

וְהָיָה הַטְּהוֹר עַל הַטְּמֵא, טְהוֹר – מִכְּלָל
שֶׁהוּא טְמֵא, לִימּוֹד עַל טְבוּל יוֹם שֶׁכָּשָׁר
בְּפָרָה.

בְּעוֹ מִיָּנִיָּה מְרַב שִׁשִּׁת: עֵרֶל מִהוּ
בְּמַעֲשֵׂר? כִּי הֵיכִי דִילִיף פְּסַח מִמַּעֲשֵׂר
לְעֵנֵן אֲנִינּוֹת – יְלִיף נִמִּי מַעֲשֵׂר מִפְּסַח
לְעֵנֵן עֵרְלוּת.

אוֹ דְלָמָּא: חָמוּר מִקַּל יְלִיף, קַל מִחָמוּר –
לֹא יְלִיף?

אָמַר לָהּ: תַּנְתּוּהָ. הַתְרוּמָה וְהַבְכוּרִים
חֵיבִים עֲלֵיהֶן מִיָּתֶה וְחֹמֶשׁ וְאַסוּרִין
לְאִרְיָם.

It is further stated: “And the pure person shall sprinkle upon the impure” (Numbers 19:19). The verse states “pure”; this indicates by inference that he is in some way ritually impure.^N In other words, the verse speaks of one who is pure only in relation to one who is impure. Were this not the case, there would have been no need at all to mention his purity, as it would have been understood that since the red heifer is called a sin-offering, with regard to which purity is paramount, the one performing the ritual must be pure. Of necessity, then, this “pure” individual is not completely pure in all regards. This teaches that one who immersed himself that day is fit to perform the rites connected to the red heifer.^H

The Gemara returns to the previous discussion. They raised a dilemma before Rav Sheshet: In the case of an uncircumcised man, what is the halakha with regard to his eating second tithe? Can one claim that just as the halakha governing the Paschal lamb is derived from the halakha governing second tithe with regard to acute mourning, in that an acute mourner, who may not eat second tithe, is likewise prohibited from partaking of the Paschal lamb, so too, the halakha concerning second tithe is derived from the halakha concerning the Paschal lamb with regard to lack of circumcision, in that an uncircumcised man, who may not partake of the Paschal lamb, is likewise prohibited from eating second tithe?

Or perhaps the halakha governing the stringent case of the Paschal lamb is derived from the halakha governing the lenient case of second tithe, but the halakha concerning the lenient case of second tithe is not derived from the halakha concerning the stringent case of the Paschal lamb, and therefore it is prohibited for an uncircumcised man to partake of the Paschal lamb, but he may eat second tithe.

Rav Sheshet said to them: You already learned the answer to this question in a mishna (*Halla* 1:9): The following halakhot apply to both *teruma*^B and the first fruits^B of the new harvest, which must be given to the priests: If a priest ate of them while in a state of ritual impurity, he is liable to the punishment of death at the hand of Heaven; and if a non-priest ate of them unintentionally, he must restore the value of the produce he ate, adding one-fifth of its value as a fine; and they are both forbidden to non-priests.^{NH}

BACKGROUND

Teruma – תְּרוּמָה: When the term *teruma* appears without qualification, it refers to *teruma gedola*, which is given to the priest. The Torah commands that *teruma* from grain, wine, and oil, and the Sages extended the scope of this mitzva to include all produce. This mitzva applies only in Eretz Yisrael. The Torah does not specify the amount of *teruma* that must be set aside; one may theoretically fulfill his obligation by giving even a single kernel of grain from an entire crop. The Sages established the following measures: One-fortieth of the produce is a generous gift, one-fiftieth is an average gift, and one-sixtieth is a miserly gift. One should not set aside the other tithes until he has set aside *teruma*. *Teruma* is considered sanctified and may be eaten only by a priest and his household while they are in a state of ritual purity (see Leviticus 22:9–15). To emphasize that *teruma* be eaten only in a state of purity, the Sages obligated the priests to wash their hands before partaking of it. This is the source for the practice of washing one’s hands before eating bread. A ritually impure priest or a non-priest who eats *teruma* is subject to the penalty of death at the hand of Heaven. If *teruma* contracts ritual impurity, it may no longer be eaten and must be burned.

Nevertheless, it remains the property of the priest, and he may benefit from its burning. Nowadays, *teruma* is not given to the priests because they have no definite proof of their priestly lineage. The obligation to separate it remains, but only a small portion of the produce is separated.

First fruits – בְּכִיּוּרִים: The first fruits of the new harvest are given to the priests (Deuteronomy 26:1–11). When the Temple stood, a farmer would select the first fruits of the seven types of fruit with which Eretz Yisrael is specially favored (see Deuteronomy 8:8). By rabbinic decree, at least one-sixtieth of the harvest was to be brought as first fruits. The farmer would bring these fruits to the Temple in a basket, place them before the altar, and recite prayers of appreciation to God. Afterward, the fruit was given to the priests and eaten under the same provisions that govern *teruma*. The first fruits were brought to the Temple between the festivals of *Shavuot* and *Sukkot*. If they were not brought within this period, an extension was granted until Hanukkah. An entire tractate of the Mishna, *Bikkurim*, is devoted to the halakhot and practices governing this mitzva.

NOTES

טְהוֹר מִכְּלָל – טְהוֹר מִכְּלָל: This exposition is based on the superfluous word “pure,” which is taken to mean that he is not completely pure but only relatively pure in comparison to one who contracted ritual impurity through contact with the dead.

With regard to the teaching that one who immersed that day may perform any part of the red heifer ritual, *Tosafot* raise two problems that are also addressed by other early authorities. First, why is it assumed that this verse refers to one who immersed that day; perhaps it is speaking of one who lacks atonement, i.e., one who has completed his entire process of purification apart from the offerings he is obligated to bring? The Rashba answers that the fact that the verse speaks of a “pure” person, without further elaboration, indicates that it is referring to anyone who can be called pure, including one who immersed that day. Furthermore, the person who immersed that day is at the first stage of purification, which precedes other special actions, e.g., the placing of oil and blood in the case of a leper, or the sacrifice of offerings. The second problem concerns how all aspects of the heifer ritual are derived from the *halakha* of sprinkling. *Tosafot* suggest that it is learned by way of a kind of *a fortiori* inference, whereas the Ritva claims that the case of sprinkling is considered a matter that is singled out from a generalization, which teaches not only about itself but about the entire category.

אוֹ דְלָמָּא: חָמוּר מִקַּל יְלִיף: *Tosafot* ask: If the exposition is based on a verbal analogy there should be no difference between the lenient and the stringent, and if it is learned by way of an *a fortiori* inference one certainly cannot apply a stringency to a lenient case based on the more stringent one. Either way, the Gemara’s suggestion has no place. They answer that this is the very question raised by the Gemara, albeit worded slightly differently: Is this *halakha* derived through an *a fortiori* inference or by way of a verbal analogy (Ramban; Rashba)?

וְאַסוּרִין לְאִרְיָם – וְאַסוּרִין לְאִרְיָם: *Tosafot* ask why it is necessary for the *tanna* to state that *teruma* and first fruits are forbidden to non-priests after he has already written that a non-priest must pay the added fine of one-fifth if he eats of them. This question was already raised by Rashi on *Bava Metzia* 53a, where he explains that the *tanna* is stressing the difference between these cases and tithes, which are not prohibited to non-priests at all. While *Tosafot* challenge this interpretation, the Ramban accepts it. The *Arukh* explains that this comes to teach that they are forbidden even after they have been redeemed; in other words, they cannot be redeemed. It is stated in the Jerusalem Talmud in tractate *Bikkurim* that they are forbidden to non-priests, even if they are less than the usual minimal measure that is considered significant. The Meiri adds that non-priests may not benefit from them even while they are being destroyed, e.g., during burning.

HALAKHA

One who immersed himself that day is fit for the red heifer – טְבוּל יוֹם בְּפָרָה: It is permitted for one who had been ritually impure and immersed himself that day to perform all the rites connected to the red heifer, including the sanctification and sprinkling of the purification waters (Rambam *Sefer Tahara, Hilkhot Para Aduma* 1:13).

Teruma and first fruits are forbidden to non-priests – תְּרוּמָה וּבְכוּרִים אֲסוּרִים לְאִרְיָם: *Teruma* and first fruits are forbidden to non-priests. If a non-priest ate *teruma* or first fruits after the first fruits were brought to Jerusalem, he is liable to the penalty of death at the hand of Heaven (Rambam *Sefer Zera'im, Hilkhot Bikkurim* 3:1).

NOTES

And they are the property of the priest – וְהָיוּ נְכֵסֵי כֹהֵן – The Ramban explains that it was necessary to emphasize that they are the property of the priest in order to prevent a possible *a fortiori* inference from second tithe, which the owner is certainly not permitted to use as he sees fit. The difference is that these portions that are given to the priests, although they are consecrated and forbidden to non-priests, nevertheless belong to the priests themselves, whereas the second tithe is given to the owners from the table of the Most High, i.e., they may consume it as guests at God's table, but it does not belong to them.

And they are nullified in a mixture of one hundred and one – וְעוֹלֵין בְּאֶחָד וּמֵאָה – Although this *halakha* is derived hermeneutically from the verses, the conclusion of the Gemara is that this is not a Torah law, as by Torah law all forbidden items are nullified by a simple majority. The *tanna*, however, also includes in his list differences that are based on rabbinic law (Rashba).

BACKGROUND

Second tithe – מַעֲשֵׂר שְׁנִי – When the Temple stood, the second tithe was set aside after the *teruma* had been given to the priests and the first tithe had been given to the Levites. Second tithe was separated during the first, second, fourth, and fifth years of the Sabbatical cycle. After the second tithe was set aside, it was brought to Jerusalem to be consumed there by its owner. If the journey to Jerusalem was too long, so that it would be difficult to carry all of the second tithe there, or if the produce became ritually impure, it could be redeemed for an equivalent sum of money. If the owner redeemed his own produce he was required to add one-fifth of its value. This redemption money was brought to Jerusalem, where it could be spent only to purchase food. Nowadays second tithe is separated but may not be eaten. Therefore, it is redeemed, but only for a nominal sum.

וְהָיוּ נְכֵסֵי כֹהֵן, וְעוֹלֵין בְּאֶחָד וּמֵאָה, וְטְעוּמֵין רְחִיצַת יָדַים וְהַעֲרֵב שְׂמֶשֶׁךְ, הָרִי אֵילוֹ בְּתְרוּמָה וּבְכֹבֵדִים, מֵה שְׂאִין בֵּן בְּמַעֲשֵׂר.

וְאִם אֵיתָא – נִיתְנִי: עֵרֵל אֶסוּר בְּהֵן, מֵה שְׂאִין בֵּן בְּמַעֲשֵׂר!

תְּנָא וְשִׁיר! וּמֵאֵי שִׁיר דְּהָאֵי שִׁיר?

שִׁיר דְּקָא תְּנִי סִיפָא: יֵשׁ בְּמַעֲשֵׂר וּבְכֹבֵדִים מֵה שְׂאִין בֵּן בְּתְרוּמָה: שְׂהַמַּעֲשֵׂר וְהַבְּכֹרִים טְעוּמֵין הִבְּאָת מְקוּם, וְטְעוּמֵין וִידוּי, וְאֶסוּר לְאוּגֵן, וְרַבִּי שְׁמַעוֹן מֵתִיר. וְחִיבִין בְּבִיעוּר, וְרַבִּי שְׁמַעוֹן פּוֹטֵר.

וְאֵילוֹ אֶסוּר לְבַעַר מֵהֵן בְּטוּמְאָה

The mishna continues: **And they are considered in all regards the private property of the priest^{NI} to whom they were given; and they are nullified**, i.e., rendered permitted for consumption by non-priests, in a mixture of **one hundred and one^N** when there are at least one hundred parts of permitted food for each part of *teruma* or first fruits; **and they both require washing of the hands** before they may be eaten; **and if a priest is ritually impure**, he may not eat of *teruma* or first fruits, even after immersion, until after **sunset** on the day of his immersion. All of these *halakhot* apply to *teruma* and first fruits, which is not the case with regard to second tithe.^B

Rav Sheshet resumes his argument: **And if it is so** that one who is uncircumcised may eat second tithe, **let the tanna also teach: It is prohibited for an uncircumcised man to eat of *teruma* and first fruits, which is not the case with regard to second tithe.**

The Gemara rejects this argument: This is no proof, as the *tanna* of the mishna taught only some of the differences between *teruma* and first fruits on the one hand and second tithe on the other, **and he omitted others**. The Gemara asks: The mishna is sometimes not exhaustive, but it never omits only one case. **What other difference did he omit that you say that he also omitted this difference?**

The Gemara answers: **He omitted the following, as he teaches in the latter clause of the mishna: There are *halakhot* that apply to second tithe and first fruits, which is not the case with regard to *teruma*. As second tithe^H and first fruits^H require that they be brought to a particular place, Jerusalem, where they must be eaten, whereas *teruma* may be consumed in all places; and they both require a declaration^H, as a declaration must be made on the last day of Passover in the fourth and seventh years of the Sabbatical cycle, stating that one's agricultural obligations with regard to tithes have been fulfilled properly, and so too a declaration must be made when first fruits are brought to the Temple; and they are forbidden to an acute mourner; and Rabbi Shimon permits an acute mourner to partake of first fruits.^H And they both require eradication^H before Passover in the fourth and seventh years of the Sabbatical cycle if one failed to bring them beforehand; and Rabbi Shimon exempts first fruits from the obligation of eradication.**

And yet second tithe and first fruits differ from *teruma* in that it is prohibited to burn the former and benefit from the burning, even when the produce is in a state of ritual impurity^H and therefore unfit to be eaten, e.g., one may not burn impure oil for light;

HALAKHA

Teruma and first fruits are the property of the priest – תְּרוּמָה – *Teruma* and first fruits, and similarly *halla* and the other gifts to the priesthood, belong to the priest. He may therefore use them to purchase property of any kind, or to betroth a woman. A creditor may collect them as payment for his debt, and a wife may take them as payment for her marriage contract (Rambam *Sefer Zera'im, Hilkhot Bikkurim* 4:14).

Second tithe requires that it be brought to a place – מַעֲשֵׂר – Second tithe is eaten by its owner, but only within the walls of Jerusalem (Rambam *Sefer Zera'im, Hilkhot Ma'aser Sheni* 2:1).

First fruits require that they be brought to a place – בְּכֹרִים – First fruits must be brought to the Temple, and therefore this mitzva can be observed only when the Temple is standing (Rambam *Sefer Zera'im, Hilkhot Bikkurim* 2:1, 3:5).

Second tithe requires a declaration – מַעֲשֵׂר טְעוּן וִידוּי – It is a positive mitzva to make a declaration before God after one has separated all the agricultural gifts from the produce of his land (Rambam *Sefer Zera'im, Hilkhot Ma'aser Sheni* 11:1).

First fruits require a declaration – בְּכֹרִים טְעוּמֵין וִידוּי – It is a positive mitzva to make a declaration in the Temple when

one brings the first fruits there (Rambam *Sefer Zera'im, Hilkhot Bikkurim* 3:10).

Second tithe is forbidden to an acute mourner – מַעֲשֵׂר אֶסוּר – **לְאוּגֵן:** If one eats second tithe in Jerusalem while in acute mourning by Torah law, he has transgressed a Torah prohibition and is liable to receive lashes. If he eats it outside the city, or even inside but when he is an acute mourner by rabbinic law, he receives lashes for rebelliousness that are administered by rabbinic decree (Rambam *Sefer Zera'im, Hilkhot Ma'aser Sheni* 3:5).

First fruits are prohibited to an acute mourner – בְּכֹרִים – **אֶסוּרִים לְאוּגֵן:** An acute mourner may not eat first fruits, in accordance with the opinion of the Rabbis (Rambam *Sefer Zera'im, Hilkhot Bikkurim* 3:5).

Second tithe and first fruits require eradication – מַעֲשֵׂר – **וּבְכֹרִים בְּבִיעוּר:** If one has left in his possession second-tithe fruit, fourth-year produce, or first fruits, he is obligated to remove them from his house and throw them into the sea or burn them (Rambam *Sefer Zera'im, Hilkhot Ma'aser Sheni* 11:8).

It is prohibited to burn second tithe in a state of ritual impurity – אֶסוּר לְבַעַר בְּטוּמְאָה – Second tithe that has become ritually impure may not be used even for lighting a lamp (Rambam *Sefer Zera'im, Hilkhot Ma'aser Sheni* 3:2).

ואוכלן בטומאת עצמן לוקה, מה שאין
בן בתרומה – לא קתני, אלמא: תני
ושיר.

”ואסורין לאונן ורבי שמעון מתיר,
מנא להו? דכתיב: “לא תוכל לאכול
בשעריך מעשר דגנך ותירשך ויצהרך”
וגו’ ותרומת ידך” ואמר מר: “תרומת
ידך” אלו בכורים, ואיתקש בכורים
למעשר: מה מעשר אסור לאונן, אף
בכורים אסור לאונן.

ורבי שמעון: “תרומה” קרינהו רחמנא,
מה תרומה מותרת לאונן, אף בכורים
מותר לאונן.

”וחייבין בביעור, ורבי שמעון פוטר” –
מר מקיש, ומר לא מקיש.

”ואסור לבער מהן בטומאה, ואוכלן
בטומאת עצמן לוקה” מנלן? דתניא,
רבי שמעון אומר: “לא בערתי ממנו
בטמא” – בין שאני טמא והוא טהור,
בין שאני טהור והוא טמא.

and one who eats them when they themselves, the second tithe and first fruits, are ritually impure^H is flogged, even though he himself is ritually pure, which is not the case with regard to *teruma*; and these differences the *tanna* does not teach. Apparently, the *tanna* of the mishna taught certain differences between the cases and omitted others. Therefore, the omission of the *halakha* governing an uncircumcised man does not prove that it is permitted for him to eat second tithe.

§ Having cited the mishna, the Gemara proceeds to discuss it. It was taught in the *baraita* that second tithe and first fruits are forbidden to an acute mourner; and Rabbi Shimon permits an acute mourner to partake of first fruits. The Gemara asks: From where do the Rabbis derive that first fruits are forbidden to one who is in acute mourning? As it is written: “You may not eat within your gates the tithe of your grain, or of your wine, or of your oil... nor the offering of your hand” (Deuteronomy 12:17), and the Master said: “The offering [*teruma*] of your hand,” these are the first fruits. And first fruits are juxtaposed in this verse to second tithe:^N Just as the second tithe is forbidden to an acute mourner, so too, first fruits are forbidden to an acute mourner.^H

And Rabbi Shimon counters that since the Merciful One calls first fruits “*teruma*,” the *halakha* governing them is similar to that which governs *teruma*: Just as *teruma* is permitted to an acute mourner,^H so too, first fruits are permitted to an acute mourner.

The *baraita* continues: And both second tithe and first fruits require eradication before Passover in the fourth and seventh years of the Sabbatical cycle; and Rabbi Shimon exempts first fruits from the obligation of eradication. One Sage, the Rabbis, juxtaposes first fruits to second tithe: Just as second tithe is subject to eradication, so too are first fruits. And one Sage, Rabbi Shimon, does not juxtapose^N the two *halakhot* and derive one from the other.

It was stated above that it is prohibited to burn second tithe and first fruits even when they are in a state of ritual impurity, and that one who eats them when they themselves, the second tithe and first fruits, are ritually impure is flogged, even though he himself is ritually pure. From where do we derive these *halakhot*? As it is taught in a *baraita*: Rabbi Shimon says: The verse with regard to the confession of tithes states: “I did not consume of it while impure” (Deuteronomy 26:14), a general statement that means whether I, the one who ate it, was ritually impure, and the tithe was ritually pure, or whether I was ritually pure and the tithe was ritually impure. Regardless, the tithe may not be consumed through burning or eating in a state of impurity.

HALAKHA

Tithe that is itself ritually impure – מעשר בטומאת עצמו – One who eats second tithe in a state of ritual impurity is liable to receive lashes, whether he is impure and the tithe is pure or he is pure and the tithe is impure (Rambam *Sefer Zera'im, Hilkhot Ma'aser Sheni* 3:1).

First fruits for an acute mourner – בכורים לאונן – An acute mourner is prohibited from eating first fruits, in accordance with the unattributed view in the mishna, against the lone dissenting view of Rabbi Shimon (Rambam *Sefer Zera'im, Hilkhot Bikkurim* 3:5).

Teruma for an acute mourner – תרומה לאונן – It is permitted for an acute mourner to partake of *teruma* (Rambam *Sefer Tahara, Hilkhot Avot HaTuma* 12:15).

NOTES

And first fruits are juxtaposed to second tithe – ואיתקש בכורים – Some ask: In accordance with the rule that there cannot be half an analogy, and therefore the inferences drawn by way of an analogy must be bilateral, why aren't the *halakhot* of first fruits likewise applied to tithes? The answer given is that the *halakhot* governing first fruits are derived primarily from *teruma*, as the Torah calls them “the offering [*teruma*] of your hand.” Consequently, since several exclusions appear with regard to *teruma*, e.g., “And they shall die through it when they profane it” (Leviticus 22:9), the word “it” emphasizing that this punishment applies only to “it” and no other case, and since

it says about ritual impurity: “Its impurity is upon it” (Numbers 19:13), the stringencies of tithe are applied to first fruits but the stringencies of first fruits are not in force for second tithe as well (*Tosefot Yeshanim*; Ritva).

And one Sage does not juxtapose – ומר לא מקיש – *Tosafot Yeshanim* elaborate on the point made by *Tosafot* that according to Rabbi Shimon first fruits are like *teruma* in all respects. The two differ only with respect to the *halakhot* governing first fruits that are explicitly stated in the Torah, but other *halakhot* of first fruits that do not apply to *teruma* are not derived by way of analogy or the like.

NOTES

And where one is warned against eating it – והיכא מוזהר על אכילתו יודע. תומאת הגוף בהדיא בתיב ביה: "נפש אשר תגע בו וטמאה עד הערב ולא יאכל מן הקדשים כי אם רחץ בשרו במים!"

And where one is warned against eating it – והיכא מוזהר – על אכילתו: The question has been raised: Why can't the verse that states: "And I did not consume of it while impure" (Deuteronomy 26:14), which is clearly referring to eating second tithe in a state of ritual impurity, be understood as a warning, i.e., a source for the prohibition? The Rosh explains that this is not stated in the form of a command but merely as part of a narrative account. Therefore, although it is evident from the declaration that eating in a state of impurity is prohibited, this verse cannot serve as a source for that prohibition.

HALAKHA

Burning *teruma* that became ritually impure – ביעור Teruma is the property of priests, whether it is ritually pure or impure. If it is impure it must be burned, and the priest may derive benefit from it while it is burning. For example, he may light a lamp with ritually impure *teruma* oil (Rambam *Sefer Zera'im, Hilkhot Terumat* 2:14).

הכי קמיבעיא ליה: טומאת עצמו מנין? תלמוד לומר "לא תוכל לאכול בשעריך מעשר דגנך" ולהלן הוא אומר "בשעריך תאכלנו הטמא והטהור יחדו כצבי וכאיל", ותנא דבי רבי ישמעאל: אפילו טמא וטהור אוכלין על שולחן אחד בקערה אחת – ואינן חוששין. וקאמר רחמנא: ההוא דאמר לך התם "בשעריך תאכלנו" – הכא לא תיכול.

"מה שאין בן בתרומה", מנא לך? אמר רבי אבהו אמר רבי יוחנן: דאמר קרא "לא בערתי ממנו בטמא", "ממנו" אי אתה מבעיר, אבל אתה מבעיר שמן של תרומה שנגטמא.

ואימא: "ממנו" אי אתה מבעיר, אבל אתה מבעיר שמן של קדש שנגטמא! לאו קל וחומר הוא! ומה מעשר הקל אמרה תורה "לא בערתי ממנו בטמא", קדש חמור לא כל שכן?

אי הכי תרומה נמי קל וחומר הוא! הא בתיב "ממנו".

ומה ראית? מסתברא: קדש לא ממעיטנא, שכן פנקעב"ס:

The *tanna* adds: **And where one is actually warned against eating second titheⁿ in a state of impurity, this I do not know.** Although it is obvious from the verse that this is prohibited, the source for the prohibition is unclear. The Gemara is puzzled by this last statement: The prohibition against eating second tithe when one is in a state of **ritual impurity of the body is explicitly written**, as it is stated with regard to the ritual impurity imparted by a creeping animal: **"The soul that touches it shall be impure until the evening, and he shall not eat from the holy things unless he has washed his flesh in water"** (Leviticus 22:6). This is referring to second tithe, as will be explained later (74b).

The Gemara explains: **Rather, this is the dilemma he is raising: From where is it derived that one may not eat it when the tithe itself is in a state of ritual impurity? The verse states: "You may not eat within your gates the tithe of your grain"** (Deuteronomy 12:17), and later it states with regard to offerings that have been disqualified: **"You shall eat it within your gates, the impure and the pure alike, as the gazelle and as the hart"** (Deuteronomy 15:22). **And a Sage of the school of Rabbi Yishmael taught: Even a ritually impure and a ritually pure person may eat together on one table and out of one bowl without concern. And the Merciful One states: That which I said to you there, with regard to disqualified offerings: "You shall eat it within your gates," means regardless of whether it is the individual or the meat that is impure; but here, with regard to second tithe, you may not eat it in that state. From here it is derived that one may not eat second tithe when the tithe itself is ritually impure.**

It was stated above that one is prohibited from burning second tithe and first fruits even when they are ritually impure, **which is not the case with regard to *teruma*.** The Gemara asks: **From where do we derive that this *halakha* does not apply to *teruma*?** **Rabbi Abbahu said that Rabbi Yohanan said: As the verse with regard to the declaration of tithes states: "I did not consume of it while impure"** (Deuteronomy 26:14), and the words "of it" teach that of it, i.e., tithe, **you may not burn** when it is impure, **but you may burn** and derive benefit from the oil of *teruma* that has become ritually impure.^h

The Gemara asks: **But say perhaps as follows: Of it you may not burn, but you may burn and derive benefit from consecrated oil that became ritually impure.** The Gemara refutes this suggestion: That possibility is unacceptable. Is it **not an a fortiori** inference? **If with regard to the tithe, which is lenient, the Torah said: "I did not burn of it while impure," then with regard to consecrated oil, which is more stringent, is it not all the more so prohibited to burn them while ritually impure?**

The Gemara retorts: **If so, then with regard to *teruma* as well, say that it is an a fortiori inference, as *teruma* is certainly more sacred than tithes.** If it is prohibited to benefit from second tithe while it is burning, all the more so would it be prohibited to benefit from *teruma* while it is burning. The Gemara answers: **Isn't it written "of it"?** From there it is derived that there is an item excluded from the prohibition against burning in a state of ritual impurity.

The Gemara asks: **And what did you see that led you to conclude that "of it" comes to exclude *teruma*?** Perhaps it comes to exclude consecrated items. The Gemara replies: **It is reasonable that I do not exclude consecrated items from the prohibition against benefiting from their burning, as with regard to consecrated items there are many stringent elements. Their Hebrew acronym is *peh, nun, kuf, ayin, kaf, samekh*, which is a mnemonic for the following stringencies that apply to consecrated items and not to *teruma*:**

פגול, נותר, קרבן, מעילה, כרת, ואסור לאונן.

Piggul: If, during one of the rites involved in the sacrifice of an offering, i.e., slaughter, receiving the blood, bringing it to the altar, or sprinkling it on the altar, the priest or the one bringing the offering entertains the thought of eating the offering at a time that is unfit for eating, the offering is thereby invalidated.^h **Notar:** Meat of an offering that remained beyond its allotted time may not be eaten and must be burned.^h **Offering [korban]:** It is an offering to God. **Misuse of consecrated objects [me'ila]:** One who unwittingly derives benefit from consecrated items is required to bring a guilt-offering for misuse of consecrated objects.^h **Karet:** The punishment of one who eats consecrated items while ritually impure is *karet*.^h **Forbidden to an acute mourner [asur le'onen]:** An acute mourner is prohibited from eating consecrated items.^h None of these *halakhot* apply to *teruma*. Therefore, consecrated items are more stringent than *teruma*, and accordingly they are not excluded from the prohibition against deriving benefit while ritually impure.

אדרבה, תרומה לא ממעיטנא, שכן מחפזי מיתה, וחומש, ואין לה פדיון, ואסורה לזרים!

The Gemara rejects this argument. **On the contrary, it is *teruma* that I would not exclude** from the prohibition, as with regard to *teruma* there are many stringent elements, represented by the acronym *mem, het, peh, zayin*, which is a mnemonic for the following: **Death [mita]:** One who is prohibited from eating *teruma* but ate it intentionally is liable to the punishment of death at the hand of Heaven.^h **One-fifth [homesh]:**^h A non-priest, to whom *teruma* is forbidden, who unwittingly ate *teruma* is obligated to pay its value to the priest plus one-fifth of the sum. **And *teruma* does not have** the possibility of redemption [*pidyon*]: Once it is sanctified, *teruma* may not be redeemed and rendered non-sacred. **And it is forbidden to non-priests [zarim].**^{hN} These stringencies do not apply to consecrated items.

הנך נמישן. ואיבעית אימא: כרת עיפא.

The Gemara answers: **Those stringencies that apply to consecrated items are more numerous** than those that apply to *teruma*. Therefore, it is appropriate to be more stringent with consecrated items and exclude impure *teruma* from the prohibition against deriving benefit from it while it is burned. **And if you wish, say** instead a different reason, without counting the number of stringencies: Consecrated items are more stringent because one who eats them while ritually impure is liable to receive *karet*, which is **more severe** than death at the hand of Heaven, the punishment in the case of *teruma*.

ואוכלן בטומאת עצמן לוקה, מה שאין כן בתרומה. מילקא הוא דלא לקי הא איסורא איבא, מנלן? אמר קרא "בשעריך תאכלנו" לזה ולא לאחר ולא הבא מכלל עשה - עשה.

It was further stated above that **one who eats second tithe and first fruits when they themselves, the second tithe and first fruits, are ritually impure is flogged, which is not the case with regard to *teruma*.** The Gemara infers from this that **it is lashes that he does not receive** when he eats *teruma* that is ritually impure; however, the transgression of a prohibition is involved. **From where do we derive that this is prohibited? The verse referring to offerings that have been disqualified states: "You shall eat it within your gates"** (Deuteronomy 15:22).^N The word "it" indicates that it is only **this**, disqualified offerings, that may be eaten in a state of impurity, **but not another** type of consecrated food. This is a prohibition that is derived by inference from a positive mitzva, i.e., it is not stated in the Torah in the form of a prohibition. **And there is a principle that a prohibition that stems from a positive mitzva is classified as a positive mitzva, for which no lashes are administered.**^h

אמר רב אשי: מרישא נמי שמעת מינה דתנא ושייר, מדלא קתני:

The Gemara demonstrated earlier that no proof can be adduced from the mishna cited by Rav Sheshet, as the *tanna* of that mishna taught only some of the differences between second tithe and *teruma*. **Rav Ashi said: From the first part of the mishna as well, you can conclude that he taught certain differences and omitted others, from the fact that he does not teach the following additional difference:**

Piggul – פגול: If, while performing one of the sacrificial rites connected to an offering, a priest had the intention of performing a different rite not at its proper time, or of eating or burning the offering not at its proper time, this thought invalidates the offering and renders it *piggul*, an offering disqualified by improper intention (Rambam *Sefer Avoda, Hilkhot Pesulei HaMukdashin* 13:3).

Notar – נותר: If an offering was sacrificed in the proper manner, but its meat was left over after the fixed time for its consumption, the leftover meat is called *notar* and may not be eaten (Rambam *Sefer Avoda, Hilkhot Pesulei HaMukdashin* 13:3).

Misuse of consecrated objects – מעילה: An ordinary person may not derive benefit from consecrated property. Whoever unwittingly derives such benefit to the value of a *peruta*, whether the property had been consecrated for the maintenance of the Temple or for the altar, is required to bring a guilt-offering for misuse of consecrated property (Rambam *Sefer Avoda, Hilkhot Me'ila* 1:1).

Karet – כרת: One who was ritually impure with a severe level of impurity and ate an olive-bulk of sacrificial meat is liable to receive *karet* (Rambam *Sefer Avoda, Hilkhot Pesulei HaMukdashin* 18:13).

Sacrificial food is prohibited to an acute mourner – אסור לאונן: An acute mourner may not eat sacrificial food (Rambam *Sefer Tahara, Hilkhot Avot HaTuma* 12:15).

Death for *teruma* – מיתה בתרומה: One who is ritually impure and ate pure *teruma* is liable to the penalty of death at the hand of Heaven (Rambam *Sefer Zera'im, Hilkhot Terumat* 7:1).

One-fifth – חומש: A non-priest who unwittingly ate *teruma* must repay its value plus one-fifth of the sum (Rambam *Sefer Zera'im, Hilkhot Terumat* 10:1).

Forbidden to non-priests – אסורה לזרים: It is prohibited for non-priests to partake of any kind of *teruma* (Rambam *Sefer Zera'im, Hilkhot Terumat* 6:5).

Eating impure *teruma* – אוכל תרומה טמאה: If a pure priest ate ritually impure *teruma*, he has transgressed a prohibition, but he is not liable to be flogged. This is because the prohibition stems from a positive mitzva, and a prohibition that is derived by inference from a positive mitzva has the status of a positive mitzva, for which no lashes are administered (Rambam *Sefer Zera'im, Hilkhot Terumat* 7:3).

NOTES

And it is forbidden to non-priests – ואסורה לזרים: *Tosafot* maintain that the statement that *teruma* is punishable by death does not refer to its consumption in a state of impurity but to its being prohibited to non-priests. The problem with this interpretation is that the statement that it is forbidden to non-priests is rendered redundant. *Tosafot Yeshanim* explain, based on the Jerusalem Talmud, that this is referring to the prohibition that applies to half of a legal measure.

From where do we derive this; the verse states... "Within your gates" – מנלן אמר קרא בשעריך: The Rambam cites a different verse as the source for this *halakha*, as it is stated with regard to a priest: "And afterward he may eat from the holy things" (Leviticus 22:7), which indicates that he may eat *teruma* only after his purification.