



Is Chomesh a Kapara?

Only a *Kohen* is allowed to eat *terumah*. If someone else does so by mistake, then they need to pay the value of what was consumed (*keren*) and an additional *chomesh* (6:1). *Chomesh* literally means a fifth, however it is a fifth of the total value once it is added with the principle amount. In other words, it is a quarter of the original value. The payment is the form of regular tithed produce and it becomes *terumah*. We also learnt from a number of *Mishnayot* that there is a difference between the *keren* and *chomesh*. For example (6:2), if one ate *terumah* belonging to a particular *Kohen*, the *keren* is paid to that *Kohen* while the *chomesh* may be paid to any *Kohen*.

If however one eats *terumah* deliberately, then he only pays the *keren* and not the *chomesh*. In this case the *keren* does not become *terumah*. Why does it appear to be more lenient when one deliberately transgresses the prohibition?

The *Rambam* in his commentary on the *Mishnah* explains that the *Torah* only mentioned the obligation of *chomesh* in the context of one that ate *Terumah* by mistake – he did not know it was *terumah* or he did not know he was not allowed to eat it. Similarly, it is only in that context that the *Torah* refers to the payment as being *kodesh* – as becoming *terumah*. In the case however, where one deliberately eats the *terumah* “his sin is too great bear”. It would seem that the inflated payment is provided as an avenue for *teshuva* and for a brazen sinner that path is closed. The *Mishnah Rishona* explains that while the violation of eating *terumah* may not be remedied in this way, he must still pay the principle value since he effectively stole the property of a *Kohen*.

The *keren* and *chomesh* being a *kapara* (atonement) appears in an interesting case. The *Mishnah* (6:2) discusses a woman who is a daughter of an *Yisrael* and eats *terumah* by mistake. She then marries a *Kohen*, and as a result she is allowed to eat *terumah*. The *Mishnah* explains that if the *terumah* had not yet been given to a *Kohen* she “pays the *keren* and *chomesh* to herself”. The *Tifferet Yisrael* explains that the “payment” is required since it takes the form of *terumah* and must be treated as *terumah*. If however it belonged to a *kohen* when she ate it, she pays the *Kohen* the *keren*, but may keep the *chomesh*. The requirement to pay, despite the fact she can

be the recipient, fits with our understanding that payment of *keren* and *chomesh* is mean of *kapara* for the past violation.

The *Mishnah Rishona* however understands that *keren* alone is for *kapara* and not *chomesh*. Consequently, while the *keren* must be separated, even if she is allowed to keep it, the *chomesh* does not need to be separated or designated. He suggests that this is implied by the *Bartenura* who explains that in the second case, she can withhold the *chomesh*. The *Bartenura* however does not write, that the *chomesh* must be separated and can be kept.

The *Mishnah Rishona* (3:1) uses this distinction to explain why one who eats *safek* (doubtful) *terumah* is exempt from paying *chomesh*. *Keren* alone is enough because it is sufficient to achieve *kapara*. He cites the *Bartenura* in *Challah* (3:6) as support for this understanding. There the *Mishnah* discusses dough belonging to a *ger* and we are not sure if he converted prior to the obligation of separating *challah*. The *Mishnah* explains that *challah* must be separated, but if a non-*kohen* eats it, he is exempt from paying *chomesh*. There the *Bartenura* explains that this is because the *keren* achieves a *kapara* and therefore must be paid due to a possible violation. According to the *Mishnah Rishona*, this implies that the *chomesh* does not.

The *Tosfot R' Akiva Eiger* (*Challah* 3:6) finds this difficult. He cites the *Rash* who explains that the reason why a *Kohen* cannot forgo the payment of *keren* and *chomesh* is because they are a *kapara* – implying that both are a *kapara*. When the *Mishnah* teaches that he is exempt from *chomesh* it teaches us a *chiddush*. Consider the case where a non-*kohen* ate their own *terumah*, e.g. *terumah* he inherited from his maternal grandfather that was a *Kohen*. In that case, since had he not eaten it, he could have sold it to a *Kohen*, if he eats it, he separates both *keren* and *chomesh* yet both are sold to a *kohen*. The *Mishnah* in *Challah* teaches that this is also true in cases of doubt where the *safek terumah* would be a sold to a *kohen*. If one ate it, while is exempt from providing *chomesh* freely, it must still be separated but can then be sold a *Kohen*. Indeed the *Mishnah LeMelech* (10:14) explains that in all cases of *safek*, whenever the *Mishnah* states that one is not obligated to give *chomesh*, they must still separate *keren* and *chomesh* to achieve a *kapara*. Since however it is a doubt, both *keren* and *chomesh* are sold to a *Kohen*.

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Revision Questions

תרומות ה' ד' – ו' ב'

- What should one do if one part *tameh trumah* becomes mixed in with one hundred parts *trumah tahor*? (ה' ד')
- Explain the debate regarding *trumah* that was separated from a mixture of 100 parts *chulin*, 1 part *trumah*, which then became mixed with *chulin*. (ה' ה')
- Explain the debate regarding a portion of *meduma* produce that becomes mixed with *chulin*. (ה' ו')
- What are the two other areas of *Halacha* where the *Chachamim's* approach is similar to theirs taken in the previous question? (ה' ו')
- What is the law regarding a particular pile of *chulin* that repeatedly has had *trumah* (less than 1/100th of its size) mixed into it, and subsequently *trumah* removed? (ה' ז')
- What is the law regarding a pile of *chulin* that had two pieces of *trumah* (1/100th of the size of the pile) fall into it one after the other? (ה' ח')
- What is the law regarding a mixture of *chulin* and *trumah* that has been processed and as a result, its volume has changed? (ה' ט')
- If the ratio of *chulin* to *trumah* in a mixture was less than 100 to 1, and more *chulin* fell into the mixture such that the ratio increase to being more than 100 to 1, what is the status of this mixture? (ה' ט')
- What is the law regarding a non-Kohen that ate *trumah* by mistake? (ו' א')
- What is the law regarding a *bat Israel* that ate *trumah* by mistake, and then married a *Kohen*? (ו' ב')
- Explain the debate regarding an *Israel* who fed his workers *trumah*? (ו' ג')
- What is the law regarding: (ו' ד')
 - One who stole *trumah* but did not eat it?
 - One who stole *trumah* and ate it?
 - One who stole *trumat hekdesh* and ate it?
- Explain the debate between *R' Meir* and the *Chachamim* regarding which produce may be used to recompense the *Kohen*. List the produce that *R' Meir* prohibits? (ו' ה')
- Explain how *R' Eliezer* and *R' Akiva* each understand the *pasuk*: (ו' ו')
"ונתן לכהן את הקדש" (ויקרא כ"ב: ג' ד')
- To what law is the previous question related? (ו' ו')
- What are two differences between the way one must recompense a *kohen* if he ate *trumah be'shogeg* and if he ate *trumah be'meizid*? (ו' ז')
- What is the law regarding a *bat-kohen* that marries an *yisrael* and then eats *trumah*? (ו' ח')
- Explain the debate regarding a *bat-kohen* who marries one of the *p'sulim*? (ו' ט')

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

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10 minutes before *Mincha*
Mizrachi Shul
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Efrat, Israel

Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf
9:00am
Kollel Magen Avraham
Reemon Neighbourhood

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Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rabbi E. Kornfeld
Rabbi C. Brown
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SHIUR

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
16 October י"ד תשרי	17 October ט"ו תשרי	18 October ט"ז תשרי	19 October י"ז תשרי	20 October י"ח תשרי	21 October י"ט תשרי	22 October כ' תשרי
Terumot 7:3-4	Terumot 7:5-6	Terumot 7:7-8:1	Terumot 8:2-3	Terumot 8:4-5	Terumot 8:6-7	Terumot 8:8-9

