



## Cheresh and Terumah

The first *Mishnah* in *Terumot* discusses those individuals that are not able to separate *terumah*. The second *Mishnah* qualifies one of those on that list and explains that the law is different for a *cheresh* (deaf person) that can speak. The *Mishnah* teaches the even though they should ideally not separate *terumah*, if they do, it is effective. Unlike a regular *cheresh*, this individual is considered as have *da'at* (understanding of *halachic* significance). Consequently his separation of *terumah* would work. We shall however try to understand why he should ideally not separate *terumah*.

The *Bartenura* explains that this is because ideally one should hear the *beracha* that they recite. Since a *beracha* is recited prior to separation, and he would not be able to hear his *beracha*, ideally he should not separate *terumah*. Nevertheless, since the separation of *terumah* is not dependant on the *beracha*, if the *cheresh* did separate *terumah* it would work.

The *R' Chaim* (*Derech Emunah* 4:38) explains that normally a *cheresh* would indeed recite his own *berachot* and recite them out loud. Nevertheless, in this case since it is possible for him to designate a *shalich* to separate his *terumah*, he should do so. It follows that if there is a case of *sefek tevel* where a *beracha* would not be recited, there would be no problem for this *cheresh* to separate his own *terumah*.

In the *Biur Halacha*, *R' Chaim* cites the *Maharil* who understands our *Mishnah* differently. The *cheresh* can surely perform *hafrasha* for himself since his situation is *bedieved* (not ideal). The *Mishnah* instead is referring to whether one can nominate a *cheresh* as a *shaliach*.

*R' Chaim* however continues that the other *rishonim* disagree. He cites the *Rashbatz* who assumes the *Mishnah* is referring to the *cheresh* separating his own *terumah*. He asks, based on the *Mishnah*, how then can a *cheresh* recite *birkat hamazon* or recite *megillah*? He explains the *cheresh* would have no issue regarding those *mitzvot* since his situation is *bedieved*. It is only regarding *terumah* where he has the

option to use a *shaliach* that we direct the *cheresh* to do so. The *Rashbatz* notes that the fact that the *Rambam's* only mention of a speaking *cheresh* is in the laws of *Terumot* as a proof that it is the exception.

Interestingly *R' Chaim* also cites the *Meiri* who writes that while this *cheresh* can perform *mitzvot* for himself, he cannot, ideally, *motzi* others in the performance of a *mitzvah*. The *Meira* includes *birkat hamazon*, *megillah* and the *beracha* of *terumah* as examples. What is the case of "*birkat terumah*" for which the *cheresh* cannot perform for others? At first it would seem to be the case of the *Maharil* that the *cheresh* cannot act as a *shaliach* for another. Alternatively, it might be where he recites the *beracha* for other that are going to do *hafrasha*. *R' Chaim* however feels that those suggestions are forced. Instead, *R' Chaim* suggests that since the act of *hafrasha terumah* also permits the food to others, that act is considered as being "*motzi*" others. Consequently, much like the *Rashbatz*, the *cheresh* should ideally select use a *shaliach* to perform the *hafrasha*. *R' Chaim* notes that the law would be different for *mezuzah* or *ma'akeh* (affixing a railing) where it is an obligation placed on the individual, the *cheresh* would be able to perform the *mitzvah* himself. *Hafrashat terumah* is different in that there is no personal obligation to find *tevel* to perform *hafrasha*.

Note however that there is a difference between *R' Chaim's* understandings of the *Rashbatz* and the *Meiri*. According to the *Rashbatz* the issue is that ideally one should hear the *beracha* they recite. The *cheresh's* situation is one that is *bedieved* and therefore he can recite his own *berachot*, unless he has another option, like in the case of *terumah*. According to the *Meiri* however, the issues is the *cheresh's* inability to *motzi* others. Since *hafrashat terumat* permits the food to everyone, it is a *mitzvah* that impacts others and therefore someone else should perform that *mitzvah*. That being the case, perhaps the *Meira* would maintain, the even in a case of *safek tevel*, where a *beracha* is not recited, the *cheresh* should still use a *shaliach*.

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**Revision Questions**

שביעית י: ג' - ט'

- What was the name of the initiative instituted by *Hillel* (based on the previous question) 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: ז')
- 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' - ו'

- Which five people are unable to separate *trumah* and why? (א': א')
- In general, what is implied by the term *cheresh*? (א': ב')
- Explain the debate between *R' Yehuda* and *R' Yosi* regarding the minimum age of one who can separate *trumah*? (א': ג')
- 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 and grapes? (א': ד')
- What is the law regarding the separated *trumah* in the previous question? (א': ד')
- Can one separate *trumah* from: (א': ה')
  - *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? (א': ה')
- Which five people should ideally not separate *trumah*, yet if they did, that which was separated is indeed *trumah*? (א': ו')
- In what manner should one separate *trumah gedolah*? (א': ו')

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19 June כ' סיון	20 June כ"א סיון	21 June כ"ב סיון	22 June כ"ג סיון	23 June כ"ד סיון	24 June כ"ה סיון	25 June כ"ו סיון
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	Terumot 3:4-5

