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Machshava in Trumot

The *Mishnah* in *Mesechet Trumah* (3:8) writes:

If someone intends to say: “*trumah*” and says “*ma’aser*”, “*ma’aser*” but says “*trumah*”, “*olah*” but says “*shlamim*”, “*shlamim*” but says “*olah*”, “I will not enter this house” but mentions another house, “I will not benefit from this” yet says something else – his words have no effect until his words and heart (i.e. intentions) are in agreement”

In other words, if someone intends to call that which he separated as *ma’aser*, yet mistakenly says “this is *trumah*”, his words have no *halachic* significance. Our *Mishnah* expands this idea from the area of *trumot u’ma’asrot* to *kodshim* and *nedarim* as they are also areas where a prohibition is created through a verbal proclamation. The *Mishnah* leaves us with a simple explanation that “his words have no effect until his words and heart are in agreement.” In other words, one’s words are insignificant unless they are married with matching intentions.

This law is also brought in *Gemarah Pesachim* (73a) and there *Tosfot* mention a well known rule: “matters of the heart are insignificant” (eg, *Kiddushin* 49b). To explain this apparent difficulty the *Tosfot* therefore differentiate between two types of cases. The first, where “matters of the heart are insignificant” are where the person speaks with certainty, yet thinks something else. In our case however, the person really wanted to say one thing, but made a verbal mistake. Here, the mouth alone could not obligate someone to do something what they did not intend.

Another question raised by the *Rishonim* is whether one need make a verbal proclamation at all, when separating *trumah*. It appears from a number of places in the *Gemarah* that verbal proclamations are not required and one can designate *trumah* with thought

alone. In other words the requirement that “his words and mouth be in agreement” is necessary here only because his words have contradicted his thoughts. Yet in reality, there is no requirement for a verbal proclamation. One such source for this law comes from *Gemarah Shvu’ot* (26b): “From where do we know [that it is enough] if someone simply resolves in his heart? The Torah states ‘*kol nediv libo*’ (*Shmot* 35:22).” There the *Gemarah* proves that by *trumah* and *kodshim*, intention alone can create the desired effect. (See also *Gittin* 31a.) The *Rishonim* also bring a strong proof from the *Mishnah* learnt last week (1:6) which included a mute person as one who should ideally not separate *trumah*, but if he did, the separated produce is indeed *trumah*!

The *Rambam* combined these two laws together (*Hilchot Trumot* 4:16):

If someone intends to say “*trumah*” and says “*ma’aser*”, “*ma’aser*” but says “*trumah*” – his words have no effect until his words and heart (i.e. intentions) are in agreement. Someone who separates *trumah* designating it mentally making no verbal proclamation, has indeed [successfully] separated *trumah*...”

The *Minchat Chinnuch* (*mitzvah* 397) however writes that the *Rambam* and *Tosfot* in practice argue whether thought alone is sufficient or whether a physical separation of the *trumah* is also required. *Rashi* and *Tosfot* have explicitly stated *trumah* can be designated with a verbal proclamation alone (see *Pesachim*). Conversely, the *Minchat Chinnuch* argues that the *Rambam* also requires a physical separation. This is because the *Rambam* appeared to focus on one point – “no verbal proclamation” – as being the difference in the final case implying that physical separation is still required. [NB: it appears that the *Kesef Mishnah* did not understand the *Rambam* in the manner.]

Avigdor Einat
[Ed. Trans.]

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Revision Questions

תרומות א': א' - ג': ט'

- What is the law regarding one who separates *trumah gedolah* from *tameh* produce for *tahor* produce? (Include the opinion of R' Yehudah) (ב': ב')
- What other case shares the above described law? (ב': ב')
- What is law regarding one who:
 - *Tovels* his *keilim* on *Shabbat*?
 - Cooks on *Shabbat*?
 - Plants on *Shabbat*?
 - Plants during the *Shmittah* year?
- Include the rulings for both *shogeg* and *meizid*. (ב': ג')
- Ideally one should not separate *trumah* from one species for another. What is the law if someone nevertheless does so? (ב': ד')
- Ideally, how should one select which produce shall be *trumah* where: (ב': ד')
 - There is a *kohen* present?
 - There is no *kohen* present?
- If one has the choice, which of the following should one choose to be *trumah*:
 - A small complete onion, or half a larger onion? (ב': ה')
 - Olives that will be used for making oil, or olives that will be used for pickling? (ב': ו')
 - Normal or cooked wine? (ב': ו')
- What is the general rule described in the *mishnah* regarding the way one selects his *trumah*? (ב': ו')
- What should one do in the case where one finds that the wine he separated for *trumah* has become vinegar, yet he is unsure whether it changed prior to separating *trumah*? (ב': ז')
- In a case of *safek trumah* where another *safek trumah* is separated, what is the law if: (ב': ז')
 - One of the *safek trumot* became mixed up with one pile of *chulin* and the other *safek trumah* with another?
 - Both of the *safek trumot* fell into the same pile of *chulin*?
- What is the law regarding a case where two partners separate *trumah* separately, one after the other? (Include all three opinions) (ב': ח')
- The opinion of R' Akiva described in the previous question only applies in a specific case – what is it? (ב': ח')
- If the owner gave someone permission to separate *trumah*, yet renounces the permission just prior to the person separating *trumah*, what is the law regarding the separated *trumah*? (ב': ט')
- What is the law regarding a case where one proclaims that the *trumot* and *ma'asrot* for a particular batch is contained within the batch? (ב': ט')
- What is the law if one separates: (ב': ט')
 - *Trumah* before *bikurim*?
 - *Ma'aser Rishon* before *Trumah*?
 - *Ma'aser Sheni* before *Ma'aser Rishon*?
- What is the source that the above orderings are mistakes? (ב': י')
- What is the law regarding one who intends to separate *trumah* yet called it *ma'aser* by mistake? (ב': י')
- What is the law regarding the *trumah* that a non-Jew separated from his own produce? (ב': י')

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Sunday
Between mincha and ma'ariv
Mizrachi Shul
David Bankier

Monday -Thursday
Between mincha & ma'ariv
Mizrachi Shul
Ben-zion Hain

9:45pm
Beit Midrash:
Naftali Herc
David Bankier

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Mizrachi Shul
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Next Week's Mishnahyot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
10 th Apr. א' ניסן	11 th Apr. ב' ניסן	12 th Apr. ג' ניסן	13 th Apr. ד' ניסן	14 th Apr. ה' ניסן	15 th Apr. ו' ניסן	16 th Apr. ז' ניסן
Trumot 4: 1-2	Trumot 4: 3-4	Trumot 4: 5-6	Trumot 4: 7-8	Trumot 4: 9-10	Trumot 4: 11 - 12	Trumot 4:13 - 5:1

