



Intentionally Eating Terumah

The seventh *perek* opens by teaching that if a non-*kohen* deliberately ate *terumah*, he must pay a *kohen* the value of what he ate. The additional *chomesh* (twenty-five percent) that is paid by one that ate *terumah* by mistake, is not required. We will try to understand this ruling.

The *Bartenura* explains that this ruling only applies if the individual was not prewarned prior to consuming the *terumah*. If he had, since he would be liable to lashes, he would be exempt from payment. The reason is that in general, when faced with the two punishments of lashes and payment, one only receives lashes. The *Bartenura* however continues by noting that if he was not prewarned, then he would be liable to two punishments – the second of which being *mita bidei shamayim*. This punishment that is not administered by *beit din* would not exempt the individual from payment.

The *Mishnah LeMelech* (*Hilchot Terumot* 6:6) however notes that the *Gemara* (*Ketubot* 30b) discusses the case where one ate *terumah* deliberately. The issue it addresses is how one can be liable to the two punishments at the same time, such that he is obligated with lashes and therefore exempt from payment. The issue is that as soon as he takes the *kohen's terumah* he is liable for the payment and only liable for eaten *terumah* later. Consequently, since the two obligations are not simultaneous, both punishments should apply. Even if someone else placed the food in his mouth, the monetary obligation would occur when he began chewing it, and the lashes only once he swallowed the *terumah*. The *Gemara* concludes that the simultaneous obligation would only be in the case where someone

else place the food down his throat, but not to the extent that he would be unable to prevent swallowing it.

The *Gemara* appears to present a difficulty for the *Bartenura* (and *Rambam*). Even if one ate the *terumah* deliberately, they would indeed be liable to both punishments unless it were in the specific circumstance described in the *Gemara*.

The *Derech Emunah* (*Terumah* 10:5) cites the *Marquet HaMishnah* who explains that according to the *Rambam*, if one takes the *terumah* in order to eat it, the violation of consuming *terumah* and thereby the obligation of receiving lashes already begins at the point in time. Since this is the time that the obligation of payment would also occur, he would only receive the one punishment of lashes.

The *Mishnah Rishona* however suggest that there is a difference between the case where one ate *terumah* that already belonged to a *kohen* and the case where one ate *terumah* that they separated from their own produce¹. In the former case, the moment that he takes the *terumah* that belongs to the *kohen* it would be considered stealing, and the financial obligation is engaged. In the case where one takes *terumah* that he separated from his own produce, when he takes the *terumah* it is not (yet) considered stealing. It would be comparable to the case of the *gizbar* (treasure in the *Beit HaMikdash*) who handles *hekdesch*. Handling it alone does not make him liable to *meilah* until he uses it for his own purpose. Consequently, the *Bartenura* must be commenting on the case where non-*kohen* ate the *terumah* he separated. The financial obligation would only engage at the time he ate the *terumah*, which is the time that he would also be liable to lashes.

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¹ According to the *Aruch Hashulchan* (*HaAtid Zerayim* 72:6) that would be specifically if there was a *kohen* how would usually give his *terumah* to.

Revision Questions

תרומות ו': ג' - ח': ג'

- Explain the debate regarding an *Israel* who fed his workers *trumah*? (ו': ג')
- What is the law regarding: (ד': ו')
 - One who stole *trumah* but did not eat it?
 - One who stole *trumah* and ate it?
 - One who stole *trumah hekdeshe* 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': ה')
"ויתן לכהן את הקדש" (ויקרא כ"ב: י"ד)
- To what law is the previous question related? (ו': ה')
- 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* (ז': ב')
- Explain the debate regarding a *bat-kohen* who marries one of the *p'sulim*? (ז': ב')
- What are the three other cases listed where the one that eats *trumah* only pay the *keren* and not the *chomesh*? (ז': ג')
- When can the *kohen* exempt one from payment after they have eaten *trumah*? (ד': ז')
- What is the law regarding two piles, one of *chulin* and one of *trumah* where:
 - *Trumah* fell into one of the two piles? (ז': ה')
 - One is not sure which pile is *trumah* and which pile is *chulin* and:
- One person ate from one pile – what is the status of the second pile? (ז': ה')
- One person ate from one pile, and another person ate from the other? (ז': ה')
- One person ate from both piles? (ז': ה')
- Part of one of the pile got mixed up with *chulin* – what is the status of all three piles? (ז': ה')
- Part of one pile got mixed with one pile of *chulin* and part of the other pile got mixed with another pile of *chulin*? (ז': ה')
- Both piles got mixed with one pile of *chulin*? (ז': ה')
- Someone one planted some of the seeds from one pile – what is the status of the second pile? (ז': ה')
- Someone planted some of one pile, and another person planted some of the other pile? (ז': ה')
- One person planted seeds from both piles? (ז': ה')
- Explain the debate regarding a slave of a *kohen* who is eating *trumah* and is notified that his master has passed away. (ח': א')
- What are the two other *trumah* related cases that are treated in a similar manner to the previous question? (ח': א')
- Explain the debate between *R' Eliezer* and *R' Yehoshua* regarding the case described in the previous questions where the *kohen* has the *trumah* in his mouth. (ח': ב')
- In what cases does *R' Eliezer* agree with *R' Yehoshua*? (ח': ב')
- This debate between *R' Eliezer* and *R' Yehoshua* carries over to other area of *halacha* – which two cases are described in the *mishnah*? (ז': ג')

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17 July י"ח תמוז	18 July י"ט תמוז	19 July כ' תמוז	20 July כ"א תמוז	21 July כ"ב תמוז	22 July כ"ג תמוז	23 July כ"ד תמוז
Terumot 8:4-5	Terumot 8:6-7	Terumot 8:8-9	Terumot 8:10-11	Terumot 8:12-9:1	Terumot 9:2-3	Terumot 9:4-5

