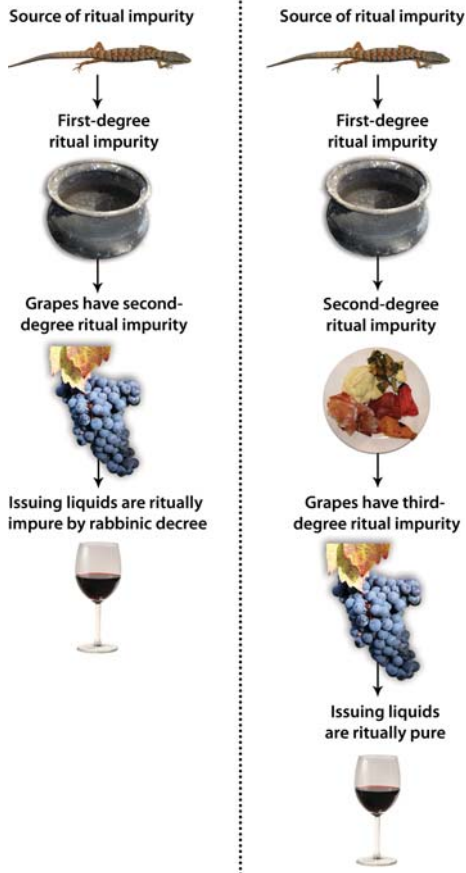


NOTES

Third degree ritual impurity – שלישי: The further removed an object is from contact with the initial source of ritual impurity, the lower its own level of ritual impurity. An object that comes in contact with the source will have first-degree ritual impurity, any food that object touches will in turn have second-degree ritual impurity, and so on.



Degree of ritual impurity based on contact with ritually impure items

איבערעית אימא: הקא נמי – פחות פחות מבביצה. ואיבערעית אימא: התם – דנגעו להו בראשון, דהו להו אינהו שני, הקא – דנגעו בשני דהו להו שלישי.

The Gemara answers: **If you wish, say this answer: Here, too, it is to be understood that one must tread on less than an egg-bulk at a time. And if you wish, say this answer instead: There, where the Gemara requires less than an egg-bulk, it is a case where the grapes came into contact with an item that was impure with first-degree ritual impurity, such that they became impure with second-degree ritual impurity.** When a liquid touches an object that is impure with second-degree ritual impurity, it becomes impure by rabbinic decree with first-degree ritual impurity. Therefore, in that case one must be careful to tread only on less than an egg-bulk at a time. **Here, it is speaking of a case where they came into contact with an item that was impure with second-degree ritual impurity, such that they became impure with third-degree ritual impurity.**^N In that case, the liquid that comes out of the grapes would not become ritually impure at all.

אמר רבא: אף אגן נמי תנינא ונתן עליו מים חיים אל בלי – שתהא חיותן בכלי. ונתן – אלמא תלושין נינהו, והא מחוברין נינהו!

Rava said: **We, too, have learned that the Sages created higher standards with regard to consecrated items.** As it was taught that the verse says with regard to the red heifer: “And for the impure they shall take the ashes of the burning of the sin-offering, and he shall put flowing water into a vessel” (Numbers 19:17), which teaches that the flowing water from the spring should flow directly into the vessel in which it will be sanctified. On the other hand, the verse says “and he shall put,” meaning that the water should be poured into the vessel. **Apparently the water is detached,^N but it is clearly attached to the spring, as it was previously stated that the water must flow directly into the vessel.**

NOTES

Apparently the water is detached – אלמא תלושין: See *Tosafot*, who mention another explanation of this statement, suggested by Rabbeinu Hananel: This statement means that despite the fact that the waters of the purification offering are physically connected to the spring, they should be considered detached for the purposes of the *halakhot* of ritual impurity. In his com-

mentary on tractate *Para*, Rabbi Shimshon of Saens notes at least one difficulty with this explanation. If one accepts this explanation, then the stringent ruling is not based on a higher standard imposed by the Sages but dictated by the Torah itself. Although Rashi's position is difficult for other reasons, it appears to fit better within the context of the discussion here.

Perek II
Daf 35 Amud a

HALAKHA

Eating tithes in a state of purity – אכילת מעשר בטוהרה: This is referring to the second tithe. One who eats second tithe while he is in a state of ritual impurity is flogged for violating a Torah prohibition. Once he has immersed, he may eat second tithe immediately, without waiting for the sun to set (Rambam *Sefer Zera'im, Hilkhot Ma'aser Sheni* 3:1–4).

One who immersed himself during the day with regard to *teruma* – טבול יום בתרומה: One who immersed himself during the day may not eat *teruma* until the sun has set (Rambam *Sefer Zera'im, Hilkhot Terumat* 7:2).

אלא מעלה, הכי נמי – מעלה.

Rather, this is merely a **higher standard**, as by Torah law the water may be drawn with one vessel and sanctified in another vessel. The Sages added that this water must be sanctified in the same vessel in which it was drawn from the spring, and they found support for their opinion in the Torah. **Here too**, the Sages established a **higher standard** for a consecrated object that became ritually impure, as they decreed that it cannot be ritually purified through insertion in the ground.

אמר רב שימי בר אשי, אף אגן נמי תנינא: טבל ועלה – אוכל במעשר. העריב שמשו – אוכל בתרומה. בתרומה – אין, בקדשים – לא. אמאי? טהור הוא! אלא: מעלה, הכי נמי – מעלה.

Rav Shimi bar Ashi said: **We, too, learned a similar statement in a baraita:** When the period of ritual impurity of a *zav* or leper has been completed, and he immersed during the day and emerged, he may eat tithes immediately.^H Once the sun set for him, he may eat *teruma*.^H Rav Shimi bar Ashi infers from this statement: **With regard to *teruma*, yes, he may eat it; however, with regard to consecrated food, no, he may not.** Given that conclusion, Rav Shimi bar Ashi asks: **Why is there a difference between *teruma* and consecrated foods?** After all, **he is ritually pure. Rather,** the Sages established a **higher standard** for consecrated food, and permitted one to eat them only after sacrificing the requisite purification offering. **Here too**, the Sages established a **higher standard** for the ritual purity of consecrated liquids.

טומאת עצים ולבונה – Impurity of wood and frankincense – Although the wood and frankincense of the Temple are not foods and therefore cannot become ritually impure by Torah law, the Sages instituted a higher standard with regard to them. Consequently, if a ritually impure object touches them they are disqualified for sacrificial use (Rambam *Sefer Avoda, Hilkhot Issurei Mizbe'ah* 6:8).

דגנים למצה – Grains that can be used for matza – One can fulfill his obligation to eat *matza* with *matza* prepared from one of the following types of grain: Wheat, spelt, barley, rye, and oats, as stated in the mishna. The practice is to use *matza* prepared from wheat flour, *ab initio* (Rema, based on the Mahari; Rav Ya'akov Halevi Molin; *Shulhan Arukh, Oraḥ Hayyim* 453:1).

NOTES

Five types of grain – חמשת מיני דגן – In the Jerusalem Talmud, it is stated that the five types of grain are derived from the *halakhot* of *halla*. The Gemara there adds that the verse: "And put in wheat, *sora*, barley, *nisman*, and spelt as its border" (Isaiah 28:25) is a homiletic allusion to this list. *Sora* is interpreted as oats, *nisman* is rye, while the phrase "its border" means the limit of what is considered bread.

Loaves of a thanks-offering or wafers brought by a nazirite – תלות התורה ויקניני נזיר – Four types of bread are brought with a thanks-offering, three of which are types of *matza*, namely, wafers, loaves, and flour mixed with water and oil. The fourth type consists of loaves of leavened bread. Since the loaves contain very little oil, they are not considered rich, enhanced *matza*. Likewise, the wafers of a nazirite contain only a small amount of oil (Rabbeinu Yehonatan).

אמר רב אשי: אף אגן נמי תנינא: "והבשר" – לרבות את העצים ולבונה. יעצים ולבונה בני איטמויי מנהו? אלא מעלה, הקא נמי – מעלה.

Rav Ashi said: We, too, learned another case where the Sages established a higher standard. The verse says: "And the flesh that touches any ritually impure thing shall not be eaten; it shall be burnt with fire. And as for the flesh, anyone who is ritually pure may eat from it" (Leviticus 7:19). **And the flesh comes to include the wood in the Temple and the frankincense.**¹⁴ The Gemara asks: **Do wood and frankincense have the capacity to become ritually impure**, given that they are neither food nor drink? **Rather**, the Sages established a **higher standard** for these objects due to their sanctity; **here too**, the Sages established a **higher standard** for the ritual purity of consecrated liquids.

מתני' אלו דברים שאדם יוצא בהן ידי חובתו בפסח: בחטים, בשעורים, בכוסמין, ובשיפון, ובשיבולת שועל. ויוצאין בדמאי ובמעשר ראשון שנטלה תרומתו, ובמעשר שני והקדש שנטפו, והבהנים בחלה ובתרומה.

MISHNA These are the types of grain with which a person fulfills his obligation to eat *matza* on the first night of Passover: **With wheat, with barley, with spelt [kusmin],¹⁵ with rye [shifon],¹⁶ and with oats [shibbolet shu'al].^{17,18} And one fulfills his obligation by eating not only *matza* made from properly tithed grains, but even with *matza* made from doubtfully tithed produce, and *matza* made with first tithe from which its *teruma* was already taken, or second tithe and consecrated food that were redeemed. And priests may eat *matza* prepared from *halla*, the portion of dough that is given to priests, or with *teruma*, as priests are permitted to eat these portions.**

אבל לא בטבל, ולא במעשר ראשון שלא נטלה תרומתו, ולא במעשר שני והקדש שלא נטפו. חלות התורה ויקניני נזיר, עשאן לעצמו – אין יוצא בהן, עשאן למכור בשוק – יוצאין בהן.

However, one may **not** fulfill one's obligation to eat *matza* made with **untithed produce, nor with *matza* made from the first tithe from which its *teruma* was not separated, nor with *matza* made either from the second tithe, nor from consecrated grain that was not redeemed.** With regard to one who prepared **loaves of *matza*** that are brought with a **thanks-offering**, or to the **wafers** brought by a **nazirite**,¹⁹ the Sages drew the following distinction: **If he prepared them for himself, then he does not fulfill his obligation to eat *matza* with them.** However, **if he prepared them to sell them in the market to those who require these loaves or wafers, one fulfills the obligation to eat *matza* with them.**

BACKGROUND

Spelt [kusmin] – כוסמין – Spelt, called *kusemet* in the Bible, is identified as the species *Triticum spelta* L. This grain was cultivated in Israel and the surrounding region.

Spelt is similar to wheat both in the manner of its growth and in its appearance; nevertheless, it can be distinguished by its two rows in every stalk, which contain seeds tightly connected to the chaff. The cultivation of this species is fairly uncommon both due to the difficulty involved in separating the chaff from the grain and because its stalk can easily crumble into small pieces.



Stalks of spelt

Rye [shifon] – שיפון – The identification of the species *shifon* is the subject of considerable debate. According to Rashi, it is a species of grain that is neither wheat nor barley, but *Secale cereale*, rye, a type of grain cultivated in Europe. Other commentaries suggest that it is a kind of wild wheat, while yet others claim it is actually the grain known nowadays as oats, *Avena sativa*, a tall winter grain that grows up to 1–2 m in height, whose flowers are arranged in clusters.

In Israel, this grain was used primarily as animal fodder. It was only in northern Europe that people began to consume it on a large scale, either as porridge or ground into flour and mixed with other grains in the production of bread.



Stalks of rye

Oats [shibbolet shu'al] – שבולת שועל – The identification of *shibbolet shu'al* is a matter of debate among the commentaries and the scholars, and many different suggestions have been put forward. Rashi and many other commentaries identify this grain as *Avena sterilis*, oats, which is the meaning of *shibbolet shu'al* in modern Hebrew. However, others maintain that this plant is more likely a type of domesticated barley, perhaps *Hordeum sativum*. Although it is infrequently cultivated today, *Hordeum sativum* is sometimes used in the production of beer due to its high sugar content. Yet others suggest that *shibbolet shu'al* may actually be a type of wild barley, perhaps *Hordeum spontaneum*, a small plant found in Israel whose grain can be used to produce flour.



Oats

BACKGROUND

Rice [orez] – אורז: Rice, *Oryza sativa*, is an annual plant from the grain family. It can grow as high as 1 m and is cultivated mostly in swamps or irrigated summer ponds. When inside their shells, rice grains are ordinarily yellow, although some strains are red.

Rice originated in the Far East, but by the mishnaic period it had been imported to Israel and was cultivated there as well.

Rice was used primarily in porridge, as its lack of gluten renders it virtually impossible to be formed into bread. Numerous attempts have been made to develop strains of rice from which bread can be prepared. Apparently, although rice does rise somewhat, it does not become leavened like wheat or barley.

Like millet, rice is classified as grain by botanical definitions; however, it is not a bread grain, in contrast to the species of grain mentioned in the mishna.



Rice plant

Millet [*dohan*] – דוחן: The identification of *dohan* is also debated by the commentaries and the scholars. The most commonly accepted opinion identifies it as the grain *Panicum miliaceum*. This plant grows to a height of 1–1.5 m, and its flowers are contained within long panicles. Its small seeds, 2–3 mm in diameter, are yellow or gold. Nowadays this grain is mainly used as animal fodder or as porridge. Although flour prepared from this grain cannot be used to form bread, it is sometimes added to bread made from other types of grain.



Millet stalks

גמ' תנא: כוסמין מין חיטין, שיבולת שועל ושיפון – מין שעורין, כוסמין – גולבא, שיפון – דישרא, שיבולת שועל – שבילי תעלא. הני – אין, אורז ודוחן – לא.

מנהני מילי? אמר רבי שמעון בן לקיש, וכן תנא דבי רבי ישמעאל, וכן תנא דבי רבי אליעזר בן יעקב: אמר קרא "לא תאכל עליו חמץ שבעת ימים תאכל עליו מצות" דברים הבאים לידי חימוץ – אדם יוצא בהן ידי חובתו במצה, יצאו אלו שאין באין לידי חימוץ אלא לידי סירחון.

מתניתין דלא ברבי יוחנן בן נורי, דאמר: אורז מין דגן הוא, ותניבין על חימוצו כרת. דתנא: רבי יוחנן בן נורי אוסר באורז ודוחן, מפני שקרוב להחמיץ.

איבעיא להו: "שקרוב להחמיץ" – דקדים ומחמיץ, או דילמא "קרוב להחמיץ" הוי, חמץ גמור – לא הוי.

GEMARA The Gemara identifies the species mentioned in the mishna. One of the Sages taught in the *Tosefta*: Spelt is a type of wheat, while oats [*shibbolei shu'al*] and rye [*shifon*] are a type of barley. The Gemara translates the lesser-known species into the vernacular Aramaic: Spelt is called *gulba*; rye is *dishra*; and oats are *shevilei ta'ala*. The Gemara infers: These species, yes, they may be used for *matza*; however, rice [orez]^b and millet [*dohan*],^{bh} no, they may not be used.

The Gemara asks: From where are these matters, that *matza* cannot be prepared from rice or millet, derived? Rabbi Shimon ben Lakish said, and likewise a Sage of the school of Rabbi Yishmael taught, and likewise a Sage of the school of Rabbi Eliezer ben Ya'akov taught that the verse states: "You shall eat no leavened bread with it; seven days you shall eat with it *matza*, the bread of affliction" (Deuteronomy 16:3). This verse indicates that only with substances which will come to a state of leavening, a person fulfills his obligation to eat *matza* with them, provided he prevents them from becoming leavened. This excludes these foods, i.e., rice, millet, and similar grains, which, even if flour is prepared from them and water is added to their flour, do not come to a state of leavening but to a state of decay [*sirahon*].ⁿ

The Gemara notes: The mishna is not in accordance with the opinion of Rabbi Yohanan ben Nuri, who said: Rice is a full-fledged type of grain, and one is liable to receive *karet* for eating it in its leavened state, like other types of grain.ⁿ As it was taught in a *baraita*: Rabbi Yohanan ben Nuri prohibits eating cooked rice and millet on Passover, due to the fact that they are close to being leavened.

A dilemma was raised before the scholars who were studying this issue. What is the meaning of the expression: That it is close to becoming leavened? Does this mean that it will be leavened even quicker than wheat or barley? Or does it perhaps mean that it is only close to being leavened, i.e., it resembles leavened bread, but it is not full-fledged leavened bread. In other words, perhaps Rabbi Yohanan ben Nuri maintains that these grains cannot in fact become full-fledged leavened bread, and one is not punished with *karet* for eating them on Passover. However, he rules that one should nevertheless avoid eating them, due to their similarity to leavened bread.

HALAKHA

Rice and millet – אורז ודוחן: Rice, millet, and other grains similar to the five types are all considered *kitniyot*, legumes, with which one may not fulfill the obligation to eat *matza*. This ruling is in accordance with the majority opinion of the Rabbis, contrary to Rabbi Yohanan ben Nuri. Since we accept the Gemara's assertion that these other species do not become leavened, it is even permitted to cook them during Passover. However, some authorities prohibit doing so out of concern that one might mistakenly mingle one of

the forbidden five types of grain with them (*Tur*; *Hagahot Maimoniyot*; *Mordekhai*). The common practice in Ashkenazi communities is not to eat any type of *kitniyot* during Passover. However, other communities maintain different customs. Some are not concerned about these stringencies at all. Others have a tradition to refrain from eating rice and millet, but they eat other types of *kitniyot*. Various other customs and traditions are observed in different locales (*Shulhan Arukh*, *Orah Hayyim* 453:1).

NOTES

To a state of decay [*sirahon*] – לידי סירחון: Some commentaries explain that the word *sirahon* in this context is related to the phrase "the overlapping excess [*serah ha'odef*]" (Exodus 26:12). That is, the bread will not rise but there will be some excess matter due to the fermentation (Rav Yehuda ben Rav Binyamin HaRofeh).

שיטות רבי יוחנן בן נורי ור' חכמים: In the Jerusalem Talmud, it is stated that the identification of certain species of grain that are fit for *matza* was based on an examination performed by the Sages to determine whether or not the flour produced from these grains will be leavened. Accordingly, the dispute between Rabbi Yohanan ben Nuri and the Rabbis is about whether or not the fermentation process of certain grains can be defined as leavening.

The opinions of Rabbi Yohanan ben Nuri and the Rabbis –

Shitzanita – שיצניתא: The *ge'onim* call this produce *korme de'agma*, an Aramaic name that is apparently a reference to *Glyceria fluitans*, water mannagrass, from the grain family. This perennial plant grows in areas that are covered in water. It can grow up to 1 m in height, while its leaves can be as wide as 10 cm. Although its stalks are moist and edible, water mannagrass is normally used as a high-quality animal fodder.

The grains of this plant are also edible, especially as a porridge that was known for its pleasant taste. In some places, there was a significant demand for this grain. The fact that this species is from the grain family is probably the reason for the discussion as to whether or not it is considered like other bread grains, as Rabbi Yohanan ben Nuri maintains that it is considered a bread grain with regard to the halakhot of leavened bread and *halla*.



Water mannagrass

Papyrus reeds – בלניתא: This is apparently the *Cyperus papyrus*, from the reed family. This grass-like perennial plant grows stems 2–5 m tall, with web-like clusters of small shoots sprouting from its edge. This plant can be found in swamps throughout Israel and the surrounding region. Its roots descend deep into the water, with new stems sprouting every year. These reeds were used in the construction of rafts and in forming papyrus paper. Although the root stems are also edible, nowadays they are mostly used in the production of mats.



Papyrus reeds

HALAKHA

Rich matza – מצה עשירה: Dough kneaded with any liquid other than water is not considered leavened bread and may be eaten on Passover. However, one cannot fulfill his obligation to eat *matza* by consuming this so-called rich *matza* (*Shulhan Arukh, Oraḥ Hayyim* 462:1).

תא שמע, דתנא, אמר רבי יוחנן בן נורי: אורז מין דגן הוא, ותיבין על חימוצו כרת, ואדם יוצא בו ידי חובתו בפסח.

וכן היה רבי יוחנן בן נורי אומר: קרמית תיבת בחלה. מאי קרמית? אמר אבין: שיצניתא. מאי שיצניתא? אמר רב פפא: שיצניתא דמשתקחא ביני בלניתא.

אמר רבה בר בר חנה אמר ריש לקיש: עיסה שגילשה ביין ושמן ודבש – אין תיבין על חימוצה כרת. יתיב רב פפא ורב הונא בריה דרב יהושע קמיה דרב אידי בר אבין, ויתיב רב אידי בר אבין וקא מנמנס. אמר ליה רב הונא בריה דרב יהושע לרב פפא: מאי טעמא דריש לקיש?

אמר ליה: דאמר קרא "לא תאכל עלי חמץ [וגו']" דברים שאדם יוצא בהן ידי חובתו במצה – תיבין על חימוצו כרת. והא, הואיל ואין אדם יוצא בה ידי חובתו, דהויא ליה מצה עשירה – אין תיבין על חימוצה כרת.

איתיביה רב הונא בריה דרב יהושע לרב פפא: המחהו וגמעו, אם חמץ הוא – ענוש כרת, ואם מצה הוא – אין אדם יוצא ידי חובתו בפסח. והא ידא, דאין אדם יוצא ידי חובתו במצה, ותיבין על חימוצו כרת!

איתער בהו רב אידי בר אבין, אמר להו: דרדקי, היינו טעמא דריש לקיש: משום דהו ליה מי פירות,

The Gemara responds: Come and hear a resolution to this question, as it was taught in a *baraita* that Rabbi Yohanan ben Nuri said: Rice is a full-fledged type of grain. Therefore, one is liable to receive *karet* for eating it in its leavened state, and a person can fulfill his obligation to eat *matza* with it on Passover. This *baraita* clearly indicates that, according to the opinion of Rabbi Yohanan ben Nuri, rice becomes leavened like other grains, and the expression: It is close to becoming leavened, means that it becomes leavened quicker than other grains.

And so too, Rabbi Yohanan ben Nuri would say: One who has prepared bread from *keramit*, a type of wild wheat, is obligated to separate *halla*, just as he must separate *halla* from dough prepared of other types of grain. The Gemara asks: What is *keramit*? Abaye said: It is a plant called *shitzanita*. Since this name was not widely known either, the Gemara asks: What is *shitzanita*?^{8N} Rav Pappa said: This is the wild grain that is found between papyrus reeds.⁸

Rabba bar bar Hana said that Reish Lakish said: With regard to dough that was kneaded with wine, oil, or honey, one is not liable to receive *karet* for eating it in its leavened state, since these liquids will not cause the dough to be leavened. Rav Pappa and Rav Huna, son of Rav Yehoshua, were sitting before Rav Idi bar Avin, and Rav Idi bar Avin was sitting and dozing as his students conversed. Rav Huna, son of Rav Yehoshua, said to Rav Pappa: What is the reason of Reish Lakish, who maintains that one is not liable to receive *karet* for this type of leavening?

Rav Pappa said to him: The verse states: "You shall eat no leavened bread with it; seven days you shall eat with it *matza*" (Deuteronomy 16:3). In light of the juxtaposition of leavened bread and *matza*, Reish Lakish compares these two types of bread: With regard to those substances through which a person fulfills his obligation to eat *matza*, one is liable to receive *karet* for eating them in their leavened state. And with regard to this dough, which was kneaded with wine, oil, or honey, since a person does not fulfill his obligation to eat *matza* with it, as it is called rich, i.e., enhanced, *matza*,^h one is not liable to receive *karet* for eating it in its leavened state on Passover. *Matza* is called the bread of affliction, or the poor man's bread, a description that does not apply to dough prepared with wine, oil, or honey.

Rav Huna, son of Rav Yehoshua, raised an objection to Rav Pappa: We learned with regard to one who took a baked item, dissolved it in water, and swallowed this mixture on Passover: If the baked item is leavened bread, he is punished with *karet*; and if it is *matza*, a person does not fulfill his obligation to eat *matza* on Passover with this food. The reason one does not fulfill the obligation to eat *matza* is because swallowing in this manner is not considered an act of eating. But here this is a case where a person does not fulfill his obligation to eat *matza* with this dissolved food, and nevertheless he is liable to receive *karet* for eating it in its leavened state. This ruling conflicts with Rav Pappa's general principle.

At this point Rav Idi bar Avin woke up, due to their discussion, and said to them: Children, this is the reasoning of Reish Lakish: One is not liable to receive *karet* for eating dough kneaded with oil or honey, because oil and honey are considered fruit juices,

NOTES

^{8N} What is *shitzanita* – מאי שיצניתא: Some commentaries explain this discussion as follows: The Sages first noted that *keramit* is *shitzanita*, a species of wild grain. They then inquired what particular type of wild grain it is, to which Rav Pappa replied that it is the wild grain that grows between the papyrus reeds (Rav Ya'akov Emden).

Rashi brings two alternative definitions of *shitzanita*: *Nigella sativa*, an annual flowering plant indigenous to the Near East, which produces black seeds that can be used as a spice; and darnel, *Lolium temulentum*, a weed that grows in wheat fields and is similar in appearance to wheat.

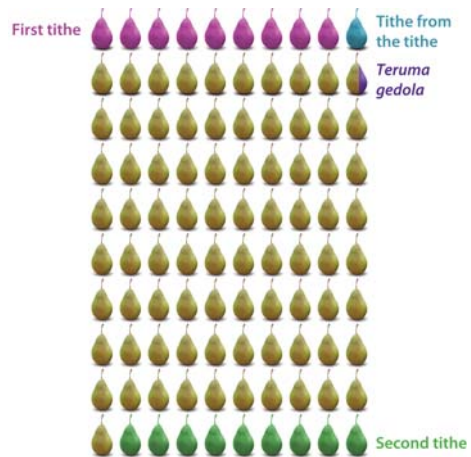
HALAKHA

Fruit Juice – מי פירות: Fruit juice, as well as any liquid other than water that has not been mixed with water, is not considered to cause dough to leaven at all (*Shulhan Arukh, Orach Hayyim 462:1*).

Matzot from doubtfully tithed produce – מצות דמאי: One who eats *matza* made from doubtfully tithed produce has fulfilled his obligation (Rambam *Sefer Zemanim, Hilkhot Hametz UMatza 6:7* and *Sefer Ahava, Hilkhot Berakhot 1:20*).

Eating doubtfully tithed produce – אכילת דמאי: One may feed doubtfully tithed produce to the poor and to guests; however, he should inform them that they are being served doubtfully tithed produce, so that they can tithe it if they want (Rambam *Sefer Zera'im, Hilkhot Ma'aserot 10:11*).

First tithe from grain on the stalks – מעשר מן השיבליים: A Levite who separated the first tithe from grain when it is still on its stalks is not required to separate *teruma gedola* from this tithe. However, if he separates the tithe after the grain has been placed in a pile, he must set aside *teruma gedola* (*Shulhan Arukh, Yoreh De'a 331*).



Normal tithing procedure for one hundred units of produce

NOTES

Soldiers [akhsanya] – אכסניא: Some commentaries explain that the term *akhsanya* refers to an inn whose guests are mostly poor, and that even any wealthy people staying there are without food. Under these circumstances, they are permitted to eat doubtfully tithed produce (*Me'iri*).

LANGUAGE

Soldiers [akhsanya] – אכסניא: From the Greek ξενία, *xenia*, meaning hospitality offered to a foreigner. Some versions of the text read *afasnia*, from the Greek ὀψωνία, *opsonia*, meaning provisions of food for soldiers.

ומי פירות אין מחמיצין.

”יוצא בדמאי ובמעשר וכו’.”
דמאי! הא לא חזי ליה! בין דאי
בעי מפקר לנכסיה הוי עני ואוכל
דמאי – השתא נמי חזי ליה.

דתנן: מאכילין את העניים דמאי
ואת אכסניא דמאי. ואמר רב
הונא: תנא, בית שמאי אומרים:
אין מאכילין את העניים דמאי ואת
האכסניא דמאי, ובית הלל אומרים:
מאכילין.

”מעשר ראשון שנטלה תרומתו
וכו’.” פשיטא. דכיון שנטלה תרומתו
חולין הוי!

לא צריכא, שהקדימו בשיבליים,
ונטלה הימנו תרומת מעשר, ולא
נטלה הימנו תרומה גדולה, וכדרבי
אבהו.

דאמר רבי אבהו אמר רבי שמעון
בן לקיש: מעשר ראשון שהקדימו
בשיבליים – פטור מתרומה גדולה,
שנאמר: ”והרמתם ממנו תרומת
ה’ מעשר מן המעשר”. מעשר מן
המעשר אמרתי לך, ולא תרומה
גדולה ותרומת מעשר מן המעשר.

אמר ליה רב פפא לאביי: אלא
מעטה, אפילו הקדימו בכרי נמי
ליפטור! אמר ליה: עליך אמר קרא
”מכל מתנותיכם תרימו את כל
תרומת ה’”.

and fruit juice^h does not cause dough to be leavened. Therefore, dough prepared with these liquids is not considered full-fledged leavened bread.

The Gemara turns to the cases of the mishna. The mishna taught that one can fulfill his obligation to eat *matza with doubtfully tithed produce^h* and with produce of the first tithe, from which *teruma* has been separated. The Gemara asks: Can one really fulfill his obligation with **doubtfully tithed produce**? It is **not suitable for him** to eat. The Sages prohibited the eating of doubtfully tithed produce that has not been tithed. The Gemara answers: **Since, if one so desires he may renounce all his property**, thereby becoming a poor person who is permitted to eat doubtfully tithed produce, **now too it is suitable for him**, even though he did not declare his property ownerless. Consequently, if he used doubtfully tithed produce as *matza*, he has fulfilled the mitzva after the fact.

As we learned in a mishna: **One may feed the poor doubtfully tithed produce, and he may also feed Jewish soldiers [akhsanya]^{NL} who lodge with him doubtfully tithed produce.^h And Rav Huna said that it was taught that Beit Shammai say: One may neither feed the poor doubtfully tithed produce, nor feed soldiers doubtfully tithed produce. And Beit Hillel say: One may feed these groups doubtfully tithed produce.** This mishna indicates that doubtfully tithed produce is not prohibited to the same extent as entirely untithed produce, as in certain situations the prohibition pertaining to doubtfully tithed produce does not take effect.

The mishna taught that one can fulfill the obligation to eat *matza* with produce of the **first tithe from which its *teruma*, the *teruma* of the tithe, was taken** and given to a priest. The Gemara asks: Isn't that obvious, as, since its *teruma* has been taken, it is non-sacred food? What novel element is taught by this statement?

The Gemara answers: **No, it is necessary to teach the halakha in a case where a Levite preceded the priest while the grain was still on its stalks.^h Ordinarily, the Levite would be given his first tithe only after the priest had taken the *teruma gedola*; however, in this case the Levite took his portion before the priest. And the *teruma* of the tithe was taken by the Levite from his tithe so that he would be permitted to eat the tithe; however, the *teruma gedola* was not taken from the produce at all. And the novel element of the mishna is in accordance with the opinion of Rabbi Abbahu.**

As Rabbi Abbahu said that Rabbi Shimon ben Lakish said: **First tithe in which the Levite preceded the priest while the grain was still on the stalks is exempt from *teruma gedola*, even though the Levite thereby reduces the amount of grain the priest receives. As it is stated: “Moreover you shall speak to the Levites and say to them: When you take from the children of Israel the tithe which I have given you from them as your inheritance, and you shall set apart from it a gift for the Lord, a tithe from the tithe”** (Numbers 18:26). This verse teaches that the Levite is obligated to set apart a **tithe from the tithe, i.e., the *teruma* of the tithe, and not *teruma gedola* and the *teruma* of the tithe from the tithe.**

Rav Pappa said to Abaye: **However, if that is so, even if the Levite preceded the priest after the kernels of grain were removed from the stalks and placed in a pile, the Levite should not have to separate *teruma gedola* in this case either. Abaye said to him: With regard to your claim, the verse states: “From all that is given to you, you shall set apart all of that which is the Lord's *teruma*, of all the best of it, even its consecrated portion”** (Numbers 18:29). This verse teaches that the Levites must designate a portion of the gifts they receive and give it to the priests.

This has become grain – הָאֵי אֵיֶדְגָן – Produce that has been arranged into a pile and smoothed over is considered to have reached the stage of the completion of its work, and it is classified as grain. The proof is the verse that is referring to “grain from the threshing floor” (Numbers 18:27). The definition of grain is important with regard to *teruma*, which is called “the first of your grain” (Deuteronomy 18:4; see *Arukh*).

Matza of untithed produce – מִצוֹת טָבֵל – There are many difficulties concerning the meaning of this passage and its practical ramifications. Apparently, the Rabbis maintain that *matza* of untithed produce may be eaten after the fact. Some commentaries claim that *matza* of untithed produce is entirely prohibited to be eaten, even according to the Rabbis, due to the fact that eating it would be considered a mitzva that comes by means of a transgression. However, others reject this explanation, contending that this principle applies only to a commandment that involves praise of God, e.g., the sacrifice of an offering or taking the four species on *Sukkot*. By contrast, the fulfillment of other mitzvot is not nullified if they come by means of transgression (*Tosefot Rabbeinu Peretz*). Others explain that to perform a mitzva in this manner is prohibited by rabbinic law (Ramban). Yet others suggest that the Rabbis indeed prohibit this *matza* because it is a mitzva that comes by means of a transgression, and the reason why this principle is in effect is that there is no mitzva to eat a second olive-bulk of *matza*. Consequently, with regard to any consumption beyond a single olive-bulk, the mitzva no longer applies while the prohibition remains in force (*Hashlama*).

HALAKHA

Matza of *halla* and *teruma* – מִצוֹת חֲלָה וְתְרומָה – Priests can fulfill their obligation to eat *matza* with *teruma* or *halla*, despite the fact that this food may not be eaten by non-priests (Rambam *Sefer Zemanim, Hilkhot Hametz UMatza* 6:8).

Matza of untithed produce – מִצוֹת טָבֵל – One cannot fulfill the obligation to eat *matza* with untithed produce, even if it is untithed by rabbinic law (Rambam *Sefer Zemanim, Hilkhot Hametz UMatza* 6:7).

ומה ראית? האי – איֶדְגָן, והאי – לא איֶדְגָן.

The Gemara asks: **And what did you see** to lead you to require the separation of *teruma gedola* from first tithe that was taken from grain in piles and not from first tithe that was taken from grain on stalks? Abaye answers: **This produce, after being threshed and placed into piles, is completely processed and has become grain;**^N **and that produce on the stalk did not yet become grain**, and the Levite is therefore exempt from separating *teruma gedola* from it. Produce that has been arranged in a pile is called grain by the Torah and is given to the priest. Once it is classified as grain, the right of the priest takes effect and the Levite is required to separate *teruma gedola* from it.

”מַעֲשֵׂר שְׁנֵי וְהַקֹּדֶשׁ שֶׁנִּפְדּוּ וכו’.”
פְּשִׁיטָא! הֵבֵא בְמֵאֵי עֶסְקִינֵי – שְׁנֵתֵן
אֶת הַקֶּרֶן וְלֹא יִתֵּן אֶת הַחוֹמֶשׁ, וְקֵא
מִשְׁמַע לֵן דְּאִין חוֹמֶשׁ מַעֲבָב.

The mishna taught that one can fulfill his obligation to eat *matza* with **second-tithe grain and with consecrated grain that was redeemed**. The Gemara asks: It is **obvious** that this is the case, as consecrated grain that has been redeemed is non-sacred produce. The Gemara answers: **With what are we dealing here?** We are dealing with a case where the consecrated property was not completely redeemed, i.e., **where one gave payment for the principal, the value of the tithe, but he did not give payment for the additional fifth due when redeeming consecrated items**. **And the mishna teaches us** that failure to add **the fifth does not invalidate** the redemption. Although there is an obligation to pay this additional fifth, the neglect of this duty does not prevent the grain from becoming non-sacred.

”וְהַכֹּהֲנִים בְּחֵלָה וּבְתְרומָה וכו’.”
פְּשִׁיטָא! מַהוּ דְתִימָא: מִצָּה שְׂוֵה לְכָל
אָדָם בְּעֵינֵי, קֵא מִשְׁמַע לֵן: ”מִצוֹת
”מִצוֹת” רִיבָה.

And the mishna further taught that **priests can fulfill their obligation with *matza* of *halla* and with *teruma***.^H The Gemara again asks: It is **obvious** that this is the case. Since a priest is permitted to eat *halla* and *teruma*, he can fulfill his obligation to eat *matza* with them. The Gemara responds: This ruling is nevertheless necessary, **lest you say that we require *matza*** that may be eaten **equally by anyone**, which would mean that *matza* that may not be eaten by regular Israelites is prohibited to priests as well. The mishna therefore **teaches us** that the repetition of the words “*matzot*,” “*matzot*” (Deuteronomy 16:3, 8) comes to **amplify**, i.e., one can fulfill one’s obligation to eat *matza* even with foods that may be eaten only by specific people.

”אָבֵל לֹא בְטָבֵל וכו’.” פְּשִׁיטָא! לֹא
צְרִיכָא, בְטָבֵל טְבוּל מִדְרַבְנָן, שְׂוֵה
בְּעֵינֵי שְׂאִינוּ נְקוּב.

We learned in the mishna: **However, one may not fulfill this obligation with untithed produce**.^{NH} The Gemara asks: It is **obvious** that this is the case, as it is always prohibited to eat *tevel*. The Gemara explains: **No, it is necessary** to teach this *halakha* in a case **where it is considered untithed produce by rabbinic law, and by Torah law the produce is permitted**. For instance, this is the case with regard to grain **that one sowed in an unperforated flowerpot**. Anything grown disconnected from the ground is not defined as produce of the ground, and its owner is exempt by Torah law from tithing it. However, by rabbinic law, grain sowed in an **unperforated flowerpot** is considered untithed.

”וְלֹא בְמַעֲשֵׂר רֵאשׁוֹן שְׂוֵה נְטֵלָה
תְּרומָתוֹ.” פְּשִׁיטָא! לֹא צְרִיכָא,
שְׂוֵה קְדִימוֹ בְּבָרִי.

It was also taught in the mishna: **And one does not fulfill his obligation with *matza* from produce of the first tithe, whose *teruma*, *teruma* of the tithe, was not taken**. The Gemara asks: It is **obvious** that this is the case, as this produce may not be eaten. The Gemara answers: **No, it is necessary** for the mishna to teach this with regard to a case **where the Levite preceded the priest after the kernels of grain were placed in a pile but before *teruma gedola* was separated from the produce**.

מַהוּ דְתִימָא כְּדָאמַר לִיהֵ רַב פַּפָּא
לְאִבֵּי, קֵא מִשְׁמַע לֵן כְּדִשְׁנֵי לִיהֵ.

The Gemara elaborates: **Lest you say, as Rav Pappa said to Abaye, that in that case too, the Levite should be exempt from the requirement to separate *teruma gedola* from this produce, the *tanna* of the mishna teaches us, as Abaye responded to Rav Pappa, that there is a difference between a case when the grain was on the stalks and when it was collected in a pile**. Therefore, one may not eat this produce before separating *teruma gedola* from it.

Unminted coin [*asimon*] – אֲסִימוֹן: From the Greek ἀσημόν, *asèmon*, meaning without a mark or sign, or a coin without an official imprint.

“וְלֹא בְמַעֲשֵׂר שְׁנֵי וְהִקְדַּשׁ שְׂלֵא נִפְדּוּ וְכוּ” פְּשִׁיטָא!

לְעוֹלָם דְּנִפְדּוּ, וּמֵאִי “לֹא נִפְדּוּ” – שְׂלֵא נִפְדּוּ כְּהִלְכֵתָן. מַעֲשֵׂר שְׁנֵי שְׂפָדָא עַל גַּב אֲסִימוֹן, דְּרַחֲמֵנָא אָמַר “וְצִרְתָּ הַכֶּסֶף” – דְּבַר שֵׁישׁ לוֹ צוּרָה.

וְהִקְדַּשׁ – שְׁחִילְלוּ עַל גַּבֵי קִרְקַע, דְּרַחֲמֵנָא אָמַר: “וְנָתַן הַכֶּסֶף וְקָם לוֹ”.

תַּנּוּ רַבָּנֵי: יְכוּל יוֹצֵא אָדָם יָדֵי חוֹבְתוֹ בְּטָבֵל שְׂלֵא נִתְקַן. כָּל טָבֵל נִמְי, הָא לֹא נִתְקַן!

אָלֵא: בְּטָבֵל שְׂלֵא נִתְקַן כָּל צוּרְבוֹ, שְׁנִטְלָה מִמֶּנּוּ תְרוּמָה גְדוּלָה וְלֹא נִטְלָה מִמֶּנּוּ תְרוּמַת מַעֲשֵׂר, [מַעֲשֵׂר] רֵאשׁוֹן וְלֹא מַעֲשֵׂר שְׁנֵי, וְאִפְלוּ מַעֲשֵׂר עֲנִי מִנֵּי?

תְּלַמּוּד לומֵר: “לֹא תֹאכַל עֲלֵיו חֲמִץ”, מִי שְׂאִיסוּרוֹ מְשׁוּם בֵּל תֹּאכַל עֲלֵיו חֲמִץ, יוֹצֵא זֶה שְׂאִין אִיסוּרוֹ מְשׁוּם בֵּל תֹּאכַל חֲמִץ, אָלֵא מְשׁוּם בֵּל תֹּאכַל טָבֵל.

וְאִיסוּרָא דְחֲמִץ לְהִיכֵן אָזְלֵא? אָמַר רַב שֵׁשֶׁת: הָא מִנֵּי – רַבֵּי שְׁמַעוֹן הִיא. דְּאָמַר: אֵין אִיסוּר חָל עַל אִיסוּר. דְּתַנָּא, רַבֵּי שְׁמַעוֹן אוֹמַר:

It was further taught in the mishna: **And** one does **not** fulfill his obligation to eat *matza* with **second-tithe** produce **or** **consecrated** grain **that was not redeemed**. The Gemara asks: Isn't that, too, **obvious**, as it is prohibited to eat these foods?

The Gemara answers: **Actually**, this is speaking of a case **where they were redeemed**, and what is the meaning of the expression: **They were not redeemed**? It means **that they were not redeemed properly**, e.g., second-tithe grain that was redeemed with an **unminted coin** [*asimon*].¹ As the **Merciful One** says with regard to the redemption of the second tithe: “And you shall turn it into money, and bind up the money in your hand, and go to the place which the Lord your God shall choose” (Deuteronomy 14:25). The phrase “**and bind up** [*ve'tzarta*] **the money**” indicates that the produce must be exchanged for an object that has a form [*tzura*], not unminted metal.

And with regard to **consecrated** property, we are dealing with a case **where he redeemed it by exchanging it for land instead of money**, as the **Merciful One** says: “**And he will give** the fifth part of the **money** of your valuation unto it **and it shall be assured to him**” (see Leviticus 27:19). If one redeemed consecrated property with land rather than money, the consecrated status is not transferred to the land.

The Sages taught: I might have thought that a **person fulfills his obligation to eat *matza* with untithed produce that was not amended** with regard to tithes. The Gemara analyzes the apparently redundant phrase **untithed produce that was not amended**. But isn't all **untithed produce also not amended**, by definition?

Rather, this *baraita* is referring to **untithed produce that was incompletely amended**. How so? For example, produce from which *teruma gedola* was taken, but the *teruma* of the tithe was not taken from it. Alternatively, the **first tithe** was separated from the produce, but **not the second tithe**; or, it is referring even to grain from which all the tithes were separated, apart from the **poor man's tithe**. Although no sanctity applies to the poor man's tithe, which is simply a monetary gift to the poor, until this tithe has not been separated the grain remains untithed. **From where** is it derived that these types of grain cannot be used for *matza*?

The verse states: “**You shall not eat leavened bread with it; seven days you shall eat with it *matza***” (Deuteronomy 16:3). One fulfills his obligation to eat *matza* with food whose **prohibition** is solely **due to the prohibition: Do not eat leavened bread with it**, if it was not preserved in an unleavened state. This command **excludes this grain, which is not prohibited due to the prohibition: Do not eat leavened bread, but rather due to the prohibition: Do not eat untithed produce**.

The Gemara expresses surprise at this *baraita*. **And the prohibition of leavened bread, where did it go?** In other words, doesn't the prohibition: “You shall not eat leavened bread” apply to untithed produce as well? **Rav Sheshet said:** In accordance with whose opinion is this *baraita*? It is in accordance with the opinion of **Rabbi Shimon, who said: One prohibition does not take effect where another prohibition already exists**.² No additional prohibitions can apply to an object that is already prohibited, e.g., untithed grain. Consequently, the prohibition of leavened bread does not take effect on untithed produce. **As it was taught in a *baraita* that Rabbi Shimon says:**

HALAKHA

One prohibition does not take effect where another prohibition already exists – אֵין אִיסוּר חָל עַל אִיסוּר: There is a general principle that no additional prohibitions can apply to an action or object that is already prohibited by Torah law. There are certain exceptions to this principle, for example: Simultaneous prohibitions; a prohibition that adds a significant element to the first prohibi-

tion, such as a stricter punishment; or a more inclusive prohibition, e.g., if the second prohibition is more comprehensive than the first one. These exceptions are in accordance with the accepted opinion in the mishna and the Gemara in tractate *Keritot*, and they are contrary to Rabbi Shimon's minority opinion (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 17:8; *Hilkhot Ma'akhalot Assurot* 14:18).