These animals were passed "under the shepherd’s rod" and designating every tenth animal as tithe. The owner brings this offering to Jerusalem, and after its blood is sprinkled on a single sprinkling, he himself may eat it. These leniencies give the animal tithe a unique status, which is why it is listed separately and not included among the other offerings.

Animal tithe – מסחר בכסף: Animal tithe is a unique offering in several respects. It is not a gift offering; rather, it is selected by releasing all the newborn sheep and cattle of a calendar year one by one from an enclosure and designating every tenth animal as tithe. The owner brings this offering to Jerusalem, and after its blood has been sprinkled with a single sprinkling he himself may eat it. These leniencies give the animal tithe a unique status, which is why it is listed separately and not included among the other offerings.

Animal tithe – מַﬠַשְׂרָה בֶּהָמָה: On three occasions each year, the owner of a herd of kosher animals was required to gather all the animals born during the preceding period into an enclosure and release them one by one. These animals were passed “under the shepherd’s rod” (Leviticus 27:32), and every tenth animal was marked with red paint to indicate that it was consecrated. These animals are called animal tithe. If the animal was fit to be sacrificed, it was brought to the Temple and sacrificed in a manner similar to that of a peace-offering. Its blood was sprinkled on the altar, and its meat was eaten by its owner, but not by the priests. The details of the halakhot of animal tithe are elucidated in tractate Bekhorot.

Teruma and first fruits apply in all the years of the seven-year Sabbatical cycle, including the third and the sixth years, and they do not have the possibility of redemption, as once they are sanctified they may not be redeemed and rendered non-sacred. This is not the case with regard to second tithe, which applies only in the first, second, fourth, and fifth years of the cycle and which can be redeemed. The Gemara concludes: Learn from here that the tanna did not list all of the differences between second tithe and teruma.

The Gemara resumes its discussion of whether or not an uncircumcised man is prohibited from eating second tithe. Come and hear a proof with regard to this question from the following baraita: If shreds of flesh that invalidate the circumcision remain after the foreskin was removed, one may not eat teruma, nor the Paschal lamb, nor sacrificial food, nor tithe. What, is it not referring to tithe of produce, and so the dilemma is resolved? The Gemara refutes this suggestion: No, the tithe mentioned in this baraita is animal tithe. The baraita teaches that the meat of the animal tithe was forbidden to one who is uncircumcised.

The Gemara expresses surprise: Animal tithe is the same as sacrificial food, as it too is an offering the meat of which is eaten by the animal’s owner; why would the tanna single it out? The Gemara counters: And according to your reasoning that the baraita would not have singled out specific offerings, didn’t we learn in the baraita that an uncircumcised man may not eat the Paschal lamb, and yet it also teaches that the same halakha applies to sacrificial food?

The Gemara rejects this argument: Granted, it is necessary to mention both the Paschal lamb and sacrificial food. As, if the baraita had taught only the halakha in the case of the Paschal lamb, one might have said that an uncircumcised man may not eat the Paschal lamb because the disqualification resulting from lack of circumcision is written explicitly with regard to the Paschal lamb, but with regard to other sacrificial food, concerning which the Bible says nothing about circumcision, one might say that there is no such prohibition. And conversely, if the baraita had taught only the halakha with respect to sacrificial food, I would say: What is meant here by sacrificial food? This is referring specifically to the Paschal lamb, concerning which the prohibition with regard to an uncircumcised man is stated explicitly, but other sacrificial food is permitted to him. But why do I need animal tithe to be mentioned at all? It is no different than any other sacrificial food. In that case, the tithe mentioned in the baraita is referring to second tithe.

The Gemara suggests a different refutation of this proof: Rather, the tithe mentioned in the baraita is referring to first tithe, the one-tenth of the produce that is given to the Levites, and the baraita is in accordance with the opinion of Rabbi Meir, who said that first tithe is forbidden to common Israelites. Since first tithe is forbidden to an ordinary Israelite, it may similarly be forbidden to an uncircumcised man. However, there is no proof from here that second tithe is forbidden to one who is uncircumcised, as second tithe is permitted even to ordinary Israelites.

The Gemara suggests: Come and hear a different proof from that which Rabbi Hyya bar Rav of Difta taught in the following baraita: An uncircumcised man is prohibited from eating of two different tithes. What, is it not that one is the tithe of produce and one is animal tithe? The Gemara refutes this argument: Here, too, the baraita is referring to first tithe, and the baraita in is accordance with the opinion of Rabbi Meir.
Who is the tanna who disagrees – אָסוּר לְﬠָרֵל מִמֶּנּוּ אָסוּר לְﬠָרֵל מִיִּצְחָק חַיָּיבִין – אָסוּר לְﬠָרֵל מִיַּמָּה אִיתָא שֶׁכֵּן בִּתְרוּמָה

The Gemara rejects this argument: No proof can be adduced from here, since this baraita was taught by a tanna from the school of Rabbi Akiva, who includes an uncircumcised man in the same halakha as that which governs one who is ritually impure. As it is taught in a baraita, Rabbi Akiva says: The words "any man" in the verse "Any man from the seed of Aaron who is a leper or a zav shall not eat of the holy things until he be pure" (Leviticus 21:4) come to include one who is uncircumcised; he, too, is prohibited from partaking of consecrated food or participating in the preparation of the red heifer.

With regard to the issue itself, the Gemara inquires: And who is the tanna who disagrees with Rabbi Akiva? It is the tanna who disagrees with Rabbi Yosef the Babylonian. As it is taught in a baraita: The burning of the red heifer by an acute mourner or by one who lacks atonement is valid. Rabbi Yosef the Babylonian says: If the burning is performed by an acute mourner, it is valid; but if it is performed by one who lacks atonement, it is invalid. The anonymous first tanna clearly disagrees with Rabbi Akiva, as the previous baraita, which was attributed to Rabbi Akiva, states that one who lacks atonement is prohibited from participating in the preparation of the red heifer. It may be presumed that this tanna disagrees with Rabbi Akiva with respect to one who is uncircumcised as well.

The Gemara further comments on this issue. And Rabbi Yitzhak, too, maintains that an uncircumcised man is prohibited from eating second tithe, as Rabbi Yitzhak said: From where is it derived that an uncircumcised man is prohibited from eating second tithe? It is stated: “And I did not consume of it while impure” (Deuteronomy 26:14) with regard to second tithe, and it is stated: “Do not eat of it raw” (Exodus 12:9) with regard to the Paschal lamb. Just as in the case of the Paschal lamb, with regard to which “of it” is stated, an uncircumcised man is prohibited from eating it, so too, in the case of second tithe, with regard to which “of it” is stated, an uncircumcised man is prohibited from eating it.

With regard to this verbal analogy, the Gemara comments: It must be that this phrase “of it” is available, i.e., it is superfluous in its own context and therefore available for the purpose of establishing a verbal analogy. As, if it is not available, the verbal analogy can be refuted logically, as it is possible to say: What is unique to the Paschal lamb? It is that one is liable to receive karet for eating it due to it being piggul or notar, or due to him being ritually impure. It could therefore be argued that it is owing to the Paschal lamb’s special sanctity and severity that an uncircumcised man may not partake of it. But from where is it derived that an uncircumcised man may not eat second tithe? The Gemara concludes: This is not so, as the phrase “of it” is indeed available for establishing the verbal analogy.

NOTES

Who is the tanna who disagrees – אָסוּר לְﬠָרֵל מִמֶּנּוּ אָסוּר לְﬠָרֵל מִיִּצְחָק חַיָּיבִין – אָסוּר לְﬠָרֵל מִיַּמָּה אִיתָא שֶׁכֵּן בִּתְרוּמָה

The burning of the red heifer by an acute mourner or by one who lacks atonement – מִשּׁוּם אִיכָּא מוּפְנֵי אַף אֶת יוֹם. בּוֹ, מְחוּסַּר מִים

The Gemara notes that the tanna who disagrees with Rabbi Akiva with regard to an uncircumcised man. Tosafot point out several difficulties with this interpretation, as according to the text of the Gemara here, there is no proof that Rabbi Yosef the Babylonian and the tanna who disagrees with him refer at all to an uncircumcised man. The whole proof is roundabout and somewhat vague. For this reason, most early authorities prefer a different interpretation, first suggested by Rabbeinu Hananel: The Gemara is inquiring as to the identity of the tanna who disagrees with Rabbi Akiva with regard to the red heifer. According to this opinion, the discussion is straightforward and the proof is clear (Rambam; Rabha).

HALAKHA

The burning of the red heifer by an acute mourner or one who is lacking atonement, is valid, in accordance with the unattributed opinion in the baraita and against the dissenting view of the single tanna (Rambam; Sefer Tahara, Hilkhot Pascha 2:14).

Come and hear a proof from yet another baraita: It is prohibited for an acute mourner to eat second tithe, but it is permitted for him to eat teruma and to participate in the preparation of the red heifer. It is prohibited for one who immersed himself that day but does not become completely purified until nightfall to eat teruma, but it is permitted for him to participate in the preparation of the red heifer and to eat second tithe. It is prohibited for one who lacks atonement, e.g., a zav or leper who immersed at the conclusion of his period of impurity but has not yet brought an offering for his atonement, to participate in the preparation of the red heifer, but it is permitted for him to eat teruma and second tithe. And if it is so that an uncircumcised man may eat second tithe, let the baraita also teach: It is prohibited for an uncircumcised man to eat teruma, but it is permitted for him to participate in the preparation of the red heifer and to eat second tithe. The fact that the baraita omits this ruling proves that an uncircumcised man is in fact prohibited from eating second tithe.

The Gemara rejects this argument: No proof can be adduced from here, since this baraita was taught by a tanna from the school of Rabbi Akiva, who includes an uncircumcised man in the same halakha as that which governs one who is ritually impure. As it is taught in a baraita, Rabbi Akiva says: The words “any man” in the verse “Any man from the seed of Aaron who is a leper or a zav shall not eat of the holy things until he be pure” (Leviticus 21:4) come to include one who is uncircumcised; he, too, is prohibited from partaking of consecrated food or participating in the preparation of the red heifer.
The Gemara asks: Which of the phrases “of it” is not needed in its own context and is therefore available for establishing a verbal analogy? Rava said that Rabbi Yitzhak said: “Of it” is written three times with regard to the Paschal lamb: “Do not eat of it raw... And you shall not leave any of it until morning, and that which remains of it until the morning you shall burn with fire” (Exodus 12:9–10). The three instances of “of it” are expounded as follows: One for itself, to teach that the prohibition relates to the Paschal lamb; and one for the verbal analogy; and one for another purpose.

According to the one who says that the verse comes to provide you with a positive mitzva to burn that which is left over after it has taught the prohibition against leaving it over until the morning, to teach that one is not flagged for violating the prohibition, because any prohibition that can be rectified by the performance of a positive mitzva does not carry a punishment of lashes; since “that which remains [notar]” is written, “of it” is also written. And according to the one who says that the verse comes to provide him with the second morning for burning, i.e., to teach that the leftover meat of the Paschal lamb is not burnt on the following morning, which is a Festival, but rather on the following morning, the first of the intermediate days of the Festival; since “until morning” is written, “of it” is also written.

Similarly, “of it” is written three times with regard to second tithe: “I did not eat of it in my mourning, and I did not consume of it while impure, and I did not give of it for the dead” (Deuteronomy 26:14). The three instances of “of it” are expounded as follows: One for itself; and one for that which Rabbi Abbahu said that Rabbi Yohanan said, that the verse comes to permit a priest to burn impure teruma oil and derive benefit from its light; and one for the following teaching of Reish Lakish.

As Reish Lakish said that Rabbi Samya said: From where is it derived that if the second tithe became ritually impure, it is permitted for one to anoint one’s body with it? As it is stated: “Nor did I give of it for the dead.” It is for the dead that I did not give of it, but for the living in a manner similar to the way it is given for the dead, I gave of it. Now, what usage of tithe is the same for the living and the dead? You must say it is anointing.

Mar Zutra strongly objects to this: But say that the verse is referring not to anointing but to purchasing a coffin and shrouds for a one who is deceased with money received in exchange for the second tithe; this is prohibited, but buying clothing and the like for one who is living is permitted. Rav Huna, son of Rav Yehoshua, said: “Of it” indicates benefit derived from the tithe itself and not from the money acquired in exchange for the tithe. Rav Ashi said a different answer: “I did not give” must be similar to “I did not eat”; just as there, eating is from the tithe itself, so too here, giving is from the tithe itself. In any event, the three instances of “of it” written with regard to second tithe are required for different expositions.

The Gemara asks: And yet there is still a difficulty, as the verbal analogy is available only from one side, since only the verse with regard to the Paschal lamb is superfluous in its own context. Granted, this works out well according to the one who says that one can derive from a verbal analogy that is available only from one side and one cannot refute it logically, even if there are valid counterarguments. But according to the one who said that one can derive from such an analogy and one can also refute it logically, if there are grounds to distinguish between the two cases, what can be said? As explained above, the analogy between the Paschal lamb and second tithe can be refuted.
Perek VIII
Daf 74 Ḥamud b

The Gemara answers: This halakha of Rabbi Abbahu with regard to the burning of impure teruma oil is derived from what Rav Nahman said that Rabba bar Avuh said. As Rav Nahman said that Rabba bar Avuh said: What is the meaning of that which is written: "And I, behold, I have given you the charge of My terumot" (Numbers 18:8)? From the amplification of the plural "My terumot," it is derived that the verse is speaking of two terumot, one teruma that is ritually pure and one teruma that is ritually impure. And the Merciful One states: "I have given you," i.e., it shall be yours, and you may derive benefit from it. Since there is a stringent prohibition against eating impure teruma, the benefit that is permitted is to burn it beneath your cooked dish. As the allowance to benefit from the burning of impure teruma is derived from here, the phrase "of it" is available on both sides.

It is taught in the mishna that all those who are ritually impure with any type of ritual impurity may not eat teruma. The Gemara asks: From where are these matters derived? Rabbi Yoḥanan said in the name of Rabbi Yishmael: The verse states: "Any man from the seed of Aaron who is a leper or a zav shall not eat of the holy things until he be pure" (Leviticus 22:4). Now, what matter is the same

for all the seed of Aaron, both sons and daughters? You must say it is teruma. The Gemara raises a difficulty: But say that perhaps the verse is referring to the breast and thigh of a peace-offering, which also may be eaten by all the seed of Aaron, both male and female? The Gemara answers: The breast and thigh are not permitted to males and females in equal manner, as they are not permitted to the daughter of a priest who returns to the home of her father. If the daughter of a priest marries a non-priest, it is prohibited for her to take part of teruma or sacrificial food. If she is widowed or divorced and has no living descendants by her non-priest husband, it is once again permitted for her to eat teruma, but she may not take part of the breast and thigh of the offerings.

The Gemara asks: If so, the same may be said about teruma as well, as it is not permitted to a halala, a woman who is disqualified from marrying a priest, even though she is the daughter of a priest. The Gemara answers: A halala is not considered the seed of Aaron.

The Gemara challenges the halakha recorded in the baraita that one who lacks atonement may eat teruma. And from where do you know that this verse: "Any man from the seed of Aaron who is a leper or a zav shall not eat of the holy things until he be pure," means that he may not eat of the holy things until sunset? Say that perhaps it means that he may not eat of them until he brings his atonement offering and is entirely pure.

Halakha

They are not permitted to one who returns – rectio. If the daughter of a priest married a non-priest, and he died or divorced her and she has no living descendants from him, she may once again eat teruma, but she may not eat the breast and thigh of peace-offerings (Rambam Sefer Zera'im, Hilkhot Terumot 6:9).

Teruma…is not permitted to a halala – rectio. If the daughter of a priest had relations with a man who is forbidden to her, she is disqualified from marrying a priest and may never again eat teruma (Rambam Sefer Zera'im, Hilkhot Terumot 6:7).

NOTES

It is not permitted to a halala – rectio. The Ritva notes that the Gemara here is not asking about only a halala in the strict sense, i.e., the daughter of a union between a priest and a woman who is forbidden to him, but also about the daughter of a priest who had relations with a man who is forbidden to her. The Gemara answers that in all such cases the woman is no longer considered the seed of Aaron, and therefore she is prohibited from partaking of teruma.
Once he immersed and emerged, he may partake of second tithe – (Leviticus 21:4-5). After one who was ritually impure has immersed, he need not wait for sunset but may eat second tithe immediately (Rambam Sefer Zera'im, Hilkhot Masa'ar Sheni 3:4).

Once the sun has set for him, he may partake of teruma – (Leviticus 21:4, 5). One who is ritually impure and has immersed may not eat teruma until the sun has set and three stars have emerged (Rambam Sefer Zera'im, Hilkhot Terumot 7:2).

Once he has brought his atonement offering, he may eat sacrificial food – (Leviticus 16:19). Those who must bring an offering to complete their purification process, i.e., a zav, a zava, a woman after childbirth, and a leper, even if they have immersed and waited until sunset, may not partake of sacrificial food until they have brought their atonement offerings (Rambam Sefer Korbanot, Hilkhot Me'uhenei Kappara 11).
The Gemara counters: On the contrary, second tithe should be governed by the more stringent condition, as it has the stringencies represented by the acronym heh, dalet, samekh, tet, beit,9 which is a mnemonic for the following: Second tithe must be brought [human] to Jerusalem; it requires that a declaration [nidduis] 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 properly fulfilled; it is prohibited [asur] to be eaten by one in acute mourning; it may not be burned in a state of impurity [tamri]; and it must be removed [biur] from one’s house before Passover in the fourth and seventh years of the Sabbatical cycle, if one failed to do so beforehand.

The Gemara responds: Even so, the punishment of death is a greater stringency, and therefore it is appropriate that teruma should be subject to the additional stringency of waiting until sunset.

Rava said: Even without the rationale that the punishment of death is a greater stringency, you still could not say that the first verse that speaks only of immersion is referring to teruma. As the verse states in the continuation: “And the soul that touches it” (Leviticus 22:6). Now, what matter is the same for every soul? You must say it is tithe, as teruma may be eaten only by priests.

The Gemara raises a difficulty with the mishna: But still, say that this halakha that sunset alone is enough for the eating of teruma applies only to one who does not require an atonement offering but merely has to wait until sunset when he is completely purified. However, with regard to one who does require an atonement offering, such as a confirmed leper, perhaps he may not eat teruma until he brings his atonement offering.

Abaye said: Two verses are written with regard to a woman after childbirth: It is written: “She shall touch no hallowed thing, nor come into the Sanctuary, until the days of her purification are completed” (Leviticus 12:4), which suggests that once her days are completed and the sun has set on the last day, she is completely pure and requires nothing more. And elsewhere it is written: “And the priest shall make atonement for her, and she shall be pure” (Leviticus 12:8), which indicates that following childbirth a woman is not completely pure until she has brought her offerings. How so? Here, in the first verse, it is referring to teruma; there, in the second verse, it is referring to sacrificial food. A woman following childbirth falls into the category of one who lacks atonement, but nevertheless the verse teaches that if she has immersed, she may eat teruma after sunset. The same is true of a confirmed leper and all others who lack atonement.

The Gemara asks: But I can reverse this construct and apply the more stringent condition to teruma. The Gemara answers: It is reasonable to say that sacrificial food is subject to the more stringent condition, as it is already subject to many stringent elements represented by the acronym, peh, nun, kuf, ayin, kaf, samekh, which is a mnemonic for the following stringencies that apply to sacrificial food and not to teruma: An offering is disqualified by improper intention during one of the rites involved in its sacrifice with regard to the time it will be eaten [pigug]; meat of an offering that remained beyond its allotted time [noret] may not be eaten and must be burned; it is an offering [korban] to God; one who unwittingly derives benefit from sacrificial food is required to bring a guilt-offering for misuse of consecrated items [meila]; the punishment of one who eats sacrificial food while ritually impure is excision [karet]; sacrificial food is prohibited [asur] to an acute mourner.

The Gemara challenges this argument: On the contrary, teruma should be subject to the more stringent condition, as, with regard to teruma, there are many stringent elements represented by the acronym mem, het, peh, sayin. The Gemara answers: Those stringencies that apply to sacrificial food are more numerous than those that apply to teruma.
Rava said: Even without the rationale that those stringencies that apply to sacrificial food are more numerous, you still could not say that the verse that renders a woman pure at sunset refers to sacrificial food, as the verse states: “And the priest shall make atonement for her, and she shall be pure,” which indicates by inference that she remains ritually impure to some degree until she has sacrificed her offerings. And if it enters your mind that she may eat sacrificial food immediately after sunset, you should apply here what is stated in a different verse: “And the flesh that touches anything impure shall not be eaten” (Leviticus 7:19), which indicates that one who is impure with any type of ritual impurity is prohibited from eating sacrificial food. Rather, learn from this that the verse is referring to teruma.

Rav Sheisha, son of Rav Idfi, strongly objects to this argument: And how can you say that a halakha governing teruma is written here, in the verse: “Until the days of her purification are completed” (Leviticus 12:4)? Isn’t it taught in a baraita: The section dealing with a woman following childbirth opens with the verse: “Speak to the children of Israel, saying: If a woman delivers and bears a male, then she shall be unclean seven days; as in the days of the impurity of her menstrual affliction shall she be unclean” (Leviticus 12:2). From this verse I have derived only that the children of Israel are included in this halakha; from where do I derive that a convert and an emancipated maidservant are also included? Therefore, the verse states: “A woman,” which includes other women. And if it enters your mind that the verse is speaking of teruma, are a convert and a maidservant eligible to eat teruma? It is prohibited for them to marry priests, so there can be no possibility of their eating teruma.

Rava said: And is the verse not referring to teruma as well?

The Gemara asks: And why do I need three verses with regard to teruma? The Gemara answers: They are all necessary, as, had teruma been derived solely from the verse: “He shall not eat of the holy things until he be pure” (Leviticus 22:4), I would not have known by what means ritual purity is achieved, whether by immersion alone or in some other way. Therefore, the Merciful One writes: “And when the sun has set he shall be pure, and afterward he may eat from the holy things” (Leviticus 22:7), to teach that he must also wait for sunset.

But isn’t it written in that same section dealing with a woman after childbirth: “She shall touch no hallowed thing,” nor come into the Sanctuary, until the days of her purification are completed” (Leviticus 12:4), which comes to include teruma? Rather, the Torah considers several distinct matters separately, and not all the verses refer to teruma.

Perek VIII
Dal 75 Amud a

HALAKHA

No hallowed thing, to include teruma — בַּעֲלָה לֶב，则 לְרַבּוֹת teruma — during her period of purity, it is permitted for a woman after childbirth to eat second tithe. However, it is prohibited for her to eat teruma, which she disqualifies, as does one who was ritually impure who immersed on that day (Rambam Sefer Tahara, Hilkhot Metamei Mishkav Yeshivah 54).

HALAKHA

A woman following childbirth who is a convert or an emancipated maidservant — בִּתְרוּמָה. If one had intercourse with a woman who gave birth to a male child within the last seven days or to a female child within the last fourteen days, whether she was an ordinary Jew, a convert, or an emancipated maidservant, he is liable to receive karet (Rambam Sefer Kedusha, Hilkhot Issurei Teruma 8:2).