

## TALMUDIC METHODOLOGY

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### The Handling of Impure Teruma

The gemara in Shabbat (25a) rules that it is a mitzva to burn "teruma" which has become tamei. Furthermore, kohanim cannot eat this teruma, and they may not use it for any other purpose. However, unlike most items which for one reason or another must be burnt, one may derive pleasure from the teruma while it is burning. For example, one may warm himself by the heat which is emitted, and one may cook food by the fire of the burning teruma. This article will explore the nature of this unique halakha.

At first glance we might view this halakha as a "kula" - a special dispensation which allows the kohanim to derive some form of non-essential hana'a as long as their benefit does not prevent or delay burning in any way. Therefore, there would be no fundamental distinction between impure teruma and all other issurim, ASIDE from a special exception which allows benefit to be derived as an outcome of the process of burning. In fact, the mishna in Temura (33b), includes impure teruma in a list of items which are not only forbidden, but must also be burnt.

The gemara in Shabbat (25a), however, offers a slightly different impression. The gemara begins by stating that "just as it is a mitzva to burn kodashim which were impurified, similarly it is a mitzva to burn teruma which was impurified." Afterwards, the gemara derives the permissibility of receiving benefit from the burning process from the pasuk "natati lakhem mishmeret terumotai" ("I have entrusted you (the kohanim) with the special laws governing the protection and handling my terumot"). The gemara - noting that the pasuk refers to two terumot ("terumotai") - explains the these two terumot correspond to teruma tehora, the pure form, which is to be eaten, and the teruma temeia, the impure form, which is to provide benefit while it is being burnt.

This presentation gives the impression that impure teruma is not to be viewed as an ordinary "issur hana'a" requiring burning, with a secondary allowance which permits benefit during burning. Quite the contrary, the impression given is that the PRIMARY function and use of impure teruma is its burning, and its providing benefit during the process. The comparison between eating pure teruma and burning impure teruma is striking. Just as

pure teruma is primarily intended to be eaten, teruma temeia is intended to be burnt and to provide benefit.

The Rambam's formulation of this halakha is notable. He begins Hilkhot Terumot (2:14) with a declaration that "teruma belongs to the kohen - whether pure or impure." Subsequently, he quotes the aforementioned gemara in Shabbat which equates eating teruma tehora with burning teruma temeia. He concludes that while the teruma tehora should be eaten, in the case of teruma temeia, the kohanim should "derive benefit from the burning." The syntax of this halakha apparently establishes a parallel between the consumption of pure teruma and the burning of impure teruma. Evidently, the kohen DOES have a fundamental right to 'use' teruma temeia - albeit in a restricted manner.

In another chapter (11:1), the Rambam once again appears to underscore this symmetry between eating pure teruma and burning impure teruma. The Rambam describes the mandate to eat teruma: "Teruma is meant for eating and drinking..." The remainder of the perek defines the precise manner in which this pure teruma may be eaten. Yet, in the conclusion of his introductory statement, the Rambam writes "one should kindle the impure teruma", again inserting the burning of impure teruma within the halakhot of eating pure teruma. This Rambam as well, may reflect his stance: impure teruma is not to be viewed as forbidden, with a slight heter to use while burning. Rather, while its use may be more limited than pure teruma, it is permissible for use by the kohen.

Regarding our two understandings of the burning of teruma temeia, Tosafot in Pesachim (46) cite a machloket which apparently revolves around this very question. The gemara in Shabbat (24b) rules that one may not kindle 'shemen sereifa' (impure teruma oil designated for burning as described above) on Yom Tov. Tosafot in Pesachim question this halakha. After all, any melakha which yields benefit on Yom Tov may be performed on Yom Tov (okhel nefesh).

The Ri concedes that, indeed, in theory one may burn impure teruma on Yom Tov. In practice, however, we prohibit this burning, since this may lead people to burn this oil without any purpose. Fundamentally, however, one may burn teruma temeia just as one may burn regular oil; a kohen may derive benefit from impure teruma oil just as an ordinary person may derive benefit from regular oil.

The Riva forwards a dramatically different position. Essentially, a kohen may NOT derive benefit from impure teruma. Hence, it cannot be burnt on Yom Tov, since no permissible benefit may be derived. In practice,

however, the Torah allowed the kohen to derive peripheral benefit during the burning - but only as an afterthought - a special leniency which is afforded the kohen while the teruma is burning. Since, fundamentally, this oil is forbidden (save for a leniency) it may not be burnt on Yom Tov.

These two positions cited in Tosafot clearly debate whether impure teruma is fundamentally to be considered 'assur', and must therefore be burnt (with a special dispensation for use during burning), or whether it is fundamentally permitted for use (for very limited benefits). This question ultimately affects why 'shemen sereifa' cannot be burnt on Yom Tov.

Another machloket which may revolve around this issue concerns a mishna in Sukka (34b). The mishna rules that an etrog of impure teruma may not be used to fulfill the mitzva. Tosafot and the Ramban debate the basis of this disqualification.

Tosafot are bothered by the fact that impure teruma MAY be used by kohanim and should not be disqualified. They claim, therefore, that the very fact that it cannot be EATEN is sufficient reason to invalidate an etrog of impure teruma. However, they refuse to classify teruma temeia as 'issur hana'a' as there is ONE benefit which is permissible.

Alternatively, the Ramban (in Milchamot Hashem in the beginning of the third perek) claims that an etrog of impure teruma is just like an etrog of any other 'issur hana'a', which cannot be used (we view it as if it were already burnt - see Sukka 31b). Evidently, he viewed teruma temeia as a forbidden item which must be burnt, with a special 'heter' to benefit from it during burning.

#### SUMMARY:

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We have outlined two distinct approaches to the apparent 'compromise' of teruma temeia. We might define it as a forbidden item, which must be burnt, although the Torah provided a special allowance to benefit from it during the time of burning. Alternatively, we might define this teruma as permissible, but for only one use - burning. We have demonstrated that two debates among the Rishonim may revolve around different understandings of this halakha. One might even claim that different impressions are given by the different gemarot. While the mishna in Temura seems to indicate the former position, the gemara in Shabbat clearly asserts the latter. We also analyzed the Rambam's classification of this halakha.

An interesting question might concern the permissibility of burning this teruma without receiving any benefit. A kohen is commanded to derive benefit from teruma; he may not simply destroy it or even abuse it. What about this impure teruma?

If we assume that it is forbidden to use and MUST be burnt, and the Torah merely allowed benefit from the heat we might not require that such benefit be gained. If, however, we equate impure teruma with pure teruma, we might demand that impure teruma as well be used 'properly', or as intended, and not merely burnt. The Pnei Yehoshua (Shabbat 23b) addresses a case of misusing impure teruma (not deriving the full benefit).

Methodological issues:

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1) Quite often different gemarot will provide slightly varying views about a particular halakha. In our instance, we noticed a slight dissonance between the mishna in Temura and the gemara in Shabbat. Ultimately, these differences will be amplified in the Rishonim and Acharonim.

2) The syntax, structure and chapter sequence of the Rambam are all critical in determining his stance about a particular halakha. Of course, as opposed to other types of proofs, sometimes these varieties are more speculative.