant according to their respective shares.
- (15) And also the terumah. R. Judah holds that trees must be treated in the same way as the field in Mishnah 4.
- (16) An 'am ha-arez may cause them to be defiled when they are pressed.
- (17) And who does not observe the laws of purity.
- (18) To press it together; and they pressed out the wine together.
- (19) Which is now mixed up with the other's share. According to the Palestinian Gemara he

must also give tithe out of his own share for his fellow's share, as for demai produce.

- (20) So that the one who gives tithes need only tithe his own share.
- (21) For this would be like exchanging or selling one kind of produce for another, in which case the one who gives tithes would have to tithe also the produce he assigns to his partner who does not give tithes.
- (22) For the reason given in the last note.
- (23) Which is not susceptible to uncleanness; cf. II, 3, n. 1.
- (24) The right of a proselyte to inherit his father's property is based only on Rabbinic law. Therefore the strict law laid down in the case of an associate and an 'am ha-arez inheriting from their father is relaxed in the case of the proselyte, in order not to cause him a loss of property which might lead him to relapse back into heathenism; cf. Kid. 17b; 'A. Z. 64a.
- (25) It is prohibited to derive any benefit from idols, and also from heathen wine which may have been used for libation to the idols; cf. 'A. Z. III, 1; II, 3.
- (26) It has become his property, therefore such an exchange would involve deriving a benefit from the idols and their wine.
- (27) Syria, which was conquered by David (II Sam. VIII, 10) and not by the whole nation under Joshua, was not considered a heathen country, but it did not possess the sanctity of the Land of Israel; cf. 'A. Z. 21a. To the produce sold in Syria the laws of demai did not apply, as most of the produce sold there came from outside Palestine.
- (28) As demai.
- (29) Lit., 'the mouth'. If you believe his statement that the produce came from the Land of Israel, which renders the produce liable to tithes as demai, you must also believe his statement that the produce had already been tithed; cf. 'Ed. II, 6. (Sonc. ed. p. 19, n. 4).
- (30) Situated in Syria.
- (31) The produce would be liable to tithes even without the vendor's admission, so the above argument does not apply.
- (32) Who was going to the market to buy for himself.
- (33) Because from the first the particular purchase became the property of the 'am ha-arez.
- (34) Because what he gives to the 'am ha-arez may have been his own purchase, which he is now exchanging for the purchase of the 'am ha-arez; cf. supra 8, n. 4.

## Demai Chapter 7

**MISHNAH 1.** IF A MAN INVITED HIS FRIEND TO EAT WITH HIM ON THE SABBATH, AND

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[HIS FRIEND] DOES NOT TRUST HIM IN RESPECT OF TITHES, [THE FRIEND] MAY SAY ON THE EVE<sup>2</sup> OF THE SABBATH: WHAT<sup>3</sup> I SHALL SET APART TO-MORROW<sup>4</sup> SHALL BE TITHE, AND WHAT IS NEAREST TO IT SHALL BE THE REST OF THE TITHE;<sup>5</sup> THAT WHICH I MADE TITHE SHALL BECOME THE TERUMAH OF THE TITHE FOR THE WHOLE,<sup>6</sup> AND WHAT IS TO THE NORTH OR TO THE SOUTH OF IT SHALL BE SECOND TITHE WHICH SHALL BE EXCHANGED FOR MONEY.

*MISHNAH 2.* WHEN THE CUP OF WINE<sup>7</sup> HAS BEEN FILLED FOR HIM [ON THE SABBATH],<sup>8</sup> HE MAY SAY: WHAT I SHALL LEAVE AT THE BOTTOM OF THE CUP SHALL BE TITHE, AND WHAT IS NEAREST TO IT SHALL BE THE REST OF THE TITHE; THAT WHICH I MADE TITHE SHALL BECOME THE TERUMAH OF TITHE FOR THE WHOLE, AND WHAT IS AT THE MOUTH<sup>9</sup> OF THE CUP SHALL BE SECOND TITHE WHICH SHALL BE EXCHANGED FOR MONEY.<sup>10</sup>

*MISHNAH 3.* IF A WORKMAN<sup>11</sup> DOES NOT TRUST HIS EMPLOYER [IN RESPECT OF TITHES], HE MAY TAKE ONE DRIED FIG<sup>12</sup> AND SAY: THIS ONE<sup>13</sup> AND THE NINE WHICH COME AFTER IT SHALL BECOME TITHE FOR THE NINETY WHICH I SHALL EAT; THIS ONE SHALL BECOME THE TERUMAH OF TITHE FOR THEM, AND THE LAST ONES SHALL BE SECOND TITHE WHICH SHALL BE EXCHANGED FOR MONEY; BUT HE MUST STINT HIMSELF OF ONE DRIED FIG.<sup>14</sup> RABBAN SIMEON THE SON OF GAMALIEL SAYS: HE MAY NOT STINT HIMSELF, SINCE THEREBY HE MAY REDUCE HIS WORK FOR HIS EMPLOYER.<sup>15</sup> R. JOSE SAYS: HE NEED NOT STINT HIMSELF, BECAUSE THIS IS A CONDITION [IMPOSED UPON THE EMPLOYER] BY THE COURT.<sup>16</sup>

*MISHNAH 4.* IF A MAN BOUGHT WINE AMONG CUTHEANS,<sup>17</sup> HE MAY SAY [ON THE SABBATH]:<sup>18</sup> TWO LOGS<sup>19</sup> WHICH I SHALL

SET APART<sup>20</sup> SHALL BE TERUMAH, TEN LOGS TITHE, AND NINE LOGS<sup>21</sup> SECOND TITHE; HE MAY THEN EXCHANGE [THE SECOND TITHE FOR MONEY]<sup>22</sup> AND DRINK IT [THE WINE].

*MISHNAH 5.* IF A MAN HAD FIGS OF TEBEL<sup>23</sup> IN HIS HOUSE WHEN HE WAS IN THE HOUSE OF STUDY OR IN THE FIELD,<sup>24</sup> HE MAY SAY: THE TWO FIGS<sup>25</sup> WHICH I SHALL SET APART SHALL BE TERUMAH, TEN FIGS SHALL BE FIRST TITHE, AND NINE FIGS SECOND TITHE. IF THE FIGS WERE DEMAI, HE MAY SAY: WHATEVER I SHALL SET APART TO-MORROW SHALL BE TITHE, AND WHAT IS NEAREST TO IT SHALL BE THE REST OF THE TITHE; THAT WHICH I MADE TITHE SHALL BECOME THE TERUMAH OF TITHE FOR IT, AND WHAT IS TO THE NORTH OF IT OR TO THE SOUTH OF IT SHALL BE SECOND TITHE, WHICH SHALL BE EXCHANGED FOR MONEY.

*MISHNAH 6.* IF HE HAD BEFORE HIM TWO BASKETS FULL OF PRODUCE OF TEBEL, AND HE SAID: LET THE TITHES OF THIS [BASKET] BE IN THAT [BASKET]. THE FIRST [BASKET] IS THEREBY TITHED;<sup>26</sup> [IF HE SAID:] LET THE TITHES OF THIS [BASKET] BE IN THAT [BASKET], AND THE TITHES OF THAT [BASKET] IN THIS [BASKET], THE FIRST [BASKET ALONE]<sup>27</sup> IS THEREBY TITHED; [IF HE SAID:] LET THE TITHES OF BOTH BE SO THAT THE TITHES OF EACH BASKET BE IN THE OTHER, HE HAS THEREBY DESIGNATED<sup>28</sup> [THE TITHES OF BOTH BASKETS].

*MISHNAH 7.* IF A HUNDRED [PARTS OF] TEBEL<sup>29</sup> [WERE MIXED WITH] A HUNDRED [PARTS OF] COMMON<sup>30</sup> PRODUCE, ONE MUST TAKE OUT A HUNDRED AND ONE<sup>31</sup> [PARTS]. IF A HUNDRED [PARTS OF] TEBEL [WERE MIXED WITH] A HUNDRED [PARTS OF FIRST] TITHE,<sup>32</sup> ONE MUST TAKE OUT A HUNDRED AND ONE<sup>33</sup> [PARTS]. IF A HUNDRED [PARTS OF] COMMON PRODUCE WHICH HAD BEEN SET RIGHT<sup>34</sup> [WERE MIXED WITH] A HUNDRED [PARTS OF]

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TITHE,<sup>35</sup> ONE MUST TAKE OUT A HUNDRED AND TEN<sup>36</sup> [PARTS]. IF A HUNDRED [PARTS OF] TEBEL [WERE MIXED WITH] NINETY [PARTS OF] TITHE,<sup>37</sup> OR NINETY [PARTS OF] TEBEL [WERE MIXED WITH] EIGHTY<sup>38</sup> [PARTS OF] TITHE, ONE LOSES NOTHING. THIS IS THE GENERAL RULE: WHENEVER THE TEBEL IS THE GREATER [PORTION OF THE MIXTURE] ONE LOSES NOTHING.<sup>39</sup>

**MISHNAH 8.** IF A MAN HAD TEN ROWS EACH CONTAINING TEN JARS OF WINE,<sup>40</sup> AND HE HAD SAID: ONE EXTERIOR ROW<sup>41</sup> SHALL BE TITHE, AND IT IS NOT KNOWN WHICH ROW<sup>42</sup> [HE MEANT], HE MUST TAKE TWO JARS [EACH FROM THE ENDS OF] A DIAGONAL LINE.<sup>43</sup> [IF HE HAD SAID:] ONE HALF OF THE EXTERIOR ROW<sup>44</sup> SHALL BE TITHE, AND IT IS NOT KNOWN WHICH HALF ROW [HE MEANT], HE MUST TAKE FOUR JARS FROM THE FOUR CORNERS.<sup>45</sup> [IF HE HAD SAID:] ONE ROW<sup>46</sup> SHALL BE TITHE,<sup>47</sup> AND IT IS NOT KNOWN WHICH ROW [HE MEANT], HE MUST TAKE ONE [WHOLE] ROW IN A DIAGONAL LINE.<sup>48</sup> [IF HE HAD SAID:] HALF OF ONE ROW<sup>49</sup> SHALL BE TITHE, AND IT IS NOT KNOWN WHICH HALF ROW [HE MEANT], HE MUST TAKE TWO ROWS IN A DIAGONAL LINE.<sup>50</sup> [IF HE HAD SAID:] ONE JAR<sup>51</sup> SHALL BE TITHE, AND IT IS NOT KNOWN WHICH JAR [HE MEANT], HE MUST TAKE FROM EVERY JAR.<sup>52</sup>

(1) Without the conditions mentioned supra IV, 2, n. 7; viz., the imposition of a vow and the celebration of a marriage feast.

(2) But not on the Sabbath itself; cf. IV, 1, n. 1.

(3) Viz., a hundredth part of the whole, which is subsequently to become Terumah of the Tithe. This is set apart first for the reason given supra, V, 1, n. 13.

(4) From my food and drink at the table of the 'am ha-arez.

(5) Viz., nine hundredths, completing the one tenth which is to be set apart for the First Tithe.

(6) Of the First Tithe.

(7) Over which the benediction for the sanctification of the Sabbath day (Kiddush; cf. Ber. VIII, 1) is pronounced at the opening of the Sabbath meal.

(8) At the house of the 'am ha-arez. The declaration made on the eve of the Sabbath must be repeated on the Sabbath before he drinks wine, and again before he eats food, when the wine and the food are actually before him, in order to complete thereby the process of tithing by designation (IV, 3, n. 5) begun by the declaration on the eve of the Sabbath.

(9) This formula must be used in the case of wine in a cup, instead of the formula 'what is to the north or the south of it', because one cannot distinguish the sides of a round cup.

(10) What he actually has to leave is one hundredth part of what he consumes for the Terumah of the Tithe.

(11) Whose food during his working hours must be provided by his employer; cf. III, 1, n. 3; B.M. VII, 2.

(12) If, for example, his meal consists of dried figs.

(13) To be made subsequently into Terumah of the Tithe; cf. VII, 1, n. 3.

(14) He must put it aside as Terumah of the Tithe which can be eaten by a priest only.

(15) Because he may be left hungry. Therefore he must buy a fig at his own expense, and complete his meal.

(16) That the employer should provide a full meal for his workmen; therefore the employer has to provide an extra fig.

(17) Samaritans, before the use of their wine was prohibited to Jews; cf. Hul, 6a. Produce sold by Samaritans is real tebel (cf. V, 9, n. 7), and the buyer must give from it terumah as well as First Tithe and Second Tithe, but not Terumah of the Tithe which devolves upon the Levite who receives the First Tithe.

(18) He bought on a week-day, but was prevented from tithing it before the Sabbath,

(19) Of a hundred logs, the usual quantity of terumah; cf. V, 2, n. 5. For the size of a log cf. 'Ed, (Sonc. ed.) p. 2, n. 3.

(20) After the Sabbath.

(21) I.e., one tenth of the produce left after taking off First Tithe; cf. Introduction p. 50.

(22) מִיֵּהָלַל So 'Aruch. Maim. and other authorities render 'begin'. R. Hai Gaon and others read מִיֵּהָלַל, 'mix it with water'; cf. Kohut, Aruch Completum, III, p. 385.

(23) Cf. V, 8, n. 3.

(24) Late on Friday, when he had not sufficient time to return home and set apart the terumah and the tithes before the coming in of the Sabbath.

(25) Of every hundred.

(26) And he may give Tithes from the second basket both for its own contents and for the contents of the first basket.

(27) But not the second basket. For as soon as he said: 'Let the tithes of the first be in the second', the first becomes thereby tithed, but not yet the

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second; therefore when he added: 'Let the tithes of the second be in the first', he is tithing produce which is exempt for produce which is liable; cf, V, 3, n. 1.

(28) And he must give tithes for each one out of the other.

(29) Here equivalent to untithed produce. as supra V, 8, n. 3.

(30) Produce from which terumah and Terumah of the Tithe had been taken. The whole mixture becomes prohibited to non-priests like *tebel*, because of the Terumah of the Tithe contained in the *tebel* parts of it.

(31) Hundred parts being *tebel* from which the usual tithes must be taken, and one extra part being Terumah of the Tithe to free the hundred parts common produce in the mixture. The owner thus loses one part.

(32) From which Terumah of the Tithe had not been taken.

(33) Hundred parts being *tebel* from which the usual tithes must be taken, and one part being Terumah of the Tithe for the *tebel*. The remaining ninety-nine parts of the mixture are First Tithe, from which he must take 99/10 parts as Terumah of the Tithe. The owner thus loses 9/10 of a part.

(34) From which all the *terumah* and tithes had been taken; III, 1, n. 5.

(35) From which the Terumah of the Tithe had not been taken. The common produce becomes prohibited because of the ten parts Terumah of the Tithe in the other constituent of the mixture.

(36) Hundred parts being tithe from which *terumah* of the Tithe must be given, and ten parts being Terumah of the Tithe to free the hundred parts common produce. The owner thus loses ten parts.

(37) Terumah of the Tithe for hundred parts *tebel* is one part, and for ninety parts tithe nine parts; therefore he may take ten parts as Terumah of the Tithe and discharge the whole mixture.

(38) Terumah of the Tithe for ninety parts *tebel* is 9/10 of a part, and of eighty parts tithe eight parts; therefore he must take 89/10 parts as Terumah of the Tithe and discharge the whole mixture.

(39) In the case of a mixture of tithed and untithed produce, one cannot take tithe from the mixture for its untithed portion, because one may happen to pick up as tithe some of the tithed portion of the mixture, and this would be tithing produce which is exempt for produce which is liable (cf. supra 6, n. 7). But if the owner happens to have elsewhere other untithed produce of the same kind as the untithed produce in the mixture, he may use it for tithing the untithed produce in the mixture; cf. Hal. III, 9 and supra V, 8, n. 5. Hence when the *tebel* in the mixture exceeds the other portion of the mixture, this excess may be used for tithing the *tebel* as if the excess was elsewhere, and thus the

owner loses nothing in the process of freeing the mixture from the Terumah of the Tithe in it. Similarly, if the owner had had *tebel* produce apart from the mixture and of the same kind as the *tebel* in the mixture, he may have used it for tithing the *tebel* mixture also in the cases mentioned above where the two constituents of the mixture were equal in quantity, thus obviating a loss of produce in extra Terumah of the Tithe.

(40) Forming a square of ten by ten.

(41) I.e., ten jars of which one jar will be Terumah of the Tithe.

(42) The problem is to secure that the one jar which has to be given to a priest as Terumah of the Tithe shall come from the exterior row which he had originally designated as tithe, and which may be any one of the, four exterior rows.

(43) So that the two jars belong together to all the four exterior rows. These two jars must be sold to a priest for the price of one jar, thus both jars will be consumed by a priest, and one of them will be a gift to him in respect of Terumah of the Tithe.

(44) Only fifty of the hundred jars had to be tithed. Here the half jar which must go as Terumah of the Tithe is to be found in one of the eight exterior half-rows.

(45) So that the four jars belong together to all the eight exterior half-rows. The four jars must be sold to a priest for the price of three and a half jars, so that all the four jars will be consumed by a priest and one half will be a gift to him in respect of Terumah of the Tithe.

(46) Not necessarily an exterior row.

(47) For all the hundred jars.

(48) I.e., ten jars, which together belong to all the ten rows of the square. These ten jars must be sold to a priest for the price of nine jars, so that all the ten jars will be consumed by a priest and one of them will be a gift to him in respect of Terumah of the Tithe.

(49) Only fifty of the hundred jars had to be tithed. Here the half jar of Terumah of the Tithe will be in one of the twenty half-rows of the square.

(50) The two diagonal lines of the square. The twenty jars of these two lines, which together belong to all the twenty half-rows of the square, must be sold to a priest for the price of nineteen and a half, and one half as a gift in respect of Terumah of the Tithe.

(51) Only one row had to be tithed.

(52) One hundredth part of it to make up one whole jar which must be sold to a priest for nine tenths of its price, one tenth bring a gift to him in respect of Terumah of the Tithe. The explanation of the Mishnah given here follows the commentary of R. Simson of Sens and Tifereth Yisrael. It accords well with the wording of the text, and seems to be supported by the Palestinian Gemara.



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**R. Hai Gaon, Maimonides and Bertinoro explain the Mishnah in a more complicated manner, holding that the subject under discussion is of the designation of one jar only out of the hundred in the square as tithe for wine which was elsewhere.**