

ושורפין תרומות טמאות ותלויות וטהורות – And they burn that are טמא and that are suspended¹ and that are טהור

OVERVIEW

The חמץ states that on שבת we burn all the תרומות that are טמא (before שבת) whether they are טמא, טהור, or תלוי. The rule is that it is forbidden to be משמרת תרומות² of פסוק that one is obligated to guard the תרומה that it should not become טמא. There is an issue, however, whether מדאורייתא³ one is forbidden to burn תרומה טהורה. Others maintain⁴ that it is permitted to burn תרומה טהורה, for otherwise how are we permitted to burn the תרומה טהורה before פסח (when it is still מותר) where we can avoid the איסור ב"י איסור ב"י ביטול through. Our תוספות rejects this view and refutes their proof.



אפילו אם נאמר דאסור לשרוף טהורות משום דכתיב (במדבר יח) את משמרת תרומותי⁵ – Even if we assume that it is forbidden to burn תרומה which is טהור, for it is written ‘the watching of my תרומות’; it is forbidden to burn תרומה טהורה - כמו שאסור לטמאם –

Just as it is forbidden to be מטמא תרומה טהורה, nevertheless -

הכא שרי –

Here by חמץ immediately before פסח it is permitted to burn even תרומה טהורה, as תוספות will shortly explain.

anticipates a question:

אף על גב דמדאורייתא בביטול בעלמא סגי ואין צריך לשורפה⁶ –

Even though there is no need to burn the תרומה which is חמץ in order not to be טמא, since merely nullifying the חמץ is sufficient⁷.

responds:

¹ This refers to תרומות that are טמא and ספק טהור. They are suspended pending a resolution. One is not permitted to eat it, for it may be טמא, and it is not permitted to be burnt (like תרומה טמא) for it may be טהור.

² במדבר [קרח] יח, ב.

³ See תרומה טהורה אסור to burn it is certainly מדרבנן that תוספות הרא"ש הערה 7 (and תוספות הרשב"א).

⁴ See תוספות הרשב"א ותוספות הרא"ש.

⁵ The instruction to guard the תרומה includes the prohibition for burning it as well as defiling it.

⁶ Why are we, therefore, permitted to burn it if there is indeed a prohibition against burning תהורה?!

⁷ Therefore we cannot say that the reason we burn it is because the חיוב of תשביתו or the איסור of ב"י; for ביטול is sufficient. See ‘Thinking it over’ # 1.

מכל מקום כיון דסופה ליאסר ולילך לאיבוד שרי לשורפה כמו לטמאותה –

Nevertheless since ultimately it will become forbidden and go to waste, it is permitted to burn it just as it is permitted to defile it -

דשרי רבי מאיר בסוף פירקין לשרוף טמאה עם הטהורה⁸:

For ר"מ⁹, in the end of our פרק, permitted to burn טמאה together with תרומה טהורה. This indicates that the משמרת תרומות מצוה of משה is no longer applicable since it is no longer applicable since it is going to waste. Therefore there is also no longer any prohibition to burn it. The חכמים therefore require us to burn it and not to rely on the ביטול alone.

SUMMARY

It is forbidden to burn תרומה טהורה (just as it is forbidden to be טמאה for the תורה writes משמרת תרומות). However when the תרומה is going to waste anyway (as חמץ בפסח) it is permitted to be both טמאה and burn it.

THINKING IT OVER

1. תרומה טהורה is not permitted to burn because of the איסור of ב"י; since ביטול is sufficient there is no need to burn it¹⁰. Seemingly however one is required to burn it since we are concerned לאכלו!

2. ר"מ maintains¹¹ that we are to burn the תרומה טמאה וטהורה separately on פ"פ. According to ר"י is there an איסור מדאורייתא to burn תרומה טהורה?!¹²

⁸ See כ"ב. See also the משנה on יד,א where it states that the טמאה בפסח becomes טמא through contact with the תרומה טהורה. Everyone agrees that it is forbidden to be טמאה and nevertheless here it is permitted. The reason is that since inevitably this תרומה is going to waste, there is no longer the injunction of משמרת תרומות; therefore if it is permissible (although not required) to defile תרומה טהורה (even though there is no real need to defile it; it can be burnt separately) it is certainly permissible (and indeed required) to burn it as well.

⁹ Our ברייתא can be interpreted to mean that we burn the טמאה, תהורה and תלויה separately, however ר"מ maintains that it can be burnt together, even though the תרומה טהורה will become טמא. See the מהרש"א who maintains that our ברייתא follows the view of ר"מ since he uses the same phrase of טמאות תלויות וטהורות as ר"מ does (as opposed to ר"י who states בפ"ע וטמאה בפ"ע (טהורה בפ"ע ותלויה בפ"ע). If our ברייתא would not agree with ר"מ (but follow the view of ר"י that we cannot be טמאה תרומה טהורה even when it is going to waste), then there could (seemingly) be proof from this ברייתא (which is accepted להלכה) that there is no איסור to burn תרומה טהורה (for otherwise why are we permitted to burn it, if it is prohibited to defile it). See, however, 'Thinking it over' # 2.

¹⁰ See footnote # 7.

¹¹ כ"ב.

¹² See מהרש"א [הארוך].