



Nochri in Terumot

Teruma (gedola) is the first “gift” that is separated from one’s harvested produce and given to the *kohen*. Unlike many of the other gifts, *teruma* must be kept and eaten in a state of ritual purity, *Masechet Terumot* begins by listing those people that cannot separate *trumah* and if they do, their actions are meaningless. One of the cases listed is a *nochri* that separated *trumah* from the produce of a *Yisrael* on his behalf.

The *Gemara (Kiddushin 41b)* learns the exclusion of a *nochri* agent from the following *pasuk*: “So shall you also (גם אתם) raise up the gift (*trumah*) of Hashem...” The phrase “you also”, is understood to at the same time include the use of an agent (גם) for separating *teruma* and limit the choice of agent to being an *yisrael* (אתם).

One should note that a *nochri* is excluded in our *Mishnah* only in the capacity of an agent. Whether he is able to separate his own *teruma* is a debate we will see in the coming weeks (3:9). The *Chachamim* and *R’ Shimon* debate whether if the *teruma* of a *nochri* got mixed with *chulin*, does it render the mixture *meduma* in the same fashion as a *yisrael*. The *Chachamim* maintain it does, while *R’ Shimon* argues it does not. The *Tosfot (Kiddushin 41b)* explain that they debate whether a *nochri* is included in the *parasha* of *trumah*.¹ The *Chachamim* understand that the separation of a *nochri* in this case has biblical force and is no different to a *yisrael*. It follows that it is only because of the special exclusion derived from the *pasuk* above that they cannot act as a *shaliach*. *R’ Shimon* on the other hand understands that on a biblical level, the *hafrasha* (separation) is meaningless.² This being case, the above derivation is not necessary. Since the *nochri* cannot separate his

own *teruma*, the general rule applies that he cannot act as an agent for someone else.

The *Rambam (Hilchot Terumot 4:15)* rules that the *teruma* a *nochri* separated from his own produce is not *teruma* on a biblical level; yet is *teruma de’rabbanan*. It is therefore initially surprising to find that when the *Rambam* records the law that a *nochri* cannot act as an agent for separating *teruma*, that he derives it from the above quoted *pasuk* – “גם אתם”. Surely, as explained earlier, no such derivation is necessary as a *nochri* is unable to separate his own *teruma* and therefore cannot act as an agent for a *yisrael*.

The *Lechem Mishnah (Ishut 3:17)* asks this question and cites a *Tosfot* in presenting a solution. The *Tosfot (Gittin 23b)* explains the it is true the *R’ Shimon* does not need the *pasuk* to teach the law that an *nochri* cannot act as an agent for *trumah*. It is also true that the *Gemara (Kiddushin 41b)* explains that *R’ Shimon* uses the *pasuk* for a different reason. Nevertheless, since the laws of *shlichut* (agency) in general is learnt from *truma*, *R’ Shimon* agrees that the *pasuk* teaches that only *bonei brit* can act as agents in general. This is because *R’ Shimon* actually agrees with the *Chachamim* that the phrase “גם אתם” excludes *nochrin* yet only argues that such a derivation is not necessary for the laws of *trumah*.

The *Lechem Mishnah* therefore explains that the *Rambam* included the derivation from the *pasuk* in the law of *teruma* for its broader implication despite being unnecessary for the particular case of *teruma*.

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¹ See *Rashi* for a different understanding of the debate.

² The *Mefarshim* discuss the extent of rabbinic force, if any, behind the *truma* of a *nochri* according to *R’ Shimon*.

Revision Questions

שביעית י' א'-ט'

- Are loans that are formed in a written contract cancelled at the end of the *shmittah* year? (י' א')
- Are the debts due to purchases made on credit cancelled at the end of *shmittah*? (י' א')
- Are wages due to employees cancelled at the end of *shmittah*? (י' א')
- Are payments due by court ruling cancelled at the end of *shmittah*? (י' ב')
- What was the name of the initiative instituted by *Hillel* and why was it instituted? (י' ג')
- Explain in further detail *Hillel's* initiative and how it is implemented. (י' ד')
- When is it problematic if a loan contract has the wrong date – if it is early or late? (י' ה')
- When is it problematic if a *pruzbul* has the wrong date – if it is early or late? (י' ה')
- How many *pruzbuls* are required if: (י' ה')
 - Five people loan to one person?
 - One person loans to five different people?
- What is necessary in order that a *pruzbul* can be written (aside from the writing implements)?
- According to *R' Eliezer*, what is special about the status of a beehive? In what other areas of *Halacha* is this fact important? (י' ו')
- If someone insists on paying back a loan after *Shmittah* after the lender has informed him that the debt is cancelled, can the lender accept the money? (י' ח')
- What other case is comparable to the case mentioned in the previous question? (י' ח')
- What is the *Chachamim's* attitude to one that pays back a debt after *Shmittah*? (י' ט')
- What other two cases mentioned in the *Mishnah* elicit the same response from the *Chachamim*? (י' ט')

תרומות א' א'-ה'

- Which five people are unable to separate *teruma* and why? (א' א')
- In general, what is implied by the term *cheresh*? (י' ב')
- Explain the debate between *R' Yehuda* and *R' Yosi* regarding the minimum age of one who can separate *teruma*? (י' ג')
- If someone has wine and grapes which are both *tevel* can one separate *teruma* from the grapes alone, or does he have to do it for both the wine and grapes? (י' ד')
- What is the law regarding the separated *teruma* in the previous question? (י' ד')
- Can one separate *teruma* from: (י' ה')
 - *Leket, peah* or *shichecha* for regular *tevel* produce?
 - Ownerless produces for *tevel* produce?
 - Produce that does not require *terumot* to be separate for *tevel* produce?
 - *Tevel* produce for produce that does not require *terumot* to be separated?
- What are the three other cases listed in the *Mishnah* that share the same laws as described in the previous question? (י' ה')

Local Shiurim

Melbourne, Australia

Sunday -Thursday

After *Ma'ariv*
Mizrachi Shul
 Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
Beit Ha'Roeh
 Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf
 9:00am
Kollel Magen Avraham
 Reemon Neighbourhood

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
 In US dial: 718 906 6400
 Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
26 th December י"ט טבת	27 th December כ' טבת	28 th December כ"א טבת	29 th December כ"ב טבת	30 th December כ"ג טבת	31 st December כ"ד טבת	1 st December כ"ה טבת
Terumot 1:6-7	Terumot 1:8-9	Terumot 1:10-2:1	Terumot 2:2-3	Terumot 2:4-5	Terumot 2:6-3:1	Terumot 3:2-3

