



Mistaken Teruma

The third *perek* begins by teaching that if one separated a *kishut* (gourd) as *teruma* and it was found to be bitter, the separated *kishut* is indeed *teruma*, but the owner must return and separate *teruma* again. We shall try to understand this case and the ruling of the *Mishnah*.

The *Yerushalmi* explains that in this case it was only discovered later that the *kishut* was bitter, and that it was inedible. Normally, if one would separate something inedible to be *teruma* the act would be meaningless. In this case however, there is a doubt whether the *kishut* was edible at the time of separation. The owner must therefore separate *teruma* again just in case the original *kishut* was inedible at the time of its separation. In the end, since there is a doubt which of the two is really *teruma*, the *kohen* takes both, paying for the larger of the two.

The *Bavli* (*Yevamot* 89a) however understands that the *kishut* was definitely bitter from the outset, yet its selection was unintentional (*shogeg*) as he was not aware of its poor quality at the time. In this case, a fine (*knas*) is applied requiring *teruma* to be separated a second time because it is considered gross negligence (*shogeg karov le'meizid*) – he should have tested the state of the gourds prior to his selection.¹

The difficulty with the *Bavli* is that at first glance, it seems to contradict the continuation of the *Mishnah*. The *Mishnah* teaches that if one takes vinegar as *teruma* for wine inadvertently and it was known that the barrel was vinegar prior to this separation, the vinegar is not considered *teruma*. The cases seem to parallel one another in their details. In both cases, the separated product was an inferior quality to that for which it was separated and it was definitely inferior at the time of separation. Yet in our case that which was separated is

considered *teruma*, while in the latter case it is not. Why?

The *Tosfot* answer that the *Mishnah* is according to *Rebbi* who maintains that vinegar and wine are considered two distinct *minim* (species/categories). As learnt previously, separating *teruma* from one type for another is invalid. Consequently in the case of vinegar, the separation is invalid, while in case of the bitter gourd, since it involves only one *min* the separation is valid after the fact. They add that according to the *Chachamim* who understand that wine and vinegar are one type, the ruling in that case and our one would be the same – the vinegar would be *teruma*, yet *teruma* would need to be separate again.

The *Rashba* explains that the *Mishnah* can even be explained as expressing the opinion of the *Chachamim*. Even though the *Chachamim* maintain that wine and vinegar or one type, they are nonetheless referred to by different names. At the time of separation, the owner intended to separate wine, only later to discover it was vinegar. The separation is therefore one in error and void. In the case of the gourds however, the owner did separate gourds as intended albeit ones that were of an inferior quality.

The *Meiri* explains in a similar manner that in the case of the vinegar, the owner had checked the barrel sometime prior and had confirmed that it contained high quality wine. This outward show demonstrated that he wished only to designate high quality wine as *teruma*. Thus when at the time of separation the barrel had already turned to vinegar, the designation was against his intention and therefore invalid. In the case of the gourds however, there was no outward show that owner wanted to separate the best gourds.²

Yisrael Yitzchak Bankier

¹ The *Tosfot* explain that he could have performed *hafrasha* on a *mashehu* so that he could perform a taste test.

² The *Meiri* adds the third case is where the owner intended to take the inferior product to be *teruma* where that which is separate

is considered *teruma* (albeit *bedieved*) with no additional *teruma* separation required.

Revision Questions

תרומות א' - ג' - ג'

- Which five people should ideally not separate *trumah*, yet if they did, that which was separated is indeed *trumah*? (א: י)
- In what manner should one separate *trumah gedolah*? (א: י)
- 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)
- 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*. (ג: ב)
- Ideally one should not separate *trumah* from one species for another. What is the law if someone nevertheless does so? (ד: ב)
- Ideally, how should one select which produce shall be *trumah* where: (ד: ב)
 - 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? (ה: ב)
 - Olives that will be used for making oil or olives that will be used for pickling? (ב: י)
 - Normal or cooked wine? (ו: ב)
- What is the general rule described in the *Mishnah* regarding the way one selects his *trumah*? (ו: ב)
- 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*? (ז: ג)
- In a case of *safek trumah* where another *safek trumah* is separated, what is the law if: (ז: ב)
 - 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) (ז: ג)

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
2 nd January כ"ו טבת	3 rd January כ"ז טבת	4 th January כ"ח טבת	5 th January כ"ט טבת	6 th January א' שבט	7 th December ג' שבט	8 th January ד' שבט
Terumot 3:4-5	Terumot 3:6-7	Terumot 3:8-9	Terumot 4:1-2	Terumot 4:3-4	Terumot 4:5-6	Terumot 4:7-8

