The Torah commands that **וְהַבִּכּוּרִים** (First fruits) should be offered to the Temple during Passover. If a person eats **טָמֵא** (ritually impure) First fruits, it may no longer be eaten and must be burned. This practice of washing one’s hands before eating bread is a ritually pure practice (see Leviticus 22:9–15). To emphasize that **וְהַבִּכּוּרִים** (First fruits) should be eaten only in a state of purity, the Sages obligated the priests to perform all the rites connected to the red heifer. Since the red heifer is called a sin-offering, with regard to purity which 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 in the ritual purity of a sin-offering **דיִלְמָא** (Yevamot 73a) is considered sanctifying himself **לְזָרִים**, “for non-priests.”

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?

Rav Sheshet said to them: You already learned the answer to this question in a mishnah (Hallah 1:9): “The following halakhot apply to both terumaa and the first fruitsb 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.”

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. 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 purity which 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 in the ritual purity of a sin-offering **דיִלְמָא** (Yevamot 73a) is considered sanctifying himself **לְזָרִים**, “for non-priests.”

Teruma — **תֵּרוּמָה**: 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 minority 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 — **תֵּרוּמָה שָׁלֶwoocommerce**: 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, Bikurim, is devoted to the halakhot regarding the regulations governing this mitzva.

**BACKGROUND**

**Notes**

Pure, by inference that he is ritually impure — תֵּרוּמָה שָׁלֶ окружающ

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 raises 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 he is to 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 Riva 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.

Or perhaps the stringent is derived from the lenient — איהו לא ימי ליטא ריבא

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)?

And they are forbidden to non-priests — **תֵּרוּמָה שָׁלֶ окружающ**

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 raised already by Rashi on Rava’s statement in Bikkurim 3:4 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 — **תֵּרוּמָה שָׁלֶ окружающ**

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 Parah Aduma 1:13).

Teruma and first fruits are forbidden to non-priests — **תֵּרוּמָה שָׁלֶ окружающ**

Tosafot 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 Zeraim, Hilkhot Bikkurim 3:1).
And they are the property of the priest – תינוקות הר הבית. The Ramban explains that it was necessary to emphasize that they are the property of the priest in order to prevent a possible affront inference from second tithe, which the owner is certainly not permitted to use as he sees fit. The difference is that those 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 – מטירין. Although this halakha is derived hermeneutically from the verses, the conclusion of the Gemara is that this is not a Torah law, as 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 – ביתא. 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.

The mishna continues: And they are considered in all regards the private property of the priest 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, 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.

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 and first fruits 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, 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. And they both require eradication 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 and therefore unfit to be eaten, e.g., one may not burn impure oil for light;

HALAKHA

Second tithe and first fruits are the property of the priest – ביתא. Second tithe and first fruits, similarly hold, 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 Ma’aser Sheni 4:14).

Second tithe requires that it be brought to a place – יט dém. 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 – ביצים. 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 Ma’aser Sheni 21:35).

Second tithe requires a declaration – יטפ. 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 – יטפ. It is a positive mitzva to make a declaration in the Temple when one brings the first fruits there (Rambam Sefer Zera’im, Hilkhot Ma’aser Sheni 3:10).

Second tithe is forbidden to an acute mourner – יטפ. 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 – יטפ. An acute mourner may not eat first fruits, in accordance with the opinion of the Rabbis (Rambam Sefer Zera’im, Hilkhot Ma’aser Sheni 3:3).

Second tithe and first fruits require eradication – יטפ. 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 – יטפ. 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).
and 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, 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.” Just as the second tithe is forbidden to an acute mourner, so too, first fruits are forbidden to an acute mourner.

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, 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 Rabbi, 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 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.

And first fruits are juxtaposed to second tithe – אֲנָכָה בְּטָמֵא וְלָא בֵּטָמֵא. 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 profligate it” (Leviticus 23:9), 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 (Tosafot Yeshanim; Ritva).

And one Sage does not juxtapose – שִׁמְעוֹן קָרֵינְהוּ וְתִירֹשְךָ מָר הלל. 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.
And where one is warned against eating it – the Second Tithe in a state of ritual impurity. This is 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, being 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.

The question has been raised: Why can’t the second tithe in a state of ritual impurity be understood as 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.

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 Yoḥanan 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."

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, kaf, ayin, kaf, samekh, which is a mnemonic for the following stringencies that apply to consecrated items and not to teruma:
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.¹⁴

Notar: Meat of an offering that remained beyond its allotted time may not be eaten and must be burned. Offering [korban]: It is an offering to God. Misuse of consecrated objects [me’il]: One who unwittingly derives benefit from consecrated items is required to bring a guilt-offering for misuse of consecrated objects.¹⁵ Karet: The punishment of one who eats consecrated items while ritually impure is karet.¹⁶ Forbidden to an acute mourner [asur le’onen]: An acute mourner is prohibited from eating consecrated items.¹⁷ 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.

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, let, peh, zain, which is a mnemonic for the following: Death [mita]: One who is prohibited from eating teruma but ate it is intentionally liable to the punishment of death at the hand of Heaven. One-fifth [homesh]: 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 [piddyon]; Once it is sanctified, teruma may not be redeemed and rendered non-sacred. And it is forbidden to non-priests [zarim].¹⁸ These stringencies do not apply to consecrated items.

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.

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).¹⁹ 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.²⁰

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 differences:

Notes: And it is forbidden to non-priests – דלא יורא המהלק: 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” (Deuteronomy 15:22).²¹ 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.