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Shlichut in Trumot

Messechet Trumot opens with a list of five people who cannot separate *trumah*. Amongst them is “one who separates *trumah* that does not belong to him”. *Kehati* explains that one cannot separate someone else’s *trumah* without the owner’s permission. If the owner however, elects this person as a *shaliach* (messenger) then he can separate *trumah* for the owner. This is learnt from the *pasuk*: “And you shall also take *trumot Hashem*” (*Bamidbar* 18:28). *Kehati*’s claim is supported as the concept of *shlichut* and is discussed in further detail later in the *messechet* (4:4).

Shlichut in other domains is understood as being more than just granting permission for another to perform a particular act. The *Ktzot* (195:2) explains that the *Rishonim* debated whether to consider a *shaliach* as merely acting for the sender or actually replacing him giving the *shaliach* more independence. One may ask whether the “*shlichut*” required in *trumot* is the same as in other areas.

The *Mishnah* in *Nedarim* writes that if someone vows against deriving benefit from someone, that person can still separate *trumah* for him. The *Gemarah* (36b) explain that due to the *neder* the person cannot act as a *shaliach*. Nevertheless, the *Gemarah* continues, this person (the *mudar*) can still separate *trumah* in a situation where the owner publicly declared that anyone can separate *trumot* for him. Consequently, it appears that *shlichut* is not required and the owner’s permission alone would suffice. Nevertheless the *Gemarah* in *Kiddushin* seems to suggest that genuine *shlichut* for *trumah* is learnt from the *pasuk* (like *Kehati* described). How does one reconcile these two sources?

There are three different approaches. The *Tosfot* (*Gittin* 66a) explains that in the case described in *Nedarim* the person is still acting as a *shaliach*. By the owner publicly announcing and not directly approaching the *mudar*, he is not considered to be benefiting from the person ensuring that the vow is not compromised.

The *Rashba* admits that the case described in *Nedarim* does not require *shlichut*. Nevertheless, he maintains that the case is an exception since the *mudar* is a separating *trumah* from his own produce to act as *trumah* for the other person’s produce. Consequently, he has the power to render his own produce as *trumah*. *Shlichut* however is still required when separating *trumah* from the owner’s produce for the owner’s produce.

Finally the *Ramban* (*Gittin* 66a) argues that *shlichut* is not required for separating *trumah* (like the original suggestion). The original question therefore resurfaces – how does one treat the *Gemarah* in *Kiddushin*?

Rav M. Taragin writes that the *Gemarah* proves that *shlichut* applies to *trumot* from the *Mishnah* 4:4 (cited earlier). Yet, earlier *Mishnah* 3:4 makes reference to the ability of one separating for another:

When do we say that [a partner cannot separate for the other]? When they didn’t speak, but if he gives permission to a member of his household... they can separate *trumah*.

Why does the *Gemarah* not make reference to this earlier *Mishnah* as the source for *shlichut*?

Rav Taragin explains that the *Ramban* could hold that there are two independent paths that one can take in order to separate *trumah* for another. The first path is when the owner simply agrees or gives permission. This path is the one described in *Nedarim* and in *Mishnah* 3:4. The second is if the person is made a *shaliach*. Here the *shaliach* takes the place of the owner and can operate with more independence. This path is described in *Mishnah* 4:4 (quoted in *Kiddushin*) where the *Mishnah* rules that if the *shaliach* is unaware of the amount the owner wishes to separate, he may assume the normal amount. This level of independence can only be justified if the person has been made a *shaliach*.

David Bankier
Based on a shiur by Rav Moshe Taragin

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Revision Questions

שבועית י: זי - י: טי

- According to *R' Eliezer*, what is special about the status of a beehive? In what other areas of *Halacha* is this fact important? (י: זי)
- 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: חז)
- What other case is comparable to the case mentioned in the previous question? (י: חז)
- What is the *Chachamim's* attitude to one that pays back a debt after *Shmittah*? (י: טי)
- What other two cases mentioned in the *Mishnah* elicit the same response from the *Chachamim*? (י: טי)

תרומות א: א' - ב: א'

- Which five people are unable to separate *trumah* and why? (א: א')
- In general, what is implied by the term *cheresh*? (ב: א')
- Explain the debate between *R' Yehuda* and *R' Yosi* regarding the minimum age of one who can separate *trumah*? (ג: א')
- If someone has wine and grapes which are both *tevel* can one separate *trumah* from the grapes alone, or does he have to do it for both the wine a grapes? (ד: א')
- What is the law regarding the separated *trumah* in the previous question? (ד: א')
- Can one separate *trumah* from: (ה: א')
 - *Leket, peah* or *shichecha* for regular *tevel* produce?
 - Ownerless produces for *tevel* produce?
 - Produce that does not require *trumot* to be separate for *tevel* produce?
 - *Tevel* produce for produce that does not require *trumot* to be separated?
- What are the three other cases listed in the *Mishnah* that share the same laws as described in the previous question? (ה: א')
- Which five people should ideally not separate *trumah*, yet if they did, that which was separated is indeed *trumah*? (ו: א')
- In what manner should one separate *trumah gedolah*? (ז: א')
- What is the law regarding one who separates *trumah* from olives that will be used for producing oil for *tevel* oil? (ח: א')
- Can one separate *trumah* from olives that will be pickled for *tevel* oil? (ט: א')
- What is the law regarding the previous case, if after the person separates *trumah*, he decides to use the remaining olives to produce oil? (ט: א')
- What is the general rule outlined in the last *Mishnah* of the first *perek*? (י: א')
- Can one separate from *tahor* produce for *tameh* produce? (א: ב)
- Describe the cases mentioned regarding cakes of dried figs, where one can act in the manner described in the previous question, and where one cannot. (א: ב)

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Beit Midrash:

Naftali Herc

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Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
3 rd Apr. כ"ג אדר ב'	4 th Apr. כ"ד אדר ב'	5 th Apr. כ"ה אדר ב'	6 th Apr. כ"ו אדר ב'	7 th Apr. כ"ז אדר ב'	8 th Apr. כ"ח אדר ב'	9 th Apr. כ"ט אדר ב'
Trumot 2: 2-3	Trumot 2: 4-5	Trumot 2:6-3:1	Trumot 3: 2-3	Trumot 3: 4-5	Trumot 3: 6-7	Trumot 3: 8-9

