

OVERVIEW of the Daf

1) Separating challah from dough

Rava discusses the parameters for separating challah from dough that belonged to the Beis HaMikdash.

Rava inquires whether dough made by a non-Jew and then purchased by a Jew must have challah separated from it.

After elaborating on the question Rava answers that it depends upon whether one holds that one must tithe grain that was smoothed by a non-Jew.

R' Pappa and Ravina unsuccessfully challenge Rava's position.

Rava's defense of his position is unsuccessfully challenged.

2) **MISHNAH:** The Mishnah begins with a description of how the Omer was offered. The Mishnah concludes with a disagreement whether the sages were happy that "new" flour was available in the marketplace immediately after the Omer was offered.

3) Clarifying R' Yehudah's position

The Gemara challenges the implication of the Mishnah that R' Yehudah did not issue a decree out of concern that one may come to eat the "new" grain before it is permitted. ■

REVIEW and Remember

1. What type of assistance did Rava want to resolve his inquiry?
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2. According to Rava, is dough mixed by a non-Jew exempt from challah?
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3. What are the methods to avoid the obligation to tithe one's produce?
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4. What is the point of dispute between R' Meir and R' Yehudah?
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Mr. and Mrs. Ira Arthur Clair and family
in loving memory of their mother and grandmother
מרת אסתר רייזל בת ר' אפרים פישל ע"ה
Mrs. Esther Clair OBM

Distinctive INSIGHT

Bringing produce into the house before it is winnowed
כדי שתהא בהמתו אוכלת

The Gemara cites R' Oshaya who notes that it is possible for a person to collect and bring his grain into his house in a manner which avoids the obligation to take terumah and ma'aser from his produce. A person can act deviously and bring his produce into his house before having done the process of winnowing, which is the point at which the obligation to separate terumah begins. The obligation to remove terumah and ma'aser from one's produce only begins once the grain has been processed to this extent, which is when it is ready for human consumption. Before that point, one may partake of the produce only in a temporary manner, by eating it in the field or by giving it to his animal. If it is brought into one's house before winnowing, when the grain still has chaff connected to it, the grain may be eaten by one's animals without having to first take off terumah.

The words of R' Oshaya suggest that if this trick is implemented and the grain is brought in the house before winnowing, it only allows one's animals to eat from the produce without the owner's having to take off terumah first, but that it would not be permitted for people to eat from it. This, however, is the subject of a disagreement among the Rishonim. Rashi (cited in Tosafos ד"ה כדי) says that only animals may eat the produce brought into the house in this manner, as the animal's eating is always defined as being temporary. Man, however, is rabbinically prohibited to eat it in the house in a permanent manner, because the permission for him to eat before the winnowing is only in a temporary manner, and we do not want a person to avoid his requirement to separate terumah from his produce in this way.

Tosafos and Shitta Mikubetzes write, in the name of Rabeinu Ephraim, that there is a difference between eating outside the house from the fruit before it is processed and eating in the house once it is brought in before being processed. In the first case, it is prohibited to eat in a permanent manner, because this grain can still become fully obligated to have terumah separated from it if it will be processed and brought into the house. However, the produce that was brought in before winnowing and has now been winnowed in the house will

HALACHAH Highlight

Produce smoothed out by a gentile

גזירה משום בעלי כיסים

It is a decree because of wealthy people

There was once an incident in which it was discovered that the mashgiach in a factory that processed potatoes did not separate terumos and ma'asros properly. Teshuvos Or L'zion¹ ruled leniently with a s'fek s'feika – a double doubt. One doubt was the possibility that the potatoes in question may have come from a farm that was so far south that it may not be considered Eretz Yisroel for purposes of terumos and ma'asros. Even if the potatoes came from an area that is subject to the laws of terumah and ma'aser it is possible that the final step that makes them subject to terumos and ma'asros was done by a gentile and thus they would not be subject to terumos and ma'asros. It is true, he notes, that Rabbinically, produce that is completed by a gentile is subject to terumos and ma'asros out of concern for the "wealthy people." Nevertheless, it is possible that the injunction applies only when dealing with produce about which we are certain is subject to the laws of terumos and ma'asros and the farmer may not want to give away terumos and ma'asros since it represents a significant percentage of his crop. In our case, however, since included in the potatoes in doubt are potatoes that came from areas that are not subject to the laws of terumos and ma'asros it could be that the percentage that is subject to

(Insight...continued from page 1)

never again become obligated in terumah, so there is no reason to prohibit its being eaten, even by man, in a permanent manner.

Ramban (to Avoda Zarah 41b) writes that to bring produce into the house before winnowing may only be done for the sake of allowing animals to eat, but it may then be eaten by man as well. It may not be planned, however, to bring it in the house in this manner for the sake of human consumption. ■

terumos and ma'asros is so small that it was not included in the Rabbinic injunction.

He acknowledges that this approach has its weaknesses. Firstly, it is possible that when Chazal instituted their injunction it was intended to be applied in all cases even when the percentage that would be given away is small. It is also possible that the basis of the decree, a concern regarding the wealthy people, follows Rashi's first explanation² that it is a concern that someone will claim that he purchased the produce from a gentile in order to fool others into thinking that he is not obligated to tithe it and has nothing to do with rich people using subterfuge to avoid giving terumos and ma'asros. Nevertheless, he concludes that since the question at hand involves a vegetable which is subject to terumos and ma'asros only Rabbinically in the first place, one may adopt a lenient approach. ■

1. שו"ת אור לציון ח"א סי' כ"ב.

2. רש"י ד"ה גזירה. ■

STORIES Off the Daf

The Wheat and the Chaff

מערים אדם על תבואתו ומכניסה במוץ שלו

It is incumbent on every judge to carefully analyze the case to be certain that he is not the inadvertent instrument of crime. The Rosh, zt"l, writes that if the judge is certain that one side is lying he can give the other side a document from the beis din asking all other batei din not to judge the case. It is forbidden to rule in favor of a party who the dayan feels certain is lying even if his proof seems very solid.

There were many dayanim with deep understanding who were experts at discerning who was telling the truth and who was trying to deceive them. The Hafla'ah, zt"l, was gifted with exceptional insight in such matters and was very difficult to deceive.

Once a person who was very busy with various business concerns was summoned to beis din. Since he himself could not make it to court on the appointed date, he sent a proxy to speak for him. The proxy was the Rav of his city, usually known as the מו"ץ, an acronym for moreh tzedek.

Although the man was quite long-winded and presented many claims

that seemed to stand on a sound basis of halachah, the Hafla'ah understood that their claim was an attempt to whitewash the truth. He sat down and simply wrote a paraphrase of a statement on today's daf to tersely inform the proxy that he knew the truth. Instead of "מערים אדם על תבואתו ומכניסה במוץ שלו"—If a person is deceitful, he brings his grain into his house without separating its chaff...—he wrote a brief play on words. מערים אדם על תביעתו—If a person is deceitful through his claims ... ומכניסה במוץ שלו—he brings it into beis din with his מו"ץ!¹ ■

1. גן יוסף, ע' ק"ד. ■