



Volume 7. Issue 25

## 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*.<sup>1</sup> 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.<sup>2</sup> 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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<sup>1</sup> See *Rashi* for a different understanding of the debate.

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

### Revision Questions

שבועית 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' 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'-ה'

- Which five people are unable to separate *teruma* 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 *teruma*? (ג' א')
- 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? (ד' א')
- What is the law regarding the separated *teruma* in the previous question? (ד' א')
- Can one separate *teruma* from: (ה' א')
  - *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? (ה' א')

### 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/](http://www.shemayisrael.com/mishna/)

*Rav Meir Pogrow*  
[613.org/mishnah.html](http://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 <sup>th</sup> December י"ט טבת	27 <sup>th</sup> December כ' טבת	28 <sup>th</sup> December כ"א טבת	29 <sup>th</sup> December כ"ב טבת	30 <sup>th</sup> December כ"ג טבת	31 <sup>st</sup> December כ"ד טבת	1 <sup>st</sup> 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

