



Trumah

(and Nedarim?)

The fifth *perek* begins with *Tana'im* adding more debates where *Beit Hillel* rules more stringently than *Beit Shammai*. The following case is presented by *R' Yosi* (5:2):

One can take *trumah* from [untithed] olives [to satisfy the requirements of *trumah*] for [the olives as well as] oil, and from grapes for wine – this is the opinion of *Beit Shammai*. *Beit Hillel* says, one cannot take *trumah* in this manner.

The *Melechet Shlomo* explains that it appears that they argue on the level of *lechatchila* – i.e. *Beit Shammai* holds that one can even ideally separate *trumah* in this manner. Matters are complicated when we contrast this *Mishnah* with one we learnt some time ago (*Terumot* 1:4):

One cannot separate [*trumah*] from olives for oil or from grapes for wine. If one does: *Beit Shammai* maintains that [part of the separated grapes/olives] is *trumah* for itself [but not the part that was separated for the wine/oil]. The result is a mixture of *chulin* and *trumah - meduma*. *Beit Hillel* maintains that none of it is *trumah*.

Here it appears that everyone agrees that one should not separate *trumah* in this manner. The debate concerns *bedi'eved* – after the fact.

The *Tosfot Yom Tov*'s initially suggests that our *Mishnah* represents the sole opinion of *R' Yosi*. Consequently, this *Mishnah* can argue on the *Mishnah* in *Terumot* (and he feels this is how the *Rambam* understood the apparent contradiction). After a lengthy analysis the *Melechet Shlomo* however concludes that we must understand that the debate in our *Mishnah* is also on the level of *bedi'eved*. The only reason why it is termed in this (misleading) manner, is to fit into the style of the case that preceded it.

The above two explanations fit in well with the understanding that the reason why *Beit Hillel* rejects this mode of taking *trumah* is because it constitutes “separating from a product that is unfinished [grapes] for a product that is finished [wine]” which is expressly invalid.¹

The *Rash* (see *Tosfot Yom Tov*) however cites a *Yerushalmi* where there are two *beraitot* **both** in the name of *R' Yosi*. In the first all conclude that if *b'dieved trumah* was taken, it

need not be separated again – like our *Mishnah*. The second *beraitah* is exactly the same as the one in *Terumot*. The *Rash* explains that the difference is whether the person first asked the *kohen* if he may provide all the *trumah* as grapes. If he did not, then *Beit Hillel* holds that even *b'dieved* it is not *trumah*. If however permission was granted by the *kohen*, then *Beit Hillel* still maintains that he should refrain (in case he does not get permission in the future); nonetheless if he proceeds, then it is *trumah*.

This understanding seems to fit better with the explanation of the *Rambam* (*Trumot* 5:18) that the reason why even *b'dieved* one cannot separate *trumah* in this manner is “a *gezeirah* in case it will result in bothering the *kohen* to crush [the grapes] himself.” In other words, if the *kohen* wanted wine, by separating extra grapes to cover the requirement for wine instead of just providing him with his quota of wine, it could result in the unnecessary exertion of effort and loss (*Bartenura*).

The *Mishnah Rishona* asks a strong *kashya*: since we are suggesting that this law is a rabbinic *gezeirah*, it implies that on a biblical level it is indeed *trumah*. The *Chachamim* however do not have the power to dissolve the status of *trumah* from the separated product!

One could perhaps suggest an answer based on an earlier explanation of the *Mishnah Rishona*. He explains that the debate in *Trumot* between *Beit Shammai* and *Beit Hillel* whether separated product is partially *trumah* or not *trumah* at all, relates to their debate in *Masechet Nedarim* (enter *Daf Yomi*). There they argue whether a *neder* (vow) can be partially annulled. *Beit Hillel* maintains that once it is partially annulled the entire *neder* is absolved. The *Mishnah Rishona* explains that *trumah*, *nedarim* and *hekesh* are the same in that sanctification is brought about through speech.

Perhaps then, here the *Chachamim* are not removing the *trumah* status from the object. Instead they are attacking the very mechanism that was employed to bring it about thereby preventing it from ever becoming *trumah*. The transgression of the rabbinic decree results in a partial absolution of the declaration – the “*neder*”.²

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the case in which it was brought (where the person that made the *neder* did not know that his father was amongst the group). If however it was a case where a person made a *neder* to pay the loan and interest, then only the interest component would be absolved, which would possibly be comparable to our case. This format however does not allow for further analysis.

Revision Questions

עדיות ד' – ח' ה'

- If a sheaf is left in the field, next to which four things does *Beit Shammai* maintain that it is not *shichecha*? (ד' – ח' ה')
- Which two laws applying to *ma'aser sheni*, does *Beit Shammai* maintain do not apply to *kerem reva'i*? (ח' – ד')
- Who maintains that *peret* and *olelot* do not apply to *kerem reva'i*? (ה' – ד')
- When do *Beit Shammai* and *Beit Hillel* agree that a barrel containing olives undergoing pickling need not be punctured? (ו' – ד')
- If a person immerses in a *mikvah* covered in oil, what is the difference between if the oil was *tameh* before or after it was applied? (Include both opinions.) (ו' – ד')
- What is a *get yashan* and explain the debate regarding whether it can be used? (ו' – ד')
- When do *Beit Shammai* and *Beit Hillel* agree that a man that is *meyached* with his ex-wife in a *pundeki* need not give her another *get*? (ו' – ד')
- Explain the debate between *Beit Shammai* and *Beit Hillel* regarding *tzarot ervah* and what are three implication of this debate? (ד' – ח' ו')
- Explain the debate between *Beit Shammai* and *Beit Hillel* regarding the power of a *ma'amar* and what case is brought as an implication of this debate? (ו' – ט' ו')
- What are the two opinions regarding the limit to how long a man can make a *neder* regarding his wife and *tashmish mita*? (ו' – ד')
- Explain the debate between *Beit Shammai* and *Beit Hillel* regarding:
 - Putting *tzitzit* on linen clothing?
 - Untithed fruit placed in a basket set aside for *Shabbat*? (ו' – ד')
 - A person that accepted and completed many terms of *nezirut* outside Israel and then moved to Israel?
 - Two contradicting sets of witnesses who testify regarding the number of terms of *nezirut* a person accepted? (ט' – ד')
- Regarding which case do *Beit Shammai* and *Beit Hillel* argue whether a person's body can join two *ohalim*? (ד' – ג' יב')
- What are the six case that R' *Yehuda* listed that *Beit Shammai* is more lenient than *Beit Hillel*? (ו' – ט')
- What are the six case that R' *Yosi* listed that *Beit Shammai* is more lenient than *Beit Hillel*? (ט' – ב' יג')
- What are the three case that R' *Yosi* listed that *Beit Shammai* is more lenient than *Beit Hillel*? (ו' – ח' יג')
- What are the two case that R' *Eliezer* listed that *Beit Shammai* is more lenient than *Beit Hillel*? (ט' – ט' יט')
- What is the law concerning a case where two brothers marry two sisters and they both die without any children with respect to *Yibum* and *Chalitzah*? What is R' *Eliezer*'s opinion? (ח' – ח' ה')

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Eduyot 5:6-7	Eduyot 7:6-7	Eduyot 7:4-5	Eduyot 7:2-3	Eduyot 6:3-7:1	Eduyot 6:1-2	Eduyot 5:6-7

