

°D'ELVERT, CHRISTIAN RITTER VON (1803–1896), Moravian historian and politician. He was mayor of Bruenn (Brno) from 1861 to 1863 and 1870 to 1876, and headed the historical section of the Moravian society for local research. The fourth volume of his *Beitraege zur oesterreichischen Rechtsgeschichte* entitled *Zur Geschichte der Juden in Maehren und Oesterreichisch-Schlesien* (“On the History of the Jews in Moravia and Austrian Silesia,” 1895), with almost full bibliography, and his publication of the index numbers of all the documents in the archives of the Moravian regent concerning Jews, remain important for research on Moravian Jewry.

**BIBLIOGRAPHY:** *Oesterreichisches Biographisches Lexikon 1815–1950*, 1 (1957), 176–7; B. Bretholz, in: *ADB*, 47 (1903), 653–5.

**DEMAI** (Heb. דְּמַי, דְּמַי), agricultural produce about which there is a doubt whether it has been duly tithed; talmudic tractate. The precise etymology of this word has not been determined with certainty, and it appears that the rabbis of the Talmud were already unclear about it. The Jerusalem Talmud connects it to the root *dmy*, in the sense of “perhaps” as in: “perhaps he prepared it, perhaps he did not prepare it” (Sot. 9:12 (24b); end of *Ma'aser Sheni*, as interpreted by H. Yalon, *Pirkei Lashon*, 346), possibly as a morphological analogy to its opposite *vadai*, “certain.” In practice, the term designates produce regarding which doubts exist as to whether all the “gifts” for the priests, Levites, etc. have been set aside properly, because it was acquired from an *am ha-arez* (“person of the land”), an individual whose trustworthiness on these matters is questionable. Owing to these doubts, the *haver* is expected to set aside the gifts, though in a manner that minimizes the financial loss. Initially, the produce was subject to *terumah* for the priests, first tithe for the Levites (a tenth of which must be given to the priest) and, depending on the year in the sabbatical cycle, second tithe which can be consumed by the owner in Jerusalem, or poor tithe. Since the *am ha-arez* is relied on to obey the severe Torah-based precept of *terumah*, and there is no ritual prohibition against eating the tithes due to the Levites or the poor, the *demai* procedure involved designating the first tithe only so that the priestly portion could be taken from it and given to the kohen. Because neither the Levites nor the poor could prove their respective entitlement to their tithes (since *demai* is by definition a doubtful case), these remained the property of the owner. As a result, the actual financial loss borne by the owner by re-tithing *demai* was modest.

The institution of *demai* seems to date back to early in the Second Commonwealth era and evidently reflects the fundamental identity of the Pharisees as individuals who distinguished themselves from the less rigid ritual standards of the *ammei ha-arez*. A. Büchler argued that the Mishnah really reflects the clashes between Judean and Galilean cultures in the second century C.E. when the rabbis cited in the Mishnah were active and Judean rabbis were migrating northward in the aftermath of the Bar Kokhba revolt; however, his view has not been widely accepted. More recent scholarship has voiced considerable skepticism about the degree to which the concep-

tual picture that emerges from the Talmudic texts reflects the actual social or religious situation, especially as regards its assumptions about the normative status of rabbinic *halakhah*.

A rabbinic tradition (Mishnah Sotah end; Tosefta Sotah end of Ch. 13; TJ Sotah 9:11 and end of TJ Ma'aser Sheni) speaks of *demai* as being in force in the time of Johanan the High Priest; i.e., John Hyrcanus (135–104 B.C.E.), who enforced separation of the required gifts by the producers, thereby exempting the purchasers. The *baraita* in the Babylonian Talmud (Sotah 48a), on the other hand, describes Johanan as the person who first instituted *demai* upon discovering the laxity of tithe observance.

*Demai* is the tractate in the Mishnah, Tosefta and Jerusalem Talmud (but not the Babylonian) that deals with the halakhic concept of *demai*, doubtfully tithed produce. An exception to the normal pattern of arranging the sequence of tractates according to the numbers of their chapters, *Demai* (with seven chapters) appears third in the Mishnah and Jerusalem Talmud, and in most manuscripts of the Tosefta, before tractates with more chapters. The Mishnah tractate contains disputes between the Houses of Shammai and Hillel, sages from Yavneh, as well as much material from the generation of Usha.

Because *demai* is a rabbinic stringency that was instituted in response to a minority of unreliable individuals, the rabbis tended to interpret doubtful cases in a lenient manner. This is the theme of much the tractate, which deals with exemptions, such as for species of produce that are not normally kept as food (1:1), produce from outside the halakhic borders of Israel (1:3, 6:11), certain types of commercial purveyors (2:4, 5:1–4, 6), etc. Similarly, tithes that were separated as *demai* are not subject to all the restrictions that would apply to fully sacred produce (1:2), especially where it is used for the fulfillment of religious precepts, such as distribution to the poor (3:1), an *'eruv* (1:4), etc.

The Mishnah (2:2) discusses how a person may be certified as a *ne'eman* (one who is deemed trustworthy with respect to tithing); or as a full-fledged *haver* who is trusted on matters of purity as well (2:3).

Historians are not in agreement whether the restrictions observed by the *haver* were considered obligatory or voluntary expressions of extraordinary piety. At any rate, the tractate *Demai* is addressed to a target audience of *haverim* who are assumed to be observing the highest standards or tithing and purity. Because the need for *demai* results from the acceptance by some Jews of stricter standards than those followed by others, the tractate deals extensively with the relationships and interactions between the *haver* and other segments of the community who are less punctilious about those matters. Thus, it provides instruction for how to proceed when obtaining foodstuffs from non-*haverim* (4:1), when transferring food to them (2:3, 3:5), when eating in each other's homes (4:2, 7:1), or when operating in partnership, as sharecroppers (6:1–8) or with family relations (3:6). The general tenor of the *halakhah* is pragmatic, in that it focuses on solutions to specific techni-

cal situations, while presuming the existence of normal social and economic relations between the various groups, rather than encouraging separation from the less observant segments of the populace.

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[Eliezer L. Segal (2<sup>nd</sup> ed.)]

**DEMALACH, YOEL** (1924– ), Israeli agriculturalist. Demalach was born in Italy and settled in Palestine in 1939. He joined kibbutz Revivim where he devoted himself to Negev agricultural development and invented irrigation methods for arid zone agriculture. In 1986 he received the Israel Prize for his investigation and teaching of arid region agriculture.

**DEMBER, HARRY L.** (1882–1943), German physicist. Born in Leimbach, Dember was at the Dresden Technische Hochschule (1905), where he was appointed professor of physics in 1914 and also director of the Physics Institute in 1923. Driven out by the Nazis, he held similar positions at the University of Istanbul from 1933 to 1941. He later immigrated to the United States and was visiting professor at Rutgers University, New Jersey, at the time of his death. His field was the photoelectricity of crystals and one aspect of his research in this area is known as the “Dember Effect.”

**DEMBITZ, LEWIS NAPHTALI** (1833–1907), U.S. lawyer and Jewish leader. Dembitz was born in Zirke, province of Posen, Prussia, and went to the U.S. in 1849. He completed law studies in Cincinnati and then settled in Louisville, Kentucky, where he practiced law. Dembitz entered politics early and was elected to several Republican Party offices. He was a delegate to the Republican National Convention that nominated Lincoln in 1860. In 1888 he drafted the first Australian (secret ballot) voting system. Dembitz wrote a number of books on American law, including *Kentucky Jurisprudence* (1890); *Law Language for Shorthand Writers* (1892); and *Land Titles in the United States* (2 vols., 1895). Dembitz's affiliation with Jewish life was at first through the Reform movement, and he was a member of the commission on the plan of study for Hebrew Union College. But after that institution became openly Reform, and especially after the acceptance of the \*Pittsburgh Platform, he joined the Conservative movement and helped to establish the Jewish Theological Seminary. Dembitz contributed several articles on Talmudic jurisprudence and on liturgy to the *Jewish Encyclopedia* and prepared the translations of Exodus and Leviticus which were incorporated into the revised English Bible of the Jewish Publication Society (1917). His vol-

ume *Jewish Services in Synagogue and Home* (1898) was widely used. His nephew, Louis \*Brandeis, who admired him greatly, changed his middle name from David to Dembitz.

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[Jack Reimer]

**DEMBITZER, HAYYIM NATHAN** (1820–1892), talmudist and historian. Dembitzer was born in Cracow and became a *dayyan* in his native city. Active in financial support of the old *yishuv* in Erez Israel, Dembitzer urged scholars to renew their support for the R. Meir Ba'al ha-Nes Fund (1852). His first research was devoted to responsa literature and the tosafists. Dembitzer became noted for historical research and critical work in the field of talmudic and rabbinic literature and its leading personalities. As early as 1841 he had begun correspondence on biographical and historical subjects with such well-known rabbis as Solomon \*Kluger and Zevi Hirsch ben Meir \*Chajes. A visit to Germany in 1874 brought him in touch with such contemporary scholars as H. Graetz, Z. Frankel, L. Zunz, and D. Kaufmann, who influenced him to publish his work. His works include *Livyat Hen* (1882), notes and glosses on the work of Ravyah (R. Eliezer b. Joel ha-Levi); *Kelilat Yofi*, volume one (1888), a historical survey of the Lvov rabbis, and volume two (1893, repr. 1960), biographies of famous rabbis from Poland-Latvia from 1493 to 1692, including information on Polish Jewish independent government; essays on the Council of Four Lands; and *Torat Hen* (1895), halakhic responsa.

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[Yehoshua Horowitz / Israel Halpern]

**DEMBLIN, BENJAMIN** (pseudonym of **Benjamin Teitelbaum**; 1897–1976), Yiddish writer. Born in Modzicz, Poland, Demblin immigrated to the U.S. in 1921 and began publishing in various Yiddish periodicals. Three of his novels deal with the *ḥalutzim*: *Tsvey un a Driter* (“Two and a Third,” 1943), *Tsankendike Likht* (“Flickering Candles,” 1958), and *Der Tate iz Gekumen* (“Father Has Come,” included in the collection *Oyf Dray Kontinentn*, “Three Continents,” 1963). His book-cycle *Erev Nakht* consists of five parts: *Erev Nakht* (“Before Night,” 1954), *Oyf Eygenem Barot* (“On One's One,” 1961), *In der Velt Arayn* (“Into the World,” 1965), *A Fremde Velt* (“A Foreign World,” 1973), and *In Nayem Land* (“In a New Land,” 1973). His other books are *Afn Shvel* (“On the Threshold,” 1933) and *Vest-Sayd* (“West Side,” 1938; Heb. 1954). Demblin was a realist who depicted in epic style the social changes in Jewish and general life.

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