



Smearing Teruma

Teruma is meant to be consumed by *kohanim* only. This week we have focused on cases where a *zar* (non-kohen) has unlawfully consumed *teruma*, whether intentionally or unintentionally. The *Mishnah* teaches that if a *zar* ate, drank or smeared *teruma* by mistake, he must repay both the *keren* (principle value) and an additional *chomesh* ("fifth"). The *chomesh* is actually a fifth of the entire amount after it has been added (*mi'le'bar*), which would translate to twenty-five percent of the original consumed amount.

The law is learnt from the following *pasuk*: "If a man will eat of the holy (*teruma*) inadvertently, he shall add its fifth to it and shall repay the holy to the *kohen*" (*Vayikra* 22:14). While the *Torah* refers to eating, drinking is certainly considered eating. Smearing or anointing one's body however, is the subject of debate.

The *Bartenura* cites a *pasuk* that treats smearing the same as eating: "...and it came like water into his innards, and like oil into his bones." (*Tehillim* 109:18). The *pasuk* connects anointing to smearing.

The *Tosfot Yom Tov* is quick to point that the *Mishnah* in *Shabbat* (9:4) asks the same question with respect to anointing on *Yom Kippur*: from where do we know that anointing is like drinking? Even though the *Mishnah* brings the above quoted *pasuk*, the *Mishnah* asserts that is not a solid source, but rather an *asmachta* (textual support/trigger). The *Bartenura* explains there, that smearing is therefore not equal to drinking which punishable by *karet*, yet it is nonetheless forbidden on *Yom Kippur*¹. The *Tosfot Yom Tov* therefore concludes that the

obligation to pay *chomesh* for a *zar* that rubs *teruma* oil into his skin is not biblical, but rather rabbinic.²

The *Tosfot Anshei Shem* raises a number of difficulties with this understanding. The *Mishnah* taught that in a case where one inadvertently eats *teruma*, the repaid *keren* and *chomesh* effectively become *teruma*. *Teruma* however is exempt from the separation of *challah* (when used to make bread). Granted that the *Chachimim* can institute laws that treat anointing like drinking, but how can they exempt the repayment from *challah*? Furthermore, if a *zar* ate the *chomesh*, he would need to pay an additional *chomesh* on the *chomesh* that was consumed. The difficulty is that if a *zar* inadvertently ate rabbinic *teruma* he is exempt from repaying *chomesh*. The *chomesh* that results from one who smeared would be rabbinic *teruma*. The *Mishnah* however makes no distinction regarding where the *chomesh* that was consumed was due to one that drink or anointed it. The final question is that if anointing is not considered eating or drinking on a biblical level, how can a *kohen* be allowed to take *teruma* oil and rub it into his skin (*Shviit* 8:2)? The *kohen* would technically be considered improperly wasting *teruma*.

The *Tosfot Anshei Shem* cites the *Ritva* who presents a different approach. The *Ritva*, citing the *Rabbeinu Tam*, explains that the *Sifri* derives that smearing is indeed equivalent to drinking for the law of *teruma* specifically from a separate *pasuk*. Therefore while for other prohibitions smearing is not biblically included, for the prohibition of a *zar* to consume *teruma* it is.³

Yisrael Yitzchak Bankier

¹ Whether smearing along with the other *inuyim* of *Yom Kippur* are *assur* biblically or rabbinically is the subject of debate amongst the *Rishonim*.

² See the *Tosfot (Yoma 77a)* who discuss this at length and explains that only for *Yom Kippur*, *teruma* and *issurei hana'ah* is smearing considered drinking (albeit rabbinically).

³ Is there however a way to answer the questions of the *Tosfot Anshei Shem* and defend the position that *sicha* is only prohibited *mi'derabbana* for *teruma* as well? With great caution, perhaps we can answer the questions in order. The exemption of *challah* is not necessarily a problem as *sicha* only applies to oil and wine

(*Bartenura Shviit* 8:2) to which *challah* does not apply. For the second question, perhaps we can the answer that obligation of paying *chomesh* for *chomesh* the resulted from *sicha* of *teruma* is part of the original *gezeira* of *chomesh* without which the *gezeira* of *chomesh* for *sicha* might not stand. Finally to answer the question of how *sicha* can be permitted to *kohanim*, perhaps we can suggest that even though *sicha* is not *shtiya*, it does not necessarily mean that *sicha* is wasting but rather a valid form of *hana'ah* for a *kohen*. That said, the *Tosfot Anshei Shem* reject this last suggestion.

Revision Questions

תרומות ו' א' – ח' א'

- 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*? (ב' ב')
- Explain the debate regarding an *Israel* who fed his workers *trumah*. (ג' ג')
- What is the law regarding: (ד' ד')
 - One who stole *trumah* but did not eat it?
 - One who stole *trumah* and ate it?
 - One who stole *trumah hekdes* 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. (ה' ה')
- Explain how *R' Eliezer* and *R' Akiva* each understand the *pasuk*: (ו' ו')
(ו' ו') וְיִוָּנְתֵן לַכֹּהֵן אֶת הַקֹּדֶשׁ יִי (ויקרא כ"ב: י"ד)
- To what law is the previous question related? (ז' ז')
- 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*? (ח' ח')
- What is the law regarding a *bat-kohen* that marries an *yisrael* and then eats *trumah*? (ט' ט')
- Explain the debate regarding a *bat-kohen* who marries one of the *p'sulim*. (י' י')
- What are the three other cases listed where the one that eats *trumah* only pays the *keren* and not the *chomesh*? (יא' יא')
- When can the *kohen* exempt one from payment after they have eaten *trumah*? (יב' יב')
- What is the law regarding two piles, one of *chulin* and one of *trumah* where:
 - *Trumah* fell into one of the two piles? (יג' יג')
 - 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? (יד' יד')
- One person ate from one pile, and another person ate from the other? (טו' טו')
- One person ate from both piles? (טז' טז')
- Part of one of the pile got mixed up with *chulin* – what is the status of all three piles? (יז' יז')
- Part of one pile got mixed with one pile of *chulin* and part of the other pile got mixed with another pile of *chulin*? (יח' יח')
- Both piles got mixed with one pile of *chulin*? (יט' יט')
- Someone one planted some of the seeds from one pile – what is the status of the second pile? (כ' כ')
- Someone planted some of one pile, and another person planted some of the other pile? (כ"א' כ"א')
- One person planted seeds from both piles? (כ"ב' כ"ב')
- Explain the debate regarding a servant of a *kohen* who is eating *trumah* and is notified that his master has passed away. (כ"ג' כ"ג')
- What are the two other *trumah* related cases that are treated in a similar manner to the previous question? (כ"ד' כ"ד')

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
23 rd January י"ח שבט	24 th January י"ט שבט	25 th January כ' שבט	26 th January כ"א שבט	27 th January כ"ב שבט	28 th December כ"ג שבט	29 th January כ"ד שבט
Terumot 8:2-3	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

