

NOTES

Animal tithe – מעשר בהמה: 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 along with the other offerings.

BACKGROUND

Animal tithe – מעשר בהמה: 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, the 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*.

וְנוֹהֲגִין בְּשָׂאֵר שְׁנֵי שָׁבוּעַ, וְאֵין לָהֶם פְּדִיּוֹן, מֵה שְׂאֵין בֶּן בְּמַעֲשֵׂר, שְׁמַע מִיָּנָה.

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*.

תָּא שְׁמַע: נִשְׁתַּיִירוּ בּוֹ צִיצִין הַמַּעֲכָבִין אֶת הַמִּילָה – הֲרֵי זֶה אֵינוֹ אוֹכֵל לֹא בְּתְרוּמָה, וְלֹא בְּפֶסַח, וְלֹא בְּקֳדָשִׁים, וְלֹא בְּמַעֲשֵׂר. מֵאֵי לָאוּ, מַעֲשֵׂר דְּגֵן? לֹא. מַעֲשֵׂר בְּהֵמָה.

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.^{NB} The *baraita* teaches that the meat of the animal tithe was forbidden to one who is uncircumcised.

מַעֲשֵׂר בְּהֵמָה הֵינּוּ קֳדָשִׁים! וְלִיטַעֲמֵנָהּ, מִי לֹא תִנֵּן פֶּסַח וְקֳדָשִׁים קֳדָשִׁים?

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?

בְּשִׁלְמָא פֶּסַח וְקֳדָשִׁים צְרִיכִי, דְּאֵי תִנָּא פֶּסַח – מְשׁוּם דְּעִרְלוּת בְּפֶסַח כְּתִיבָא, אֲבָל קֳדָשִׁים – אֵימָא לָא. וְאֵי תִנָּא קֳדָשִׁים – הֲוֵה אֲמִינָא: מֵאֵי קֳדָשִׁים – פֶּסַח. אֲלֵא, מַעֲשֵׂר בְּהֵמָה לָמָּה לִי?

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.

אֲלֵא – מַעֲשֵׂר ראשון, וְרַבִּי מֵאִיר הֵיא, דְּאָמַר: מַעֲשֵׂר ראשון אֲסוּר לְזָרִים.

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.

תָּא שְׁמַע, מִדְּתַנֵּי רַבִּי חִיָּיא בַּר רַב מִדְּפִתִי: עֲרַל אֲסוּר בְּשִׁתֵּי מַעֲשֵׂרוֹת. מֵאֵי לָאוּ, אֶחָד מַעֲשֵׂר דְּגֵן וְאֶחָד מַעֲשֵׂר בְּהֵמָה! הֲכֵא נִמְי מַעֲשֵׂר ראשון, וְרַבִּי מֵאִיר.

The Gemara suggests: Come and hear a different proof from that which Rabbi Hiyya bar Rav of Difti 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* is in accordance with the opinion of Rabbi Meir.

Who is the *tanna* who disagrees – מֵאֵן תַּנָּא דְּפָלִיג – Rashi explains that the Gemara is asking about 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 (Ramban; Rashba).

HALAKHA

The burning of the red heifer by an acute mourner or by one who lacks atonement – שְׂרֵפַת אֹנֶן וּמְחֹסֵר – **כְּפוּרִים**: If a red heifer was burned by an acute mourner or one who is lacking atonement, it is valid, in accordance with the unattributed opinion in the *baraita* and against the dissenting view of the single *tanna* (Rambam *Sefer Tahara*, *Hilkhot Para Aduma* 4:14).

תָּא שְׁמַע: אֹנֶן אָסוּר בְּמַעֲשֵׂר, וּמוֹתֵר בְּתְרוּמָה וּבְפָרָה. טְבוּל יוֹם אָסוּר בְּתְרוּמָה, וּמוֹתֵר בְּפָרָה וּבְמַעֲשֵׂר. מְחֹסֵר כְּפוּרִים אָסוּר בְּפָרָה, וּמוֹתֵר בְּתְרוּמָה וּבְמַעֲשֵׂר. וְאִם אֵיתָא – גִּיתְנִי עֵרֶל אָסוּר בְּתְרוּמָה וּמוֹתֵר בְּפָרָה וּבְמַעֲשֵׂר!

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.

הָאֵי תַנָּא דְּבִי רַבִּי עֲקִיבָא הֵיא, דְּמַרְבִּי לִיה. לְעֵרֶל כְּטָמָא. דְּתַנָּא. רַבִּי עֲקִיבָא אָמַר: "אִישׁ אִישׁ" – לְרַבּוֹת אֶת הָעֵרֶל.

The Gemara rejects this argument: No proof can be adduced from here, as **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 22:4) 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.

וּמֵאֵן תַּנָּא דְּפָלִיג עֲלֵיהּ דְּרַבִּי עֲקִיבָא – תַנָּא דְּרַבִּי יוֹסֵף הַבְּבִלִי הֵיא. דְּתַנָּא: שְׂרֵפַת אֹנֶן וּמְחֹסֵר כְּפוּרִים – כְּשֵׁרָה, רַבִּי יוֹסֵף הַבְּבִלִי אָמַר: אֹנֶן – כְּשֵׁרָה, מְחֹסֵר כְּפוּרִים – פְּסוּלָה.

With regard to the issue itself, the Gemara inquires: **And who is the *tanna* who disagreesⁿ 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.^h 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.

וְאִף רַבִּי יִצְחָק סָבַר: עֵרֶל אָסוּר בְּמַעֲשֵׂר, דְּאָמַר רַבִּי יִצְחָק: מִנֵּין לְעֵרֶל שְׂאָסוּר בְּמַעֲשֵׂר – נֶאֱמַר “מִמֶּנּוּ” בְּמַעֲשֵׂר וְנֶאֱמַר “מִמֶּנּוּ” בְּפֶסַח, מֵה “מִמֶּנּוּ” הָאָמַר בְּפֶסַח – עֵרֶל אָסוּר בּוּ, אִף “מִמֶּנּוּ” הָאָמַר בְּמַעֲשֵׂר – עֵרֶל אָסוּר בּוּ.

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.**

מוֹפְנִי, דְּאֵי לָא מוֹפְנִי אִיבָא לְמִפְרָךְ: מֵה לְפֶסַח שְׂכֵן חַיִּיבִין עָלָיו מְשׁוּם פִּיגוּל וְנוֹתֵר וְטָמָא, לֹאֵי, אֲפִנּוּי מוֹפְנִי.

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.

But say it is referring to purchasing a coffin – ואימא ליקח – אלא למאן דאמר למדין ומשיבין: לו ארון *Tosafot* and other early authorities claim that this is merely a theoretical alternative, not an accepted conclusion for *halakha*. However, it is in fact permitted according to *halakha* to purchase clothes for the living from the money of impure tithe, as it is prohibited only to use it for the dead.

But according to the one who said that one can derive from it and one can also refute it – אלא למאן דאמר למדין ומשיבין: The commentaries note that the Gemara could simply have said that Rabbi Yitzhak agrees with the opinion that one can derive from such an analogy and one cannot refute it, in which case there would be no need to prove that the phrase “from it” with respect to *teruma* is free for an analogy, but it wanted to establish his approach as consistent with all opinions.

מאי מופני? אמר רבא אמר רבי יצחק: תלתא “ממנו” כתיבי בפסח, חד לגופיה, וחד לגיורה שוה, וחד,

למאן דאמר: בא הכתוב ליתן לך עשה אחר לא תעשה, אידי דכתיב נותר, כתיב נמי “ממנו”. ולמאן דאמר ליתן לו בקר שני לשריפתו, אידי דכתיב “עד בקר” – כתיב נמי “ממנו”.

תלתא “ממנו” כתיבי במעשר, חד לגופיה, וחד לדרבי אבהו אמר רבי יוחנן, וחד לדריש לקיש.

דאמר ריש לקיש אמר רבי סמיא: מנין למעשר שני שנטמא שמוותר לסוכו – שנטמא “ולא נתתי ממנו למת”, למת הוא דלא נתתי – הא לחי דומיא דמת – נתתי, איזה דבר ששוה בחיים ובמתים – הוי אומר: זו סיכה.

מתקיף לה מר זוטרא: ואימא ליקח לו ארון ותכריכים? אמר רב הונא בריה דרב יהושע: “ממנו” – מגופו. רב אשי אמר: “לא נתתי” דומיא ד“לא אכלתי”, מה להלן מגופו – אף כאן מגופו.

ואפתי, מופנה מצד אחד הוא? הניחא למאן דאמר למדין ואין משיבין, אלא למאן דאמר למדין ומשיבין – מאי איכא למימר?

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 flogged 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 burned 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^N 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^N 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.

A *zav* who experienced two sightings – זָב בַּעַל שְׁתֵּי – רָאִיּוֹת: It is learned by tradition that a man has the status of a full-fledged *zav* only if he experiences three gonorrhoeal emissions, which are termed sightings. After the first sighting he is not considered a *zav* at all but simply as one who experienced a seminal emission. Following his second sighting he is a *zav* with regard to ritual impurity, but if he does not experience a third emission he need not bring an offering to achieve purification.

A *quarantined leper* – מִצְוַע מוֹסְגֵר: The impurity of a leper has two stages. When one first discovers a spot he suspects might be leprosy, he must go to a priest, who quarantines him for seven days to see if the plague advances. Sometimes he is quarantined for a further seven days. Only when it becomes clear that he suffers from a full manifestation of leprosy, i.e., if it spreads, is he declared a confirmed leper. However, there is no difference between these two stages with regard to their impurity; the main difference between them is that a confirmed leper must bring special offerings of atonement upon his purification.

From where do we derive these different *halakhot* – מִנָּא לֵן: *Otzar HaShitot* raises the difficulty that Rava's answer seems to resolve only the second question, but not the first that perhaps sunset alone does not suffice to permit the eating of *teruma* in a case where an atonement offering is required. The Meiri, however, already hinted that once it is learned by tradition that this verse is dealing with a *zav* and leper who are not obligated to bring offerings, a principle can be derived from here that in order to eat *teruma*, only immersion is required. Were this not the case, the Torah would have had to state that those who are obligated to bring offerings must bring them before they can partake of *teruma*.

As it is subject to *mem, het, peh, zayin* – שְׁכֵן מַחֲפִיז: The Ramban points out that there are other stringencies in connection with *teruma*, e.g., it requires the washing of hands and it is nullified only in a mixture of one hundred to one. He suggests several answers to the question why these are not mentioned here. First, these stringencies are rabbinic in origin. In addition, second tithe is not nullified by a simple majority either, as it is in the category of things that are only temporarily prohibited. Furthermore, even if the Gemara had mentioned these two *halakhot*, there would be merely an equal number of stringencies, and therefore the Gemara would still have had to answer that the punishment of death is a greater stringency.

לֹא סָלְקָא דְעֵתְךָ, דְתִנָּא דְבֵי רַבִּי יִשְׁמַעְיָאֵל: בְּזַב בַּעַל שְׁתֵּי רָאִיּוֹת וּבְמִצְוַע מוֹסְגֵר הַכְּתוּב מְדַבֵּר, דּוּמְיָא דְטִמְאָא נִפְשָׁא, מַה טִּמְאָא נִפְשָׁא – דְלָאוּ בְרַ פְּפָרָה הוּא, הֲנִי נִמְי – דְלָאוּ בְנִי פְּפָרָה נִנְהוּ.

וְאִימָא: הֲנִי מִיָּלִי – דְלָאוּ בְרַ פְּפָרָה, אֲבָל דְבְרַ פְּפָרָה – עַד דְמִיָּתִי פְּפָרָה!

וְתוֹ: הָא דְתַנּוּ: טַבַּל וְעֵלָה – אוֹכֵל בְּמַעֲשֵׂר, הָעֵרִיב שְׂמֵשׁוֹ – אוֹכֵל בְּתְרוּמָה, הִבְיָא פְּפָרָה – אוֹכֵל בְּקֹדְשִׁים, מִנָּא לֵן?

אָמַר רַבָּא אָמַר רַב חֲסֵדָא: תִּלְתָּא קְרָאִי כְּתִיבִי: כְּתִיב 'וְלֹא יֹאכַל מִן הַקֹּדְשִׁים כִּי אִם רֵחֶף בְּשָׂרוֹ בְּמִים', הָא רֵחֶף – טְהוֹר. וְכִתִּיב 'וְכִבָּא הַשְּׂמֵשׁ וְטָהַר וְאַחַר יֹאכַל מִן הַקֹּדְשִׁים', וְכִתִּיב 'וְכֹפֵר עָלֶיהָ הַכֹּהֵן וְטָהַרָה'. הָא כִּי־צֵד? כָּאן לְמַעֲשֵׂר, כָּאן לְתְרוּמָה, כָּאן לְקֹדְשִׁים.

וְאִיפּוּךְ אָנָּא! מִסְתַּבְּרָא, תְרוּמָה עַד־יָפֵא שְׁכֵן מַחֲפִיז.

The Gemara answers: **This cannot enter your mind**, as a *tanna* of the school of Rabbi Yishmael taught that the verse is speaking of a *zav* who experienced only two sightings^N of an emission, and of a quarantined leper,^N i.e., a suspected leper who has not yet been declared conclusively ritually impure by a priest. Both of these individuals are ritually impure, but they need not bring an offering as part of the purification process. When understood in this way, the leper and *zav* are **similar** to one who touches any object that is **impure** with ritual impurity imparted by a **corpse**, mentioned later in the verse: **Just as** one who touches anything that is **impure** with ritual impurity imparted by a **corpse does not require an atonement** offering for his impurity, **these too**, the *zav* and leper referred to in this verse, **do not require an atonement** offering; rather, they achieve complete purification at sunset.

The Gemara raises a question: **But say that this halakha** that sunset alone suffices to permit the eating of *teruma* **applies only to one who does not require an atonement** offering but merely has to wait until sunset to achieve complete purification. **However**, with regard to **one who does require an atonement** offering, perhaps he may not eat *teruma* **until he brings his atonement** offering.

And furthermore, the Gemara raises a question with regard to **that which we learned** in a mishna (*Nega'im* 14:3): When the period of ritual impurity of a *zav* or a leper has been completed and he **immersed during the day and emerged, he may immediately partake of second tithe**;^H **once the sun has set for him, he may partake of teruma**;^H **once he has brought his atonement** offering, he may eat **sacrificial food**.^H **From where do we derive these different halakhot?**^N

Rava said that Rav H̄isda said: **Three verses are written** with regard to purity for eating sacred food. **It is written**: “**And he shall not eat of the holy things, unless he has bathed his flesh in water**” (Leviticus 22:6); **but if he has bathed**, i.e., immersed, he is immediately pure and may partake of sacred food. **And it is written**: “**And when the sun has set, he shall be pure, and afterward he may eat from the holy things**” (Leviticus 22:7), which indicates that he must wait until sunset. **And it is further 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 offering. **How so?** How can the apparent discrepancy between these three verses be resolved? **Here**, in the first verse, it is referring to **second tithe**; **there**, in the second verse, it is referring to *teruma*; and **here**, in the third verse, it is referring to **sacrificial food**.

The Gemara asks: **But I can reverse** this construct and apply the more stringent condition to tithe. The Gemara answers: **It is reasonable** to say that *teruma* is subject to the **more stringent** condition, as it is already subject to many stringent elements represented by the acronym *mem, het, peh, zayin*,^N which is a mnemonic for the following: One who is prohibited from eating *teruma* but ate it intentionally is liable to the punishment of death [*mita*] at the hand of Heaven; a non-priest who unwittingly ate *teruma* is obligated to pay its value to the priest plus one-fifth [*homesh*] of the sum; *teruma* does not have the possibility of redemption [*pidyon*]; and it is prohibited to non-priests [*zarim*]. These stringencies do not apply to second tithe.

HALAKHA

Once he immersed and emerged, he may partake of second tithe – טַבַּל וְעֵלָה אוֹכֵל בְּמַעֲשֵׂר: 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 Ma'aser Sheni* 3:4).

Once the sun has set for him, he may partake of *teruma* – הָעֵרִיב שְׂמֵשׁוֹ אוֹכֵל בְּתְרוּמָה: One who was ritually impure and has immersed may not eat *teruma* until the sun has set and three stars have emerged (Rambam *Sefer Zera'im, Hilkhot Terumat* 7:2).

Once he has brought his atonement offering, he may eat sacrificial food – הִבְיָא פְּפָרָה אוֹכֵל בְּקֹדְשִׁים: 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 Mehushrei Kappara* 1:1).

As it has *heh, dalet, samekh, tet, beit* – שָׁבֵן הַדִּים ט"ב – The Ramban understands that the *tet* of this mnemonic means that one who eats tithe in a state of impurity [*tuma*] is flogged. He is therefore puzzled as to why the Gemara does not also mention the *halakha* that it is prohibited to burn tithe in a state of impurity. He answers that it was unnecessary, as even without this *halakha* second tithe has more stringencies than *teruma*. Sensing this difficulty, Rashi explains that the *tet* alludes to both of the above *halakhot*.

אֲדַרְבָּהּ, מֵעֶשֶׂר עֲדִיפָא שְׁבֵן הַדִּים ט"ב!

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*,^N which is a mnemonic for the following: Second tithe must be brought [*hava'a*] to Jerusalem; it requires that a declaration [*viddui*] be made on the last day of Passover in the fourth and seventh year 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 [*tuma*]; 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.

אֲפִילוּ הָבִי, מִיְתָה עֲדִיפָא.

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.

רַבָּא אָמַר: בְּלֹא מִיְתָה עֲדִיפָא נְמִי לֹא מִצִּית אָמַרְתָּ, אָמַר קָרָא "נֶפֶשׁ", אִיזְהוּ דְבַר שְׂשׂוּה בְּכָל נֶפֶשׁ הוּי אֲמַר זֶה מֵעֶשֶׂר.

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: "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.

וְאֶבְתִּי, הֲנִי מִלִּי הִכָּא דְלֹא בֵר פְּפָרָה, אֲבָל הִכָּא דְבֵר פְּפָרָה – עַד דְּמִיְתִי פְּפָרָה!

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.

אָמַר אַבְי: תִּירִי קְרָאִי בְּתִיבֵי בְּיֹלְדָת: בְּתִיב "עַד מְלֵאת יָמֵי טְהוּרָה", בִּינֹן שְׂמֵלָאוּ יָמִיהָ – טְהוּרָה, וּבְתִיב "וְכִפֹּר עָלֶיהָ הַכֹּהֵן וְטָהַרָה", הָא בִּיצֵד? כָּאן לְתֵרוּמָה, כָּאן – לְקִדְשִׁים.

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.

וְאִיפּוּךְ אֲנָא! מִסְתַּבְּרָא, קִדְשׁ חֲמוּר, שְׁבֵן פְּנִקְעִים.

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 [*piggul*]; meat of an offering that remained beyond its allotted time [*notar*] 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 [*me'ila*]; the punishment of one who eats sacrificial food while ritually impure is excision [*karet*]; sacrificial food is prohibited [*asur*] to an acute mourner.

אֲדַרְבָּהּ, תִּרוּמָה חֲמוּרָה, שְׁבֵן מַחֲפִ"ז: הַנֶּךְ נִפְיָשׁוּן.

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, zayin*. The Gemara answers: **Those** stringencies that apply to sacrificial food **are more numerous** than those that apply to *teruma*.

A woman following childbirth who is a convert or an emancipated maidservant – יולדת שהיא גיורת או שפחה – 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, Hilkhhot Issurei Bia* 4:2).

רבא אמר: בלא הניך נפישן לא מצית אמרת, אמר קרא 'וכפר עליה הבהן וטהרה' מכלל שהיא טמאה. ואי סלקא דעתך בקדשים – איקרי באן 'והבשר אשר יגע בכל טמא לא יאכל'. אלא שמע מינה בתרומה.

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*.

מתקיף לה רב שישא בריה דרב אידי: ומי מצית אמרת תרומה כתיבא הקא? והתניא: "דבר אל בני ישראל, אין לי אלא בני ישראל, גיורת ושפחה משוחררת מנין – תלמוד לומר "אשה". ואי סלקא דעתך בתרומה – גיורת ושפחה בנות מיכל תרומה מנהו?!

Rav Sheisha, son of Rav Idi, 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.^h 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*.

אמר רבא: ולא?!

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

Perek VIII
Daf 75 Amud a

No hallowed thing, to include *teruma* – לרבנות... בקל קדש... התרומה: 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, Hilkhhot Metamei Mishkav UMoshav* 5:4).

והכתיב 'בכל קדש לא תגע' לרבנות התרומה! אלא: קרא מילי מילי קא חשיב.

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*?^h Rather, the Torah considers several distinct matters separately, and not all the verses refer to *teruma*.

ותלתא קראי בתרומה למה לי? צריכי דאי מ'עד אשר וטהר' לא היה ידענא במאי, כתב רחמנא 'ויבא השמש וטהר'.

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.

ואי כתב רחמנא 'ויבא השמש' – הני מילי דלאו בר כפרה, אבל דבר כפרה – אימא עד דמייית כפרה, כתב רחמנא 'עד מלאת'.

And had the Merciful One written only: "And when the sun has set," I might have said that this applies only to one who does not require an atonement offering, but as for one who requires an atonement offering, one might say that he may not eat *teruma* until he brings his atonement offering. Therefore, the Merciful One writes: "She shall touch no hallowed thing, nor come into the Sanctuary, until the days of her purification are completed" (Leviticus 12:4), which indicates that she may eat *teruma* as soon as her days of purification are completed, and she need not wait until after she has brought her atonement offering.