

JUDAISM

The Talmud

Bekhorot

A massive, multi-volume compendium of rabbinic debates and commentary on the Torah that forms the basis of Jewish religious law, ethics, and practice. Presents all 37 tractates with Gemara, via Sefaria's William Davidson Talmud (the Koren Talmud Bavli translation, CC BY-NC), plus Avot and Eduyot (which have no Gemara) via Michael L. Rodkinson's 1896-1918 translation.

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Chapter 1

¹ MISHNA: With regard to one who purchases the fetus of a donkey that belongs to a gentile, and one who sells the fetus of his donkey to a gentile although he is not permitted to sell a large animal to a gentile, and one who enters into a partnership with a gentile in ownership of a donkey or its fetus, and one who receives a donkey from a gentile in order to care for it in exchange for partnership in its offspring, and one who gives his donkey to a gentile in receivership, in all of these cases the donkeys are exempt from the obligations of firstborn status, i.e., they do not have firstborn status and are not redeemed, as it is stated: “I sanctified to Me all the firstborn in Israel, both man and animal” (Numbers 3:13), indicating that the mitzva is incumbent upon the Jewish people, but not upon others. If the firstborn belongs even partially to a gentile, it does not have firstborn status.

² GEMARA: The Gemara asks: Why do I need all these examples in the mishna to demonstrate the principle that a firstborn donkey must belong exclusively to a Jew for the obligations of firstborn status to apply?

³ The Gemara explains: All of these examples are necessary. As, had the tanna taught that a donkey is exempt from the obligations of firstborn status only in the case where a Jew purchases a fetus from a gentile, I would say that this is because the Jew brings it to a state of sanctity in that it will not be worked on Shabbat. But in the case where a Jew sells the fetus of his donkey to a gentile, where he abrogates its state of sanctity, I would say that the Sages should penalize him [likneseih] for his actions by rendering the fetus subject to the obligations of firstborn status. Therefore, the mishna teaches us that it is exempt from these obligations.

⁴ And why do I need the mishna to state the case of one who enters into a partnership with a gentile? The case is necessary to exclude the opinion of Rabbi Yehuda, who says: An animal owned in partnership with a gentile is obligated, i.e., subject to accounting its offspring a firstborn. Therefore, the mishna teaches us that it is exempt from its offspring being counted a firstborn.

⁵ And why do I need the mishna to state that the fetus does not have firstborn status in the case of one who receives a donkey from a gentile in exchange for partnership in its offspring? This halakha is already included in the previous one. The Gemara answers: It is because the tanna wants to teach in the parallel case of: And one who gives his donkey to a gentile in receivership, that its offspring does not have firstborn status.

⁶ And why do I need the case of one who gives his donkey to a gentile in receivership to be stated? It was necessary, because it might enter your mind to say that since the primary animal belongs to the Jew, the Sages should penalize him by treating the offspring as a firstborn and requiring it to be redeemed, lest this case be confused with another case of an animal that the Jew puts in the care of a gentile where the gentile does not own rights to the offspring, and the offspring is counted a firstborn. Therefore, the mishna teaches us that he is not penalized.

⁷ § The Gemara cites a discussion where the mishna is used as a proof: We learned in a mishna elsewhere (Avoda Zara 14b) with regard to the prohibition against selling large livestock to a gentile due to concern that it will be worked on Shabbat: Rabbi Yehuda deems the sale of a damaged animal permitted because it is incapable of performing labor, and ben Beteira deems the sale of a horse for riding permitted, because riding a horse on Shabbat is not prohibited by Torah law.

⁸ A dilemma was raised before the Sages: With regard to a fetus, what would Rabbi Yehuda say to me about selling it to a gentile? Is the reason that Rabbi Yehuda deems selling the animal permitted there because it is damaged and it cannot work, and a fetus is also damaged in the sense that it cannot work? Or, perhaps it is permitted to sell a damaged animal because that is not its natural state; it is defective and is therefore not included in the prohibition against selling large livestock. But with regard to a fetus, since that is its natural state, and it will become capable of working after growing up, perhaps it is not considered damaged, as it is not defective.

⁹ The Gemara suggests: Come and hear a resolution to the dilemma from the mishna: And one who sells the fetus of his donkey to a gentile, his donkey is exempt from the obligations of firstborn status, although the owner is not permitted to do so. And Rabbi Yehuda does not disagree and claim that he may sell it. Apparently, Rabbi Yehuda agrees that it is prohibited to sell the fetus of one's animal to a gentile.

¹⁰ The Gemara rejects the resolution: And according to your reasoning, concerning the other cases in the mishna, namely, one who enters into a partnership with a gentile, and one who receives a donkey from a gentile in exchange for partnership in its offspring, and one who gives his donkey to a gentile in receivership, with regard to which the mishna does not teach that Rabbi Yehuda disagrees, so too does this indicate that he does not disagree with the ruling in the mishna in these cases? That is impossible, as Rabbi Yehuda holds that an animal subject to a partnership between a Jew and gentile is subject to accounting its offspring a firstborn, as is evident from a baraita that will soon be cited.

¹¹ Rather, clearly Rabbi Yehuda does disagree, but the mishna does not teach his opinion. Here too, with regard to selling the fetus, he disagrees, but the mishna does not teach his opinion.

¹² The Gemara suggests: Come and hear a resolution from a baraita: Rabbi Yehuda says that in the case of one who receives an animal from a gentile in order to care for it and receives some of the offspring in exchange for his work, and it gave birth to a firstborn, they assess its value, and the Jew gives half of its value to the priest to redeem his portion, which is sanctified by the firstborn status. And in the case of one who gives the gentile an animal in receivership even though he is not permitted to do so, the Sages penalize him by requiring that he purchase the gentile's portion of the animal for up to ten times its value, and he gives all of its value to the priest.

¹³ What, is it not referring to the fetus when the baraita states that he is not permitted to sell it? The Gemara responds: No, it is referring to the animal itself that he may not sell to the gentile, and that is why he is penalized.

¹⁴ The Gemara asks: But doesn't the baraita teach: The Sages penalize him up to ten times its value [damav], in masculine form, indicating that it is referring to the fetus and not the mother? The Gemara responds: Teach the following wording in the baraita: The Sages penalize him up to ten times its value [dameha], in feminine form. The Gemara asks: But doesn't it teach: He gives all of its value to the priest? And if it is referring to the animal and not the firstborn, what is the relevance of the priest? The Gemara answers: Here we are dealing with a case where the Jew gave the gentile a

pregnant animal to fatten it in order to divide the profits as well as the offspring. Since we penalize him for selling the animal in a prohibited manner, we penalize him with regard to the fetus as well.

¹⁵ Rav Ashi says: Come and hear a resolution from a baraita: Rabbi Yehuda deems the sale to a gentile of a damaged animal permitted, because it is incapable of being cured. This statement indicates that if it is capable of being cured, Rabbi Yehuda deems its sale prohibited. And a fetus is also similar to one who is able to be cured, as it ultimately will be capable of working. Learn from it that Rabbi Yehuda deems the sale of a fetus to a gentile prohibited.

¹⁶ And there are those who teach this discussion as referring to the statement in the mishna: With regard to one who sells the fetus of his donkey to a gentile, although he is not permitted to sell a large animal to a gentile, it is exempt from the obligations of firstborn status. The discussion then proceeded as follows: Let us say that the mishna is not in accordance with the opinion of Rabbi Yehuda, as we learned in a mishna (Avoda Zara 14b): Rabbi Yehuda deems the sale of a damaged animal permitted because it is incapable of performing labor. The halakha is presumably the same with regard to a fetus, which is also not capable of performing labor.

¹⁷ The Gemara responds: You may even say that it is in accordance with the opinion of Rabbi Yehuda, as it is permitted to sell a damaged animal because that is not its natural state; it is defective and is therefore not included in the prohibition against selling large livestock. But with regard to a fetus, since it is in its natural state, and will become capable of working after growing up, perhaps it is not considered damaged, as it is not defective.

¹⁸ The Gemara suggests: Come and hear another proof from a baraita: Rabbi Yehuda says that in the case of one who receives an animal from a gentile to care for and receives a portion of the offspring in exchange for his work, and it gave birth to a firstborn, they assess its value, and the Jew gives half of its value to the priest to redeem his portion, which is sanctified by the firstborn status. And in the case of one who gives the gentile an animal in receivership even though he is not permitted to do so, the Sages penalize him by requiring that he purchase the gentile's portion of the animal for up to ten times its value, and he gives all of its value to the priest. What, is it not referring to the fetus when the baraita states that he is not permitted to sell it? The Gemara responds: No, it is referring to the animal itself that he may not sell to the gentile, and that is why he is penalized.

¹⁹ The Gemara asks: But doesn't the baraita teach: The Sages penalize him up to ten times its value [damav], in masculine form, indicating that it is referring to the fetus and not the mother? The Gemara responds: Teach the following wording in the baraita: The Sages penalize him up to ten times its value [dameha], in feminine form. The Gemara asks: But doesn't it teach: He gives all of its value to the priest? And if it is referring to the animal and not the firstborn, what is the relevance of the priest? The Gemara answers: Here we are dealing with a case where the Jew gave the gentile a pregnant animal to fatten it in order to divide the profits as well as the offspring. Since we penalize him for selling the animal in a prohibited manner, we penalize him with regard to the fetus as well.

²⁰ Rav Ashi says: Come and hear a resolution from a baraita: Rabbi Yehuda deems the sale to a gentile of a damaged animal permitted, because it is incapable of being cured. This statement indicates that if it is capable of being cured, Rabbi Yehuda deems its sale prohibited. And this fetus is also similar to one who is able to be cured, as it ultimately will be capable of working. Learn from it that Rabbi Yehuda deems the sale of a fetus to a gentile prohibited.

²¹ § A dilemma was raised before the Sages concerning the prohibition against selling large livestock to a gentile: In the case of a Jew who sold an animal to a gentile only with regard to rights to its fetuses, but retained ownership of the animal itself, what is the halakha concerning the permissibility of the sale? The Gemara clarifies: Let the dilemma be raised according to the opinion of Rabbi Yehuda, who permits the sale of a damaged animal, and let the dilemma be raised according to the opinion of the Rabbis, who dispute that ruling.

²² The Gemara elaborates: Let the dilemma be raised according to the opinion of Rabbi Yehuda, as follows: Perhaps Rabbi Yehuda permits only the sale of a damaged animal, as people will not come to confuse this animal with a healthy animal, which is prohibited for sale to a gentile, as they are visibly different. But in the case of one who sells an unblemished animal with regard to the rights to its fetuses, which people may come to confuse with the case of selling the animal entirely and consider that sale permitted as well, Rabbi Yehuda deems the sale prohibited.

²³ Or perhaps Rabbi Yehuda would claim that in the case of a damaged animal, which is separated from him in its entirety in the sale, the sale is permitted, and all the more so with regard to the sale of an unblemished animal with regard to the rights to its fetuses, where the animal is not entirely separated from him, as he did not sell the actual animal, the sale is permitted.

²⁴ Likewise, the dilemma can be raised according to the opinion of the Rabbis: Perhaps the Rabbis deemed the sale prohibited only in a case of a damaged animal, as the animal is separated from him. But in the case of an unblemished animal that is sold only with regard to the fetuses, where it is not separated from him, and there is no concern that people will mistakenly sell the entire animal to a gentile, they deem the sale permitted.

²⁵ Or perhaps the Rabbis would claim that in the case of a damaged animal, which people will not come to confuse with the case of an unblemished animal, the Rabbis deem the sale prohibited, and all the more so they would prohibit selling an unblemished animal with regard to the rights to its fetuses, which people may come to confuse with the case of selling an unblemished animal in its entirety.

²⁶ The Gemara asks: And is the reason of the opinion of the Rabbis due to that concern that people may confuse the sale of a damaged animal with the sale of an unblemished animal in its entirety? But isn't it taught in a baraita that the Rabbis said to Rabbi Yehuda: But why do you hold that it is permitted to sell a damaged animal? Don't they breed it with another animal, and it gives birth to offspring, which will then be owned by a gentile? Apparently, the reason the Rabbis prohibit the sale is due to the animal's fetuses. If so, they should prohibit selling large livestock to a gentile with regard to the fetuses as well.

²⁷ The Gemara answers: This is not truly the Rabbis' opinion. Rather, this is what they were saying to Rabbi Yehuda: Our reason for prohibiting the sale of a damaged animal is because people might come to confuse this case with the sale of an unblemished animal. But you, what is the reason that you permit selling a damaged animal? It is because the animal is incapable of being cured, and you therefore consider it similar to one who sold an animal explicitly for slaughter, which is permitted.

²⁸ But actually it is not similar to that case, as don't they breed a damaged animal with another animal, and it gives birth? And since they breed it and it gives birth, the gentile will delay its slaughter. Others may then mistakenly believe that selling large livestock for purposes other than slaughter is permitted.

²⁹ And Rabbi Yehuda said to the Rabbis in response: When a damaged animal actually gives birth, I will concern myself with this possibility. Practically, this concern may be disregarded, as such an animal cannot breed with a male. In any event, no proof may be brought from this baraita concerning the opinion of the Rabbis concerning selling an animal with regard to the rights to its fetuses.

³⁰ The Gemara suggests: Come and hear a proof from the mishna, where it states: And in the case of one who gives his donkey to a gentile in receivership, meaning that he divides the offspring with him in exchange for caring for the animal, the donkey is exempt from the obligations of firstborn status. This case is identical to that of selling an animal with regard to the rights to its fetuses, and the mishna does not teach: Although he is not permitted to do so. Apparently such a sale is permitted.

³¹ The Gemara responds: But according to your reasoning, with regard to that which the mishna states: One who enters into a partnership with a gentile, where it also does not teach: Although he is not permitted to do so, so too, should it be derived that it is permitted to enter into such a partnership? But doesn't Shmuel's father say: It is prohibited for a person to enter into a partnership with a gentile lest their joint ventures lead them to quarrel and his gentile partner will be obligated to take an oath to him and he will take an oath in the name of his object of idol worship; and the Torah states: "Neither let it be heard out of your mouth" (Exodus 23:13), which includes causing a gentile to take an oath in the name of an idol.

³² Rather, the tanna taught that a sale to a gentile is not permitted, and the same is true for the case of a partnership. So too, the tanna taught that a sale to a gentile is prohibited, and the same is true for a case of receivership. The Gemara asks: And what is different about the case of selling that the tanna cited the prohibition specifically in that case? The Gemara answers that the primary prohibition is that of selling the animal to a gentile.

³³ The Gemara suggests: Come and hear a resolution to the dilemma of whether selling an animal to a gentile with regard to the rights to its fetuses is permitted from a baraita: Rabbi Yehuda says that in the case of one who receives an animal from a gentile to care for and receives a portion of the offspring in exchange for his work, and it gave birth to a firstborn, they assess its value, and the Jew gives half of its value to the priest to redeem his portion, which is considered to have the sanctity of a firstborn. And in the case of one who gives the gentile an animal in receivership even though he is not permitted to do so, the Sages penalize him by requiring that he purchase the gentile's portion of the animal for up to ten times its value, and he gives all of its value to the priest.

³⁴ And the Rabbis say: As long as the ownership of the gentile is involved, in that he possesses at least partial ownership of the mother or the fetus, the animal is exempt from its offspring being counted a firstborn.

³⁵ What, is the baraita not referring to the animal when it prohibits giving it in receivership? If so, the baraita prohibits giving it to the gentile in exchange for half the rights to future fetuses, and certainly giving the gentile rights to all the future fetuses would be forbidden. The Gemara responds: No, it is referring to a case of an existing fetus, as the animal is pregnant, and therefore it is prohibited to sell it. It is permitted to sell to a gentile an animal that is not yet pregnant, for the rights to the fetuses alone.

³⁶ The Gemara comments: The language of the baraita is also precise, as it teaches: The Sages penalize him up to ten times its value [damav], in masculine form, indicating that it is referring to the

fetus and not the mother. The Gemara affirms: Learn from it that this is correct, and it cannot be proven from the baraita that it is forbidden to sell rights to a future fetus to a gentile.

³⁷ The Gemara comments that the language of the baraita: The Sages penalize him up to ten times its value, supports the opinion of Reish Lakish, as Reish Lakish says: In the case of one who sells large livestock to a gentile, the Sages penalize him, requiring him to repurchase it from the gentile for up to ten times its value.

³⁸ The Gemara asks: Does the phrase: For up to ten times its value, mean specifically this amount and no more, or does it not mean specifically this amount? The Gemara suggests: Come and hear a proof from that which Rabbi Yehoshua ben Levi says: In the case of one who sells his Canaanite slave to a gentile, the Sages penalize him, requiring him to repurchase the slave from the gentile for up to one hundred times its value. It is therefore evident that the phrase: For up to ten times its value, is not precise. The Gemara responds: A slave is different, as each day that he works for the gentile, the gentile restricts him from performing mitzvot. Therefore, one who sells a slave is penalized more severely than one who sells his animal to a gentile.

³⁹ And there are those who say that there is another version of the previous discussion: Reish Lakish says that in the case of one who sells large livestock to a gentile, the Sages penalize him, requiring him to repurchase it from the gentile for up to one hundred times its value. We learned in a baraita: And in the case of one who gives the gentile an animal in receivership even though he is not permitted to do so, the Sages penalize him by requiring that he purchase the gentile's portion of the animal for up to ten times its value. This contradicts the statement of Reish Lakish.

⁴⁰ The Gemara responds: The penalties in these two cases are not the same, as in a case of a sale, the animal is entirely separated from the Jew, while in the case of receivership, it is not entirely separated from him, as the animal still belongs to the Jew. Therefore, the penalty in this case is not as severe.

⁴¹ The Gemara asks: Does the amount of one hundred times its value stated by Reish Lakish mean specifically this amount and no more, or does it not mean specifically this amount? The Gemara suggests: Come and hear a proof from that which Rabbi Yehoshua ben Levi says: In the case of one who sells his Canaanite slave to a gentile, the Sages penalize him, requiring him to repurchase the slave from the gentile for up to ten times its value. Apparently, the number one hundred is not meant literally. The Gemara responds: A slave is different, since the Sages already penalized the owner in that the slave does not return to him. Since the slave will be emancipated once the master redeems him, it may be that the Sages would not penalize him to such a great extent.

⁴² The Gemara challenges: Rather, what is the reason that he is penalized in the case of an animal more so than in the case of a slave? Is it because of the fact that it returns to him? If so, he should be penalized only one additional amount. If the difference is that an animal returns to its owners and a slave does not, then the difference in penalties should be reflective of this, and he should have to purchase the animal for no more than eleven times its value. Rather, the Gemara offers a different distinction: The sale of a slave is an uncommon matter, and the Sages did not issue a decree with regard to an uncommon matter. Therefore, one cannot compare the penalty in the case of selling a slave to the penalty in the case of selling an animal.

⁴³ § A previously cited baraita (2b) states that if one receives an animal from a gentile to care for and receives a portion of the offspring in exchange, Rabbi Yehuda holds that the Jew's portion is sanctified with firstborn status. And the Rabbis say that as long as the ownership of the gentile is

involved, i.e., he owns a portion of the firstborn animal, it does not have firstborn status. Rabbi Yehoshua said: And both of them interpreted the same one verse in accordance with their opinions. The verse states: “Sanctify to Me all the firstborn, whatever opens the womb, among the children of Israel” (Exodus 13:2).

⁴⁴ The Rabbis hold that the words “the firstborn, whatever opens the womb, among the children of Israel” indicate that even when a Jew owns part of the firstborn, it is subject to the obligations of firstborn status. Therefore, the Merciful One wrote: “All the firstborn,” which teaches that it is not subject to the obligations of firstborn status unless the entire animal is owned by a Jew. And Rabbi Yehuda holds that the words “the firstborn, whatever opens the womb, among the children of Israel” indicate that only if the entire firstborn is owned by a Jew would it be subject to the obligations of firstborn status. Therefore, the Merciful One wrote the word “all” to demonstrate that even if any amount of the animal belongs to a Jew, it has firstborn status.

⁴⁵ If you wish, say instead that everyone agrees that the words “the firstborn, whatever opens the womb, among the children of Israel” indicate that if the majority of the animal belongs to the Jew, it is subject to the obligations of firstborn status. One Sage, i.e., the Rabbis, holds that the word “all” indicates that it comes to fill the Jewish portion of ownership, meaning that it has firstborn status only if the entire animal belongs to a Jew. And one Sage, i.e., Rabbi Yehuda, holds that the word “all” comes to detract from the necessary Jewish ownership, indicating that the animal has firstborn status even if it is partially owned by a Jew.

⁴⁶ § The Gemara asks: And according to the Rabbis, how much should the gentile’s partnership in the animal be in order for it to be exempt from being counted a firstborn? Rav Huna says: It is sufficient even if the gentile owns only its ear. Rav Nahman objects to this: Let the animal have firstborn status, and let the priest say to the gentile: Take your ear and go, as a blemished firstborn animal belongs to the priesthood.

⁴⁷ It was stated that the amora’im engaged in a dispute concerning this question: Rav Ḥisda says that if the gentile is a partner in an item, i.e., a part of the body, that renders the animal a carcass, meaning if that limb were removed the animal would die immediately, the animal is exempt from the obligations of firstborn status. And Rava says it is exempt if the gentile is a partner in an item that if removed renders the animal a tereifa, meaning the animal will die but not immediately.

⁴⁸ The Gemara asks: With regard to what principle do they disagree? The Gemara answers that they disagree about whether a tereifa can live for an extended period of time. According to the one who says that a gentile’s partnership in an item that renders the animal a tereifa exempts him from the obligations of firstborn status, it is because he holds that a tereifa cannot live, and therefore the gentile owns an essential portion of the animal. And according to the one who says that the gentile must be a partner in an item that renders the animal a carcass, this is because he holds that it cannot live without this part, but a tereifa can live for an extended period of time without those missing limbs.

⁴⁹ The Sages said before Rav Pappa: That which Rav Huna said, that even if the gentile’s share of the animal is only its ear it does not have firstborn status, and that which Rav Ḥisda and Rava said, that the animal does not have firstborn status only if the gentile is a partner in the primary limbs of the body on which its life is dependent, do not disagree. This ruling of Rav Huna is referring to it, i.e., the fetus, while that ruling of Rav Ḥisda and Rava is referring to its mother.

⁵⁰ Rav Pappa said to them: What is different about the case of the fetus, where owning a portion of its ear exempts the Jew from the obligations of firstborn status? It is because we require the fulfillment of the verse “all the firstborn,” i.e., that all of it be owned by the Jew, and that is not the case. If so, with regard to its mother as well we require the fulfillment of the verse: “From all your livestock you shall take the males” (Exodus 34:19), which also indicates that all the livestock, including the mother, must belong to the Jew, and this is not the case. Rather, there is no difference, and they disagree both in the case of the fetus and in that of the mother.

⁵¹ Mar bar Rav Ashi objects to this: Why does gentile partnership in an essential limb of the fetus exempt the Jew from the obligations of firstborn status? In what way is this animal different from non-viable newborns, which are sacred even though they are not viable? As the Master said in reference to the verse: “Every firstborn that emerges from [shegar] an animal” (Exodus 13:12), any fetus that dwells [shegar] inside an animal, i.e., inside the mother’s womb, even one that is non-viable, is also sanctified as a firstborn.

⁵² The Gemara responds: There, in the case of non-viable newborns, since there is no non-sacred element mixed in with them, we apply to the animal the phrase “all the firstborn.” But here, in the case where a gentile owns a portion of the fetuses, since a non-sacred element is mixed in with them, we do not apply to them the phrase: “all the firstborn.”

⁵³ The Gemara relates that one day Rabbi Elazar did not enter the study hall. Rabbi Elazar then found Rabbi Asi, and said to him: What did the Sages say in the study hall? Rabbi Asi said to him:

⁵⁴ This is what Rabbi Yoḥanan said: Even if only a slight blemish would result from the removal of the portion of the animal owned by the gentile, the animal still does not have firstborn status. And in addition, Rabbi Yoḥanan also commented on that which we learned in a mishna (16b): A ewe that gave birth to a goat of sorts and a goat that gave birth to a ewe of sorts are exempt from the mitzva of the firstborn. And if the offspring has some of the characteristics of its mother, it is obligated, i.e., subject to the obligations of firstborn status. Rabbi Yoḥanan commented: Nevertheless, it may not be sacrificed on the altar because this is a permanent blemish. Therefore, a priest is permitted to slaughter it outside of the Temple.

⁵⁵ The Gemara asks: Granted that Rabbi Yoḥanan’s first statement that the animal does not have firstborn status even if it has a slight blemish is necessary, as he teaches us that he holds in accordance with the opinion of Rav Huna, who said previously (2b) that even if the gentile owns only the ear of the firstborn it does not have firstborn status, and his statement is to the exclusion of the opinions of Rav Ḥisda and Rava, who said the gentile must own a portion of the fetus that would render it a carcass or a tereifa if it were removed.

⁵⁶ But with regard to Rabbi Yoḥanan’s second statement that a goat of sorts that was born to a ewe but has some characteristics of the mother is considered to have a permanent blemish, what is it teaching us? Is it teaching that since it looks different from the normal appearance of a sheep this appearance is considered a blemish? We already learned this in the mishna (40a): Or with regard to a lamb whose mouth is similar to that of a pig, that is a blemish that enables slaughter of the firstborn.

⁵⁷ And if you would say that there, where the animal’s mouth is similar to that of a pig, its appearance was altered into a being in whose species there is no sanctity of the firstborn, while here, where it looks like a goat, its appearance was altered into a being in whose species there is sanctity of the firstborn, and Rabbi Yoḥanan teaches that this animal too is considered to be blemished, we

already learned this, too, in the subsequent mishna (40b): An animal with one of its eyes large and one small is also considered blemished.

⁵⁸ And a tanna taught in explanation of the mishna: A large eye is referring to one as large as that of a calf, and a small eye is referring to one as small as that of a goose. Granted, in the case of an eye as small as that of a goose the reason it is considered a blemish is that there is no sanctity of the firstborn among its species, i.e., that of a bird. But in the case of an eye that is as large as that of a calf there is sanctity of a firstborn among its species. Rather, is it not considered blemished because we say that since it has changed from the appearance of a sheep it is considered a blemish? Therefore, Rabbi Yoḥanan's statement has still not introduced any novelty.

⁵⁹ The Gemara responds: No, an eye as large as that of a calf is considered a blemish because the animal is one that has a limb that is too large [sarua], which is listed in the Torah as one of the blemished animals (see Leviticus 22:23). The Gemara comments: This, too, stands to reason, as we learned in a mishna (43a): Concerning these blemishes that were taught with regard to an animal, whether they are permanent or transient, they also disqualify a priest from performing the Temple service. And the subsequent mishna (44a) adds: Beyond those are additional blemishes that apply exclusively to a person, i.e., a priest: If both of his eyes are large, or both of them are small.

⁶⁰ The reason for the latter halakha is that it is with regard to a person that it is written: "Any man from the offspring of Aaron" (Leviticus 22:4), which indicates that we require a man who is equal to the seed of Aaron, i.e., he has an ordinary appearance like other priests; but with regard to an animal, if both eyes are big or both eyes are small, it is also not a blemish.

⁶¹ Accordingly, if one of the animal's eyes is big or one is small, what is the reason that it is considered a blemish? If it is due to the deviation in appearance, meaning it does not look like a sheep, then even if both eyes are big or both are small it should be considered a blemish. Rather, is it not because it is an animal with a limb that is too large?

⁶² The Gemara responds: No, actually I will say to you that the reason an animal with one big eye and one small eye is considered blemished is because of its deviation, as a deviation is considered a blemish. And as for that which is difficult for you, that if it is due to an anomalous appearance then even if both are big or both are small it should be considered a blemish, there it is not considered a deviation. This is because a particularly healthy animal has large eyes, while a particularly weak animal has small eyes. Therefore, only an animal with one large eye and with one small eye is considered to be blemished, as if the large eye is due to extreme health both should have been healthy, and if the small eye is due to extreme weakness both should have been weak.

⁶³ § In connection with the dispute between Rabbi Yehuda and the Rabbis whether an animal owned in partnership with a gentile has firstborn status, the Gemara relates the following incident: There was a certain female convert whose gentile brothers would give her animals to fatten and would then divide the profits with her. She came before Rava to ask whether firstborn status applies to the firstborn of these animals. Rava said to her: There is no one who is concerned with this ruling of Rabbi Yehuda, who says an animal owned in partnership with a gentile is obligated, i.e., subject to counting its first offspring a firstborn.

⁶⁴ The Gemara relates another incident: Rav Mari bar Raḥel had a certain flock of animals. He would transfer ownership of the ears of the firstborn fetuses to a gentile in order to exempt them from the obligations of firstborn status. But nevertheless he prohibited them from being sheared and used for

labor, and gave them to the priests, halakhot that apply to a standard firstborn animal. And ultimately, the animals of Rav Mari bar Raḥel died.

⁶⁵ The Gemara asks: But since he prohibited them from being sheared and used for labor and also gave them to the priests, why did he initially transfer ownership of their ears to the gentile, abrogating their firstborn status? The Gemara answers that he did so lest the priests come to experience a mishap with them, improperly shearing them or using them for labor. The Gemara asks: If so, what is the reason that the animals of Rav Mari died as a punishment? The Gemara answers: It was because he abrogated their sanctity by selling their ears.

⁶⁶ The Gemara asks: But doesn't Rav Yehuda say it is permitted for a person to inflict a blemish on a firstborn animal fetus before it emerges into the air of the world? Here, too, Rav Mari abrogated his firstborn animals' sanctity by selling their ears before their birth. The Gemara answers: There, when one inflicts a blemish on a firstborn animal, he abrogates the animal's sanctity of the altar, as it is no longer fit for an offering, but does not abrogate its sanctity of the priest, as it is still given to the priest. Here, by contrast, when Rav Mari sold his animals' ears to a gentile, he abrogated even their sanctity of the priest, as the partnership exempts the animals from the obligations of firstborn status entirely.

⁶⁷ And if you wish, say instead that the reason the animals of Rav Mari bar Raḥel died is that he himself knew that it was necessary to transfer ownership of the ears of the fetus to the gentile through a complete transaction. And another person would see him transferring ownership of the ears to a gentile and would go and do it himself but not perform a complete transaction, and would think that Rav Mari performed the same matter in abrogating its firstborn status, and would come to experience a mishap with his animal by not treating it with the sanctity of firstborn status. Due to this concern, Rav Mari should not have transferred ownership of the ears to a gentile, and consequently his animals died.

⁶⁸ MISHNA: Priests and Levites are exempt from the obligation to redeem a firstborn donkey; this is derived from an a fortiori inference: In the wilderness the firstborn were redeemed in exchange for the Levites, as it is stated: "Take the Levites in exchange for all the firstborn among the children of Israel and the animal of the Levites in exchange for their animals" (Numbers 3:45). If the priests and Levites rendered exempt the firstborn children and donkeys of the Israelites in the wilderness from being counted firstborns, it is only logical that the priests and the Levites should render the firstborn of their own donkeys exempt from being counted firstborns.

⁶⁹ GEMARA: In stating: If the priests and Levites rendered exempt the firstborn children and donkeys of the Israelites in the wilderness from being counted firstborns, the mishna indicates that the priests and Levites themselves rendered the animals exempt. The Gemara therefore asks: Did they render the firstborn children and donkeys exempt? With regard to a person, i.e., the Israelite firstborn, the person, i.e., the priests and Levites, rendered them exempt. But with regard to an animal, i.e., the firstborn donkeys of the Israelites, the animal, i.e., the sheep of the priests and Levites, rendered them exempt, as it is written: "Take the Levites in exchange for all the firstborn among the children of Israel, and the animal of the Levites in exchange for their animals" (Numbers 3:45).

⁷⁰ The Gemara answers: Abaye said this is what the mishna is saying: The firstborn animals of priests and Levites are exempt from firstborn status, and that is derived from an a fortiori inference:

If the animals of the Levites, i.e., the sheep of the priests and Levites, rendered the firstborn status of the animals of the Israelites in the wilderness abrogated, it is only logical that the sheep of the priests and Levites should render the firstborn status of the priests' and Levites' own firstborn donkeys abrogated.

⁷¹ Rava said to him: How can you interpret the a fortiori inference in the mishna as referring to the animals of the priests and Levites? But doesn't it teach: They, i.e., the priests and Levites, rendered the firstborn children and donkeys of the Israelites exempt? The reference is clearly to the priests and Levites themselves, not their animals.

⁷² Furthermore, if it is so that their animals are exempt due to the a fortiori inference, then the priests and Levites should be exempt even from the halakhot pertaining to a male firstborn of a kosher animal, as their firstborn kosher animals rendered the firstborn kosher animals of the Israelites exempt from firstborn status. Why did we learn in the mishna (13a): The priests and Levites were not exempted from the mitzva of the male firstborn of a kosher animal; rather, they were exempted only from redemption of the firstborn son and the firstborn donkey?

⁷³ Rather, Rava said this is what the mishna is teaching: Priests and Levites rendered themselves exempt, and that is derived from an a fortiori inference: If the sanctity of the Levites abrogated the sanctity of the firstborn of the Israelites in the wilderness, should it not abrogate the sanctity of the firstborn Levites themselves?

⁷⁴ The Gemara asks: We have found a source for the halakha that the Levites' personal status as firstborns is abrogated; from where do we derive that their non-kosher animals, i.e., donkeys, do not have the status of firstborns? The Gemara answers that the verse states: "Yet you shall redeem the firstborn of man, and the firstborn of non-kosher animals you shall redeem" (Numbers 18:15). The status of the human firstborn is juxtaposed with that of a non-kosher animal, from which the following principle is derived: Anything that applies to a woman's firstborn son applies to the firstborn of a non-kosher animal, and anything that does not apply to a woman's firstborn son does not apply to a non-kosher animal. Therefore, just as firstborn status does not apply to Levites, it does not apply to their donkeys, and they do not need to be redeemed.

⁷⁵ Rav Safra said to Abaye: According to your opinion, that you say the animals of the Levites did not have firstborn status due to the a fortiori inference, then with regard to a Levite who had a lamb, which abrogated the sanctity of the firstborn donkeys of the Israelites, let the firstborn status of his animals be abrogated. But with regard to one who did not have a lamb that would abrogate their sanctity, the status of his animals should not be abrogated.

⁷⁶ Rav Safra asked Abaye an additional question: According to both you and Rava, since you agree that the firstborn Levites themselves were exempt from being accorded firstborn status because they rendered the sanctity of the Israelite firstborns abrogated, one should conclude that only a firstborn Levite who was at least one month old, who abrogated the sanctity of the Israelite firstborns (see Numbers 3:15), should have his own firstborn status abrogated. But those firstborn Levites who were less than one month old, who did not abrogate the sanctity of the Israelite firstborns, should not have their own firstborn status abrogated.

⁷⁷ Furthermore, the sanctity of a firstborn son born to a female Levite who was married to an Israelite should not be abrogated, as the women were not included among the Levites who were exchanged for the Israelite firstborn. Why, then, does Rav Adda bar Ahava say: With regard to a

female Levite who gave birth, her firstborn son is exempt from the obligation of giving five sela coins to the priest to be redeemed?

⁷⁸ The Gemara answers the last question: That is not difficult, as it is in accordance with the statement of Mar, son of Rav Yosef, in the name of Rava, who says: The fact that the Torah states with regard to the sanctity of the firstborn: “Firstborn of the womb” (Exodus 13:12), indicates that the Merciful One renders the obligations of firstborn status dependent on being the firstborn of the womb, i.e., of the mother. Therefore, the mother’s status as a Levite is sufficient to exempt the child from firstborn status.

⁷⁹ Rav Safra again challenged the opinions of Abaye and Rava: And Aaron, who was not included in that count of the Levites when they were compared to the number of Israelite firstborns and redeemed from their sanctity as firstborns, should not have his own firstborn status abrogated. As it is taught in a baraita: Why do dots appear over the word “Aaron” in the verse in the book of Numbers: “All that were numbered of the Levites, whom Moses and Aaron numbered” (Numbers 3:39)? It is in order to demonstrate that he was not included in that count of the Levites.

⁸⁰ The Gemara answers that the verse states: “The Levites” (Numbers 3:45), to teach that all of the Levites were juxtaposed with each other. Therefore, even a firstborn Levite who did not abrogate the sanctity of the Israelite firstborns himself was still abrogated of his own firstborn sanctity.

⁸¹ The Gemara asks: From where do we derive that priests, including Aaron, were also subject to that halakha? The Gemara answers: It is in accordance with the statement of Rabbi Yehoshua ben Levi, as Rabbi Yehoshua ben Levi says: In twenty-four places in the Bible the priests are called Levites, and this is one of them: “But the priests the Levites, the sons of Zadok” (Ezekiel 44:15). It is derived from this verse that priests are included in the category of Levites even where they are not mentioned explicitly.

⁸² The Gemara asks: And from where do we derive that the priests and Levites are exempt from their offspring being counted a firstborn for all generations? The Gemara answers that the verse states: “And the Levites shall be Mine” (Numbers 3:12). The term “shall be” indicates that they shall be, i.e., shall remain, in their current state of sanctity. Just as firstborn status did not apply to the priests or the Levites in the wilderness, it does not apply to priests or Levites in subsequent generations.

⁸³ § Rav Safra (4a) referred to the fact that the sanctity of the firstborn donkeys of the Israelites was abrogated by the lambs of the Levites. The Gemara asks: From where is it derived that this abrogation was accomplished with a lamb? Rav H̥isda says: The word “silver” is stated with regard to the redemption of a woman’s firstborn son for later generations in the verse: “And their redemption money...shall be, according to your valuation, five shekels of silver” (Numbers 18:16). And in addition, the word “lamb” is stated with regard to the redemption of a firstborn donkey for later generations in the verse: “And every firstborn donkey you shall redeem with a lamb” (Exodus 13:13).

⁸⁴ Therefore, one can derive that just as concerning silver, which was mentioned with regard to later generations, the Israelites redeemed with it in later generations and they also redeemed with it at that time, as the surplus firstborn in the wilderness were redeemed with five shekels (see Numbers 3:47), so too concerning the lamb, which was mentioned with regard to later generations, they redeemed with it in later generations, and they redeemed with it at that time.

⁸⁵ The Gemara rejects the comparison: What is notable about silver? It is notable in that it is also used for redemption in other cases, as one can redeem consecrated property and second-tithe produce with it, which is not the halakha with regard to lambs.

⁸⁶ Rather, it can be derived from the fact that the verse states: “Yet you shall redeem the firstborn of man, and the firstborn of non-kosher animals you shall redeem” (Numbers 18:15). The juxtaposition of the two cases demonstrates that just as with regard to a woman’s firstborn son you have not distinguished between the halakha for later generations and the halakha for that time, as the redemption is performed with silver in both cases, so too, with regard to the redemption of a non-kosher animal, you should not distinguish between the halakha for later generations and for that time, as it must be performed with a lamb in both situations.

⁸⁷ § The Gemara resumes its discussion of the procedure for the redemption of the firstborn donkeys in the wilderness: Rabbi Ḥanina says that one lamb of a Levite in the wilderness rendered several firstborn donkeys of the Israelites exempt from the obligations of firstborn status. Abaye says: Know that this is so, as the verse enumerates the surplus of firstborn humans when it says that there were 273 more firstborn Israelites than Levites who needed to be redeemed with silver (see Numbers 3:46); but the verse does not enumerate any surplus of Israelite animals.

⁸⁸ The Gemara asks: From where is this proven? Perhaps the Israelites did not have many animals, and their firstborn donkeys did not outnumber the lambs of the Levites. The Gemara answers: Do not let this possibility enter your mind, as it is written: “Now the children of Reuben and the children of Gad had a very great multitude of livestock” (Numbers 32:1).

⁸⁹ The Gemara challenges: Perhaps even so, the number of ordinary animals of the Levites that were not firstborn corresponded to the number of firstborn animals belonging to the Israelites. The Gemara explains that the verse states: “Take the Levites in exchange for all the firstborn among the children of Israel, and the animal of [behemat] the Levites in exchange for their animals [behemtam]” (Numbers 3:45). The use of the word behemat in the singular indicates that the transaction involved one animal of the Levites in exchange for many animals of the Israelites.

⁹⁰ The Gemara asks: And say the word behemat is referring to many animals, as in the phrase: “And many animals [uvhema rabba]” (Jonah 4:11). The Gemara answers: If so, let the verse write either: Behema of the Levites in exchange for behema, or: Behemtam in exchange for behemtam. What is the significance of the phrase “behemat the Levites in exchange for behemtam”? Learn from it that one lamb of a Levite rendered many donkeys of Israelites exempt.

⁹¹ Rava said: We learn in a mishna (9a), as well, a support for Rabbi Ḥanina’s statement: And if the priest returns the lamb to him, he may redeem firstborn donkeys with it many times if he repurchases the lamb from the priest each time upon redeeming a donkey. And actually, Rabbi Ḥanina is not offering his own opinion, but is rather explaining the reasoning of the mishna, and this is what he is saying: What is the reason that the owner may redeem firstborn donkeys with the same lamb many times? It is because one lamb of a Levite renders exempt several firstborn donkeys belonging to an Israelite.

⁹² § It was stated with regard to the sanctity of the firstborn in the wilderness: Rabbi Yoḥanan says that both firstborn animals and firstborn sons born in the wilderness were sanctified, and Reish Lakish says: The firstborn that were born in the wilderness were not sanctified.

⁹³ The Gemara explains the reason for each opinion: Rabbi Yoḥanan says that the firstborn that were born in the wilderness were sanctified, since the Merciful One states they should be sanctified, as it is written prior to the Jews leaving Egypt: “Sanctify to Me all the firstborn” (Exodus 13:2).

⁹⁴ And Reish Lakish says: Although the firstborn in Egypt were sanctified, the firstborn that were born in the wilderness were not sanctified, as it is written: “And it shall be when the Lord shall bring you into the land of the Canaanites” (Exodus 13:11), and it is written afterward: “And you shall set apart all firstborn of the womb to the Lord” (Exodus 13:12). By inference, it can be derived that initially, before the Jewish people entered Eretz Yisrael, those that were born in the wilderness were not sanctified.

⁹⁵ Rabbi Yoḥanan raised an objection to the opinion of Reish Lakish from a mishna (Zevaḥim 112b): Until the Tabernacle was established, private altars were permitted and the sacrificial service was performed by the firstborn. Clearly, then, the firstborn in the wilderness were sanctified. Reish Lakish said to him: That mishna is referring to those firstborn who left Egypt, who performed the sacrificial service, and not to the ones born in the wilderness.

⁹⁶ The Gemara comments: This too stands to reason, as if you do not say so, is an infant in its first year capable of performing the sacrificial service? Since the Tabernacle was established only a year after the Jewish people left Egypt, clearly the firstborn who performed the sacrificial service at that time were born in Egypt.

⁹⁷ The Gemara asks: And he who asked it, why did he ask it? Isn’t it obvious that the firstborn born in Egypt performed the sacrificial service in the first years of the Tabernacle?

⁹⁸ The Gemara answers: This was his difficulty: Granted, if you say that the sanctity of the firstborn did not cease from the time that the mitzva of: “Sanctify to Me all the firstborn” (Exodus 13:2), was given in Egypt, and those born in the wilderness were also sanctified, then with regard to these firstborn who were originally in Egypt, their sanctity also did not lapse. Therefore, they could perform the sacrificial service in the first years of the Tabernacle. But if you say that the sanctity of the firstborn ceased and the firstborn born in the wilderness were not sanctified, then with regard to these firstborn that were originally born in Egypt, their sanctity also lapsed.

⁹⁹ And the other amora, Reish Lakish, responded: No proof may be derived from here, as those who were sanctified in Egypt were sanctified and did not then lose their sanctity in the wilderness, while those who were not sanctified in Egypt were not sanctified in the wilderness.

¹⁰⁰ Rabbi Yoḥanan raised an objection to the opinion of Reish Lakish from a baraita: On the same day that the Tabernacle was established, many types of offerings were sacrificed by the Jewish people, including vow offerings and gift offerings, sin offerings and guilt offerings, kosher firstborn animal offerings and animal tithe offerings. If firstborn animal offerings were sacrificed in the wilderness, then evidently the firstborn animals were sanctified in the wilderness. Reish Lakish answered him: This is referring also to those firstborn animals that left Egypt and were already sanctified there. The Gemara comments: And it may be understood from the baraita itself that the opinion of Reish Lakish is correct, as one can infer from it: That day is when the firstborn were sacrificed, but beyond that they were not sacrificed.

¹⁰¹ There are those who say the discussion proceeded as follows: Reish Lakish raised an objection to the opinion of Rabbi Yoḥanan: On the same day that the Tabernacle was established, many types of

offerings were sacrificed by the Jewish people, including vow offerings and gift offerings, sin offerings and guilt offerings, kosher firstborn animal offerings and animal tithe offerings. It may be inferred that on that day, yes, the firstborn animals were sacrificed, but beyond that the firstborn animals were not sacrificed, indicating that the male firstborn animals in the wilderness were not sanctified. The Gemara responds: One can say that the baraita means that from that day onward, all of those offerings were sacrificed.

¹⁰² The Gemara asks: And what, then, is the baraita teaching us? The Gemara answers: It is teaching that from that day onward, yes, the Jewish people brought those offerings, but initially, prior to the establishment of the Tabernacle, they were not brought. Evidently, obligatory offerings such as these were not sacrificed on a private altar; only voluntary offerings were sacrificed on such altars.

¹⁰³ The Gemara suggests: Come and hear a proof for the opinion of Rabbi Yoḥanan from a baraita: You are found to be saying that the firstborn of the Jewish people were sanctified in three locations: In Egypt, and in the wilderness, and upon the entry of the Jewish people into Eretz Yisrael. In Egypt, what does the verse state? “Sanctify to Me all the firstborn” (Exodus 13:2). In the wilderness, the verse states: “For all the firstborn among the children of Israel are Mine” (Numbers 8:17). With regard to their entry into Eretz Yisrael, the verse states: “And it shall be when the Lord shall bring you into the land of the Canaanites...and you shall set apart all firstborn of the womb to the Lord” (Exodus 13:11–12). This baraita indicates that the firstborn born in the wilderness were sanctified.

¹⁰⁴ The Gemara rejects this proof. Rav Naḥman bar Yitzḥak said: The baraita means that the Jewish people were commanded in three locations with regard to the firstborn, that is, to sanctify them, but they did not sanctify them in practice. The Gemara asks: But according to this, were they not sanctified in Egypt either? Didn’t we say that they were sanctified even according to Reish Lakish? The Gemara answers: This is what the tanna is saying: They were commanded in three locations to sanctify the firstborn. In some of those cases, i.e., in Egypt and in Eretz Yisrael, they sanctified them, and in some of them, i.e., in the wilderness, they did not sanctify them.

¹⁰⁵ Rav Pappa objects to this: And did they not sanctify them in the wilderness? But isn’t it written: “Count all the firstborn males of the children of Israel from a month old and upward” (Numbers 3:40), a commandment that was fulfilled (see Numbers 3:42)? The firstborn referred to certainly include those born in the wilderness, as this counting occurred in the second year after the exodus from Egypt. Rather, if a dispute between Rabbi Yoḥanan and Reish Lakish was stated with regard to this matter, it was stated like this: Rabbi Yoḥanan says the firstborn that were born in the wilderness were sanctified and their sanctity did not cease, and Reish Lakish says they were sanctified only until the time of the counting referred to above,

¹⁰⁶ and then their sanctity ceased following the census.

¹⁰⁷ The Gemara asks: Granted, according to Reish Lakish, who holds the firstborn were not sanctified following the census until they entered Eretz Yisrael, the reason is as he said, that it is written: “And it shall be when the Lord shall bring you into the land of the Canaanites...and you shall set apart all firstborn of the womb to the Lord” (Exodus 13:11–12). But according to Rabbi Yoḥanan, who holds that the firstborn continued to be sanctified following the census, what is the reason, i.e., the source, for his opinion?

¹⁰⁸ Rabbi Elazar said: I saw Rabbi Yoḥanan in a dream, which is a sign that I am saying a proper matter in explaining his opinion. The verse states: “For all the firstborn are Mine: On the day that I

smote all the firstborn in the land of Egypt I sanctified to Me all the firstborn in Israel, both man and animal, Mine they shall be: I am the Lord” (Numbers 3:13). The additional phrase “Mine they shall be” indicates that they shall be, i.e., shall remain, in their current state of sanctity.

¹⁰⁹ The Gemara asks: And as for Rabbi Yoḥanan, with regard to the verse “And it shall be when the Lord shall bring you...and you shall set apart,” what does he do with it? The Gemara answers: That expression is necessary to teach that which the tanna of the school of Rabbi Yishmael taught: Perform this mitzva on account of which you will be privileged to enter into Eretz Yisrael.

¹¹⁰ Rav Mordekhai said to Rav Ashi: You teach the dispute between Rabbi Yoḥanan and Reish Lakish in this manner, whereas we teach it in the opposite manner: Rabbi Yoḥanan says the firstborn were not sanctified in the wilderness, and Reish Lakish says the firstborn were sanctified in the wilderness.

¹¹¹ Rav Ashi said to him: And do you also reverse the objections raised by one against the other, and do you also reverse that which Rabbi Elazar said, that he saw Rabbi Yoḥanan in a dream and interpreted his opinion to be referring to Reish Lakish instead? Rav Mordekhai said to him: According to my tradition, when Rabbi Yoḥanan stated that the firstborn in the wilderness were not sanctified he meant that they did not need to be consecrated, i.e., one who wished to sacrifice a firstborn lamb did not need to consecrate it, as they were already sanctified as firstborns. And Reish Lakish disagreed.

¹¹² The Gemara asks: If so, that is the same as our tradition, that in Rabbi Yoḥanan’s opinion the firstborn that were born in the wilderness were sanctified, and in Reish Lakish’s opinion they were not. For what purpose, then, did Rav Mordekhai inform Rav Ashi of his alternative version of the dispute? The Gemara answers that it teaches us that a person must say what he was taught in the precise language employed by his teacher.

¹¹³ § With regard to the abrogation of the sanctity of the firstborn in the wilderness by the Levites, the Gemara relates that Kontrokos the officer asked Rabban Yoḥanan ben Zakkai: In the individual count of each family of Levites you find that there were 22,300 (see Numbers 3:22–34). But in the collective count of the entire tribe you find a total of 22,000, as it is stated: “All the males from a month old and upward, were 22,000” (Numbers 3:39). Where, then, did the other three hundred Levites go?

¹¹⁴ Rabban Yoḥanan ben Zakkai said to him: The total sum includes only those Levites who redeemed the Israelite firstborn. Those additional three hundred Levites were themselves firstborns, and a firstborn Levite cannot abrogate the sanctity of a firstborn Israelite. The Gemara asks: What is the reason? Abaye says: It is sufficient for a Levite firstborn to abrogate his own firstborn sanctity.

¹¹⁵ Additionally, Kontrokos asked Rabban Yoḥanan ben Zakkai: With regard to the collection of silver by Moses for the Tabernacle, you find that the total amount is 201 talents and eleven maneh, as it is written that they amassed: “A beka a head, that is, half a shekel, of the shekel of the Sanctuary... for 603,550 men” (Exodus 38:26), which totals 301,775 shekels. This sum equals 201 talents and eleven maneh, as each talent contains 1,500 shekels, or sixty maneh, and each maneh contains twenty-five shekels.

¹¹⁶ But with regard to the giving of the silver to the Tabernacle you find only one hundred talents, as it is written: “And the hundred talents of silver were for casting” (Exodus 38:27). Now, was Moses

your teacher a thief, or was he a gambler [kuveyustus], or was he not expert in accounting? He gave half of the money for the Tabernacle and took half for himself, and he did not return even a complete half to the Tabernacle.

¹¹⁷ Rabban Yoḥanan ben Zakkai said to him: Moses, our teacher, was a trustworthy treasurer and was expert in accounting, but a maneh of the Sanctuary, which was used to measure the one hundred talents used for the sockets, was double the value of a standard maneh, i.e., fifty shekels instead of twenty-five shekels. Therefore, the one hundred talents given by Moses were equivalent to the two hundred talents that he collected from the Jewish people.

¹¹⁸ Rav Aḥai discusses it: What posed a difficulty for Rabban Yoḥanan ben Zakkai that forced him to offer this answer? Was it the verse: “And the hundred talents of silver were for casting the sockets of the Sanctuary” (Exodus 38:27)? If so, one can explain that these one hundred talents were designated for casting the sockets, and the other one hundred talents that are not mentioned here were placed in the treasury. The Gemara answers that another verse is written that discusses the total sum collected, and only one hundred talents are mentioned: “And the silver of those that were numbered of the congregation was a hundred talents” (Exodus 38:25).

¹¹⁹ The Gemara asks: And with regard to that which Rabban Yoḥanan ben Zakkai said to Kontrokos, that a maneh of the Sanctuary was double the value of a standard maneh, from where does he derive this?

¹²⁰ If we say that it is derived from the verse itself that Kontrokos mentioned (Exodus 38:27), then the derivation would be as follows: In addition to the one hundred talents, additional silver coins are mentioned here that equal seventy-one maneh, as it is stated: “And of the 1,775 shekels he made hooks for the pillars” (Exodus 38:28), which is equal to one talent, or sixty maneh, plus an additional eleven maneh, and the verse counted them only using the value of small coins, i.e., shekels, and not in talents. And if it is so that a maneh of the Sanctuary was of equal value to a common maneh, then the verse should have expressed this value using larger coins, writing: 101 talents and eleven maneh.

¹²¹ Rather, since the verse counts this value only using the value of small coins, learn from it that a maneh of the Sanctuary was double the value of a standard maneh and equaled fifty shekels. Therefore, the 1,775 shekels mentioned are worth only $35\frac{1}{2}$ maneh, which is less than a full talent, or sixty maneh.

¹²² The Gemara rejects this proof: But perhaps the total amount of shekels does equal the amount of a talent, but the verse calculates the general amounts, i.e., the hundreds of talents, in talents, and the verse does not calculate the details, i.e., any amount less than one hundred talents, in talents, but in shekels.

¹²³ Rather, the principle that a maneh of the Sanctuary is double the value of a common maneh is derived from here: “And the brass of the offering was seventy talents and 2,400 shekels” (Exodus 38:29). The Gemara explains: Aside from the seventy talents mentioned, there are an additional ninety-six maneh here, which is equivalent to one talent and an additional thirty-six maneh, and the verse counts them only using the value of small coins. Learn from it that a maneh of the Sanctuary was double the amount of a standard maneh, and that is why the number of shekels mentioned did not equal a full talent.

¹²⁴ The Gemara rejects this proof as well: But perhaps the verse is referring to a standard maneh, and the verse calculates a large unit, i.e., tens of talents, in talents, while the verse does not calculate a small unit, i.e., any amount less than ten talents, in talents.

¹²⁵ Rather, Rav H̥isda says the claim that a maneh of the Sanctuary was double the size of a standard maneh is derived from here: “And the shekel shall be twenty gera; twenty shekels, twenty-five shekels, ten, and five shekels, shall be your maneh” (Ezekiel 45:12). In this verse, Ezekiel defines the various weights used in the Temple and states that each silver shekel consists of twenty gera. In addition, the combination of twenty, twenty-five, ten, and five shekels yields a total sum of sixty shekels, which is the value of a maneh. A maneh, in turn, is equivalent to one hundred dinars.

¹²⁶ But each shekel consists of four dinars, and therefore sixty shekels is equivalent to two hundred and forty dinars, not a maneh, which is generally worth one hundred dinars. Rather, learn from this verse a number of matters: First, learn that the maneh of the Sanctuary to which Ezekiel was referring was a maneh that was double its standard value. Therefore, it was worth fifty shekels, which is equivalent to two hundred dinars.

¹²⁷ And furthermore, as Ezekiel stated that the maneh will be sixty dinars, not fifty, learn from it that a community may increase measures, but they may not increase them by more than one-sixth. And learn from it that the one-sixth is calculated from the outside, i.e., it is one-sixth of the final sum, which is one-fifth of the previous sum. Therefore, adding one-fifth of the original fifty shekels, which is ten shekels, to the total equals sixty shekels. It is from this sum that the one-sixth from the outside, ten shekels, is calculated.

¹²⁸ § The Gemara returns to discussing the redemption of firstborn donkeys: Rabbi H̥anina said: I asked Rabbi Eliezer in the great study hall: In what way are firstborn donkeys different from firstborn horses and camels, i.e., other non-kosher animals, which are not redeemed? Rabbi Eliezer said to me: It is a Torah edict. And furthermore, donkeys assisted the Jewish people at the time of their exodus from Egypt, as there was not one member of the Jewish people that did not have ninety Nubian donkeys with him, which were considered to be of superior quality, laden with the silver and gold of the Egyptians.

¹²⁹ Rabbi H̥anina continues: And furthermore, I also asked Rabbi Eliezer: What is the meaning of the term: “Rephidim,” in the verse: “Then came Amalek, and fought with Israel in Rephidim” (Exodus 17:8)? And he said to me that Rephidim was its name, i.e., of the location. The Gemara comments that this answer is like one side of a dispute between tanna'im: Rabbi Eliezer says that its actual name was Rephidim. Rabbi Yehoshua says: This moniker is an allusion to the fact that the Jewish people became lax [rippu] with regard to the statements of the Torah in Rephidim, and so it says: “The fathers look not back to their children because of feebleness [rifyon] of hands” (Jeremiah 47:3).

¹³⁰ And furthermore, I also asked him the following question: What is the meaning of the term “Shittim” in the verse: “And Israel dwelled in Shittim” (Numbers 25:1)? And he said to me that Shittim was its name. The Gemara comments that this answer is like one side of a dispute between tanna'im: Rabbi Eliezer says: Shittim is the actual name of the place. Rabbi Yehoshua says: This moniker is an allusion to the fact that they were engaged in matters of nonsense [shetut], i.e., prostitution and idol worship (see Numbers, chapter 25).

¹³¹ The same tanna'im also dispute the meaning of another verse discussing that incident. With regard to the verse: “And they called [vatikrena] the people to the offerings of their gods” (Numbers

25:2), Rabbi Eliezer says: Naked women encountered them, which is how they were convinced to engage in idol worship. Rabbi Yehoshua says that they all became those who experienced seminal emissions [kerayyin] resulting from the lust they experienced.

¹³² MISHNA: A cow that gave birth to a donkey of sorts and a donkey that gave birth to a horse of sorts are exempt from their offspring being counted a firstborn, as it is stated: “And every firstborn of a donkey you shall redeem with a lamb” (Exodus 13:13); “and the firstborn of a donkey you shall redeem with a lamb” (Exodus 34:20). The Torah states this halakha twice, indicating that one is not obligated unless both the birth mother is a donkey and the animal born is a donkey.

¹³³ And what is the halakhic status of offspring that are unlike the mother animal with regard to their consumption? In the case of a kosher animal that gave birth to a non-kosher animal of sorts, its consumption is permitted. And in the case of a non-kosher animal that gave birth to a kosher animal of sorts, its consumption is prohibited. This is because that which emerges from the non-kosher animal is non-kosher and that which emerges from the kosher animal is kosher.

¹³⁴ GEMARA: With regard to the issue of a kosher animal that gave birth to a donkey of sorts and its firstborn status, the Gemara comments: We learned in a mishna there (16b): A ewe that gave birth to a goat of sorts and a goat that gave birth to a ewe of sorts are exempt from the mitzva of the firstborn. And if the offspring has some of the characteristics of its mother, it is obligated, i.e., subject to the obligations of firstborn status.

¹³⁵ The Gemara asks: From where are these matters derived? Rav Yehuda says they are derived from a verse, as the verse states with regard to a firstborn kosher animal: “But the firstborn of an ox, or the firstborn of a lamb, or the firstborn of a goat, you shall not redeem, they are holy” (Numbers 18:17). The word firstborn seems superfluous in this verse, as it is clear from the context that it is referring to a firstborn. Therefore, the phrase “the firstborn of an ox” is interpreted as teaching that it must be an ox and its firstborn must be an ox in order for firstborn status to apply. Likewise, the phrase “the firstborn of a lamb” teaches that it must be a lamb and its firstborn a lamb, and not another animal. Similarly, the phrase “the firstborn of a goat” teaches that it must be a goat and its firstborn a goat.

¹³⁶ One might have thought that even if the offspring has some of the characteristics of the mother it should still be exempt, as it does not entirely resemble the mother. Therefore, the verse states: “But,” indicating that the Torah makes a distinction with regard to this principle, in that it does not apply when the offspring has some of the characteristics of the mother; and the offspring therefore does have firstborn status.

¹³⁷ The Gemara asks: But doesn’t the tanna of the mishna here cite the verses “firstborn,” “firstborn,” from Exodus (13:13, 34:20), with regard to the case of a cow that gave birth to a donkey of sorts, as teaching that the offspring has no firstborn status? Why, then, does Rav Yehuda resort to interpreting a different verse?

¹³⁸ The Gemara answers that this interpretation was not suggested originally by Rav Yehuda; rather, he says it in accordance with the opinion of Rabbi Yosei HaGelili, as it is taught in a baraita: Rabbi Yosei HaGelili says the phrase “but the firstborn of an ox” indicates that the offspring does not have firstborn status unless it is an ox and its firstborn is an ox. The phrase “the firstborn of a lamb” indicates that the offspring does not have firstborn status unless it is a lamb and its firstborn is a lamb. Likewise, the phrase “or the firstborn of a goat” indicates that the offspring does not have firstborn status unless it is a goat and its firstborn is a goat.

¹³⁹ One might have thought that even if the offspring has some of the characteristics of the mother this principle that it must be entirely like the mother applies, and it does not have firstborn status. Therefore, the verse states: “But,” indicating that the Torah makes a distinction with regard to this principle, in that it does not apply when the offspring has some of the characteristics of the mother; and the offspring therefore does have firstborn status.

¹⁴⁰ The Gemara asks: With regard to what matter do the tanna of the mishna and Rabbi Yosei HaGelili disagree, and therefore derive this halakha from different verses? The Gemara answers: The tanna of our mishna holds that the Merciful One revealed in the Torah that a firstborn donkey, which is subject to sanctity that inheres in its value in that a lamb is given to the priest to redeem it, does not have firstborn status unless it resembles its mother, and the same is true with regard to a kosher firstborn animal, which has inherent sanctity and is sacrificed on the altar.

¹⁴¹ And Rabbi Yosei HaGelili holds that the Merciful One revealed that a kosher firstborn animal, which is subject to inherent sanctity, does not have firstborn status unless it resembles its mother, and the same is true with regard to a donkey, which has sanctity that inheres in its value, and he derives the halakha of sanctity that inheres in its value from the halakha of inherent sanctity.

¹⁴² The Gemara asks: And as for the tanna of our mishna, what does he do with this repetition of the word: “Firstborn,” “firstborn,” employed both with regard to an ox and with regard to a lamb and goat, from which Rabbi Yosei HaGelili derives this halakha? The Gemara answers: He requires it to teach the halakha of burning the sacrificial portions of the animal on the altar, which is mentioned in this verse: “And you shall make their fat burn” (Numbers 18:17), in accordance with the interpretation of Rabbi Yosei, son of Rabbi Ḥanina.

¹⁴³ As Rabbi Yosei, son of Rabbi Ḥanina, says: Why were sacrificial portions stated with regard to a firstborn ox, and the sacrificial portions are mentioned again with regard to a firstborn lamb, and the sacrificial portions are mentioned again with regard to a firstborn goat?

¹⁴⁴ It is necessary, as had the Merciful One written the halakha of burning the sacrificial portions on the altar only with regard to a firstborn ox, one might have said only an ox’s sacrificial portions are burned, as an ox offering has more wine libations than a lamb or a goat. Therefore, perhaps the additional obligation of burning the sacrificial portions applies only to an ox.

¹⁴⁵ Likewise, if this halakha had been written only with regard to a lamb, one might have thought only a lamb’s portions are burned, as it has more sacrificial portions than other animals because its tail is also included.

¹⁴⁶ Likewise, if it had been written only with regard to a goat, one might have thought the burning of the portions applies only in that case, as it has an increased applicability with regard to the case of an individual guilty of idol worship, who brings a goat as a sin offering; unlike one who commits other sins unwittingly, for which a lamb may be brought.

¹⁴⁷ The Gemara challenges: The halakha with regard to one of these cases, i.e., an ox, lamb, or goat offering, evidently cannot be derived from one of the others. Why not derive one of them from the other two?

¹⁴⁸ The Gemara responds: With regard to which case shall the Torah not write this halakha? If the Merciful One shall not write it with regard to an ox, and one should derive it from these other cases, that derivation is not valid. What is notable about these offerings, i.e., a lamb and a goat? They are

notable in that they have an increased applicability with regard to the Paschal offering, for which a lamb or a goat is suitable but not an ox.

¹⁴⁹ If the Merciful One should not write this halakha with regard to a lamb, and one should derive it from these cases of an ox and a goat, that derivation is not valid either. What is notable about these offerings, i.e., an ox and a goat? They are notable in that they have an increased applicability with regard to a case where the entire Jewish community is guilty of unwitting idol worship, as in such a case the community brings an ox as a burnt offering and a goat as a sin offering (see Numbers 15:24), but not a lamb.

¹⁵⁰ If the Merciful One shall not write the obligation to burn the sacrificial portions with regard to a goat, and one should derive it from these cases of an ox and a lamb, that derivation is not valid either. What is notable about these offerings, namely, an ox and a lamb? They are notable in that they have an element of increase with regard to the altar, as the libations for an ox are larger than those for a goat; and also the tail of a lamb, but not that of a goat, is a sacrificial portion. The Gemara concludes: Therefore, all three cases are necessary.

¹⁵¹ The Gemara asks: And how does Rabbi Yosei HaGelili interpret this verse as teaching that a firstborn must resemble its mother in order to have firstborn status? Isn't the verse necessary to teach the halakha of burning the sacrificial portions upon the altar? The Gemara answers: If it is so that the verse teaches only that halakha, let the verse write: But a firstborn ox, lamb, or goat. Why do I need the word "firstborn" to be repeated with regard to a lamb, and the word "firstborn" to be repeated again with regard to a goat? Rather, isn't it correct to conclude from here that the mother is not subject to having its offspring counted as a firstborn unless it resembles its mother, e.g., the mother is an ox and its firstborn is an ox?

¹⁵² The Gemara asks: And as for Rabbi Yosei HaGelili, what does he do with this phrase: "Firstborn of a donkey," "firstborn of a donkey," mentioned twice in Exodus, from which the tanna of the mishna derives that the offspring must resemble its mother in order to have firstborn status?

¹⁵³ The Gemara answers that he requires that phrase for that which is taught in a baraita: Rabbi Yosei HaGelili says that since it is stated: "Yet you shall redeem the firstborn of man, and the firstborn of non-kosher animals you shall redeem" (Numbers 18:15), I would derive that even firstborn horses and camels must be redeemed, as they too are non-kosher animals. Therefore, the verse states: "Firstborn of a donkey," which indicates I said to you that firstborn status applies to a firstborn donkey, but not to firstborn horses or camels.

¹⁵⁴ And still I can say that the phrase "firstborn of a donkey" merely indicates that firstborn donkeys alone are redeemed by means of a lamb, while firstborn horses and camels are redeemed by means of any other item.

¹⁵⁵ Therefore, the verse states the phrase: "Firstborn of a donkey" (Exodus 13:13), "firstborn of a donkey" (Exodus 34:20), mentioning it a total of two times. The additional usage of the term indicates I said to you that firstborn status applies only to firstborns of donkeys, but not to firstborns of horses or camels.

¹⁵⁶ Rav Aḥai refutes this claim: How can the extra verse alone indicate that other firstborn non-kosher animals do not have firstborn status? If the Merciful One had written the term "firstborn of a donkey" once, I would say a firstborn donkey is an item that was included in a generalization of all

non-kosher animals, but emerged from the generalization to teach that it must be redeemed by means of a lamb. According to the principles of exegesis, it emerged from the generalization to teach not just about itself, but emerged to teach about the entire generalization. And accordingly, all non-kosher animals should actually be redeemed by means of a lamb as well.

¹⁵⁷ Therefore, the Merciful One writes: “Firstborn of a donkey,” another time, to teach that only firstborn donkeys must be redeemed by means of a lamb, but not firstborn horses or camels. And therefore I can say that perhaps the earlier suggestion is correct: The Torah excluded firstborn horses and camels from being redeemed by means of a lamb, but actually, they must still be redeemed by means of any other item.

¹⁵⁸ The Gemara answers: If it is so that the Torah excludes horses and camels only from redemption by means of a lamb but not from redemption in general, let the Merciful One write: Firstborn of a donkey you shall redeem with a lamb, and: A donkey you shall redeem with a lamb, which would suffice. Why do I need the verse to state: “A firstborn of a donkey you shall redeem with a lamb,” “a firstborn of a donkey you shall redeem with a lamb,” using the same phrase both times? It is necessary to teach that I said to you that firstborn status applies only to firstborns of donkeys, but not to firstborns of horses or camels.

¹⁵⁹ The Gemara asks: And as for the tanna of our mishna, who derived from the repetition of the phrase “firstborn of a donkey” that the mitzva of redeeming a firstborn donkey applies only if the mother and offspring are both donkeys, from where does he derive that the Torah excludes horses and camels from firstborn status?

¹⁶⁰ Rav Pappa said it is derived from the verse: “From all your livestock you shall take the males, the firstborn of the ox and lamb. And the firstborn of a donkey you shall redeem with a lamb” (Exodus 34:19–20). The phrase “From all your livestock you shall take the males” is a generalization, and the reference to an ox and a lamb and a donkey is a detail. According to the principles of exegesis, in the case of a generalization and a detail, the generalization is referring only to that which is specified in the detail. Therefore, an ox and a lamb and a donkey, yes, their offspring have firstborn status, but anything else, no, it does not have firstborn status.

¹⁶¹ The Gemara asks: And as for Rabbi Yosei HaGelili, how does he respond to this claim? The Gemara answers: He holds that a donkey is not included in the generalization “From all your livestock you shall take the males,” as the word “firstborn” in the phrase “and the firstborn of a donkey,” indicates that the Torah interrupts the matter, i.e., the list of details. The Gemara asks: And as for the Rabbis, how do they respond to this claim? The Gemara answers: The letter vav, meaning “and,” in the phrase “and the firstborn of a donkey,” indicates that the verse returns and combines the donkey with the other animals as having firstborn status.

¹⁶² The Gemara asks: And as for Rabbi Yosei HaGelili, how does he respond? The Gemara answers: He holds that if the donkey was indeed included in the delineation of the other animals that follows the generalization, the Torah would write neither the letter vav nor the word “firstborn,” and it still would be included.

¹⁶³ The Gemara asks: And as for the Rabbis, how do they respond to this claim? The Gemara answers: Since this, a firstborn donkey, has sanctity that inheres in its value and must be redeemed by means of a lamb, and that, a firstborn ox and lamb, possess inherent sanctity and are sacrificed upon the altar, the word “firstborn” must interpose between them, and the verse must combine them again

with the letter vav for “and,” which indicates that a donkey is also included in the delineation that defines the generalization “From all your livestock you shall take the males.”

¹⁶⁴ § The Gemara previously cited the mishna (16b) that rules that a ewe that gave birth to a goat of sorts and a goat that gave birth to a ewe of sorts are exempt from the mitzva of the firstborn. And if the offspring has some of the characteristics of its mother, it is subject to the obligations of firstborn status. A dilemma was raised before the Sages about a related matter: In the case of a cow that gave birth to a donkey of sorts, where the mishna (5b) ruled that the offspring does not have firstborn status, and it has some of the characteristics of the mother, what is the halakha?

¹⁶⁵ The Gemara explains the dilemma: When the mishna states with regard to a goat that gave birth to a ewe of sorts and a ewe that gave birth to a goat of sorts, that when it has some of the characteristics of the mother, it is obligated, i.e., subject to the obligations of firstborn status, perhaps this is because a ewe and a goat are somewhat similar; as this one is a kosher animal and that one is a kosher animal. Likewise, this one has inherent sanctity and may be sacrificed on the altar, and that one has inherent sanctity.

¹⁶⁶ But here, in the case of a cow that gave birth to a donkey of sorts, perhaps the halakha would be different, as this, the offspring, resembles a non-kosher animal, and that, the mother, is a kosher animal. Likewise, the firstborns of this species, the cow, possess inherent sanctity, and the firstborns of that species, the donkey, have sanctity that inheres in its value. Therefore, perhaps the offspring does not have firstborn status, even if it has some of the characteristics of the mother. Or perhaps it can be reasoned that since both this cow and that donkey are sanctified with firstborn status, the offspring is sanctified with firstborn status.

¹⁶⁷ And if you say that since both this cow and that donkey are sanctified with firstborn status, the offspring is also sanctified with firstborn status if it has some characteristics of the mother, then what is the halakha in a case of a donkey that gave birth to a horse of sorts? Perhaps here the offspring certainly does not have firstborn status, as a horse is not sanctified with firstborn status. Or perhaps one can reason that since the mother is a member of a non-kosher species, as is the offspring, the offspring should be sanctified with firstborn status, as it has some characteristics of the mother, which is a donkey.

¹⁶⁸ The Gemara raises an additional dilemma about a related case: If you say in the previous case that since it is a non-kosher species it is sanctified, then what is the halakha in the case of a cow that gave birth to a horse of sorts? Here, one can say there certainly is no reason for the offspring to have firstborn status, as this cow is kosher and that horse is non-kosher. And in addition, this cow is sanctified with firstborn status and that horse is not sanctified with firstborn status. Or perhaps one can reason that having some of the characteristics of the mother is a significant matter and the offspring does have firstborn sanctity.

¹⁶⁹ The Gemara suggests: Come and hear a proof from a baraita: A kosher animal that gave birth to a non-kosher animal of sorts is exempt from its offspring being counted a firstborn. If the offspring has some of the characteristics of the mother it is obligated, i.e., subject to the obligations of firstborn status. What, does this not include even the case of a cow that gave birth to a horse of sorts? No, it is referring to a case such as where a cow that gave birth to a donkey of sorts, where both species are subject to the sanctity of the firstborn.

¹⁷⁰ The Gemara suggests: Come and hear another proof from a baraita: In the case of a cow that gave birth to a donkey of sorts or a donkey that gave birth to a horse of sorts, each of the mothers is exempt from their offspring being counted a firstborn. If the offspring has some of the characteristics of the mother, it is obligated, i.e., subject to the obligations of firstborn status. What, is the last clause not referring to both cases of the baraita? If so, this resolves two of the dilemmas about offspring that have some characteristics of the mother. The Gemara responds: No, it is referring only to the case of a cow that gave birth to a donkey of sorts, so only that dilemma is resolved.

¹⁷¹ The Gemara asks: But if so, for what purpose does the baraita teach the case of a donkey that gave birth to a horse of sorts? If it is to exempt the offspring from being accounted firstborn status when it does not have some of the characteristics of its mother, that halakha is obvious for the following reason: And now, if in the case of a cow that gave birth to a donkey of sorts, where both this species and that species are sanctified with firstborn status, you said that if the offspring has some of the characteristics of its mother then yes, it has firstborn status, and if it does not have such characteristics, then no, the offspring does not have firstborn status, then in the case of a donkey that gave birth to a horse of sorts, which generally is not sanctified with firstborn status, is it necessary to state that the horse does not have firstborn status unless it has some of the characteristics of its mother?

¹⁷² The Gemara answers: It was necessary to teach that case in addition to that of a cow that gave birth to a donkey of sorts, as it might enter your mind that there, in the case of the cow that gave birth to a donkey of sorts, the offspring does not have firstborn status because a cow and donkey are entirely different from one another, as a cow has horns, and this animal, a donkey, does not have horns. Moreover, with regard to that animal, a cow, its hooves are split, but with regard to this animal, a donkey, its hooves are closed [kelutot].

¹⁷³ But here, in the case of a donkey that gave birth to a horse of sorts, where a similarity does exist between the mother and its offspring, as this one and that one both do not have horns, and with regard to both this one and that one its hooves are closed, I can say that this offspring is merely a red donkey, i.e., a donkey with the coloring of a horse, and has firstborn status. Therefore, the tanna teaches us that it is a different species from that of the mother, and does not have firstborn status.

¹⁷⁴ § The mishna teaches with regard to an animal whose offspring resembles a different species: And what is the offspring's halakhic status with regard to its consumption? In the case of a kosher animal that gave birth to a non-kosher animal of sorts, its consumption is permitted. And in the case of a non-kosher animal that gave birth to a kosher animal of sorts, its consumption is prohibited. This is because that which emerges from the non-kosher animal is non-kosher and that which emerges from the kosher animal is kosher. The Gemara asks: Why do I need the mishna to teach the concluding phrase: This is because that which emerges from the non-kosher animal is non-kosher and that which emerges from the kosher animal is kosher?

¹⁷⁵ The Gemara answers: It is merely a mnemonic to ensure that you do not mistakenly reverse the halakha in these two cases, so that you do not say: Follow its appearance, and therefore this offspring that looks like a kosher animal is a full-fledged kosher animal, despite being born to a non-kosher animal; and that one that looks like a non-kosher animal is a full-fledged non-kosher animal, despite its mother being a kosher animal. Rather, the mishna teaches that one must follow the status of its mother.

¹⁷⁶ The Gemara asks: From where are these matters derived? The Gemara answers: They are derived from a verse, as the Sages taught that when the verse states: “Nevertheless these shall you not eat, of them that chew the cud, or of them that split the hoof” (Leviticus 11:4), this verse indicates that you have an animal that chews the cud and has split hooves, but nevertheless you may not eat it. And which is this? It is a kosher animal that was born from a non-kosher animal. Or perhaps it excludes only a non-kosher animal that does not chew the cud or have split hooves that was born from a kosher animal, and if so what is the explanation of the verse “of them that chew the cud, or of them that split the hoof”?

¹⁷⁷ This is what it is saying: You shall not eat a being that comes from one of those animals that chew their cud and have split hooves if it itself does not have the signs of being kosher. To counter this, the continuation of the verse states: “The camel...is impure for you” (Leviticus 11:4). This indicates that a camel itself is non-kosher, but a non-kosher animal that is born from a kosher animal is not non-kosher; rather, it is kosher.

¹⁷⁸ Rabbi Shimon says it is stated: “Camel” (Leviticus 11:4), “camel” (Deuteronomy 14:7), teaching the term two times with regard to the prohibition of consumption. This teaches that both a camel that is born from a camel and a camel that is born from a cow are non-kosher. According to Rabbi Shimon, a non-kosher animal born to a kosher animal is forbidden for consumption, in contrast to the ruling in the mishna.

¹⁷⁹ The Gemara asks: And as for the Rabbis in the baraita, who disagree with Rabbi Shimon, what do they do with this repetition of “camel,” “camel”? The Gemara answers that one of the verses is written to prohibit the camel itself and one is written to prohibit the female camel’s milk. The Gemara asks: And as for Rabbi Shimon, from where does he derive that a camel’s milk is forbidden? The Gemara answers: He derives it from the phrase “the camel [et hagamal].” The verse could have stated just the term “hagamal.” The addition of the word “et” teaches that the prohibition applies also to its milk. And the Rabbis do not interpret instances of “et” as a means to derive new halakhot; they consider it to be an ordinary part of the sentence structure and not a source for exegetical exposition.

¹⁸⁰ As it is taught in a baraita: Shimon HaAmasoni would interpret each and every occurrence of the word “et” in the Torah, deriving additional halakhot with regard to the particular subject matter. Once he reached the verse: “You shall fear the Lord your God” (Deuteronomy 6:13), which is written with the added word “et,” he withdrew from this method of exposition, as whose fear could be an extension of the fear of God? His students said to him: Our teacher, what will be with all the occurrences of “et” that you interpreted until now? Shimon HaAmasoni said to them: Just as I received reward for the exposition, so I receive reward for my withdrawal from using this method of exposition.

¹⁸¹ The word “et” in this verse was not explained until Rabbi Akiva came and taught: “You shall fear the Lord your God”; the word “et” in the verse serves to include Torah scholars, i.e., that one is commanded to fear them just as one fears God. In any event, Shimon HaAmasoni no longer derived additional halakhot from “et.” The Rabbis follow the conclusion of Shimon HaAmasoni that “et” is not expounded.

¹⁸² Rav Aḥa, son of Rava, said to Rav Ashi: If that is so, that the reason of the Rabbis for the halakha that a camel’s milk is forbidden is that it is derived from the words “camel,” “camel,” written twice,

and Rabbi Shimon derives it from “the camel [et hagamal],” then could it be reasoned that if not for this derivation I would say that milk of a non-kosher animal is permitted?

¹⁸³ In what way is this case different from that which is taught in a baraita: The Torah states with regard to the prohibition against eating creeping animals: “These are they that are impure [hateme'im] to you among all the creeping animals” (Leviticus 11:31). The Sages interpret the letter heh in the term “that are impure [hateme'im]” to prohibit their juice that oozes from their body and their gravy that is produced when they are cooked, and sediments of their flesh that congeal at the bottom of the dish when cooked. Evidently, any liquid that emerges from a non-kosher animal is forbidden.

¹⁸⁴ Rav Ashi responded: The additional exposition to derive that camel's milk is forbidden was necessary, because it might enter your mind to say it may be permitted, since the permissibility of consumption of the milk of a kosher animal is also a novelty. The milk originates from the blood, which is forbidden for consumption, as the Master said that the reason a nursing woman does not experience menstruation is because the blood is spoiled and becomes milk. Since it is a novelty that the Torah permits milk despite its origins, it might enter your mind to say that with regard to a non-kosher animal it should also be permitted. Therefore, the verse teaches us that it is forbidden.

¹⁸⁵ The Gemara challenges: This works out well according to the one who says that a nursing woman does not menstruate because the blood is spoiled and becomes milk. But according to the one who says that the milk does not originate from blood, but rather the reason she does not menstruate is because her limbs become disjointed and her soul, i.e., her health, does not return to her until twenty-four months later, what is there to say? Why does the Torah employ a verse to render forbidden the milk of a non-kosher animal?

¹⁸⁶ The Gemara answers: It was necessary, because it might enter your mind to say it may be permitted; since generally speaking there is nothing that comes from a living animal that the Merciful One permits, and yet this milk of a kosher animal is similar to a limb severed from the living and is nevertheless permitted, the permissibility of milk is a novelty of the Torah. And consequently it might enter your mind to say that even the milk of a non-kosher animal should be permitted in line with that novelty. Therefore, the verse teaches us that it is forbidden.

¹⁸⁷ § The Gemara asks: And from where do we derive that the milk of a kosher animal is in fact permitted? If we say that it is derived from the fact that the Merciful One prohibits eating meat that was cooked in milk, indicating that milk by itself is permitted, one can reject this proof and say that milk alone is forbidden only for consumption but permitted with regard to deriving benefit from it. By contrast, meat that was cooked in milk is forbidden with regard to deriving benefit from it as well.

¹⁸⁸ And according to Rabbi Shimon, who deems meat that was cooked in milk permitted with regard to deriving benefit from it, you find a reason for the Torah to mention the prohibition of meat and milk together, even if milk alone is forbidden as well, and that is in order to render one liable to receive lashes for cooking them together, which would not apply to cooking milk alone.

¹⁸⁹ Rather, one can prove that milk is permitted for consumption since the Merciful One revealed that with regard to disqualified consecrated animals that were redeemed: “You may slaughter and eat meat” (Deuteronomy 12:15). This verse is interpreted in the following manner: “You may slaughter,” but you may not use its wool from shearing. You may eat its “meat,” but you may not consume its milk. It can be inferred from here that milk of non-sacred kosher animals is permitted.

¹⁹⁰ The Gemara rejects this proof: But one could say the distinction between non-sacred milk and milk from sacrificial animals is not with regard to the permissibility of consumption. Rather, milk of non-sacred animals is forbidden for consumption but is permitted with regard to deriving benefit from it, but the milk of sacrificial animals is forbidden with regard to deriving benefit as well.

¹⁹¹ Rather, proof may be brought that milk is permitted from the fact that it is written: “And there will be goats’ milk enough for your food, for the food of your household, and maintenance for your maidens” (Proverbs 27:27). According to the verse, goats’ milk serves as food, and therefore must be kosher.

¹⁹² The Gemara rejects the proof: But perhaps the verse is referring to selling the milk as merchandise and using the money to buy food, and not to consuming the milk itself. Rather, proof may be brought from the fact that it is written with regard to Jesse’s instructions to his son David upon sending him with provisions for his brothers, who were at war against the Philistines: “And these ten cheeses you shall bring to the captain of their thousand” (I Samuel 17:18), which indicates they ate dairy products.

¹⁹³ The Gemara rejects this proof as well: But perhaps this verse too means the captain can sell the cheese as merchandise. The Gemara responds: Is that to say that it is the norm during war to engage in commerce? Clearly the cheese was meant for consumption, which proves it is permitted to eat dairy products.

¹⁹⁴ And if you wish, say instead that proof may be brought from here: The Torah praises Eretz Yisrael as: “A land flowing with milk and honey” (Exodus 3:17), and if milk was not permitted, would the verse praise the land to us with an item that is not suitable for consumption? And if you wish, say instead a proof from here: “Come, buy, and eat; and come, buy wine and milk without money and without price” (Isaiah 55:1).

¹⁹⁵ § The Gemara returns to the dispute between Rabbi Shimon and the Rabbis, who interpret the repetition of the word “camel” as indicating the prohibitions against eating a camel born from a cow and consuming its milk, respectively, and asks: But if that is so, that the repetition indicates these halakhot, then with regard to the words: “Hare,” “hare,” “rock badger,” “rock badger,” “swine,” “swine” (see Leviticus 11:5–7; Deuteronomy 14:7–8), which are all mentioned twice as being forbidden, do these words come to teach these halakhot as well?

¹⁹⁶ The Gemara explains: They are necessary only for that which is taught in a baraita: Why were all of the non-kosher animals and birds repeated in Deuteronomy (14:7–20), after having been mentioned already in Leviticus (11:10–20)? With regard to the animals, it is because of the shesua (see Deuteronomy 14:7), an animal with two backs and two spines, which is not mentioned in Leviticus, and with regard to the birds, it is because of the ra’a (see Deuteronomy 14:13).

¹⁹⁷ The Gemara challenges: If so, then the double reference of “camel,” “camel,” also comes for this purpose of teaching about the shesua, and not to teach a separate halakha about the camel. The Gemara explains: Nevertheless, anywhere that it is possible to interpret the verse as teaching an additional halakha, we interpret it in that manner. Only where there is no possibility of such an interpretation is the concept of repeating the passage merely to introduce one additional detail invoked.

¹⁹⁸ § The Gemara discusses an additional source that cites the opinion of Rabbi Shimon: The Sages taught in a baraita that in the case of a ewe that gave birth to a goat of sorts and a goat that gave birth to a ewe of sorts, in each case the mother is exempt from its offspring being counted a firstborn. And if it has some of the characteristics of its mother, the mother is obligated, i.e., subject to accounting its offspring a firstborn. Rabbi Shimon says: The offspring does not have firstborn status unless its head and the majority of its body are similar to the appearance of its mother.

¹⁹⁹ A dilemma was raised before the Sages: With regard to the permissibility of eating a non-kosher animal that was born to a kosher animal, does Rabbi Shimon require its head and most of its body to resemble its mother, or not, and possessing some of the characteristics of its mother suffices?

²⁰⁰ The Gemara explains: With regard to the halakha of firstborn status, it is written: “But the firstborn of an ox” (Numbers 18:17), which indicates that it does not have firstborn status unless it is an ox and its firstborn is an ox. If its head and most of its body do not resemble an ox, it does not have firstborn status according to Rabbi Shimon. But with regard to consumption, where Rabbi Shimon holds a camel born to a kosher animal is forbidden, perhaps it is only an ordinary-looking camel that the Merciful One states is forbidden, but if

²⁰¹ it is different from an ordinary camel and has some characteristics of its mother, perhaps it is permitted to eat it. Or perhaps there is no difference, and with regard to consumption Rabbi Shimon also requires that its head and the majority of its body resemble its mother.

²⁰² The Gemara suggests: Come and hear a proof from a baraita: With regard to a kosher animal that gave birth to a non-kosher animal of sorts, the offspring is forbidden for consumption, in accordance with the opinion of Rabbi Shimon; but if its head and the majority of its body are similar to its mother, it is obligated in, i.e., subject to the obligations of, firstborn status. Learn from it that with regard to consumption, Rabbi Shimon also requires that its head and the majority of its body resemble the mother.

²⁰³ The Gemara rejects the proof: No, the requirement that its head and the majority of its body resemble the mother is relevant specifically with regard to firstborn status. The Gemara comments: The language of the baraita is also precise, as the tanna leaves the halakha of consumption with which he began and addresses the halakha of firstborn status. Learn from it that it is with regard to firstborn status that Rabbi Shimon requires that its head and the majority of its body resemble the mother, but with regard to consumption he does not require this, and even a partial similarity suffices.

²⁰⁴ The Gemara rejects this conclusion as well: Actually, I will say to you that with regard to the permissibility of consumption he also requires that its head and the majority of its body be similar to the mother. But it was necessary to state this condition specifically with regard to the halakha of firstborn status, as it might enter your mind to say that since it is written: “But the firstborn of an ox” (Numbers 18:17), perhaps firstborn status does not apply unless it is an ox and its firstborn is an ox, and a resemblance of the offspring’s head and the majority of its body to the mother does not suffice unless its whole body has the appearance of an ox. Therefore, the tanna teaches us that a resemblance of its head and the majority of its body to the mother do suffice.

²⁰⁵ The Gemara suggests: Come and hear a proof from a baraita: The Torah states: “Nevertheless these shall you not eat from them that only chew the cud, or from them that only have a split hoof: The camel” (Leviticus 11:4). The phrase: “From them that only chew the cud,” which is referring to

animals that are forbidden for consumption, indicates that a camel or other non-kosher animal that is born to a kosher animal is forbidden. Furthermore, the word “these” teaches that concerning these animals that resemble a non-kosher animal, you may not eat them when they are born to a kosher animal, but you may eat a non-kosher animal that comes with one characteristic of its mother.

²⁰⁶ And which animal is this that comes with one characteristic of its mother? This is a non-kosher animal that is born from a kosher female animal and its impregnation came from a kosher male animal.

²⁰⁷ The baraita continues: One might have thought that even if its conception came from a non-kosher male animal it should be permitted. Therefore, the verse states: “These are the beasts which you may eat: “The ox, the sheep [seh kesavim], and goat [veseh izzim]” (Deuteronomy 14:4). The plural form of “kesavim” and “izzim” indicates that a lamb is not kosher unless its father is a male lamb and its mother is a female lamb. This is the statement of Rabbi Yehoshua.

²⁰⁸ Rabbi Eliezer says: Offspring whose father and mother are both kosher are permitted, and this verse which renders permitted an offspring that partially resembles its mother does not come to permit that which is permitted, i.e., where both parents are kosher, but it comes rather to add to that which is permitted; and which case is this? It is a case of a non-kosher animal that is born from a kosher animal and its conception came from a non-kosher animal. Or perhaps it permits only an animal whose conception came from a kosher animal? The verse states: “The ox, the sheep [seh kesavim], and goat [veseh izzim].” The repetition of the word seh indicates that it is permitted to be eaten in any case, even if only its mother was a ewe.

²⁰⁹ In any event, the tanna of this baraita refers to a non-kosher animal that was born to a kosher animal as non-kosher, in accordance with the opinion of Rabbi Shimon, who deems a camel that was born to a cow forbidden to eat, and he says: But you may eat a non-kosher animal that comes with one characteristic that is similar to its mother. Apparently, Rabbi Shimon does not require that the head and the majority of the body resemble the mother for it to be rendered fit for consumption.

²¹⁰ The Gemara responds: No proof may be brought from here, as this tanna holds in accordance with the opinion of Rabbi Shimon with regard to one matter, where a kosher animal gave birth to a non-kosher animal, maintaining that it is forbidden, and disagrees with his opinion with regard to one other matter, where the animal has some characteristics of the mother, in which case this tanna deems it permitted to be eaten. Concerning the second matter, Rabbi Shimon deems it forbidden unless the head and majority of the body resemble the mother.

²¹¹ The Gemara comments that there are those who raise a difficulty with this baraita and resolve it, thereby resolving the dilemma concerning the opinion of Rabbi Shimon: The baraita states that the kosher animal’s impregnation came from a non-kosher animal. Can a kosher animal become pregnant from a non-kosher animal?

²¹² But doesn’t Rabbi Yehoshua ben Levi say: A non-kosher animal never becomes pregnant from a kosher one, e.g., a camel from an ox, nor a kosher animal from a non-kosher one, e.g., a cow from a horse, nor a large animal from a small animal, e.g., a cow from a goat, nor a small one from a large one, e.g., a ewe from an ox, nor a domesticated animal from an undomesticated animal, e.g., a goat from a deer, nor an undomesticated animal from a domesticated animal, e.g., a gazelle from a goat.

²¹³ With regard to all these cases, everyone agrees that pregnancy is impossible except for Rabbi Eliezer and his disputants, who would say that an undomesticated animal can become pregnant from a domesticated animal (see *Hullin* 79b). Those Sages disagree with regard to whether slaughtering the offspring of a gazelle that became pregnant from a goat is included in the prohibition against slaughtering a mother and its offspring on the same day.

²¹⁴ And Rabbi Yirmeya says in response to the difficulty: When the baraita discusses the case of a kosher animal that became pregnant from a non-kosher animal, the reference is to a case where the kosher animal became pregnant from an animal with closed hooves that is the offspring of a cow. A cow can become pregnant from such an animal because the mother of that animal was a cow. And the tanna of the baraita said his opinion in accordance with the opinion of Rabbi Shimon, that a non-kosher animal that was born from a kosher animal is considered non-kosher, and he says: But you may eat that which comes with one characteristic of its mother. Apparently, Rabbi Shimon does deem permitted the consumption of an animal with some characteristics similar to its mother.

²¹⁵ The Gemara responds: This tanna holds in accordance with the opinion of Rabbi Shimon with regard to one matter, where a kosher animal gave birth to a non-kosher animal, maintaining that it is forbidden, and disagrees with his opinion with regard to one other matter, where the animal has some characteristics of the mother, in which case this tanna deems it fit for consumption. Concerning the second matter, Rabbi Shimon deems it forbidden unless the head and majority of the body resemble the mother.

²¹⁶ § The Gemara asks concerning the dispute between Rabbi Eliezer and Rabbi Yehoshua in the baraita: Is this to say that Rabbi Eliezer holds that when both this and that cause it, i.e., both permitted and forbidden items contribute to a result, the result is permitted, and he therefore permits the consumption of the offspring of a kosher animal that became pregnant from a non-kosher animal; and Rabbi Yehoshua holds that when both this and that cause it, it is forbidden?

²¹⁷ But we have heard them saying the opposite: With regard to the offspring of an animal with a wound that will cause it to die within twelve months [*tereifa*] and is forbidden to be eaten or sacrificed as an offering upon the altar, Rabbi Eliezer says: The offspring may not be sacrificed upon the altar either, despite the fact that its father is kosher, and Rabbi Yehoshua says: The offspring may be sacrificed upon the altar despite the fact that its mother is a *tereifa*, since its father is kosher.

²¹⁸ The Gemara answers: Generally, Rabbi Eliezer holds that when both this and that cause the result, it is forbidden. But it is different here in the case of a kosher animal that became pregnant from a non-kosher animal, because if it is so, i.e., that the offspring is forbidden, let the verse write: Sheep and goats [*seh kesavim ve'izzim*]. Why do I need the verse to repeat the term “seh” in the phrase “seh kesavim veseh izzim”? Learn from it that a seh is permitted in any case, i.e., even if only the mother is kosher it is permitted to eat the offspring.

²¹⁹ And as for Rabbi Yehoshua, he could have said to you: Generally, if both this and that cause the result it is permitted. But here it is different, as if so, i.e., if the offspring of a kosher animal that became pregnant from a non-kosher animal is permitted, let the verse write: These are the animals that you may eat: An ox, a lamb, and a goat. Why do I need it to state: “Seh kesavim veseh izzim,” in the plural? Learn from it that the offspring may not be eaten unless its father is a male lamb and its mother is a female lamb.

²²⁰ § The Gemara returns to the dilemma of whether Rabbi Shimon permits the consumption of the offspring of a kosher animal that resembles a non-kosher animal but has some of the characteristics of its mother. Come and hear a proof from a baraita: Rabbi Shimon says it is stated: “Camel” (Leviticus 11:4), “camel” (Deuteronomy 14:7), i.e., the term is written two times with regard to the prohibition against consumption. This teaches that both a camel that is born from a camel and a camel that is born from a cow are non-kosher. And if in the latter case its head and the majority of its body are similar to its mother, it is permitted for consumption.

²²¹ Learn from it that not only with regard to firstborn status, but with regard to consumption as well Rabbi Shimon requires that its head and the majority of its body resemble the mother, and a partial resemblance does not suffice. The Gemara concludes: Indeed, learn from it that this is so.

²²² § The mishna (5b) teaches: This is because that which emerges from the non-kosher animal is non-kosher and that which emerges from the kosher animal is kosher. The Sages raised a dilemma before Rav Sheshet: With regard to the urine of a donkey, what is the halakha? Is it forbidden, like the milk of a donkey?

²²³ The Gemara asks: And should they raise the dilemma also with regard to the urine of horses and camels? The Gemara answers: With regard to the urine of horses and camels they did not raise the dilemma, as their urine is not turbid and consequently is not similar to milk. Rather, water enters their body and water exits their body. When they raised the dilemma it was concerning the urine of a donkey, which is turbid and is consequently similar to milk. What is the halakha? Does it get excreted from its body, and it is therefore forbidden, or perhaps water enters and water exits, and the fact that it is turbid is due to the heat of the flesh?

²²⁴ Rav Sheshet said to them: You learned the answer in the mishna: This is because that which emerges from the non-kosher animal is non-kosher and that which emerges from the kosher animal is kosher. From the fact that it does not state: That which emerges from a non-kosher animal [mittamei], meaning from the body of a non-kosher animal, but rather it says: From

²²⁵ the non-kosher animal [min hattamei], one can infer that any type [min] of non-kosher substance is included. And these fluids, i.e., the urine of a donkey, are also a type of non-kosher substance, as they resemble the milk of a donkey, which is forbidden.

²²⁶ And there are those who say there is a different version of the discussion about the urine of a donkey: With regard to the urine of horses and camels, the students of Rav Sheshet did not raise the dilemma, because people do not drink it. When they raised the dilemma it was with regard to the urine of a donkey, which people drink and which is beneficial for curing jaundice. What, then, is the halakha?

²²⁷ Rav Sheshet said to them: You learned the answer to your dilemma in the mishna: That which emerges from the non-kosher animal is non-kosher and that which emerges from the kosher animal is kosher, and these fluids also come from a donkey, which is non-kosher. Therefore, they are forbidden.

²²⁸ The Gemara raises an objection from a baraita: For what reason did the Sages say that the honey of bees is permitted? It is because they bring the nectar from the flowers into their body, but they do not excrete it from their body as a bodily excretion. So too, the urine of a donkey is not an excretion

produced by the body itself. Rather, it is simply ejected in the same form that it entered the body. Why, then, should it be forbidden?

²²⁹ The Gemara answers: Rav Sheshet stated his answer in accordance with the opinion of Rabbi Ya'akov, who says that with regard to honey, the Merciful One permits it as an exception to the principle that a substance that emerges from a non-kosher animal is non-kosher.

²³⁰ This is as it is taught in a baraita: Rabbi Ya'akov says that it is stated: "Yet these may you eat of all winged creatures" (Leviticus 11:21). The word "these" indicates that you may eat these, but you may not eat a non-kosher winged creature.

²³¹ The Gemara asks: Why is this inference necessary? The prohibition against eating a non-kosher winged creature is written explicitly: "All winged creatures that go upon all fours are a repugnance to you" (Leviticus 11:20). Rather, the inference must be understood as follows: You may not eat a non-kosher winged creature, but you may eat that which a non-kosher winged creature discharges from its body, and what is that? That is the honey of bees.

²³² The Gemara cites the continuation of the baraita: One might have thought that even the honey of gizzin and wasps should be permitted. Nevertheless, you should say no. The baraita asks: And what did you see to include the honey of bees as being permitted to eat and to exclude the honey of gizzin and wasps as being forbidden? The baraita answers: I include the honey of bees, as its name does not have a modifier, i.e., the word honey alone always refers to the honey of bees. And I exclude the honey of gizzin and wasps, which have a modifier, i.e., one must always add the word gizzin or wasp to specify these particular types of honey.

²³³ The Gemara comments: In accordance with whose opinion is that which is taught in a baraita: The honey of gizzin and wasps is not susceptible to ritual impurity and is permitted for consumption? It is not in accordance with the opinion of Rabbi Ya'akov.

²³⁴ The Gemara infers from the expression: Is not susceptible to ritual impurity, that apparently, in order for the honey of gizzin and wasps to become susceptible to ritual impurity it requires specific intention to eat it, which renders it food. Furthermore, the baraita indicates that honey from bees does not require specific intention to eat it in order for it to become susceptible, because it is normally used for food. This is also taught in a baraita: The honey of bees that is still in its hive is susceptible to ritual impurity as food even without intent.

²³⁵ § The Gemara discusses additional cases of animal secretions. With regard to chunks that are discharged from the womb of a female fallow deer, the Sages thought to say that they are its egg cells, and therefore are forbidden as a limb severed from a living animal. Rav Safra said: It is the semen of a hart, which pursues the hind, but since the hind's womb is narrow it does not mate with the hart, and instead the hart pursues the female fallow deer and mates with it, and chunks of its semen that have hardened fall out of the fallow deer's body.

²³⁶ Rav Huna says: The skin that emerges opposite the face of a donkey when it is born, i.e., the fetal sac that envelopes it during birth, is permitted to be consumed. What is the reason? It is merely a secretion, and is not an integral part of the mother or the offspring.

²³⁷ Rav Ḥisda said to him: That which is taught in a baraita supports your opinion: The skin that emerges opposite the face of a person, i.e., a newborn baby, whether the newborn is alive or dead, is ritually pure and does not transmit ritual impurity imparted by a corpse. What, is it not the case that

whether it is alive and its mother is alive or whether it is dead and its mother is dead, it is not considered a part of the body of the fetus or the mother, but merely a secretion, and therefore even when they are both dead it does not transmit impurity?

²³⁸ Rav Huna answered him: No, there is no proof from this baraita, as it may mean that whether it is alive and its mother is dead or whether it is dead and its mother is alive, meaning only one is alive, the skin is ritually pure. But if both are dead it is impure. Rav Ḥisda said to him: But isn't it taught in a baraita that whether it is alive and its mother is alive or whether it is dead and its mother is dead, the skin is pure? Rav Huna said to Rav Ḥisda: If this baraita is taught, it is taught, and I cannot dispute it.

²³⁹ MISHNA: In the case of a non-kosher fish that swallowed a kosher fish, consumption of the kosher fish is permitted. And in the case of a kosher fish that swallowed a non-kosher fish, consumption of the non-kosher fish is prohibited due to the fact that the host fish is not the place of its development.

²⁴⁰ GEMARA: The Gemara infers from the language of the mishna: In the case of a non-kosher fish that swallowed a kosher fish: The reason consumption of the kosher fish is permitted is that we saw that the non-kosher fish swallowed the kosher fish. But if we did not see it swallow the kosher fish we say that perhaps the non-kosher fish spawned the kosher fish, and it is forbidden.

²⁴¹ From where do we derive that we must have this concern? As it is taught in a baraita: A non-kosher fish spawns offspring, while a kosher fish lays eggs from which the offspring hatch. The Gemara challenges: If so, even when we saw it swallowing a kosher fish we should say that that fish that it swallowed was digested, and this one, which was found inside of the non-kosher fish, it spawned, and should be forbidden.

²⁴² Rav Sheshet says: It is referring to a case where one found the kosher fish in the digestive tract, which is not where the non-kosher fish normally spawns its offspring. Rav Pappa says similarly: It is referring to a case where one found the kosher fish in the passageway of the gullet. Rav Naḥman says: It is referring to a case where one found it whole and in complete form, and not as a newly hatched fish.

²⁴³ Rav Ashi says: Do not infer from the mishna that it is referring to a case where the non-kosher fish was seen swallowing the kosher fish. Rather, the reason it is permitted to consume the swallowed fish is that the majority of fish spawn offspring of their own species, and therefore the case of a kosher fish discovered inside a non-kosher fish is considered as if the non-kosher fish had swallowed the kosher fish in our presence.

²⁴⁴ § The Gemara cites the entirety of the previously mentioned baraita. The Sages taught that a non-kosher fish spawns its offspring, while a kosher fish lays eggs. Any animal that gives birth to its offspring nurses them, and any animal that lays eggs gathers food and feeds it to its young. This applies to all animals except for a bat [atallef], as although it lays eggs, it nurses its young.

²⁴⁵ The dulfanin reproduce like people. The Gemara asks: What are dulfanin? Rav Yehuda says: They are creatures that are called sons of the sea.

²⁴⁶ The baraita continues: In the case of any male animal whose testicles are external, the female gives birth to live offspring, and in the case of any male animal whose testicles are internal, the female lays eggs.

²⁴⁷ The Gemara asks: Is that so? But doesn't Shmuel say that a domestic goose and a wild goose are considered diverse kinds, and one may not mate them with each other. And we discussed it: What is the reason? Abaye said: In the case of this one, the male wild goose, its testicles are external, and in the case of that one, the domestic goose, its testicles are internal. The Gemara comments: And yet both geese lay eggs. Evidently, the fact that the male's testicles are external does not prove that the female gives birth.

²⁴⁸ Rather, the baraita must mean the following: With regard to any animal whose male reproductive organ is external, the female gives birth, and in the case of any male animal whose reproductive organ is internal, the female lays eggs. Although the testicles of the male wild goose are external, its reproductive organ is internal.

²⁴⁹ § The baraita continues to discuss matters of animal procreation: Any species whose sexual intercourse occurs only during the daytime gives birth only during the daytime; any species whose intercourse occurs only at night gives birth only at night; any species whose intercourse occurs both during the daytime and at night gives birth both during the daytime and at night.

²⁵⁰ The Gemara elaborates: The statement that any species whose intercourse occurs during the daytime gives birth during the daytime is referring to a chicken. The statement that any species whose intercourse occurs at night gives birth at night is referring to a bat. The statement that any species whose intercourse occurs both during the daytime and at night gives birth both during the daytime and at night is referring to a human and any creature that is similar to him.

²⁵¹ The Gemara asks: What halakhic difference is there whether an animal gives birth during the daytime or at night? The Gemara answers: The difference is with regard to that which Rav Mari, son of Rav Kahana, said. As Rav Mari, son of Rav Kahana, said: If one examined a chicken's nest on a Festival eve and did not find an egg in it, and the following day, on the Festival, he rose early, before dawn, and found an egg in it, consumption of the egg is permitted on the Festival. It is not considered an egg that was laid on the Festival, which is forbidden (see Beitza 2a), as chickens do not lay eggs at night. Although he examined the nest before the Festival and failed to find an egg there, one is compelled to say that he did not examine the nest carefully.

²⁵² The Gemara challenges: But he did examine the nest carefully, as the baraita states that he examined it. The Gemara explains: One must say that this was a case where most of the egg emerged on the eve of the Festival and returned inside its mother before the examination. And this ruling is in accordance with the opinion of Rabbi Yoḥanan, as Rabbi Yoḥanan says: In a case where most of the egg emerged on the eve of the Festival and returned inside its mother it is permitted to eat it on the Festival, as once most of it emerged it is considered to have been laid already.

²⁵³ § The baraita continues: Any two animals of different species whose manner of intercourse and time of gestation are identical can have offspring together and can raise, i.e., nurse, the young of each other. With regard to the manner of intercourse, all species engage in intercourse with the face of the male opposite the back of the neck of the female, meaning that the male comes from behind the female, except for three species that engage in intercourse face-to-face, and they are these: Fish, and humans, and the snake.

²⁵⁴ The Gemara asks: And what is different about these three? When Rav Dimi came from Eretz Yisrael to Babylonia he reported that they say in the West, Eretz Yisrael, the following explanation: They are different because the Divine Presence spoke with them. This occurred when the fish

swallowed the prophet Jonah (see Jonah 2:11), when Adam and other prophets were spoken to by God, and when the snake caused Adam and Eve to sin (see Genesis 3:14).

²⁵⁵ A tanna taught: A camel engages in intercourse back to back with its mate.

²⁵⁶ § The Gemara cites a baraita that discusses the length of gestation for various animals. The Sages taught that a chicken hatches after twenty-one days, and corresponding to it in length of gestation with regard to trees is the almond, which ripens twenty-one days after the budding of the flower. A dog gives birth after fifty days, and corresponding to it with regard to trees is the fig. A cat gives birth after fifty-two days, and corresponding to it with regard to trees is the mulberry. A pig gives birth after sixty days, and corresponding to it with regard to trees is the apple. A fox and all types of creeping animals give birth after six months, and corresponding to them with regard to trees, i.e., plants, is grain.

²⁵⁷ Small kosher livestock, such as sheep or goats, give birth after five months, and corresponding to them with regard to trees is the grapevine. Large non-kosher livestock, such as camels or donkeys, give birth after twelve months, and corresponding to them with regard to trees is the date palm. Large kosher livestock, such as cows, give birth after nine months, and corresponding to them with regard to trees is the olive. The wolf, and the lion, and the bear, and the leopard, and the bardelas, and the elephant, and the monkey, and the long-tailed ape give birth after three years, and corresponding to them with regard to trees is the white fig.

²⁵⁸ The baraita continues: A viper gives birth after seventy years, and corresponding to it with regard to trees is the carob. In the case of this carob, the period from the time of its planting until the time of the ripening of its fruit is seventy years, and the length of its gestation is three years. A snake is born after seven years, and for that wicked animal we have not found a counterpart among trees. And some say that mukhsasim are the equivalent, as they ripen after seven years.

²⁵⁹ The Gemara asks: From where is this matter, that the gestation period of a snake is seven years, derived? Rav Yehuda says that Rav says, and some determined it to be in the name of Rabbi Yehoshua ben Ḥanania: It is derived from that which is stated with regard to the punishment of the snake for causing Adam and Eve to sin: “Cursed are you from among all animals, and from among all beasts of the field” (Genesis 3:14), in that your gestation period should be longer than all of them. Now, why does the verse mention the beasts of the field, i.e., undomesticated animals? If the snake was cursed more than the domesticated animals, then all the more so is it not clear that it was cursed more than the undomesticated animals? The shortest gestation period of domesticated animals, which is five months for a goat, is longer than the shortest gestation period among undomesticated animals, which is fifty-two days for a cat.

²⁶⁰ Rather, the verse mentions the beasts of the field to tell you: Just as the domesticated animals were cursed more than the undomesticated animals by a proportion of one to seven; the Gemara interjects: And with regard to what case is that? It is with regard to a donkey, whose gestation period as mentioned is twelve months, compared to a cat, whose gestation period is fifty-two days. Seven times longer than fifty-two days is 364 days, which means that the gestation period of the donkey, which is one year, is almost exactly seven times longer than that of the cat. Rav Yehuda continues: So too, the snake was cursed more than domesticated animals, i.e., the donkey, in a proportion of one to seven, which is a total of seven years.

²⁶¹ The Gemara challenges: Say that the verse can be interpreted as follows: Just as the undomesticated animals were cursed more than the domesticated animals by a measure of one year to three years; the Gemara interjects: And in what case is that? It is in the case of a lion, whose gestation period is three years, compared to a donkey, whose gestation period is one year. The Gemara continues its challenge: So too, the snake was cursed more than the undomesticated animals, i.e., the lion, by a proportion of one year to three years, which is nine years.

²⁶² The Gemara responds: Is it written: Cursed are you from among all beasts, and from among all animals? No, it is written: "From among all animals, and from among all beasts," meaning that it is cursed from among the domesticated animals, which were cursed from among the undomesticated animals.

²⁶³ The Gemara challenges: Why must it mean that the snake was cursed more than the donkey in the same proportion that the donkey was cursed more than the cat? But say instead that just as the domesticated animals were cursed more than the undomesticated animals by a measure of one to three; the Gemara interjects: And in what case is that? It is in the case of a goat, whose gestation period is five months, compared to a cat, whose gestation period is fifty-two days. The Gemara continues its challenge: So too, the snake was cursed more than the domesticated animals, i.e., the goat, by a proportion of one to three, which is fifteen months.

²⁶⁴ The Gemara answers: If you wish, say that it is written: "Cursed are you from among all animals," including the most accursed of them, i.e., the donkey. If you wish, say instead that since it is a curse that the snake received here, the verse imposes upon it the most extreme curse that can be derived from the text.

²⁶⁵ § With regard to the gestation time of a snake, the Gemara relates that the Roman emperor said to Rabbi Yehoshua ben Ḥanania: In the case of a snake, after how long a period of gestation does it give birth? Rabbi Yehoshua ben Ḥanania said to him: After seven years. The emperor said to him: But the elders, i.e., the sages, of the school of Athens bred snakes and they gave birth after three years. Rabbi Yehoshua ben Ḥanania responded: Those snakes were already pregnant from beforehand for four years. The emperor asked: But they engaged in intercourse, and animals do so only in order to give birth, not when they are already pregnant. Rabbi Yehoshua responded: Snakes also engage in intercourse like people, i.e., they do not do so solely for reproduction.

²⁶⁶ The emperor said to him: But how can you disagree with the sages of Athens? Aren't they wise? Rabbi Yehoshua ben Ḥanania responded: We are wiser than they. The emperor said: If you are wiser than they, then go defeat them in debate and bring them to me. Rabbi Yehoshua said to him: How many are there? The emperor answered: Sixty men.

²⁶⁷ Rabbi Yehoshua ben Ḥanania said to him: Construct a ship that has sixty rooms for me, and each room should have sixty mattresses [bistarkei] in it. The emperor constructed it for him. Rabbi Yehoshua then set out on the ship for Athens. When he arrived there, he entered a butcher shop and found a certain man, the butcher, flaying an animal. Rabbi Yehoshua said to him: Is your head for sale? The butcher said to him: Yes it is. Rabbi Yehoshua said to him: For how much is it being sold? The butcher said to him: For half a dinar. Rabbi Yehoshua gave him the money.

²⁶⁸ After Rabbi Yehoshua paid the butcher, he said to him: Did I say to you that I wanted the head of the animal? I was referring to your head, and you must now keep your word and give me your head. Rabbi Yehoshua said to him: If you wish for me to let you be, go and show me the entrance to the

school of the sages of Athens. The butcher said to him: I am afraid, as they kill anyone who shows its location to another. Rabbi Yehoshua said to him: Carry a bundle of reeds, and when you arrive there, stand it up like one who is resting, to mark the location. The butcher did this, and Rabbi Yehoshua successfully found the entrance.

²⁶⁹ Rabbi Yehoshua found guards stationed on the inside and guards stationed on the outside to ensure that no one could enter or exit. They also spread sand on the ground in the entranceway so that they could detect if anyone entered or left. If they saw footsteps that were entering they would kill the outer guards for allowing people to enter, and if they saw footsteps that were exiting they would kill the inner guards for allowing people to leave.

²⁷⁰ Rabbi Yehoshua reversed his sandal so it was facing away from the entrance, walked on the sand, and snuck away, thereby creating the appearance of someone who had left the building. When the authorities saw the footsteps, they killed the inner guards. Rabbi Yehoshua then returned, reversed his sandal, and made footsteps in the sand indicating that someone had entered the building. They then killed all the guards, including the outer ones, and Rabbi Yehoshua succeeded in entering the building.

²⁷¹ Rabbi Yehoshua found the younger sages sitting in the upper, more prominent section, and the elder ones in the lower section. He said to himself: I must first greet the younger sages, as they are sitting in the upper section, prior to the elder sages; but if I greet these younger sages first, those elder sages will kill me, as they maintain: We are better, because we are older and they are children.

²⁷² Rabbi Yehoshua said: Greetings to you, but did not directly address either group. They said to him: What are you doing here? Rabbi Yehoshua said to them: I am a Sage of the Jews, and I desire to learn wisdom from you. They said to him: If so, we will ask you questions and see if you are worthy of this privilege. Rabbi Yehoshua said to them: Very well. If you win, you may do to me anything you wish, and if I defeat you, then eat with me on my ship.

²⁷³ The sages of Athens said to him: In the case of a certain man who goes and asks to marry a woman and her family does not give her to him, why would he see fit to go to a family that is greater than the first? Rabbi Yehoshua took a peg and stuck it into the lower part of the wall, but it did not go in. He then stuck it into the upper portion of the wall where there was a hole, and it went in. He said to them: In this case too, where he goes to a more distinguished family than the first, perhaps he will find the girl destined for him.

²⁷⁴ The sages of Athens asked him another question: In the case of a man who lends money to an individual and the borrower does not repay the loan, and the lender repossesses the borrower's property as payment instead, why would he see fit to lend to others again? Rabbi Yehoshua said to them: This is what people do: If a man goes to the pond, initially cuts a bundle of reeds, but finds that he cannot lift it, he does not stop cutting wood. Instead, he cuts more wood and places it upon the first, until a person happens to pass by and helps him raise it upon his shoulders, so that he can carry it home. So too, a person continues to lend based on the assumption that he will eventually find an appropriate borrower.

²⁷⁵ The sages of Athens said to him: Say to us a matter of nonsense. Rabbi Yehoshua said to them: There was a certain mule that gave birth, and a note was hanging on the newborn mule's neck and on it was written that it is owed 100,000 dinars by its father's household. They said to him: But can a

mule give birth? Rabbi Yehoshua said to them: This is why it is a matter of nonsense, as it is impossible for a mule to give birth.

²⁷⁶ The sages of Athens then asked another question: When salt is spoiling, with what does one salt it to preserve it? Rabbi Yehoshua said to them: With the placenta of a mule. They said to him: But is there a placenta of a mule? Rabbi Yehoshua said to them: And does salt spoil?

²⁷⁷ They said to him: Build us a house in the air of the world. Rabbi Yehoshua uttered a Name of God and hovered between the sky and the earth. He said to them: Bring up to me bricks and mortar and I will build you a house here. They asked him: Where is the center of the world? Rabbi Yehoshua raised his finger and said to them: Here. They said to him: And who says that you are correct? He said to them: Bring ropes and measure.

²⁷⁸ They said to him: We have a pit in the field; bring it to the city. Rabbi Yehoshua said to them: Braid ropes made of bran for me and I will bring it to the city with them. They then said to him: We have a mill that broke; sew it back together. Rabbi Yehoshua said to them: Pull out threads from the mill for me and I will sew them together.

²⁷⁹ They asked him another question: With what does one harvest a field of knives? Rabbi Yehoshua answered: With the horn of a donkey. They said to him: But is there such an item as a horn of a donkey? He said to them: But is there such a thing as a field of knives?

²⁸⁰ They brought him two eggs and said to him: Which is the egg of a black hen and which is the egg of a white hen? Rabbi Yehoshua brought them two cheeses, and said to them: Which is the cheese from the black goat and which is from the white goat?

²⁸¹ They asked him: And in the case of a chick that dies inside the egg, from where does its spirit exit? Rabbi Yehoshua said to them: From where it enters, it departs. They said to him: Show us a utensil that is not worth the damage that it causes. Rabbi Yehoshua said to them: Each one of you bring a mat and spread it out. When they did so, each mat did not enter the gate due to its size. Rabbi Yehoshua said to them: Bring axes and break the gate so that you can bring it inside. This is a utensil that is not worth its damage.

²⁸² § After Rabbi Yehoshua defeated the sages of Athens in debate, he brought them to his ship as they had agreed. He then brought each one to a different room. When each one saw the sixty mattresses in his room, he said to himself: All of my colleagues are coming here, and waited for them without attempting to leave. Rabbi Yehoshua said to the sailor: Release your ship, i.e., begin sailing. While they were coming to the emperor in Rome, he took out some dirt that he had taken from the dirt of Athens.

²⁸³ When they reached the House of the Swallowed, a location in the sea where the water absorbs everything in its vicinity, Rabbi Yehoshua ben Ḥananya filled up a small jug of water from the House of the Swallowed. When they arrived, he presented the sages of Athens before the emperor. The emperor saw that the sages of Athens were suffering due to their having been taken captive. He said to Rabbi Yehoshua: These individuals cannot be the sages of Athens, because those sages are strong and arrogant. Rabbi Yehoshua took some of the dirt that he had taken from Athens and threw it upon them. When they smelled the scent of their own soil they began to act like themselves again, and they spoke with arrogance before the king. Upon hearing them, the emperor said to Rabbi Yehoshua: You may do with them whatever you wish.

²⁸⁴ Rabbi Yehoshua brought the water that he had brought from the House of the Swallowed and poured it into a utensil [betigada]. He said to the sages: Fill it up and go on your way. They filled and poured one by one, i.e., they filled the utensil by pouring in water numerous times, and each time the utensil swallowed up the water. They continued to fill it until their shoulders became disjointed. In this manner, the sages of Athens were defeated.

²⁸⁵ MISHNA: In the case of a female donkey that had not previously given birth and now gave birth to two male offspring, as there is no doubt that one of them is firstborn, its owner gives one lamb to the priest in redemption of that firstborn. If it gave birth to a male and a female and it is not known which was born first, he designates one lamb as firstborn in case the male was born first. Nevertheless, since it is merely a monetary debt to the priest, the burden of proof rests upon the claimant, in this case the priest. Due to that uncertainty, the priest can offer no proof and the owner keeps the lamb for himself.

²⁸⁶ If an individual has two donkeys, and both of his two donkeys had not previously given birth and they now gave birth to two males, one each, the owner gives two lambs to the priest. If they together gave birth to a male and a female or to two males and a female, he gives one lamb to the priest, as one of the males is certainly a firstborn. If they together gave birth to two females and a male or to two males and two females, the priest receives nothing, as perhaps the two firstborn were females.

²⁸⁷ If one of his donkeys had previously given birth and one had not previously given birth and they now together gave birth to two males, the owner gives one lamb to the priest as redemption for the firstborn male. If they together gave birth to a male and a female he designates one lamb for himself, as it is uncertain whether or not the male was a firstborn and the burden of proof rests upon the claimant.

²⁸⁸ From where is it derived that the firstborn of a donkey is redeemed with a lamb? It is derived from a verse, as it is stated: “And you shall redeem the firstborn of a donkey with a lamb [seh]” (Exodus 34:20). The owner may give a lamb either from sheep or from goats; from males or females, from older or younger animals, and from unblemished or blemished animals. If the priest returns the lamb to the owner, he may redeem firstborn donkeys with it many times. In a case where he designates a lamb due to uncertainty and keeps it for himself, it is his in every sense. Consequently, it enters the pen in order to be tithed with the other non-sacred animals (see Leviticus 27:32), and if it dies, one may derive benefit from its carcass.

²⁸⁹ GEMARA: With regard to the first clause of the mishna the Gemara asks: Who is the tanna who taught that if a female donkey that had never given birth before gives birth to twin males, the owner gives only one lamb to the priest? Rabbi Yirmeya says: It is not in accordance with the opinion of Rabbi Yosei HaGelili. As if it were in accordance with the opinion of Rabbi Yosei HaGelili, doesn't he say in a later mishna (17a) with regard to a kosher animal that gave birth to two males and both their heads emerged as one, that it is possible that both births coincided precisely, and therefore both of the twins are given to the priest? According to his opinion, in the case here as well, two lambs should be given to the priest. The mishna clearly follows the opinion of the Rabbis that only one of the two is considered a firstborn.

²⁹⁰ Abaye says: You may even say that the mishna is in accordance with the opinion of Rabbi Yosei HaGelili, and it is different there with regard to a kosher animal, as it is written: “Every firstborn that you have of animals, the males shall be the Lord's” (Exodus 13:12), i.e., the word “males” is written

in the plural. This indicates that if they emerged simultaneously they both have firstborn status. By contrast, with regard to redeeming a firstborn donkey, only one has firstborn status.

²⁹¹ The Gemara challenges: But let him derive from the halakha of a firstborn kosher animal that the halakha of a firstborn donkey is the same. The Gemara answers: The Merciful One restricted this principle to the case of a firstborn kosher animal, where it is written: “The males shall be the Lord’s.” The word “the” indicates that two males can be considered firstborn only in the case of a firstborn kosher animal.

²⁹² Some say there is another version of this discussion: Let us say that the mishna is not in accordance with the opinion of Rabbi Yosei HaGelili, as if it follows the opinion of Rabbi Yosei HaGelili, doesn’t he say it is possible that both births coincide precisely, and if they were born simultaneously both are considered firstborn? Abaye says: You may even say it is in accordance with the opinion of Rabbi Yosei HaGelili, and it is different there, as it is written: “The males shall be the Lord’s.”

²⁹³ The Gemara asks: Granted, according to Rabbi Yirmeya, who does not interpret the mishna in accordance with the opinion of Rabbi Yosei HaGelili, that is the reason that it does not teach: And both of their heads emerged as one, as stated in the mishna where the ruling of Rabbi Yosei HaGelili is taught; according to the Rabbis who disagree with Rabbi Yosei HaGelili, this is impossible. But according to Abaye, who holds that the mishna is in accordance with the opinion of Rabbi Yosei HaGelili and such an occurrence is possible, let the mishna teach: And both of their heads emerged as one, indicating that in this case even Rabbi Yosei HaGelili agrees only one lamb is given to the priest.

²⁹⁴ Furthermore, it is taught in a baraita: If one’s donkey had not previously given birth and now gave birth to two males, and both of their heads emerged as one, Rabbi Yosei HaGelili says: Both of them are given to the priest, as it is stated: “The males shall be the Lord’s.”

²⁹⁵ The Gemara clarifies: But when this verse is written, isn’t it written with regard to a firstborn kosher animal, which has inherent sanctity, unlike a firstborn donkey? Rather, because it is stated with regard to a kosher animal: “The males shall be the Lord’s,” this serves as the basis for the halakha with regard to the firstborn of a non-kosher animal that both males can be considered firstborn. If so, the refutation of the opinion of Abaye is in fact a conclusive refutation, and the mishna is in accordance with the opinion of the Rabbis, not that of Rabbi Yosei HaGelili.

²⁹⁶ The Gemara asks: And with regard to the opinion of the Rabbis, let us say the Rabbis hold that even a portion of the mouth of the womb sanctifies a firstborn despite the offspring never having touched the entire area. As, if only the entire mouth of the womb sanctifies the firstborn, then in a case where the heads emerged as one, granted that it is impossible for both births to coincide precisely and one certainly emerged first, but in any event there is an interposition, i.e., the head of the other fetus, between each fetus and the mouth of the womb.

²⁹⁷ The Gemara answers that Rav says: No proof may be drawn from here that a portion of the womb sanctifies a firstborn, as a substance that is in contact with the same type of substance does not interpose. Therefore, each fetus is still considered to be touching the entire womb.

²⁹⁸ § The mishna teaches that if a female donkey that had not yet given birth gives birth to a male and a female, and there is uncertainty with regard to which was born first, the owner designates a

lamb in case the male was born first, which he keeps for himself. The Gemara asks: But since he keeps it for himself, why do I need him to designate it? The Gemara answers: It is necessary in order to abrogate its forbidden status.

²⁹⁹ The Gemara comments: Apparently, since prior to the designation the sanctity is not yet abrogated, it is prohibited to derive benefit from the donkey at that stage. If so, whose opinion is expressed in the mishna? It is the opinion of Rabbi Yehuda, as it is taught in a baraita: It is prohibited to derive benefit from a firstborn donkey, in accordance with the opinion of Rabbi Yehuda; and Rabbi Shimon deems it permitted.

³⁰⁰ The Gemara asks: What is the reason for the opinion of Rabbi Yehuda? Ulla says: Do you have an item that requires redemption and it is nevertheless permitted to derive benefit from it? The Gemara challenges: And is there no such item? But doesn't a woman's firstborn son require redemption with five shekels, and it is nevertheless permitted to derive benefit from him? Rather, this is what Ulla means: Do you have an item about which the Torah was particular and requires that it be redeemed specifically with a lamb, and yet it is still permitted prior to redemption?

³⁰¹ The Gemara challenges: And is the Torah particular about redeeming a firstborn donkey specifically with a lamb? But didn't Rav Neḥemya, son of Rav Yosef, redeem a firstborn donkey with boiled vegetables that were worth its full value? The Gemara answers: Ulla is not saying, i.e., referring to, a case where the donkey is redeemed at its full value. Rather, when we say the Torah is particular that the donkey be redeemed with a lamb, the reference is to redeeming it not at its full value, and this is what Ulla is saying: Do you have an item about which the Torah was particular so as to require abrogating its forbidden status specifically with a lamb, if the lamb is worth less than the donkey? Therefore, Rabbi Yehuda holds that deriving benefit from a firstborn donkey is forbidden.

³⁰² The Gemara challenges: But this contradicts Rabbi Yehuda's ruling with regard to second-tithe produce, concerning which the Torah was particular about its being redeemed only with a minted coin, and we learned in a mishna that Rabbi Yehuda says: If one betrothed a woman with second-tithe produce, if he did so intentionally, he has betrothed her. Apparently, he maintains that deriving benefit from second-tithe produce is not prohibited prior to redemption.

³⁰³ The Gemara answers: That is not proof, as according to Rabbi Yehuda, if a man betrothed a woman with a firstborn donkey, she is also betrothed. This applies even if deriving benefit from the animal is prohibited, in accordance with the opinion of Rabbi Elazar. As Rabbi Elazar says: The reason a woman is betrothed with second-tithe produce is that she knows that second-tithe produce is not desacralized by her betrothal. Rather, it remains prohibited, and she will subsequently ascend and consume it in Jerusalem, where consumption of second-tithe produce is permitted. She is therefore betrothed with the benefit of that future consumption.

³⁰⁴ Here too, where one betroths a woman with a firstborn donkey, the betrothal is effective despite the fact that it is prohibited to derive benefit from the animal. This is because a woman knows that a firstborn donkey has a forbidden status and she will therefore redeem it with a lamb. And she is betrothed with that amount, i.e., of the difference between the value of the donkey and the value of the lamb, as the value of the lamb is lower.

³⁰⁵ The Gemara asks: And as for Rabbi Shimon, what is the reason he holds it is permitted to derive benefit from a firstborn donkey prior to its redemption? The Gemara answers that Ulla says: Do you

have an item whereby its redemption, i.e., the item with which it is redeemed, is permitted, but the item itself is forbidden? Here too, since the lamb that is given to the priest is permitted, the donkey that it redeems should have been permitted as well prior to the redemption.

³⁰⁶ The Gemara asks: And is there not such a case? But isn't there the case of selling produce from the Sabbatical Year? As its redemption, i.e., the money received in exchange for the produce, is permitted. But deriving benefit from the produce itself is prohibited after that type of produce is unavailable in the fields, as at that time it must be removed from the house as well.

³⁰⁷ The Gemara answers: With regard to the produce of the Sabbatical Year as well, its redemption is forbidden, as the Master says: If one purchased meat with produce of the Sabbatical Year, both the produce and the meat must be removed during the Sabbatical Year after the point when produce of that kind no longer remains in the field. If one purchased wine in exchange for the meat, the meat's consecrated status is negated and the wine assumes consecrated status. This process continues until the very last item purchased assumes the consecrated status of the produce of the Sabbatical Year, and the actual produce itself remains consecrated and forbidden following the time of removal.

³⁰⁸ The Gemara offers an additional basis for the dispute between Rabbi Yehuda and Rabbi Shimon: And if you wish, say that Rabbi Yehuda and Rabbi Shimon disagree with regard to the following verse, as it is taught in a baraita with regard to the prohibition against shearing and working a firstborn kosher animal that the Torah states: "You shall do no work with the firstborn of your ox" (Deuteronomy 15:19), but you may perform labor with a firstborn animal that is both your own and also that of others, i.e., an animal owned in partnership with a gentile. Although firstborn status applies to the Jew's share in the animal and he must give the value of his share to a priest, nevertheless, it has no sanctity and deriving benefit from it is permitted. The verse continues: "Nor shear the firstborn of your flock," but you may shear a firstborn animal that is yours and that is also that of others. This is the statement of Rabbi Yehuda.

³⁰⁹ Rabbi Shimon says the verse should be interpreted as follows: "You shall do no work with the firstborn of your ox," but you may do work with a woman's firstborn son, as no prohibition exists with regard to deriving benefit from the labor of a firstborn boy even before he is redeemed. "Nor shear the firstborn of your flock," but you may shear a firstborn donkey, as deriving benefit from it is permitted. Rabbi Yehuda, who does not interpret the verse in this manner, holds that it is prohibited to shear and derive benefit from a firstborn donkey as well.

³¹⁰ The Gemara asks: Granted, according to the opinion of Rabbi Shimon, that is the reason that two verses, i.e., phrases, are written, one that excludes a woman's firstborn son from the prohibition against deriving benefit and another that excludes a firstborn donkey. But according to Rabbi Yehuda, why do I need two verses to exclude a firstborn animal that is yours and that is also that of others, i.e., owned jointly by a Jew and a gentile, from the prohibition against deriving benefit from the firstborn? And furthermore, according to Rabbi Yehuda, shall we say that deriving benefit from a woman's firstborn son should also be forbidden, since it was not excluded by any verse?

³¹¹ Rather, everyone agrees that the term "your ox" comes to exclude a woman's firstborn son, from whom it is permitted to derive benefit. When they disagree, it is with regard to the term "your flock." As Rabbi Yehuda conforms to his line of reasoning, as he says that an animal that is owned in partnership with a gentile is obligated in a firstborn, i.e., subject to the requirement that its owner

count its offspring as a firstborn, and therefore the verse was necessary to permit shearing and using the animal for labor.

³¹² And Rabbi Shimon holds that an animal owned in partnership with a gentile is exempt from its offspring being counted a firstborn, and therefore with regard to shearing and labor, no verse was necessary. Rather, the verse was necessary to exclude the case of a firstborn donkey from the prohibition against shearing and working the firstborn animal.

³¹³ The Gemara asks: Granted, according to the opinion of Rabbi Yehuda, this is the reason that the term “your flock” is written, and not simply the word flock. It excludes sheep that are owned in partnership with a gentile. And with regard to the term “your ox,” the word ox alone is sufficient to exclude a woman’s firstborn son from the prohibition; and the verse employed the term “your ox” because of the term “your flock,” so that the two would be stylistically similar. But according to the opinion of Rabbi Shimon, who derives from the term “your flock” that a firstborn donkey is not included, writing the terms flock and donkey alone would suffice. Why do I need the terms “your ox” and “your flock”? The Gemara concludes: This is difficult.

³¹⁴ § Rabba says: And Rabbi Shimon concedes that even if it is permitted to derive benefit from a firstborn donkey that was not redeemed, following the breaking of its neck in fulfillment of the verse: “And you shall redeem every firstborn donkey with a lamb, and if you do not redeem it, then you shall break its neck” (Exodus 13:13), it is forbidden to derive benefit from its carcass.

³¹⁵ What is the reason for this ruling? He derives this halakha by a verbal analogy between the expression: “Breaking the neck,” stated here, and the expression: “Breaking the neck,” stated in the case of the heifer whose neck is broken by the Elders of the city due to a unresolved murder (see Deuteronomy 21:1–9). Just as it is forbidden to derive benefit from the heifer after its neck is broken, so too is it prohibited to derive benefit from a firstborn donkey that was not redeemed following the breaking of its neck.

³¹⁶ Rava said: From where do I say that this is the opinion of Rabbi Shimon? As it is taught in a baraita (Tosefta, Okatzin 3:12): The fruit of a tree during the first three years after its planting [orla], and diverse kinds in a vineyard, and the flesh of an ox that was to be stoned for killing or copulating with a person but was slaughtered instead, and that of a heifer whose neck was to be broken but was slaughtered instead, and of the birds offered by a leper (see Leviticus 14:4–7), and of a firstborn donkey whose neck was broken, and meat cooked together with milk, are all susceptible to the ritual impurity of food, despite the fact that their consumption is forbidden.

³¹⁷ Rabbi Shimon says: All of them are not susceptible to the ritual impurity of food, since they are all items from which deriving benefit is prohibited and are therefore not considered food. And Rabbi Shimon concedes with regard to meat cooked together with milk that it is susceptible to the impurity of food, since both the meat and the milk had a period of susceptibility to contracting impurity before they were cooked together.

³¹⁸ And Rabbi Asi says that Rabbi Yoḥanan says: What is the reason for the opinion of Rabbi Shimon that an item from which deriving benefit is prohibited is not susceptible to the impurity of food? It is as it is written: “All food therein that may be eaten [ha’okhel asher ye’akhel], that on which water comes, shall be impure” (Leviticus 11:34). The use of the Hebrew root ales, khaf, lamed twice in this phrase indicates that specifically food that you are able to feed to others, i.e., gentiles, is called food with regard to susceptibility to the impurity of food. But food that you are not able to feed to others is

not called food. Therefore, an item from which deriving benefit is prohibited and which one is consequently forbidden to feed to gentiles is not considered food in this context.

³¹⁹ The Gemara asks: If so, if this is indeed Rabbi Shimon's opinion, why, then, does he specifically state that meat cooked in milk is susceptible to impurity because it had a period of susceptibility to contracting impurity before they were cooked together? Derive this halakha from the fact that it is food that you can feed to others, as Rabbi Shimon maintains that deriving benefit from meat and milk cooked together is not prohibited.

³²⁰ As it is taught in a baraita: Rabbi Shimon ben Yehuda says in the name of Rabbi Shimon: With regard to meat cooked in milk, eating it is forbidden and deriving benefit from it is permitted, as it is stated: "For you are a holy people to the Lord your God; you shall not cook a kid in its mother's milk" (Deuteronomy 14:21). And elsewhere the verse states: "And you shall be holy men to Me; therefore you shall not eat any flesh that is torn by animals in the field" (Exodus 22:30). Just as there, with regard to an animal torn by animals, which is forbidden as a tereifa, i.e., an animal possessing a wound that will cause it to die within twelve months, eating it is forbidden but deriving benefit from it is permitted, so too here, with regard to meat cooked in milk, where the verse mentions being holy just as the other verse did, eating it is forbidden but deriving benefit from it is permitted.

³²¹ The Gemara answers: The baraita that cites Rabbi Shimon's opinion states one reason why meat cooked in milk is susceptible to impurity and adds another. One reason is because it is food that you can feed to others. Therefore, it is called food for the purpose of being susceptible to impurity. And another reason is because even for him, i.e., a Jew, although eating the milk and meat is currently prohibited, it had a time when it was fit for consumption, i.e., before they were cooked together, and therefore they remain susceptible to impurity.

³²² The opinion of Rabbi Shimon that all items from which deriving benefit is prohibited are not susceptible to the impurity of food except for meat cooked in milk has been elucidated. Rava now proceeds to explain his proof that even according to Rabbi Shimon, deriving benefit from a firstborn donkey after the breaking of its neck is forbidden: And if it is so, that after breaking the neck of the firstborn donkey Rabbi Shimon deems it permitted for one to derive benefit from it, let the tanna teach: And Rabbi Shimon concedes with regard to a firstborn donkey and meat cooked in milk, that they are susceptible to the impurity of food. Since a firstborn donkey is not listed as an exception, Rabbi Shimon must hold that it is prohibited to derive benefit from it after its neck is broken, and it is therefore not susceptible to impurity.

³²³ The Gemara responds: If it is a case where the one who broke the neck of the donkey intended at the time that people would eat from it, so too it would be susceptible to the impurity of food according to Rabbi Shimon, as it is permitted to derive benefit from it. Here we are dealing with a case where he did not intend for it to be eaten, as even gentiles do not usually consume the meat of a donkey, and it therefore is not considered food.

³²⁴ The Gemara asks: But if he did not intend for anyone to eat it, what is the reason the Rabbis deem the flesh susceptible to the impurity of food? The Sages said before Rav Sheshet: It is susceptible to the impurity of food because the prohibition to eat it serves as intent to treat it as food, i.e., the very fact that it is forbidden renders it significant enough to be deemed a food.

³²⁵ The Gemara asks: But according to the Rabbis, did they actually say that an item is susceptible to the impurity of food since its prohibition serves as its intent? But didn't we learn in a mishna

(Teharot 1:1) that the Sages stated thirteen matters concerning the unslaughtered carcass of a kosher bird, and this is one of them: It requires explicit intent that it will be eaten in order to become susceptible to the impurity of food, as most gentiles are unaccustomed to eating it, but it does not require contact with liquid to be rendered susceptible to ritual impurity.

³²⁶ And if the logic of: Its prohibition serves as its intent, is accepted, why do I need the intent here, as an unslaughtered carcass is forbidden to be eaten? The Gemara answers: In accordance with whose opinion is this? It is in accordance with the opinion of Rabbi Shimon, who does not hold that its prohibition serves as its intent.

³²⁷ The Gemara suggests: Come and hear a proof from another mishna (Okatzin 3:3): A carcass of a non-kosher animal, such as a horse or donkey, found in any location; or an unslaughtered carcass of a kosher bird or the fat of a kosher animal found in the villages, where the local gentiles are unaccustomed to eating it, all require intent to consume it in order to become susceptible to the impurity of food, but they do not require being rendered susceptible to impurity by coming in contact with liquid. And if you say its prohibition serves as its intent, why do I need intent? All these foods are forbidden for consumption by a Jew. The Gemara responds: In accordance with whose opinion is this? It is in accordance with the opinion of Rabbi Shimon.

³²⁸ The Gemara suggests: Come and hear a proof from the continuation of the same mishna: An unslaughtered carcass of a kosher animal found in any location, or the unslaughtered carcass of a kosher bird found in any location, or the fat of a kosher animal found in the marketplaces, i.e., in a large city that has marketplaces, where some people do eat it, do not require intent for consumption in order to be regarded as subject to impurity, as they are presumed to be food for gentiles; nor do they require contact with liquid in order for them to be rendered susceptible to impurity. The Gemara infers that only the carcass of a kosher animal does not require intent, but the carcass of a non-kosher animal requires intent. If its prohibition serves as its intent, why does it require intent for consumption?

³²⁹ And if you would say: In accordance with whose opinion is this, it is also in accordance with the opinion of Rabbi Shimon; one could respond that since the latter clause is the opinion of Rabbi Shimon it follows that the former clause, which is written without attribution, is not in accordance with the opinion of Rabbi Shimon. As the latter clause teaches: Rabbi Shimon says even the meat of the camel, and the hare, and the rock badger, and the pig do not require intent or contact with liquid to be rendered susceptible to impurity. And Rabbi Shimon said: What is the reason? The reason is that they have some characteristics of kosher animals (see Leviticus 11:4–7). If so, the dispute between Rabbi Shimon and the Rabbis cannot be based on whether the prohibition of the animal serves as its intent.

³³⁰ Rather, Rava says: Everyone, including the Rabbis, agrees that we do not say its prohibition serves as its intent. And with regard to a firstborn donkey, if one broke its neck, so too, the Rabbis hold that it is not susceptible to the impurity of food, since the one who broke its neck did not intend for it to be eaten.

³³¹ The Gemara answers: Here, we are dealing with a case where he slaughtered the firstborn donkey in order to teach himself how to properly slaughter an animal, and not in order to eat it. In this case, Rabbi Shimon and the Rabbis disagree whether the prohibition against a Jew's consuming it serves

as intent that it be treated as food. And they disagree with regard to the issue that is the subject of the dispute between Nimos and Rabbi Eliezer.

³³² As it is taught in a baraita that Rabbi Yosei says: Nimos, the brother of Rabbi Yehoshua HaGarsi, once related to me that in the case of one who slaughters a crow in order to teach himself how to slaughter a bird properly, its blood renders other foods susceptible to impurity, as blood is one of the seven liquids that is capable of rendering foods susceptible to impurity. Rabbi Eliezer says: The blood that comes from the slaughter of an animal always renders food susceptible to impurity.

³³³ The Gemara asks: Isn't this statement of Rabbi Eliezer identical to the statement of the first tanna, i.e., Nimos? Both hold that the blood of slaughter renders food susceptible to impurity. Rather, isn't the difference between them with regard to whether concerning the crow its prohibition serves as its intent that it should be used as food?

³³⁴ Accordingly, the first tanna holds that the prohibition against consuming a crow does not render it a food. Therefore, its blood renders foods in general susceptible to impurity, but to render the crow itself a food, intent to eat it is also required, as people do not generally consume the meat of crows.

³³⁵ And Rabbi Eliezer comes to say that the blood of slaughter always renders other foods susceptible to impurity, and even with regard to the crow itself, intent to consume it is not required, as he holds that its prohibition serves as intent to consume it. Likewise, Rabbi Shimon and the Rabbis disagree with regard to a firstborn donkey in a case where it is slaughtered only in order to teach oneself how to slaughter properly. According to Rabbi Shimon, intent to eat it is required in order to render it susceptible to the impurity of food, while according to the Rabbis the prohibition to eat it in this case serves as intent for it to be used as food.

³³⁶ The Gemara responds: From where is it inferred that the dispute between Nimos and Rabbi Eliezer is with regard to this issue? Perhaps the reason for the opinion of Rabbi Eliezer there is that a crow is different, since it has some indicators of a kosher bird, and is therefore considered food. By contrast, with regard to a donkey, which has no indicators of a kosher animal, slaughtering it in order to learn how to slaughter properly does not render it food.

³³⁷ The Gemara presents support for this explanation: And from where do we derive that indicators of a kosher animal are considered a significant matter concerning the impurity of food? As a baraita teaches with regard to the mishna cited on 10a that Rabbi Shimon says: What is the reason that the meat of the camel, hare, rock-badger, and pig are automatically susceptible to impurity of food without any other conditions? It is because they have some indicators of kosher animals.

³³⁸ And if you would say that if the meat of the crow is susceptible to the impurity of food because of its kosher indicators, why do Rabbi Eliezer and Nimos specifically disagree in the case where it was slaughtered in order to teach oneself how to slaughter properly? Even if the one who slaughtered it acted unawares, Rabbi Eliezer should hold that its flesh should be susceptible to impurity. The response would be that yes, this is indeed so according to Rabbi Eliezer, and they disagreed in this case only because of the opinion of Nimos, who holds that even where one slaughtered the crow intentionally, if he slaughtered it in order to teach himself how to slaughter properly the crow is not susceptible to impurity.

³³⁹ § The Gemara raises an objection from a baraita to the opinion of Rabba, who holds that even according to the opinion of Rabbi Shimon it is prohibited to derive benefit from a firstborn donkey

following the breaking of its neck: If one does not want to redeem his firstborn donkey with a lamb, he breaks the donkey's neck from behind with a cleaver and buries the donkey, and it is prohibited to derive benefit from the donkey; this is the statement of Rabbi Yehuda. And Rabbi Shimon deems it permitted for one to derive benefit from the donkey.

³⁴⁰ The Gemara responds: Say the baraita means: And while the donkey is still alive it is prohibited to derive benefit from it; this is the statement of Rabbi Yehuda. And Rabbi Shimon deems it permitted. Perhaps Rabbi Shimon agrees that following the breaking of its neck, it is prohibited to derive benefit from it.

³⁴¹ The Gemara challenges: But from the fact that the latter clause of the baraita is referring to the prohibition to derive benefit while the donkey is alive it is apparent that the first clause, due to which this objection was raised, is not referring to deriving benefit while it is still alive.

³⁴² As the latter clause teaches: One may not kill the firstborn donkey with a reed, nor with a sickle, nor with an ax, nor with a saw; nor may one put it in a room and close the door so that it will die from starvation. These are not the manners of killing the animal mandated by the Torah, which requires one to break its neck. And shearing the donkey or using it for labor is prohibited; this is the statement of Rabbi Yehuda. And Rabbi Shimon deems it permitted to shear it and to perform labor with it. Since the latter clause mentions the prohibition against shearing and working the animal, which applies only when the animal is still alive, the first clause must be referring to a case where the animal was already dead.

³⁴³ The Gemara responds: The first clause and the latter clause are both referring to a case where the animal is alive, but the first clause is referring to the prohibition against deriving benefit from its value by renting or selling it, while the latter clause is referring to deriving benefit from the animal itself by shearing it or performing labor with it.

³⁴⁴ And it is necessary to state the dispute between Rabbi Yehuda and Rabbi Shimon in both cases, as had the tanna taught only the case of deriving benefit from its value one would think that in that case Rabbi Shimon deems deriving benefit permitted; but in the case of deriving benefit from the donkey itself, say that Rabbi Shimon concedes to Rabbi Yehuda that it is forbidden. And had the tanna taught only the case of deriving benefit from the animal itself one would think that in that case Rabbi Yehuda deems deriving benefit forbidden; but in the case of deriving benefit from its value, say that he concedes to Rabbi Shimon. Therefore, it is necessary to teach the dispute in both instances.

³⁴⁵ The Gemara cites an additional amora who agrees with Rabba: And similarly, Rav Naḥman says that Rabba bar Avuh says: Rabbi Shimon concedes that after breaking the donkey's neck it is prohibited to derive benefit from it.

³⁴⁶ And Rav Naḥman said: From where do I say it? As it is taught in a baraita that the Torah states: "And if you do not redeem it, then you shall break its neck" (Exodus 13:13). The expression of breaking the neck is stated here, and the expression of breaking the neck is stated there with regard to the heifer whose neck is broken (see Deuteronomy 21:4). Just as there, in the case of the heifer whose neck is broken, it is prohibited to derive benefit from it following the ceremony, so too here, it is prohibited to derive benefit from a firstborn donkey following the breaking of its neck.

³⁴⁷ The Gemara clarifies: Who is the tanna cited in this baraita? If we say that it is Rabbi Yehuda, that is difficult, as he holds that it is already prohibited to derive benefit from a firstborn donkey

while it is still alive. Why, then, would the verse need to forbid it again following the breaking of its neck? Rather, is it not the opinion of Rabbi Shimon, indicating that he concedes that deriving benefit from the donkey is prohibited following the breaking of its neck?

³⁴⁸ Rav Sheshet said to Rav Naḥman: Safra, your colleague, interpreted it as follows: Actually, Rabbi Yehuda is the tanna cited, and it was necessary for the verse to prohibit deriving benefit after the donkey's death as well, as it might enter your mind to say that breaking the neck stands in place of redeeming the donkey, as it is stated: "And if you do not redeem it, then you shall break its neck" (Exodus 13:13). Therefore, it could be claimed that just as redemption permits one to derive benefit from the firstborn donkey, so too, breaking the neck permits one to derive benefit from it. Therefore, the verse teaches us that breaking the neck does not permit one to derive benefit from it.

³⁴⁹ Rav Naḥman said: From where do I say that Rabbi Shimon holds it is prohibited to derive benefit from a firstborn donkey following the breaking of its neck? I say it from that which Levi teaches in a baraita with regard to the reason the Torah commands that the donkey's neck be broken: He, the owner, caused a loss of the money of a priest by not giving him a lamb in exchange for the donkey. Therefore, his money shall also be lost.

³⁵⁰ The Gemara clarifies: Whose opinion is followed in this baraita? If we say it is the opinion of Rabbi Yehuda, the donkey's monetary value is already lost, as it was already prohibited to derive benefit from it while it was alive. Rather, is it not the opinion of Rabbi Shimon? This indicates that breaking the neck of the donkey renders deriving benefit from it prohibited.

³⁵¹ The Gemara responds: If you wish, say the baraita follows the opinion of Rabbi Yehuda, and if you wish, say instead that it follows the opinion of Rabbi Shimon, even if he holds that it is permitted to derive benefit from a firstborn donkey after its neck is broken.

³⁵² The Gemara explains: If you wish, say the baraita follows the opinion of Rabbi Yehuda, and it is referring to the loss of the difference between the value of the donkey while it is alive and the value of the lamb given as redemption to the priest, which is less than that of the donkey. This value, which the owner would have gained had he redeemed the donkey, is lost once the donkey is not redeemed.

³⁵³ And if you wish, say instead that it is the opinion of Rabbi Shimon, and although he permits deriving benefit from the donkey after the breaking of its neck, there is nevertheless a depreciation of value caused by the death of the animal, as a dead donkey is worth less than a live one.

³⁵⁴ The Gemara comments: And Reish Lakish similarly says that Rabbi Shimon concedes that deriving benefit from a firstborn donkey after the breaking of its neck is prohibited, in accordance with the statements of Rabba and Rav Naḥman. But Rabbi Yoḥanan, and some say Rabbi Elazar, says: The matter is still subject to dispute, i.e., Rabbi Shimon disagrees with Rabbi Yehuda even after the death of the firstborn donkey, and permits deriving benefit from it even then.

³⁵⁵ There are those who teach that which Rav Naḥman said concerning the opinion of Rabbi Shimon with regard to this, i.e., the mishna in Kiddushin (56b): In the case of one who betroths a woman with a firstborn donkey, the woman is not betrothed, as it is prohibited to derive benefit from the donkey. Let us say that the mishna is not in accordance with the opinion of Rabbi Shimon, as he holds that one is permitted to derive benefit from a firstborn donkey. Rav Naḥman says that Rabba bar Avuh says: It is referring to a case of betrothal after the breaking of the donkey's neck, and all agree, even Rabbi Shimon, that it is prohibited to derive benefit from it at that stage.

³⁵⁶ There are those who say that the discussion with regard to the mishna proceeded as follows: In accordance with whose opinion is this? Ostensibly, it is neither the opinion of Rabbi Yehuda nor that of Rabbi Shimon. If it is in accordance with the opinion of Rabbi Shimon, who permits deriving benefit from a firstborn donkey, the woman should be betrothed with the entire value. If it follows the opinion of Rabbi Yehuda, she should be betrothed with that difference between the value of the donkey after being redeemed, which remains hers, and the value of the lamb that must be given to the priest in exchange for the donkey.

³⁵⁷ Rabba bar Avuh says that Rav says: Actually, it follows the opinion of Rabbi Yehuda, and is referring to a case where the firstborn donkey is worth only a shekel, the same value as a lamb suitable for redemption, in which case there is no difference between the value of the donkey and that of the lamb. And Rabbi Yehuda holds in accordance with the opinion of Rabbi Yosei bar Yehuda that one may not redeem a firstborn donkey with a lamb that is less than the value of a shekel, as it is taught in a baraita: When the Torah states: “You shall redeem,” with regard to a firstborn donkey, it teaches that you shall redeem it immediately, and you shall redeem it for any amount. Rabbi Yosei bar Yehuda says: There is no redemption for less than a shekel.

³⁵⁸ The Gemara analyzes the baraita: The Master said that the verse: “You shall redeem,” teaches that you shall redeem it immediately, and you shall redeem it for any amount. The Gemara asks: Isn’t it obvious? Why is it necessary to derive these halakhot from the verse?

³⁵⁹ The Gemara answers: It was necessary, as it might enter your mind to say that since the mitzva of redeeming a firstborn donkey is juxtaposed with that of redeeming a woman’s firstborn son in the verse: “Yet you shall redeem the firstborn of man, and the firstborn of non-kosher animals you shall redeem” (Numbers 18:15), it should be inferred that just as a woman’s firstborn son is redeemed after the baby is thirty days old and involves giving the monetary value of five sela to a priest, as stated in the next verse: “And their redemption-money, from a month old you shall redeem them, it shall be, according to your valuation, five shekels of silver” (Numbers 18:16), this firstborn donkey too should be redeemed after it is thirty days old, and a lamb whose value is at least five sela should be given to the priest.

³⁶⁰ Therefore, the baraita teaches us: “You shall redeem,” indicating that the redemption of the donkey must be done immediately after its birth, and that you shall redeem it for any amount.

³⁶¹ The baraita also states that Rabbi Yosei bar Yehuda says: There is no redemption for less than a shekel. The Gemara asks: Whichever way you look at it, this statement is difficult: If Rabbi Yosei bar Yehuda holds that the verse compares a firstborn donkey to a woman’s firstborn son, he should require a lamb worth five sela, and if the verse does not compare them, from where does Rabbi Yosei bar Yehuda derive that a lamb worth a shekel is necessary?

³⁶² The Gemara answers: Actually, the verse does not compare them, and the reason a lamb worth a shekel is required is due to that which Rava says: The verse states with regard to redemption of consecrated property: “And all your valuations shall be with the shekel of the Sanctuary” (Leviticus 27:25), which indicates that all valuations that you assess should not be less than the value of a shekel.

³⁶³ And the Rabbis who disagree with him hold that that verse

³⁶⁴ is written with regard to affordability, i.e., a case where one vows to give the valuation of an individual to the Temple but does not have sufficient funds to fulfill his vow. In such a case, he must pay at least a shekel. It does not apply to other matters.

³⁶⁵ Rav Naḥman says: The halakha is in accordance with the statement of the Rabbis that one may redeem a firstborn donkey with a lamb that is worth even less than a shekel. And how much must the lamb be worth? Rav Yosef says: Even a lean lamb [patruza] that is worth only a ma'a [danka] may be used. Rava says: We learn in the mishna (9a) as well that the owner may give either a big or a small lamb, which supports Rav Yosef's ruling.

³⁶⁶ The Gemara asks: Isn't it obvious that even a lean lamb worth one ma'a may be used? The baraita states that the lamb may be worth any amount. The Gemara answers: Lest you say that if the lamb is of such little value one may not redeem with it, Rav Yosef states that one may redeem with it. Alternatively, it could be claimed that a lean lamb may not be used for redemption due to its physical state. Therefore, Rav Yosef teaches us that one may redeem a firstborn donkey even with such a lamb.

³⁶⁷ Rabbi Yehuda Nesia had a firstborn donkey. He sent it before Rabbi Tarfon, and said to him: How much do I need to give a priest for its redemption, i.e., how much must the lamb used for its redemption be worth? Rabbi Tarfon said to him: Didn't the Sages say: One who has a generous disposition redeems his firstborn donkey with a lamb worth a sela, one who has a miserly disposition redeems his donkey with a lamb worth a shekel, and one who has an intermediate disposition redeems his donkey with a lamb worth a ragya?

³⁶⁸ Rava said: The halakha is that one must redeem the firstborn donkey with a lamb that is worth at least a ragya. The Gemara asks: And how much is the value of a ragya? The Gemara answers: A ragya is worth three dinars, and is called a ragya because it is close to [ragil] here and close to there, i.e., its value is between that of a sela, which is worth four dinars, and a shekel, which is worth two dinars.

³⁶⁹ The Gemara comments: The contradiction between this halakha, that one must give a lamb worth three dinars, and the halakha stated by Rav Naḥman, that one may give a lamb of any monetary value, poses a difficulty. The Gemara responds: That is not difficult, as here the reference is to one who comes to consult; he is told to give a lamb worth three dinars. There, the reference is to one who acts on his own, i.e., one who redeems his donkey without consultation, in which case he has fulfilled his obligation even if the lamb is worth only a ma'a.

³⁷⁰ § Rabbi Yitzḥak says that Reish Lakish says: One who has a firstborn donkey but does not have a lamb with which to redeem it may redeem the donkey with a sum of money equal to the donkey's value and give it to a priest. The Gemara asks: In accordance with whose opinion is this statement? If we say that it is in accordance with the opinion of Rabbi Yehuda, doesn't he say that the Torah is particular that the donkey be redeemed with a lamb (see 9a)? Rather, clearly it is in accordance with the opinion of Rabbi Shimon.

³⁷¹ The Gemara comments: Rav Aḥa teaches it in this way, that the statement of Reish Lakish was made in accordance with the opinion of Rabbi Shimon. Ravina found this difficult, as wherever there is a dispute between Rabbi Yehuda and Rabbi Shimon, the halakha is in accordance with the opinion of Rabbi Yehuda.

³⁷² And furthermore, the tanna taught us an unattributed mishna in accordance with the opinion of Rabbi Yehuda. The mishna on 9a states that in a case where the firstborn status of a donkey is uncertain, the owner must redeem it with a lamb to abrogate its forbidden status, and he may then keep the lamb. The Gemara on 9b explains that this is in accordance with the opinion of Rabbi Yehuda that a firstborn donkey is forbidden before its redemption. And you say that Reish Lakish rules that the halakha is in accordance with the opinion of Rabbi Shimon?

³⁷³ Ravina concludes: Rather, the statement of Reish Lakish is correct even if you say that the halakha is in accordance with the opinion of Rabbi Yehuda, as the halakha of a firstborn donkey should not be more stringent than that of consecrated items. One who redeems a consecrated animal from its consecrated status redeems it with any movable property that is worth its value. And the Torah did not state that one must redeem a firstborn donkey with a lamb in order to be stringent with the owner, but in order to be lenient with the owner such that he is not obligated to redeem it at its value, as a lamb is worth less than a donkey. The Gemara relates that Rav Nahman, son of Rav Yosef, redeemed a firstborn donkey with boiled vegetables that were worth its value.

³⁷⁴ § Rav Sheizevi says that Rav Huna says: In the case of one who redeems the firstborn donkey of another, his object of redemption, i.e., the firstborn donkey, is redeemed, despite the fact that the owner did not redeem it. A dilemma was raised before the Sages: Does his object of redemption belong to the one who redeems it, or perhaps his object of redemption belongs to the owner?

³⁷⁵ The Gemara clarifies: According to the opinion of Rabbi Shimon you should not raise the dilemma, since he says that prior to the redemption it is permitted for the owner to derive benefit from the firstborn donkey by using it for labor or renting it out. Therefore, it is the property of the owner, and giving a lamb to the priest does not change this status. When you raise the dilemma, it should be according to the opinion of Rabbi Yehuda, who says that it is prohibited to derive benefit from the firstborn donkey prior to its redemption. If so, it does not belong to the owner initially, and only redeeming the donkey with the lamb allows him to take possession of it.

³⁷⁶ Consequently, one can ask whether the firstborn donkey is compared to consecrated property; and the Merciful One says with regard to redeeming consecrated property: “And he will give the money and it will be assured to him” (see Leviticus 27:19), which indicates that the one who gives the redemption money acquires the item even if he did not consecrate it initially. Or perhaps since the owner may redeem the firstborn donkey with a lamb that is worth less than the donkey, he owns the difference between the price of the donkey and the price of the lamb, and therefore it is not similar to consecrated property, where the one who consecrated it does not retain any ownership of the item.

³⁷⁷ Rav Nahman said: Come and hear a resolution from a baraita: In the case of one who steals the firstborn donkey of another before it is redeemed and he is then caught, he pays the payment of double the principal to the owner (see Exodus 22:3). And even though the owner does not have rights to the donkey now, he does have rights to it afterward, i.e., after the redemption.

³⁷⁸ The Gemara analyzes the baraita: Whose opinion does this follow? If we say that it is in accordance with the opinion of Rabbi Shimon, why does the owner not have rights to it now? Rabbi Shimon holds that it is permitted to derive benefit from a firstborn donkey even before its redemption. Rather, it is obvious that it is in accordance with the opinion of Rabbi Yehuda, who deems it prohibited to derive benefit from a firstborn donkey prior to its redemption.

³⁷⁹ And if it enters your mind that we compare it to consecrated property, then why must the thief pay double the principal? Doesn't the Merciful One state with regard to the double payment of a thief: "And it be stolen from the man's house" (Exodus 22:6), indicating: But not when it is stolen from the Temple treasury? In such a case the thief does not pay double. Evidently, a firstborn donkey does not have the status of consecrated property, and if another person redeemed it, it still belongs to the owner. The Gemara concludes: And nothing more remains to be said about this issue, as this is a clear proof.

³⁸⁰ § The mishna states that if a person owned two donkeys, and one had previously given birth and one had not previously given birth, and they gave birth to a male and a female, and it is not clear which donkey gave birth to the male and which to the female, he designates one lamb as redemption due to the uncertainty, as perhaps the one that had not previously given birth was the one that gave birth to the male. The mishna also states that this lamb is tithed with the other non-sacred animals. With regard to this point, the Gemara states that the Sages taught in a baraita: In what case did the Sages say that this lamb enters the pen in order to be tithed?

³⁸¹ You cannot say that this is referring to a case where the lamb had already entered the possession of a priest, as we learned in a mishna (55b): An animal that was purchased by a person or that was given to him as a present is exempt from animal tithe, and this lamb was given as a present to the priest. Rather, it is referring to an Israelite who has ten donkeys in his house whose firstborn status is uncertain, who designates ten lambs for them in order to redeem them due to the uncertainty, and he tithes those lambs as well, and they are his.

³⁸² The Gemara comments that this baraita supports the statement of Rav Naḥman, as Rav Naḥman says that Rabba bar Avuh says: An Israelite who has in his house ten donkeys whose firstborn status is uncertain designates ten lambs to redeem them, and tithes the lambs, separating one as a tithe, and they all belong to him, as a priest cannot prove that he is entitled to any of the ten.

³⁸³ And in addition, Rav Naḥman says that Rabba bar Avuh says: In the case of an Israelite who has ten certain firstborn donkeys in his house that were bequeathed to him from the household of his mother's father, who was a priest and was therefore exempt from the redemption of firstborn donkeys, but that mother's father who was a priest had the donkeys bequeathed to him from the household of his mother's father, who was an Israelite, the donkeys initially required redemption, and the priest should have redeemed them with lambs, though it was permitted for him to keep the lambs for himself.

³⁸⁴ Therefore, his grandson, who inherits these donkeys and is an Israelite, designates ten lambs for them and tithes them and they are his, as if his grandfather had designated the lambs himself and bequeathed them to him.

³⁸⁵ And likewise, Rav Naḥman says that Rabba bar Avuh says: In the case of an Israelite who has smoothed piles of untithed produce in his house, from which one is obligated to separate teruma for the priests and tithes for the Levites, and it is produce that was bequeathed to him from the household of his mother's father, who was a priest, and that mother's father who was a priest previously had it bequeathed to him from the household of his mother's father, who was an Israelite, he separates teruma and tithes from the produce and it is his, just as if his grandfather who was a priest had tithed the produce, acquired the tithe, and bequeathed it to him as an inheritance.

³⁸⁶ The Gemara comments that both rulings of Rav Naḥman, i.e., the one concerning firstborn donkeys and the one concerning untithed produce, are necessary. Because had he taught us only the first case, i.e., that of the firstborn donkeys, one could claim that perhaps only in that case the Israelite grandson may keep the lambs; it is considered as if his grandfather who was a priest designated the lambs and acquired them because they stand separated. An act of separation would have been unnecessary, as the priest could have simply declared that his own lambs were serving to redeem the donkeys.

³⁸⁷ But here, with regard to the untithed produce, one must separate the teruma and declare it as such in order for the priest to acquire it. Therefore, perhaps gifts to which members of the priesthood are entitled that were not separated are treated as if they were not separated, even if they were already in the possession of a priest. If so, say that it is not considered as if his grandfather who was a priest acquired the teruma.

³⁸⁸ And had Rav Naḥman taught us only here, with regard to untithed produce, that it is treated as if his grandfather who was a priest separated the teruma and acquired it, one might claim that this is only because it is possible to tithe the produce from itself, as both the untithed produce and the teruma that will be separated from it lie together. But there, with regard to a firstborn donkey, since one needs to bring a lamb from elsewhere to redeem it, say that the principle that the lamb stands separated and does not require additional separation is not applied. Therefore, it is necessary for both cases to be stated.

³⁸⁹ § The Gemara discusses a variation of the previous case. Rabbi Shmuel bar Natan says that Rabbi Ḥanina says: With regard to one who purchases untithed produce

³⁹⁰ that is gathered in smoothed piles, from a gentile, he tithes the piles but they are his, as he is not required to give the teruma to a priest or the tithes to a Levite.

³⁹¹ The Gemara asks: Who smoothed the piles? If we say that a gentile smoothed them, doesn't the Merciful One state: "Your grain" (Deuteronomy 12:17, 18:4), with regard to teruma and tithes, indicating that only grain whose processing is completed by a Jew is subject to the rules of teruma and tithes, but not the grain of a gentile?

³⁹² Rather, clearly a Jew smoothed them while they were in the possession of the gentile before purchasing them. Therefore, he tithes them, as a gentile has no capability of acquisition of land in Eretz Yisrael that would cause the abrogation of the sanctity of the land, thereby removing it from the obligation to tithe its produce. But the tithes are still the Jew's, as he says to the priest: I have come to own this produce on the basis of the rights of a man with whom you cannot engage in litigation, i.e., a gentile, from whom I bought the produce. Since he is not obligated to give teruma or tithes to the priest, I am not required to give them either.

³⁹³ § The Gemara cites an additional discussion involving this issue: We learned in a mishna elsewhere (Demai 3:4) that with regard to one who deposits his produce with a Samaritan or with one who is unreliable with regard to tithes [am ha'aretz], when they return it to him, the produce retains its presumptive status with regard to the halakhot of tithe and produce of the Sabbatical Year, both of which must be removed from one's property. The Samaritan or am ha'aretz is not suspected of having exchanged the deposited produce with untithed produce or produce of the Sabbatical Year.

³⁹⁴ But in the case of one who deposits his produce with a gentile, the produce returned to him is treated as the produce of the gentile, as he presumably exchanged it with his own. Rabbi Shimon says: It is treated as doubtfully tithed produce [demai], as it is uncertain whether the gentile exchanged the produce or not.

³⁹⁵ The mishna continues: Rabbi Elazar says: Everyone agrees that one is obligated to separate teruma and tithes from the produce that the gentile returned to him. When they disagree it is with regard to giving it to the priest following the separation. The first tanna holds that the gentile certainly exchanged the produce, and therefore the owner needs to give the teruma to the priest. And Rabbi Shimon holds that the produce is treated as demai, so in order to receive teruma, the priest must bring proof that the produce requires tithing.

³⁹⁶ Rav Dimi sat and stated this halakha of Rabbi Elazar. Abaye said to him: The reason that Rabbi Shimon disagrees is that we are uncertain whether the gentile exchanged it or whether he did not exchange it. But if he definitely exchanged it, everyone agrees that he is required to give the teruma and tithes to a priest. Why? But doesn't Rabbi Shmuel say that Rabbi Ḥanina says: In the case of one who purchases untithed produce from a gentile that is gathered in smoothed piles, i.e., it was completely processed, he tithes and separates teruma from the piles of produce but they are his, and he is not required to give the teruma to a priest?

³⁹⁷ Rav Dimi said to him: Perhaps here, in the mishna that indicates that he must give the teruma to a priest, it is referring to teruma gedola, i.e., the teruma that is separated from the produce before tithes, whereas there, Rabbi Ḥanina's statement that he separates tithes from them but they are his is referring to the teruma that is separated from the tithe.

³⁹⁸ Abaye said to him: You reminded me of a statement that Rabbi Yehoshua ben Levi said: From where is it derived that one who purchases from a gentile untithed produce that is gathered in smoothed piles is exempt from separating the teruma of the tithe? It is derived from a verse, as it is stated: "And you shall speak to the Levites, and say to them: When you take the tithe from the children of Israel...then you shall set apart of it a gift for the Lord, even a tithe of the tithe" (Numbers 18:26). It can be inferred from here that concerning untithed produce that you purchase from the children of Israel, you separate teruma of the tithe from it and give the teruma of the tithe to a priest, but concerning untithed produce that you purchase from a gentile, you do not separate teruma of the tithe from it and give it to a priest.

³⁹⁹ § The mishna teaches with regard to the lamb that is used to redeem the firstborn donkey: And if it dies, one may derive benefit from it. The Gemara asks: Where did it die? If we say that it died in the house of the priest, and the mishna means that the priest may derive benefit from it, isn't it obvious? The lamb is his property. Rather, perhaps the mishna means that it died in the house of the owner before it was given to the priest, and teaches that the priest may derive benefit from it. Isn't this also obvious?

⁴⁰⁰ The Gemara responds: It might enter your mind to say that as long as the lamb has not reached the possession of the priest, the priest has not acquired it. Therefore, the mishna teaches us that from the time that the Israelite separated it, it stands in the possession of the priest.

⁴⁰¹ MISHNA: One may not redeem a firstborn donkey, neither with a calf, nor with an undomesticated animal, nor with a slaughtered animal, nor with a tereifa, nor with a hybrid of a sheep and a goat, nor with a koy, which is an animal with regard to which it is uncertain whether it is

domesticated or undomesticated. And Rabbi Eliezer deems it permitted to redeem a firstborn donkey with a hybrid of a sheep and a goat, because it is a lamb, i.e., that hybrid has the status of a lamb, but prohibits redeeming it with a koy, because its status is uncertain. If one gave the firstborn donkey to a priest, the priest may not keep it unless he first designates a lamb in its stead for redemption.

⁴⁰² GEMARA: Whose opinion is expressed in the first clause of the mishna? It is the opinion of ben Bag Bag, as it is taught in a baraita that ben Bag Bag says: It is stated here, with regard to the redemption of a firstborn donkey: “And you shall redeem a firstborn donkey with a lamb” (Exodus 13:13), and it is stated there, with regard to the Paschal offering: “In the tenth day of this month they shall take to them every man a lamb” (Exodus 12:3). By inference, just as there, with regard to the Paschal offering, the Torah excludes all of these names, i.e., all of these types of animals listed in the mishna, from being fit for sacrifice as a Paschal offering, so too here, with regard to the redemption of a firstborn donkey, the Torah excludes all of these names.

⁴⁰³ The Gemara challenges: If this halakha is derived from the Paschal offering, then perhaps just as there, the Paschal offering must be a lamb that is male, unblemished, and in its first year (Exodus 12:5), so too here, the lamb must be male, unblemished, and in its first year. The Gemara explains that the verse states: “You shall redeem” (Exodus 13:13), and: “You shall redeem” (Exodus 34:20). This repetition serves to include female lambs, blemished lambs, and lambs that are beyond their first year.

⁴⁰⁴ The Gemara asks: If the repetition of the terms “you shall redeem,” “you shall redeem,” serves to include, then even all of these types of animals that are listed in the mishna should be included. The Gemara answers: If so, what purpose does the verbal analogy of “lamb,” “lamb,” between the firstborn donkey and the Paschal offering serve?

⁴⁰⁵ § A dilemma was raised before the Sages: What is the halakha with regard to redeeming a firstborn donkey with a lamb that was removed alive from its mother’s womb after the mother was ritually slaughtered [ben pekua]? The Gemara explains the question: According to the opinion of Rabbi Meir you should not raise the dilemma, as since Rabbi Meir says that a ben pekua requires ritual slaughter, it is considered a full-fledged lamb. Rather, you should raise the dilemma according to the opinion of the Rabbis, who say that the slaughter of its mother renders the fetus permitted for consumption, as it is considered part of the mother, which was already slaughtered.

⁴⁰⁶ Is it considered like meat that is placed in a pot, i.e., as if it had been slaughtered, in which case it is included in the prohibition against redeeming a firstborn donkey with a slaughtered animal? Or perhaps since now, in any event, it runs along, we call it a lamb.

⁴⁰⁷ The Gemara cites a dispute with regard to this issue: Mar Zutra said that one may not redeem a firstborn donkey with a ben pekua, and Rav Ashi said that one may redeem with it.

⁴⁰⁸ Rav Ashi said to Mar Zutra: What is the reason for your opinion? Is it because you derive the halakhot of redeeming a firstborn donkey from the Paschal offering, and a ben pekua is unfit for sacrifice as a Paschal offering? If so, just as there, with regard to the Paschal offering, it must be male, unblemished, and in its first year, so too here, the lamb must be male, unblemished, and in its first year. Mar Zutra responded: The repetition of the terms “you shall redeem,” “you shall redeem,” included a lamb that is not male, unblemished, or in its first year.

⁴⁰⁹ Rav Ashi said to him: If the repetition of the terms “you shall redeem,” “you shall redeem,” included additional types of lambs, even a ben pekua is included. Mar Zutra responded: If so, what purpose does the verbal analogy of “lamb,” “lamb,” between the firstborn donkey and the Paschal offering serve? It must be that the term “you shall redeem” does not serve to include those animals.

⁴¹⁰ § A dilemma was raised before the Sages: What is the halakha with regard to redeeming a firstborn donkey with a lamb whose parents are both sheep but it resembles another animal such as a goat? The Gemara clarifies: According to the opinion of Rabbi Eliezer, do not raise the dilemma, as now that it is established that he holds that one may redeem with a hybrid of a goat and a sheep, with regard to a lamb that resembles a goat but is not from a hybrid, is it necessary to state that one may redeem with it?

⁴¹¹ Rather, when should you raise the dilemma? Raise it according to the opinion of the Rabbis, who hold that one may not redeem a firstborn donkey with a hybrid of a sheep and a goat. Do they hold that one does not redeem with a hybrid of a goat and a sheep, but one does redeem with a lamb that resembles another animal? Or perhaps there is no difference between them?

⁴¹² The Gemara suggests: Come and hear a resolution from a baraita: With regard to a cow that gave birth to a goat of sorts, one may not redeem a firstborn donkey with the goat of sorts. The Gemara infers: But it can be inferred that with regard to a ewe that gave birth to a goat of sorts, one may redeem with it. Whose opinion is expressed in the baraita? If we say that it is the opinion of Rabbi Eliezer, he holds that one may redeem even with a hybrid of a sheep and goat, and this ruling would be unnecessary. Rather, is it not the opinion of the Rabbis, indicating that they hold that one may redeem a firstborn donkey with a lamb that resembles another animal?

⁴¹³ The Gemara responds: No, actually the baraita is in accordance with the opinion of Rabbi Eliezer, and it teaches us the halakha itself that one may not redeem using the offspring in a case where a cow gave birth to a goat of sorts, i.e., where the offspring has the appearance of a goat. This is necessary so that you do not say that the halakha should follow the appearance of the offspring itself, and therefore this offspring is a full-fledged goat and should be suitable for redeeming a firstborn donkey. Rather, follow its mother, and this offspring is treated as a calf, which is not suitable for redeeming a firstborn donkey.

⁴¹⁴ The Gemara suggests: Come and hear a resolution from a baraita that Rabba bar Shmuel teaches: What is considered an animal that is a hybrid? It is a ewe that gave birth to a goat of sorts and the father of the offspring is a lamb. The Gemara analyzes the baraita: If its father is a lamb, is the offspring a hybrid? It is an animal that resembles an animal of another type. Rather, the baraita means: What animal is similar to a hybrid, and the Rabbis rendered it tantamount to a hybrid, which is unsuitable for redeeming? It is a ewe that gave birth to a goat of sorts and its father is a lamb.

⁴¹⁵ Now, to what halakha is this baraita referring? If it is referring to sacrificial animals, i.e., to the fact that such an animal is unfit for sacrifice as an offering, why does the baraita derive its status from that of a hybrid? From the same verse where one derives that the Torah excludes a hybrid as an offering, one can derive that it also excludes an animal that resembles an animal of another type. As it is taught in a baraita that in the verse: “When a bull, or a lamb, or a goat, is brought forth...it may be accepted as an offering...to the Lord” (Leviticus 22:27), the words “a bull, or a lamb” are interpreted as excluding a hybrid, and the words “or a goat” are interpreted as excluding an animal that resembles an animal of another type.

⁴¹⁶ If the baraita is referring to the halakha of a firstborn and teaches that an animal that resembles an animal of another type does not have firstborn status, this is derived from another verse, as the Merciful One states: “But the firstborn of an ox” (Numbers 18:17), which indicates that there is firstborn status only if it is an ox and its firstborn is an ox, but not when the offspring resembles an animal of another type.

⁴¹⁷ Rather, perhaps it is referring to the mitzva of the animal tithe and teaches that an animal that resembles an animal of another type is not tithed with the other animals. This ruling is also unnecessary, as it is derived via a verbal analogy from the word: “Under” (Leviticus 22:27), which is stated with regard to sacrificial animals, and the word: “Under” (Leviticus 27:32), which is stated in the context of animal tithe. Rather, the baraita must be referring to the lamb that is used to redeem a firstborn donkey, and it teaches that a lamb that resembles an animal of another type is unfit for use as redemption.

⁴¹⁸ The Gemara responds: No, actually the baraita is referring to the halakha of animal tithe in a case where the animal that resembles an animal of another type has some characteristics of the mother. It was necessary for the baraita to teach that such an animal is not included in the animal tithe, lest you say that it is derived via a verbal analogy from the term: Passing, stated with regard to the animal tithe (see Leviticus 27:32), and the term: Passing, stated with regard to a firstborn animal (see Exodus 13:12), that just as an animal with some characteristics of the mother does have firstborn status (see 16b), so too, such an animal should be included in the obligation of animal tithe.

⁴¹⁹ Therefore, the tanna teaches us that it is derived via a verbal analogy from the word “under” that is stated with regard to sacrificial animals and the word “under” that is stated in the context of animal tithe, that an animal with some characteristics of the mother is unfit for animal tithe. The status of such a lamb with regard to redeeming a firstborn donkey may not be proven from the baraita.

⁴²⁰ § A dilemma was raised before the Sages: What is the halakha with regard to redeeming a firstborn donkey with disqualified consecrated animals that were redeemed? It is forbidden to shear or work such animals. Does the principle of: A prohibition does not take effect where another prohibition already exists, apply here?

⁴²¹ The Gemara clarifies: According to the opinion of Rabbi Shimon, you should not raise the dilemma. Since he says that it is permitted to derive benefit from a firstborn donkey, its status is non-sacred, and no forbidden status is transferred to the redemption lamb. When should you raise the dilemma? Raise it according to the opinion of Rabbi Yehuda, who says that it is prohibited to derive benefit from a firstborn donkey.

⁴²² What is the halakha? It could be reasoned that since it is prohibited to derive benefit from the firstborn donkey, when he redeems it with a lamb, the forbidden status of the donkey must be able to be transferred to the lamb, which cannot occur in the case of a disqualified consecrated lamb, as a prohibition does not take effect where another prohibition already exists.

⁴²³ Or perhaps it could be reasoned that since the actual prohibition against deriving benefit from the donkey is not transferred to its object of redemption, i.e., the lamb, as deriving benefit from the lamb is permitted, the act of redemption should be seen as merely an abrogation of the donkey’s forbidden status. The forbidden status is not transferred to the lamb, and consequently the principle that a prohibition does not take effect where another prohibition already exists does not apply.

⁴²⁴ Rav Mari, son of Rav Kahana, says: Is that which is written with regard to disqualified consecrated animals insignificant? The Torah states that their status is: “Like the gazelle and like the hart” (Deuteronomy 12:15), indicating that just as one may not redeem a firstborn donkey with a gazelle or a hart, so too, one may not redeem a firstborn donkey with disqualified consecrated animals.

⁴²⁵ The Gemara comments: Now that you have arrived at this explanation,

⁴²⁶ according to Rabbi Shimon as well, perhaps one cannot redeem a firstborn donkey with disqualified consecrated animals, as it is written with regard to them that they are to be treated: “Like the gazelle and like the hart” (Deuteronomy 12:15). Since a gazelle and a hart cannot be used for redemption, so too, disqualified consecrated animals cannot be used for redemption.

⁴²⁷ § A dilemma was raised before the Sages: What is the halakha with regard to redeeming a firstborn donkey with an animal that was purchased with produce of the Sabbatical Year, which caused the sanctity of the produce to be transferred to the animal?

⁴²⁸ The Gemara clarifies the question: With regard to redeeming a donkey that has definite firstborn status with an animal that was purchased with produce of the Sabbatical Year, you should not raise the dilemma, as one certainly may not redeem it in this manner, since the owner acquires his firstborn donkey in exchange for the animal that he gives to the priest, and this is prohibited with regard to such an animal. This is because the Merciful One states with regard to the Sabbatical Year: “The rest of the land shall be for you for consumption” (Leviticus 25:6), indicating that the produce may be used for consumption but not for commerce. Rather, when should you raise the dilemma? Raise it in the case of a donkey with uncertain firstborn status.

⁴²⁹ The Gemara clarifies further: And according to the opinion of Rabbi Shimon you should not raise the dilemma, as he does not hold that redemption is necessary in the case of a donkey with uncertain firstborn status. When should you raise the dilemma? Raise it according to the opinion of Rabbi Yehuda, who holds that in such a case the owner of the donkey must designate a lamb for its redemption in order to abrogate its forbidden status, but he is not required to give it to a priest.

⁴³⁰ What is the halakha? Perhaps since he designates a lamb and it is his, we call this act of redemption “for consumption,” and it is not considered commerce if he does not give it to the priest in exchange for his donkey. Or perhaps, since as long as the lamb does not abrogate the forbidden status of the firstborn donkey it is not permitted to derive benefit from the donkey, when the owner designates the lamb as the replacement of the donkey it is tantamount to engaging in commerce with it.

⁴³¹ The Gemara suggests: Come and hear a resolution from that which Rav Ḥisda says: One may not redeem a donkey with definite firstborn status with an animal that was purchased with produce of the Sabbatical Year, but one may redeem a donkey with uncertain firstborn status with it.

⁴³² And Rav Ḥisda says an additional ruling: An animal that was purchased with produce of the Sabbatical Year is exempt from its offspring being counted a firstborn, but is obligated to have gifts of the priesthood taken from it. These are the gifts to which members of the priesthood are entitled when a non-sacred animal is slaughtered,

⁴³³ The Gemara explains: It is exempt from its offspring being counted a firstborn because the Merciful One states with regard to produce of the Sabbatical Year that it should be used “for

consumption,” but not for burning, and portions of a kosher firstborn animal are burned on the altar. And it is obligated to have gifts of the priesthood taken from it, because we call this case “for consumption,” as the priest eats them.

⁴³⁴ The Gemara raises an objection from a mishna (Shevi’it 9:9): One who eats from dough of produce of the Sabbatical Year before its ḥalla, i.e., the portion of the dough given to the priests, has been separated, is liable to receive the punishment of death at the hand of Heaven, just like one who consumes any dough before ḥalla is separated.

⁴³⁵ But according to the opinion of Rav Ḥisda, why is dough of produce of the Sabbatical Year subject to the obligation of separating ḥalla? It should not be subject to this mitzva, since if the dough becomes ritually impure after being separated as ḥalla, it is subject to burning, and the Merciful One states: “For consumption,” but not for burning. This is similar to Rav Ḥisda’s claim that a firstborn animal that was purchased with produce of the Sabbatical Year is not subject to the obligations of firstborn status.

⁴³⁶ The Gemara answers: Here, with regard to ḥalla, it is different, as it is written: “Of the first of your dough you shall give to the Lord a portion for a gift throughout your generations” (Numbers 15:21), which indicates that all dough, including that of produce of the Sabbatical Year, is subject to the mitzva of ḥalla.

⁴³⁷ This is also taught in a baraita: From where is it derived that one who consumes dough of produce of the Sabbatical Year before its ḥalla was separated is liable to receive the punishment of death at the hand of Heaven? It is derived from a verse, as it is stated: “Throughout your generations,” which indicates the inclusion of Sabbatical Years as well. By contrast, this formulation is not used with regard to a firstborn animal. Therefore, since portions of a kosher firstborn animal are burned on the altar, an animal that was purchased with produce of the Sabbatical Year is exempt from its offspring being counted a firstborn.

⁴³⁸ The Gemara challenges: And let Rav Ḥisda derive from the halakha of ḥalla that such an animal is subject to its offspring being counted a firstborn, and that the interpretation of: “For consumption” but not for burning, is not applied. The Gemara explains: There, with regard to ḥalla, the primary purpose of the dough is for consumption, and it is burned only if it becomes impure. Here, with regard to a firstborn animal, the primary purpose of the portions that are consumed on the altar is for burning.

⁴³⁹ § The mishna teaches: If the owner gave the firstborn donkey itself to a priest, the priest may keep it only after he designates a lamb in its stead for redemption. This language indicates that there is concern lest the priest will be negligent in redeeming it. The Gemara comments: We learn in the mishna that which the Sages taught explicitly in a baraita: In the case of an Israelite who had a firstborn donkey in his house and the priest said to him: Give it to me and I will redeem it, he may not give the donkey to the priest unless the priest redeems it in his presence.

⁴⁴⁰ Rav Naḥman says that Rabba bar Avuh says: That is to say that priests are suspect with regard to using firstborn donkeys without redemption. The Gemara asks: Isn’t it obvious? That is exactly what the baraita states. The Gemara explains: Rav Naḥman’s statement is necessary lest you say that this statement of the baraita applies only in a case where we have a presumption that it occasionally happens that this priest uses a firstborn donkey without redeeming it first, but in the case of an ordinary priest, there is no concern for this. Therefore, Rav Naḥman teaches us that this concern is

relevant to every priest, as a priest is suspected of granting himself permission to use the firstborn donkey without first redeeming it with a lamb, as in any case the lamb will remain his.

⁴⁴¹ MISHNA: In the case of one who designates a lamb for the redemption of a firstborn donkey and the lamb dies, Rabbi Eliezer says: The owner bears financial responsibility and must give the priest another lamb in its place. This is like the case of the five sela for redemption of a firstborn son, where if the money is lost before one gives it to the priest, he must give the priest another five sela. And the Rabbis say: The owner does not bear financial responsibility. This is like the case of money designated for redemption of second-tithe produce, where once the owner designates the money for redemption, the produce is desanctified.

⁴⁴² Rabbi Yehoshua and Rabbi Tzadok testified about a lamb designated for redemption of a firstborn donkey that died, that the priest has nothing here, i.e., in such a case, as the firstborn donkey has already been redeemed, and the owner no longer bears financial responsibility for the dead lamb, in accordance with the opinion of the Rabbis. If after the lamb was designated, the firstborn donkey died, Rabbi Eliezer says: The donkey must be buried, and the owner is permitted to derive benefit from the lamb. And the Rabbis say: It does not need to be buried, and the lamb is given to the priest.

⁴⁴³ GEMARA: Rav Yosef says: What is the reason for the opinion of Rabbi Eliezer, who holds that the owner bears financial responsibility for the lamb if it is designated and dies before the priest receives it? As it is written: “Yet you shall redeem the firstborn of man, and the firstborn of non-kosher animals you shall redeem” (Numbers 18:15). It is derived from the comparison between the two cases that just as with regard to redeeming a woman’s firstborn son, the father bears financial responsibility to compensate for the five sela in the event of their loss, so too, with regard to redeeming a firstborn non-kosher animal, the owner bears financial responsibility to compensate the priest in the event of their loss.

⁴⁴⁴ Abaye said to him: If they are compared, then just as deriving benefit from a woman’s firstborn son is permitted if he has not yet been redeemed, so too, deriving benefit from the firstborn of a non-kosher animal should be permitted prior to redemption, including shearing and working it. And if you would say that indeed Rabbi Eliezer does permit deriving benefit from a firstborn donkey, that is difficult: But didn’t we learn in the mishna that if after the lamb was designated the firstborn donkey died, Rabbi Eliezer says: It must be buried? Now, what is the reason that it must be buried? Is it not because deriving benefit from it is prohibited?

⁴⁴⁵ Rav Yosef responded: No, it must be buried like a woman’s firstborn son. There is a mitzva to bury a woman’s firstborn son if he dies, and due to the comparison of the verse, the same applies to a firstborn donkey. The Gemara asks: But according to this answer, does a person who died require burial only if he is a firstborn son, while an ordinary person who is not a firstborn does not require burial? That is certainly not correct. Therefore, no such distinction should exist with regard to a donkey either.

⁴⁴⁶ And furthermore, Rabbi Eliezer clearly holds that deriving benefit from a firstborn donkey prior to redemption is forbidden, as it is taught in a baraita: Rabbi Eliezer concedes with regard to an Israelite who has a donkey in his house whose status as a firstborn is uncertain, that he designates a lamb for it and the lamb is his. Designating a lamb in this case is necessary only to remove the prohibition against deriving benefit from the donkey.

⁴⁴⁷ Rather, Rava says that although the verse compares the status of a firstborn donkey to that of a woman's firstborn son, this is only with regard to bearing financial responsibility for the lamb, but not with regard to deriving benefit from the donkey. This is because the verse states: "Yet you shall redeem [pado tifde] the firstborn of man, and the firstborn of non-kosher animals you shall redeem." The double verb "pado tifde" indicates that I have compared it with regard to redemption, but not with regard to another matter.

⁴⁴⁸ § We learned in a baraita elsewhere: Valuations are determined based on the time of the vow. Therefore, if one vowed to consecrate the valuation of an infant who is less than one month old, he is not obligated to give any money even after the infant is one month old, as an infant less than one month old has no valuation. And with regard to redeeming a woman's firstborn son, one must give the required sum to the priest after the infant is thirty days old, as it is stated: "And their redemption money, from a month old shall you redeem them" (Numbers 18:16). With regard to redeeming a firstborn donkey, it must be performed immediately.

⁴⁴⁹ The Gemara asks: And must redeeming a firstborn donkey be performed immediately? But one can raise a contradiction from another baraita: The halakhot of valuations, and of redemption of a woman's firstborn son, and of nazirite vows, and of a firstborn donkey, do not apply to less than thirty days. In other words, the halakhot of valuations, of the redemption of a woman's firstborn son, and of a firstborn donkey do not apply to a person or animal that is less than thirty days old, and a term of naziriteship is a minimum of thirty days.

⁴⁵⁰ But one may add to this amount forever. Meaning, the halakhot of valuations apply to a person of any age beyond thirty days, the redemption of a woman's firstborn son and of a firstborn donkey apply even if the firstborn in question is already several years old, and one can vow to be a nazirite for any length of time beyond thirty days. This baraita indicates that a firstborn donkey is not redeemed immediately, but only after thirty days.

⁴⁵¹ Rav Naḥman says: When the first baraita states that a firstborn donkey must be redeemed immediately, it means to say that if one redeemed it immediately, it is redeemed, although it should be redeemed only after thirty days *ab initio*. The Gemara asks: By inference, in the case of a woman's firstborn son, where the first baraita states that he is redeemed after thirty days, if one redeemed him prior to that time, is he not redeemed? But wasn't it stated: In the case of one who redeems his son within thirty days of birth, Rav says: His son is redeemed?

⁴⁵² The Gemara responds: Wasn't it stated with regard to that matter that Rava says: Everyone agrees that if one says within thirty days of his son's birth that he is redeeming him from now, his son is not redeemed. Such a redemption would be effective only if he gave the money on condition that the redemption will take effect after his son turns thirty days old.

⁴⁵³ Rav Sheshet says: The mitzva of redeeming a firstborn donkey takes effect immediately after it is born, as is stated in the first baraita. The second baraita, which states that it applies only after thirty days, means to say that until that time, one does not transgress a prohibition if he has not yet performed the redemption. After thirty days, though, one transgresses a prohibition if he still has not redeemed his firstborn donkey.

⁴⁵⁴ Rami bar Ḥama raises an objection to Rav Sheshet from a baraita: The mitzva of a firstborn donkey applies throughout the period of thirty days from its birth; from that point forward he must either redeem it immediately or break its neck. What, does it not mean that there is a mitzva to wait

to redeem it until all thirty days have passed? The Gemara answers: No, it means that there is a mitzva to redeem it throughout the period of thirty days, and after that point one has transgressed a prohibition.

⁴⁵⁵ The Gemara asks: If so, it should have stated: From that point forward, either he redeems it or he transgresses a prohibition, rather than stating: From that point forward he must either redeem it or break its neck. Rather, Rava says: The contradiction between the two baraitot is not difficult, as this baraita, which states that the redemption is performed after thirty days, is in accordance with the opinion of Rabbi Eliezer, who compares the redemption of a firstborn donkey to the redemption of a woman's firstborn son, where it is stated: "From a month old shall you redeem them" (Numbers 18:16). That baraita, which states that one must perform the mitzva immediately, is in accordance with the opinion of the Rabbis, who do not compare the two mitzvot of redemption.

⁴⁵⁶ MISHNA: If one did not wish to redeem the firstborn donkey, he breaks its neck from behind and buries it. The mitzva of redeeming the firstborn donkey takes precedence over the mitzva of breaking the neck, as it is stated: "If you will not redeem it, then you shall break its neck" (Exodus 13:13).

⁴⁵⁷ The mishna proceeds to enumerate other mitzvot in which one option takes precedence over another. The mitzva of designating a Hebrew maidservant to be betrothed to her master takes precedence over the mitzva of redeeming the maidservant from her master with money, as it is stated: "If she does not please her master, who has not betrothed her to himself, then he shall let her be redeemed" (Exodus 21:8).

⁴⁵⁸ The mitzva of levirate marriage takes precedence over the mitzva of ḥalitza, which dissolves the levirate bond, as it is stated: "And if the man does not wish to take his brother's wife" (Deuteronomy 25:7). The mishna adds: This was the case initially, when people would intend that their performance of levirate marriage be for the sake of the mitzva. But now that they do not intend that their performance of levirate marriage be for the sake of the mitzva, but rather for reasons such as the beauty of the yevama or for financial gain, the Sages said that the mitzva of ḥalitza takes precedence over the mitzva of levirate marriage.

⁴⁵⁹ With regard to a non-kosher animal that was consecrated to the Temple, the mitzva of redemption by the owner who consecrated it takes precedence over redemption by any other person, as it is stated: "And if it is of a non-kosher animal...and if it is not redeemed, it shall be sold according to your valuation" (Leviticus 27:27).

Chapter 2

¹ MISHNA: With regard to one who purchases the fetus of a cow that belongs to a gentile; one who sells the fetus of his cow to a gentile, even though one is not permitted to sell a large animal to a gentile; one who enters into a partnership with a gentile with regard to a cow or its fetus; one who receives a cow from a gentile to tend to it in exchange for partnership in its offspring; and one who gives his cow to a gentile in receivership, so that the gentile owns a share of the cow's offspring; in all of these cases, one is exempt from the obligation of redeeming the firstborn offspring, as it is stated: "I sanctified to Me all the firstborn in Israel, both man and animal" (Numbers 3:13),

indicating that the mitzva is incumbent upon the Jewish people, but not upon others. If the firstborn belongs even partially to a gentile, the sanctity of firstborn does not apply to it.

² The mishna continues: The priests and the Levites are obligated in the mitzva, i.e., their animals have firstborn sanctity, as they were not exempted from the mitzva of the male firstborn of a kosher animal; rather, they were exempted only from redemption of the firstborn son and from the redemption of the firstborn donkey.

³ GEMARA: The first chapter of this tractate began with the halakhot pertaining to a firstborn donkey. The Gemara asks: Why does the tanna specifically teach the halakhot of the fetus of his donkey first, and only then teach the halakhot of the fetus of his cow? Let him first teach the halakhot of the fetus of his cow, as it is a case of inherent sanctity, i.e., the animal cannot be redeemed and is sacrificed upon the altar, and let him then teach the halakhot of the fetus of his donkey, as it is a case of sanctity that inheres in its value.

⁴ They said in the West, Eretz Yisrael: If you wish, say that the halakhot of a firstborn donkey were taught first since they are dear to the tanna, in accordance with the statement of Rabbi Ḥanina (5b) that donkeys helped the Jews when they departed from Egypt, as the Jews loaded their gold and silver on donkeys. And if you wish, say that these halakhot were taught first since the matters pertaining to a non-kosher animal are relatively few, and therefore the tanna completes its treatment and sets it aside.

⁵ § With regard to the mishna's discussion of sales involving Jews and gentiles, Rabbi Yitzḥak bar Naḥmani says that Reish Lakish said in the name of Rabbi Oshaya: In the case of a Jew who gave money to a gentile to buy the gentile's animal from him according to their laws, as explained further on, even though the Jew did not pull the animal in the manner of a formal acquisition, as required by halakha, he has legally acquired it, and the Jewish owner is obligated to give the animal's firstborn offspring to a priest. And in the case of a gentile who gave money to a Jew to buy the Jew's animal from him according to their laws, even though the gentile did not pull the animal he has acquired it, and the Jew is therefore exempt from giving the animal's firstborn offspring to a priest.

⁶ The Master said: In the case of a Jew who gave money to a gentile to buy the gentile's animal from him according to their laws, even though he did not pull the animal he has legally acquired it, and the Jew is obligated to give the animal's firstborn offspring to a priest.

⁷ The Gemara asks: What is meant by: According to their laws? If we say that it is referring to the laws relating to the purchase of a gentile's person as a slave, i.e., the halakhot of purchasing gentiles themselves rather than the methods by which gentiles can acquire property, this must be based on the assumption that the halakha with regard to the purchase of a gentile's animal is derived by the following a fortiori inference: If a gentile's person is acquired by a Jew as a Canaanite slave through payment of money, as it is written: "And you may make them an inheritance for your children after you, to hold for an ancestral possession" (Leviticus 25:46), the same halakha should apply to acquiring a gentile's property.

⁸ The Gemara elaborates: The verse thereby compares a gentile slave to an ancestral possession, i.e., land: Just as an ancestral possession is acquired by the transfer of money, or with a bill of sale, or through taking possession, so too, a Canaanite slave is acquired by the transfer of money. If this is the halakha with regard to a gentile's person, is it not all the more so reasonable that a gentile's property is acquired through the transfer of money?

⁹ The Gemara rejects this conclusion: If so, then according to halakha it should be possible to acquire a gentile's property even with a bill of sale or by taking possession, which is not so. The Gemara adds: And furthermore, the halakha pertaining to a Jew purchasing goods from a Jew proves that the entire premise of the a fortiori inference is false, as he acquires a Jew's person with money alone, but he acquires his property only by pulling. It is therefore evident that the ability to acquire one's person with money does not indicate that his property can be purchased in the same manner.

¹⁰ Rather, Abaye says that the term: Their laws, is referring to their laws that the Torah prescribed for their methods of purchase, by stating: "Or buy of your counterpart's hand" (Leviticus 25:14), which teaches that it is only from the hand of your counterpart, i.e., a Jew, that property is acquired by the formal act of acquisition of pulling. This indicates that acquiring property from the hand of a gentile is accomplished through payment of money.

¹¹ The Gemara raises an objection: But one can say that it should be inferred from the verse that one cannot purchase anything at all from the hand of a gentile. The Sages said in response: That cannot enter your mind, as there is an a fortiori inference which indicates otherwise: If a Jew can purchase a gentile's person as a slave, is it not all the more so reasonable that he can purchase a gentile's property?

¹² The Gemara raises another objection: But one can say that the verse teaches that whereas a Jew's property is acquired through pulling, property purchased from the hand of a gentile is not acquired until two formal acts of acquisition have been performed, both pulling and payment of money. The Sages said in response: Isn't it indicated otherwise by an a fortiori inference: If his person is acquired through only one act of acquisition, could it be that his property must be acquired through two acts? The Gemara further suggests: But one can say that it is derived from the verse that one can acquire property from a gentile either through this method of pulling or through that method of money. The Gemara explains: The halakha derived from the phrase "of your counterpart" must be similar to an acquisition from your counterpart:

¹³ Just as from the hand of your counterpart it is with one act, with pulling, so too, from the hand of a gentile, it is also with one act, with money.

¹⁴ The Gemara discusses the statement of Rabbi Oshaya. The Master said: And a gentile who gave money to a Jew to buy the Jew's animal from him according to their laws, even though the gentile did not pull the animal he has acquired it, and the Jew is therefore exempt from giving the animal's firstborn offspring to a priest. The Gemara clarifies: What is the meaning of according to their laws? If we say that it means: According to their laws of the person of the Jew himself, i.e., the manner in which he purchases the person of a Jew with money, and it is reasonable to say so, as it may be derived through an a fortiori inference: If a gentile acquires the body of a Jew with money, as it is written in that regard: "From the money of his purchase" (Leviticus 25:51), then with regard to the property of a Jew, is it not all the more so reasonable that the gentile can acquire it with money?

¹⁵ This can be rejected, as the acquisition of a Jew from a Jew will prove that the inference is not valid, as the person of a Hebrew slave one acquires with money, while the property of a Jew can be acquired only by pulling. Rather, Abaye said: That which it states, that a gentile purchases an animal with money according to their laws, means: With the acts of acquisition that the Torah prescribed to gentiles, the manner in which they acquire items from Jews, i.e., with money, as it is stated: "And if you sell a sale item to your counterpart" (Leviticus 25:14), from which it may be inferred: To your

counterpart, i.e., a Jew, property is acquired by pulling, but property from the hand of a gentile is acquired with money.

¹⁶ The Gemara suggests: But say that the inference should be: To a gentile, not at all, i.e., neither with money nor with pulling can a gentile acquire an item from a Jew. The Sages said in response: But isn't it an a fortiori inference to the contrary: If a gentile can purchase a Jew's person as a slave, then is it not all the more so reasonable that he can purchase the Jew's property?

¹⁷ The Gemara suggests: Say and infer as follows: To your counterpart you sell with pulling, but to a gentile you do not sell until two formal acts of acquisition have been performed: Pulling and money. The Sages said in response: But isn't it an a fortiori inference to the contrary: If the person of a Jew is acquired with one act of acquisition, is it reasonable that his property is acquired with two acts?

¹⁸ The Gemara further suggests: But say that a gentile acquires property from a Jew either with this act of pulling or with that act of paying money. The Gemara explains: The acquisition of the gentile must be similar to the acquisition of your counterpart, from which it is derived:

¹⁹ Just as property is acquired from your counterpart through only one act of acquisition, i.e., pulling, so too, property is acquired from a gentile through only one act of acquisition, i.e., payment of money.

²⁰ The Sages said: And according to the opinion of Ameimar, who says that pulling effects acquisition in the case of a gentile, this works out well if he holds in accordance with the opinion of Rabbi Yoḥanan, who says: By Torah law, money effects acquisition, but pulling does not. If Ameimar accepts Rabbi Yoḥanan's opinion, then it can be derived from the phrase "of your counterpart" that transactions with your counterpart, i.e., a Jew, are effected through payment of money, whereas transactions with a gentile are effected by pulling.

²¹ But if Ameimar holds in accordance with the opinion of Reish Lakish, who says: The act of acquisition of pulling is explicit in the Torah, then the halakha is that transactions with your counterpart are effected by pulling, and transactions with a gentile are also effected by pulling. Accordingly, why do I need the phrase "of your counterpart"?

²² The Sages said in explanation: The phrase "of your counterpart" does not teach a halakha with regard to the method of acquisition. Rather, it is referring to the latter part of the verse: "And if you make a sale to your counterpart, or buy of your counterpart's hand, a man shall not exploit his brother" (Leviticus 25:14). The verse is derived as follows: You must return the sum of exploitation to your counterpart, but you do not need to return the sum of exploitation to a gentile. The Gemara rejects this suggestion: The exemption from returning the sum of exploitation to a gentile is derived from the latter part of the verse alone: "A man shall not exploit his brother." A gentile is not included in the category of "his brother." Accordingly, the phrase "of your counterpart" remains extraneous.

²³ The Gemara responds: One phrase is required to exclude a gentile, and one serves to exclude consecrated property. And both derivations are necessary, as, had the Merciful One written only one exclusionary phrase, I would say: It is with regard to transactions with a gentile that one is not subject to the prohibition of exploitation; but with regard to transactions involving consecrated property, one is subject to the prohibition of exploitation. Therefore, the other derivation teaches us that one is not subject to the prohibition of exploitation with regard to transactions involving consecrated property either.

²⁴ The Gemara remarks: This works out well according to the one who says that his robbery, i.e., robbing a gentile, is prohibited, as this is the reason that a verse is necessary to permit keeping the sum of the exploitation obtained from a gentile. But if Ameimar holds in accordance with the opinion of the one who says that his robbery is permitted, is it necessary to state that one may keep the sum of the exploitation obtained from a gentile? The Gemara accepts this reasoning: The Sages said: If Ameimar holds in accordance with the opinion of the one who says that his robbery is permitted, perforce he holds in accordance with the opinion of Rabbi Yoḥanan that money effects acquisition by Torah law, and therefore the difficulty does not arise.

²⁵ § The Gemara raises an objection to the opinion that property is acquired from a gentile by monetary payment. It is taught in a baraita: With regard to one who buys broken vessels [gerutaot] made of gold or silver from the gentiles and finds among them an object of idol worship, if he pulled the object of idol worship, thereby performing an act of acquisition, before he gave the money to the gentile, he may return the object of idol worship to the gentile. But if he pulled it after he gave the money to the gentile, he may not return it. Since the idol's status was not revoked, he must take it and cast it into the Dead Sea.

²⁶ The Gemara explains the difficulty: And if you say that payment of money acquires items from gentiles, why do I need pulling in order to effect the Jew's acquisition of the idol? The Gemara answers: Here we are dealing with a case where the gentile accepted upon himself to have this transaction adjudicated by Jewish law. The Gemara raises an objection: If so, why do I need the payment of money in order to effect the Jew's acquisition of the idol? Pulling alone should be enough, in accordance with halakha. The Gemara explains that this is what the baraita means: Even though the Jew gave money to the gentile, the halakha still depends on the act of pulling: If he pulled the broken vessels, yes, he has acquired them, and if not, he has not acquired them.

²⁷ The Gemara asks: If so, then the first clause of the baraita is difficult, as it states: If he pulled the object of idol worship before he gave the money to the gentile, he may return the object of idol worship to the gentile. Evidently, pulling alone does not effect acquisition. Abaye said in explanation: The halakha in the first clause is ruled as it is because there is a mistaken transaction, as the Jew did not wish to purchase the idol. Rava said to Abaye: You maintain that the halakha of the first clause is ruled as it is because there is a mistaken transaction. Is that to say that in the latter clause there is no mistaken transaction? After all, the Jew does not wish to purchase the idol in either case.

²⁸ Rather, Rava said: The purchase in the first clause and the purchase in the latter clause are both a mistaken transaction, but in the case presented in the first clause, where the Jew did not pay him the dinars, it does not appear as though there is an object of idol worship in the possession of a Jew, and so he may return it. By contrast, in the latter clause, where the Jew did pay him the dinars, it appears as though there is an object of idol worship in the possession of a Jew, and therefore he must cast away the object rather than return it.

²⁹ And Abaye could have said to you: The first clause involves a mistaken transaction, as he did not know that the idol was included, as he did not give him the dinars and therefore had not yet inspected the property being purchased. Conversely, the latter clause is not a case of a mistaken transaction, as since he already gave the dinars to the seller, when he came to pull it, he should have inspected the

property and then pulled it. Since the Jew did not bother to inspect the property even after paying, the transaction is valid.

³⁰ The Gemara cites two more interpretations of the baraita. Rav Ashi says: The baraita is in fact discussing a case where the transaction was subject to gentile law, according to which only monetary payment effects acquisition, and as for the aforementioned difficulty raised to the opinion of Rabbi Oshaya from the latter clause: If so, why do I need pulling in order to effect the Jew's acquisition of the idol; pulling is not in fact required. Rather, from the fact that in the first clause, pulling does not effect acquisition, in the latter clause too, pulling does not effect acquisition. But since the first clause taught the word: Pulled, in order to teach that this method is ineffective, the latter clause also taught the word: Pulled, despite the fact that its mention is unnecessary.

³¹ Ravina said: The baraita is discussing a case where it was agreed that the transaction would be subject to Jewish law. From the fact that in the latter clause, pulling effects acquisition, in the first clause too, pulling effects acquisition. And as for the difficulty with regard to the first clause, which states that the Jew may return the item even though he already pulled it, this is what the baraita is saying: If the buyer did not give the money to the gentile and also did not pull the item, he returns the item to the seller. The Gemara adds: What does the term: Returns, mean in this context? It means that the Jew returns, i.e., reneges, on his verbal commitment. In other words, he is not required to complete the purchase despite the fact he initially agreed to do so.

³² The Gemara elaborates: It was necessary for the tanna to teach this explicitly, as he holds: Reneging on a verbal commitment that was unaccompanied by an act of acquisition constitutes an act of bad faith between two parties. And he holds that this statement applies only to a case where a Jew purchases an item from another Jew, as they are assumed to uphold their verbal commitments. But in a case of a Jew who purchases an item from gentiles, as they are not assumed to uphold their verbal commitments, reneging on one's word does not constitute an act of bad faith between the parties, since neither party relies upon the commitment of the other in the first place.

³³ MISHNA: All sacrificial animals in which a permanent blemish preceded their consecration do not assume inherent sanctity and only their value is consecrated, and once they were redeemed, they are obligated in the mitzva of a firstborn, i.e., their offspring are subject to being counted a firstborn, and in the priestly gifts of the foreleg, the jaw, and the maw, and they can emerge from their sacred status and assume complete non-sacred status in order to be shorn and to be utilized for labor. And their offspring and their milk are permitted after their redemption.

³⁴ And one who slaughters them outside the Temple courtyard is exempt from karet, and those animals do not render an animal that was a substitute for them consecrated. And if these animals died before they were redeemed, they may be redeemed and fed to dogs, and they do not require burial, except for the firstborn and the animal tithe. With regard to these two types of offerings, even if they were blemished before they became consecrated they assume inherent sanctity, like other offerings that were consecrated and subsequently became blemished.

³⁵ And all sacrificial animals whose consecration preceded their blemish, or who had a temporary blemish prior to their consecration and afterward developed a permanent blemish and they were redeemed, they are exempt from, i.e., their offspring are not counted, a firstborn, and from the gifts of the foreleg, the jaw, and the maw, and they do not completely emerge from their sacred status and assume non-sacred status in order to be shorn and to be utilized for labor.

³⁶ And their offspring, which were conceived prior to redemption, and their milk, are prohibited after their redemption. And one who slaughters them outside the Temple courtyard is liable to receive karet, and those animals render an animal that was a substitute for them consecrated. And if these animals died before they were redeemed, they may not be redeemed and fed to dogs; rather, they must be buried.

³⁷ GEMARA: The mishna teaches that all animals that were blemished prior to their consecration are subject to their offspring being counted a firstborn and to the obligation of the gifts once they have been redeemed. The Gemara infers: The reason that they are subject to the obligations of a firstborn and the gifts is that they were redeemed. But if they were not redeemed, they are exempt from their offspring being counted a firstborn and from the obligation of the priestly gifts. The Gemara comments: This indicates that the tanna of the mishna holds: Sanctity that inheres in an animal's value defers, i.e., renders it exempt, from the mitzva of the firstborn and from the gifts.

³⁸ § The mishna further teaches: And they can emerge from their sacred status and assume complete non-sacred status in order to be shorn and to be utilized for labor. The Gemara infers: The reason they become non-sacred is that they were redeemed. But if they were not redeemed, they remain sacred and are prohibited with regard to shearing and labor. The Gemara notes: This supports the opinion of Rabbi Eliezer, who says: Animals consecrated for the Temple maintenance are prohibited with regard to shearing and labor. Since animals consecrated for the Temple maintenance are equivalent to animals that possess sanctity that inheres in their value, the mishna supports Rabbi Eliezer's opinion.

³⁹ The Gemara rejects this suggestion: The Sages said: No; the mishna does not necessarily support the opinion of Rabbi Eliezer. It is possible that it is only with regard to an animal that has sanctity that inheres in its value and that was consecrated for the altar, which can be mistakenly exchanged with an animal that possesses inherent sanctity and was likewise consecrated for the altar, that the Sages decreed that it is prohibited to shear it and perform labor with it, due to a concern that one might confuse it with an animal that possesses inherent sanctity and ultimately violate a Torah prohibition. But with regard to animals consecrated for the Temple maintenance, no such decree was issued, as this concern does not apply.

⁴⁰ § The mishna teaches that their offspring and their milk are permitted after their redemption. The Gemara asks: What are the circumstances of the case of the mishna, in which the offspring of blemished redeemed animals are permitted? If we say that the mishna is referring to a case where the animals became pregnant and gave birth after their redemption, then it is obvious that the offspring are permitted, as they are non-sacred animals from the moment of conception. Rather, it must be referring to a case where they became pregnant before their redemption, and gave birth after their redemption, and the mishna is teaching that the offspring are permitted despite the fact they were conceived while their mothers were consecrated.

⁴¹ The Gemara infers from this ruling: But if the animals gave birth before their redemption, the offspring are prohibited until they are redeemed.

⁴² The halakha is that the offspring of an animal that possesses inherent sanctity is born sanctified, and therefore it cannot be redeemed until it develops a blemish. The Gemara asks: With regard to the offspring of an animal that possesses sanctity that inheres in its value, are they redeemed

unblemished, or are they not redeemed unblemished? In other words, can they be redeemed immediately, or must one wait until they develop a blemish?

⁴³ The Gemara suggests: Come and hear a proof from a baraita: With regard to one who dedicates permanently blemished animals for the altar, and those animals gave birth, their offspring may be sold in order to be redeemed and they do not require a blemish to render their sale permitted. The reason is that they are not imbued with sanctity, and that the subsidiary sanctity of the offspring should not be more stringent than the primary sanctity of the mother. Since the blemished mother can be redeemed without delay, the same applies to its offspring. This proves that the offspring of animals that possess sanctity that inheres in their value may be redeemed.

⁴⁴ The Gemara notes: The reason that the baraita rules that the sanctity for the altar does not take effect is that the subsidiary sanctity should not be more stringent than the primary sanctity, i.e., the only reason it is not sanctified for the altar is because its sanctity is derived from its mother, which cannot be sanctified for the altar as it is blemished. But if one consecrated an unblemished male animal for its value, where there is no secondary consecration, it is sanctified with inherent sanctity. The Gemara adds that this supports the opinion of Rava, as Rava says: If one consecrated a male animal for its value, it is sanctified with inherent sanctity.

⁴⁵ § The mishna teaches with regard to animals whose blemish preceded their consecration: And one who slaughters them outside the Temple courtyard is exempt. The Gemara notes that Rabbi Elazar teaches the mishna as follows: And one who slaughters them outside the Temple courtyard is liable, and he interprets the mishna as referring to a case of a private altar of an individual. In other words, the mishna is not teaching that one is liable to receive karet for slaughtering an animal outside the Temple courtyard, but that he is liable to receive lashes for sacrificing a blemished animal upon a private altar.

⁴⁶ As Rabbi Elazar says: From where is it derived that one who slaughters a blemished animal upon a private altar of an individual at a time when private altars are permitted is in violation of a prohibition? It is derived from a verse, as it is stated: “You shall not sacrifice to the Lord an ox, or a sheep, in which is a blemish” (Deuteronomy 17:1). If this verse is not referring to the matter of a great public altar, since that halakha is derived from a different verse, as it is written: “Blind or broken...you shall not sacrifice these unto the Lord” (Leviticus 22:22), apply the verse in Deuteronomy to the matter of a private altar of an individual.

⁴⁷ The Gemara raises an objection: But one can say with regard to the verse in Deuteronomy: If this verse is not referring to the matter of regular sacrificial animals, which is derived from the verse in Leviticus, apply it to the matter of a firstborn, as it might enter your mind to say: Since a firstborn animal is sanctified even when it is a permanently blemished animal, let it also be sacrificed upon the altar when it is a blemished animal. The verse in Deuteronomy would therefore teach us that this is not the halakha, i.e., a blemished firstborn animal may not be sacrificed upon the altar. What, then, is the reason that the halakha of a private altar of an individual, rather than the halakha of firstborn animals, is derived from the verse in Deuteronomy?

⁴⁸ The Sages said in explanation: Concerning a firstborn, the halakha is written explicitly with regard to it: “Every firstborn...if there be any blemish therein, lameness, or blindness...you shall not sacrifice it” (Deuteronomy 15:19–21). Consequently, the verse in Deuteronomy, chapter 17, cannot

be referring to the halakha that a firstborn animal may not be sacrificed upon the altar, as that is already taught in chapter 15.

⁴⁹ The Gemara inquires: But still, one can say: If the verse in chapter 17 is not referring to the matter of sacrificial animals, which is derived from the verse in Leviticus, apply it to the matter of the animal tithe, as it might enter your mind to say: Since a tithed animal is sacred even with its blemish, as it is written: “He shall not inquire whether it be good or bad” (Leviticus 27:33), let it also be sacrificed with its blemish. The verse in Deuteronomy (17:1) would therefore teach us that this is not the halakha, i.e., a blemished tithed animal may not be sacrificed upon the altar.

⁵⁰ The Sages said in response: With regard to the animal tithe as well, it is unnecessary for the verse to teach this halakha, as it is derived from a verbal analogy between the word: Passing, mentioned with regard to tithed animals (see Leviticus 27:32), and passing mentioned with regard to the firstborn (see Exodus 13:12). Just as a blemished firstborn animal is not sacrificed upon the altar, so too, a blemished tithed animal is not sacrificed upon the altar.

⁵¹ The Gemara persists: But say that one should apply Deuteronomy 17:1 to the matter of animals substituted for sacrificial animals, as it might enter your mind to say: Since a substitute becomes sacred even when it is blemished, as it is written: “He shall not exchange it, nor substitute it, a good for a bad, or a bad for a good; and if he shall at all substitute animal for animal, then both it and that for which it is substituted shall be holy” (Leviticus 27:10), it may likewise be sacrificed when it is blemished. The verse in Deuteronomy would therefore teach us that this is not the halakha, as a blemished substitute cannot be sacrificed upon the altar.

⁵² The Gemara answers: The halakha with regard to a substitute is already established, as the verse states: “It and that for which it is substituted shall be holy.” The verse compares a substitute to the consecrated animal for which it was substituted: Just as the consecrated animal is not sacrificed if it is blemished, so too, its substitute is not sacrificed if it is blemished.

⁵³ The Gemara presents a final objection: Rabbi Zeira objects to the claim that Deuteronomy 17:1 should be understood as referring to a private altar of an individual. Say instead that one should apply it to the matter of the offspring of sacrificial animals, as it could enter your mind to say: Since they are sacred even when they are blemished, on account of their mother, they may also be sacrificed when they are blemished. Deuteronomy 17:1 would therefore teach us that this is not the halakha.

⁵⁴ Rava says in response: The tanna of the school of Rabbi Yishmael has already ruled that the blemished offspring of sacrificial animals cannot be sacrificed upon the altar, from a different verse. As the school of Rabbi Yishmael taught: The verse states: “Only your sacred items which you have, and your vows, you shall take, and go to the place which the Lord shall choose” (Deuteronomy 12:26). “Only your sacred items”; these are the substitutes. “Which you have”; these are the offspring. When it states: “And your vows,” the verse thereby juxtaposes animal substitutes and offspring with an animal consecrated by a vow, teaching that just as an animal consecrated by a vow is not sacrificed if it is blemished, so too, these are also not sacrificed if they are blemished. Accordingly, Deuteronomy 17:1 must be understood as referring to a private altar of an individual, as maintained by Rabbi Elazar.

⁵⁵ § The mishna teaches: And sacrificial animals whose blemish preceded their consecration do not render an animal that was a substitute for them sacred. The Gemara asks: What is the reason for this ruling? It is derived from a verse, as the verse states: “He shall not exchange it, nor substitute it, a

good for a bad, or a bad for a good” (Leviticus 27:10). The Gemara infers: Now that you have said that substituting a bad animal for a good animal is not permitted, is it necessary to state that substituting a good animal for a bad animal is not permitted? Rather, the verse is teaching that an animal which is good at the outset renders an animal that was a substitute for it sacred, but an animal that is bad at the outset, i.e., whose blemish preceded its consecration, does not render an animal that was a substitute for it sacred.

⁵⁶ § The mishna further teaches: And if these animals died before they were redeemed, they may be redeemed and fed to dogs. Rav Yehuda says that Rav says: This is the statement of Rabbi Shimon, who says: Items consecrated to be sacrificed on the altar were included in the requirement of standing and valuation, but items with the sanctity of those consecrated for Temple maintenance, such as the red heifer, were not included in the requirement of standing and valuation. Since animals that were consecrated for the altar require standing and valuation in order to be redeemed, they cannot be redeemed after death, as it is no longer possible to stand them before the priest. Animals consecrated for the Temple maintenance, and likewise animals whose blemish preceded their consecration, do not require standing and valuation, and therefore they can be redeemed after death.

⁵⁷ This is as we learned in a mishna (Temura 32a): Rabbi Shimon says: With regard to animals consecrated for the Temple maintenance, if they died they may be redeemed, because animals consecrated for the Temple maintenance are not included in the obligation of standing and valuation. And Rabbi Shimon concedes with regard to an animal that was blemished from the outset, i.e., before it was consecrated, that it may be redeemed even if it was consecrated for the altar. What is the reason? It is derived from a verse, as the verse states: “Then he shall stand the animal before the priest. And the priest shall appraise it” (Leviticus 27:11–12). The emphasis on “it” serves to exclude an animal that was blemished from the outset.

⁵⁸ But the Rabbis say: With regard to both animals consecrated for the altar and animals consecrated for Temple maintenance, if they died they must be buried. The Gemara asks: Whose opinion is that of the Rabbis in the mishna? It is the opinion of the tanna of the school of Levi, as the school of Levi taught: All animals were included in the obligation of standing and valuation, even an animal that was blemished from the outset.

⁵⁹ And similarly, the school of Levi taught in Levi’s own collection of baraitot: Even an undomesticated animal and even a bird are included in the obligation of standing and valuation, despite the fact that they can never be sacrificed upon the altar. The Gemara asks: But isn’t it written: “And the priest shall appraise it,” which is an expression of exclusion? If so, the verse must be excluding some case, at least that of an undomesticated animal or a bird. The Gemara concedes that the phrase “and the priest shall appraise it” is difficult according to the opinion of the tanna of the school of Levi.

⁶⁰ The Gemara asks: But in light of this difficulty, according to the Rabbis who disagree with Rabbi Shimon in the mishna in Temura, what is the halakha? Is it indeed so that if animals whose blemish preceded their consecration died they may be redeemed, as derived from the word “it”? If that is so, then why did Rav say: This is the statement of Rabbi Shimon?

⁶¹ Since both Rabbi Shimon and the Rabbis agree that an animal which was blemished before it was consecrated can be redeemed, he should have said: This is the statement of Rabbi Shimon and those who disagree with him.

⁶² The Sages said in response that Rav holds in accordance with the opinion of Rabbi Shimon ben Lakish, who says: According to the Rabbis, animals consecrated for the Temple maintenance were included in the obligation of standing and valuation, whereas animals consecrated for the altar were not included in the obligation of standing and valuation. And therefore it is not possible to interpret the mishna in accordance with the opinion of the Rabbis, as the latter clause teaches: And if animals consecrated for the altar died, they must be buried even if their consecration preceded their blemish, as they are included in the obligation of standing and valuation.

⁶³ The Gemara says: From where is it known that this ruling of the mishna: If they died they must be buried, is due to the fact that they require standing and valuation? Perhaps it is because one may not redeem sacrificial animals in order to feed them to dogs. The Sages said in response: If that were so, let the mishna teach: If one of them became an animal with a wound that will cause it to die within twelve months [tereifa], it must be buried. Since a tereifa can be stood before the priest, the only reason to require its burial must be due to the prohibition against redeeming a sacrificial animal in order to feed it to dogs.

⁶⁴ And if you wish, say instead: Actually, Rav holds in accordance with the opinion of Rabbi Yoḥanan, who says that according to the Rabbis, animals consecrated for the altar were included in the obligation of standing and appraising, and therefore the mishna can be explained in accordance with the opinion of the Rabbis. And in fact Rav taught: This is the statement of Rabbi Shimon and those who disagree with him.

⁶⁵ § The mishna teaches: But if their consecration preceded their blemish, they are exempt from the mitzva of the firstborn and from the priestly gifts. The Gemara asks: From where are these matters derived? They are derived from a verse, as the Sages taught with regard to a verse discussing disqualified consecrated animals: “However, as you eat the gazelle and the hart, so shall you eat thereof” (Deuteronomy 12:22). Just as a gazelle is exempt from the mitzva of the firstborn, as this obligation does not apply to undomesticated animals, so too, disqualified consecrated animals are exempt from the mitzva of the firstborn.

⁶⁶ The baraita continues: Based on this derivation, I will exclude consecrated animals that developed a blemish from the mitzva of the firstborn but I will not exclude them from the mitzva of the gifts. From where is it derived that such animals are not subject to the mitzva of the gifts either? The Gemara answers that the verse states: “However, as you eat the gazelle and the hart.” This teaches that just as a hart is exempt from the mitzva of the firstborn and from the mitzva of the gifts, so too, disqualified consecrated animals are exempt from the mitzva of the firstborn and from the mitzva of the gifts.

⁶⁷ The Gemara asks: If so, then it follows that just as the fat of a gazelle and a hart is permitted, so too, the fat of disqualified consecrated animals should be permitted. In fact, the halakha is that the fat of disqualified consecrated animals is forbidden, like that of other domesticated animals. The baraita answers that the verse states: “However, as you eat the gazelle and the hart.” The term “however” differentiates, i.e., it serves to limit the analogy between these animals to the mitzvot of the firstborn and the gifts, and not forbidden fat.

⁶⁸ The Gemara analyzes the baraita. The Master said: I will exclude consecrated animals that developed a blemish from the mitzva of the firstborn but I will not exclude them from the mitzva of the gifts. The Gemara asks: What is different about a firstborn that I would exclude only the mitzva

of the firstborn, in the first stage of this interpretation? Why not exclude the mitzva of the gifts as well? The Gemara answers that the mitzva of the firstborn does not apply equally to all animals but only to males, and therefore I do not initially exclude the mitzva of the gifts, as they do apply equally to all domesticated animals, including females. Therefore, when the verse states “a hart” in addition to the gazelle, this is derived as teaching that disqualified consecrated animals are excluded from the mitzva of the gifts as well.

⁶⁹ Rav Pappa said another question to Abaye: If one accepts the analogy between disqualified consecrated animals and the animals mentioned in the verse, then one can claim as follows: Just as the prohibition against slaughtering an animal itself and its offspring on the same day does not apply to a gazelle and a hart, so too, the prohibition against slaughtering an animal itself and its offspring should not apply to disqualified consecrated animals. Why does the baraita not address this issue?

⁷⁰ Abaye said to Rav Pappa: To what are you comparing disqualified consecrated animals? If you are comparing them to non-sacred domesticated animals, the prohibition against slaughtering a mother and its offspring on the same day applies to them. And if you are comparing them to sacrificial animals, the prohibition against slaughtering an animal itself and its offspring also applies to them. Since all domesticated animals are subject to the prohibition against slaughtering a mother and its offspring, one cannot derive the exclusion of disqualified consecrated animals from this verse.

⁷¹ Rav Pappa said to him: If so, then with regard to its fat as well, let us state a claim like this: To what are you comparing disqualified animals? If you are comparing them to non-sacred animals, their fat is forbidden. And if you are comparing them to sacrificial animals, their fat is also forbidden. Since the prohibition of fat also applies to both consecrated and non-sacred animals, by the same reasoning there is no need for the verse to teach that the prohibition of fat applies. Nevertheless, the baraita derives this halakha from the word “however.”

⁷² Rather, didn't you say in the baraita: “However,” but not their fat? Say also: “However,” but not a mother and its offspring. With regard to both halakhot, which apply to domesticated but not undomesticated animals, the reason that the analogy is not extended is not due to Abaye's claim, as the juxtaposition between the animals would teach that their halakhot are the same. Instead, both exclusions are derived equally from the word “however,” which serves to differentiate disqualified consecrated animals from the gazelle and the hart both with regard to forbidden fat and with regard to the prohibition against slaughtering a mother and its offspring. Interpreting the exclusion in this manner means that disqualified consecrated animals are at least comparable to sacrificial animals in that they are excluded from the mitzva of the firstborn and the priestly gifts. Had the exclusion been interpreted with regard to the mitzva of the firstborn and the priestly gifts, disqualified consecrated animals would not be comparable to any type of animal.

⁷³ The Gemara cites a different interpretation. Rava says: The word “however” comes to exclude the prohibition against slaughtering a mother and its offspring from the comparison between disqualified consecrated animals and the gazelle and hart, and the exclusion of its fat is derived from the term “its blood.” As it is written with regard to a blemished firstborn animal: “You shall eat it...as the gazelle, and as the hart. Only you shall not eat its blood” (Deuteronomy 15:22–23).

⁷⁴ Rava elaborates: What is “its blood” referring to? If we say that it is referring to its actual blood, the Torah would not have had to state this explicitly, as even if it were merely similar to the blood of a gazelle and a hart, is that to say that anyone permits the blood of a gazelle and a hart? Since the

blood of all animals is forbidden, it is already established that the blood of a blemished firstborn animal is forbidden. Rather, the term “its blood” is referring to its fat.

⁷⁵ The Gemara challenges: But in that case, let the Merciful One write: Its fat, instead of “its blood.” The Gemara explains: If the Merciful One had written fat, I would say: The juxtaposition between disqualified consecrated animals and a gazelle and a hart is effective with regard to fat, and the verse itself is also effective, i.e., it can be derived from the juxtaposition and the verse together that the prohibition of fat applies to disqualified consecrated animals to a certain extent, but not fully.

⁷⁶ The Gemara elaborates: The juxtaposition is effective in that it excludes one who eats the fat of consecrated animals from the punishment of excision from the World-to-Come [karet]. The reason is that when the Merciful One writes “karet,” it is written with regard to one who eats the fat of a domesticated animal, as it is stated: “For anyone who eats the fat of the domesticated animal...even the soul that eats it shall be excised from his people” (Leviticus 7:25). The juxtaposition to a gazelle and a hart would teach that the punishment of karet does not apply in the case of disqualified consecrated animals.

⁷⁷ And at the same time the verse in Deuteronomy 15:23 would also be effective, as, if it were written: Only you shall not eat its fat, it would establish the consumption of the fat of disqualified consecrated animals as a prohibition for which one is liable merely to receive lashes. For this reason, the Merciful One expresses the prohibition against eating the fat using the language “its blood,” in order to tell you that just as consumption of its blood is punishable by karet, so too, consumption of its fat is punishable by karet. By using the term “its blood,” the Torah conveys that one is liable to receive karet for eating the fat of disqualified consecrated animals, i.e., that with regard to this particular halakha the juxtaposition does not apply at all.

⁷⁸ Rava stated that the halakha with regard to the consumption of the fat of a disqualified consecrated animal is derived from the verse: “Only shall you not eat its blood.” The Gemara asks: But didn’t the tanna of the baraita say that the word “however” limits the juxtaposition so that disqualified consecrated animals are not included in the mitzvot of the firstborn and the gifts, but they are not excluded from the prohibition against eating its fat? How can Rava suggest a different source than the one cited in the baraita?

⁷⁹ The Gemara answers that according to Rava, this is what the baraita is saying: Had the term “its blood” not been stated, I would have said that the word “however” teaches: But not its fat. But now that it is stated: “Its blood,” the word “however” comes to teach that the prohibition against slaughtering a mother and its offspring on the same day applies to disqualified consecrated animals.

⁸⁰ § The mishna teaches: And animals whose consecration preceded their blemish do not completely emerge from their sacred status and assume non-sacred status in order to be shorn and to be utilized for labor. The Gemara asks: From where are these matters derived? They are derived from a verse, as the Sages taught in a baraita with regard to a verse discussing consecrated animals that developed a blemish and were redeemed: “Notwithstanding, after all the desire of your soul, you may slaughter and eat flesh” (Deuteronomy 12:15). The term “you may slaughter” teaches that slaughtering the animal is permitted, but not shearing it. Likewise, “you may eat flesh” teaches that its meat is permitted, but not its milk. Finally, “you may eat” teaches that you may eat the meat, but you may not feed it to your dogs. From here it is derived that one may not redeem sacrificial animals in order to feed them to dogs.

⁸¹ The Gemara cites an alternative exposition. Some say that the phrase: “You may slaughter and eat,” teaches that you have permission to eat them only from the time of slaughter onward. Similarly, no benefit may be derived from them until after their slaughter. The Gemara notes: But according to this interpretation, so too, the tanna said that one may redeem sacrificial animals in order to feed them to dogs, as this prohibition is not derived from the term “you may eat.”

⁸² § The mishna teaches with regard to sacrificial animals: And their offspring and their milk are prohibited after their redemption. The Gemara asks: What are the circumstances of the offspring’s birth? If we say that the offspring was both conceived and born after its mother’s redemption, then why would it be prohibited? After all, they are like the offspring of a gazelle or a hart, i.e., they are completely non-sacred. Rather, it must be referring to a case where the offspring was conceived prior to its mother’s redemption and born after its mother’s redemption. One can infer: But if they were born before their mothers’ redemption, not only are they not prohibited, they are also imbued with inherent sanctity.

⁸³ The Gemara asks: From where is this matter, that the offspring of a sacrificial animal is imbued with inherent sanctity, derived? It is derived from a verse, as the Sages taught in a baraita with regard to the verse: “And if his offering be a sacrifice of peace offerings: If he sacrifice of the cattle, whether male or female, he shall sacrifice it without blemish before the Lord” (Leviticus 3:1), that the words “male” and “female” are extraneous, as the term “cattle” includes both. Consequently, “male” serves to include the offspring of a peace offering; “or female” serves to include the female animal that is designated as a substitute for a peace offering.

⁸⁴ The baraita continues: And I have derived this halakha only with regard to the offspring of unblemished animals and the substitute of unblemished animals. From where do I derive that the same halakha applies to the offspring of blemished animals and the substitute of blemished animals? When the verse states: “Whether male,” this serves to include the offspring of blemished animals, in a case where its consecration preceded its blemish, and when the verse states: “Or female,” it serves to include the substitute of blemished animals.

⁸⁵ The Gemara asks: With regard to those offspring that were born after their mother’s redemption, what will be with them, since they can be neither sacrificed nor redeemed? Before providing an answer, the Gemara notes: If they were born before their mother’s redemption, the Sages disagree with regard to the halakha. There is one who says: They are entirely consecrated, to the extent that they may be sacrificed, and there is one who says: They are consecrated to graze until a blemish befalls them so that they can be redeemed, but they may not be sacrificed.

⁸⁶ The Gemara returns to the previous inquiry: With regard to those that were born after their mother’s redemption, what will be with them? Rav Huna says: One gathers them into a chamber, and they die of starvation. The reason is that what are we to do? Shall we sacrifice them? They cannot be sacrificed, as they received their status from the deferred sanctity of the redeemed mother, and are therefore unfit for the altar. Shall we redeem them? They cannot be redeemed, as their sanctity is not strong enough to be transferable to money for their redemption.

⁸⁷ They said in the West, Eretz Yisrael, in the name of Rabbi Ḥanina: Immediately before their redemption, one dedicates them for the sake of the same offering for which their mother was consecrated. The Gemara asks: Immediately before their redemption? Is that to say that they are fit to be redeemed? It was established that they cannot be redeemed. Rather, say: Immediately before their

mother's redemption, one dedicates them for the sake of the same offering. The Gemara asks: What is the reason that the offspring are not simply left as they are? Rabbi Levi says: It is a rabbinic decree, lest one raise flocks and flocks of them. In other words, if the offspring are left alive in their forbidden status, there is a concern that one might eventually derive benefit from them and thereby violate a Torah prohibition.

⁸⁸ Ravina raised a dilemma before Rav Sheshet: According to Rabbi Ḥanina, what is the halakha with regard to the following matter: Can one dedicate the unborn offspring as any offering he desires? Rav Sheshet said to him: He may not dedicate them as any offering other than that for which the mother was consecrated. Ravina asked: What is the reason? Rav Sheshet said to him: It is derived by a verbal analogy between the phrase: "Within all your gates" (Deuteronomy 12:15), and: "Within your gates" (Deuteronomy 15:22), written with regard to a firstborn. Just as one cannot dedicate a firstborn as any offering he desires, as it is written: "But the firstborn among animals, which is born as a firstborn to the Lord, no man shall sanctify it" (Leviticus 27:26), so too, one cannot dedicate these offspring as any offering he desires.

⁸⁹ The Gemara notes: It is taught in a baraita in accordance with the opinion of Rav Sheshet: Sacrificial animals whose permanent blemish preceded their consecration and that were redeemed, are obligated in the mitzva of a firstborn, and obligated in the gifts. Whether before their redemption or after their redemption, one who shears them or utilizes them for labor does not incur the forty lashes. Similarly, whether before their redemption or after their redemption, they do not render an animal that was a substitute for them sacred.

⁹⁰ And before their redemption, one who benefits from them is liable for misuse of consecrated property, and after their redemption, one who benefits from them is not liable for misuse of consecrated property. And their offspring are non-sacred if they were born after their mother's redemption; and they may be redeemed while they are unblemished if they were born before their mother's redemption; and one can dedicate the offspring as any offering he desires. The principle of the matter is that animals whose permanent blemish preceded their consecration are like non-sacred animals in all matters, and you have only the mitzva of value alone, i.e., they must be valued and redeemed with money, unlike non-sacred animals.

⁹¹ The baraita continues: But if their consecration preceded their blemish, or they had a temporary blemish prior to their consecration and afterward developed a permanent blemish, and they were redeemed, they are exempt from the mitzva of the firstborn and from the gifts. Furthermore, whether before their redemption or after their redemption, one who shears them or utilizes them for labor incurs the forty lashes. And whether before their redemption or after their redemption, they render an animal that was a substitute for them sacred.

⁹² The baraita concludes: Before their redemption, one who derives benefit from them is liable for misuse of consecrated property, and after their redemption, one who derives benefit from them is not liable for misuse of consecrated property. And their offspring are sacred and may not be redeemed while they are unblemished, and one may not dedicate them as any offering he desires. The principle of the matter is that redeemed animals whose consecration preceded their permanent blemish are like redeemed sacrificial animals in all matters, and you have only the permission of consumption alone, i.e., once they have been redeemed they may be eaten. Like Rav Sheshet, this tanna rules that the

offspring of animals whose consecration preceded their blemish may not be dedicated as any offering one desires.

⁹³ It is accepted that whenever a tanna states: The principle of the matter, he is adding certain cases that one might have thought were excluded from the halakha in question. Accordingly, the Gemara notes that the phrase: The principle of the matter, in the former clause of the baraita, which states that that animals whose permanent blemish preceded their consecration are like non-sacred animals, serves to add the case of one who slaughters such an animal outside the Temple courtyard, teaching that he is exempt. The phrase: The principle of the matter, in the latter clause, which states that that redeemed animals whose consecration preceded their permanent blemish are like redeemed sacrificial animals in all matters,

⁹⁴ serves to include its milk in the prohibition, i.e., it is prohibited to consume milk of disqualified consecrated animals that were redeemed.

⁹⁵ The Gemara analyzes the baraita. The Master said above: With regard to disqualified sacrificial animals whose consecration preceded their blemish, their offspring are sacred and may not be redeemed while they are unblemished, and one may not dedicate them as any offering he desires. The Gemara infers: It is only unblemished offspring that one may not redeem, which indicates that one may redeem blemished offspring. Likewise, it is only for any offering he desires that he may not dedicate the offspring, but for the same offering as the mother, one may dedicate the offspring.

⁹⁶ The Gemara asks: How can you find a situation that includes both of these inferences? They apply in a case where one dedicates the unborn offspring as the same offering for which its mother was consecrated, and it may then be redeemed after having developed a blemish. The Gemara remarks: Shall we say that this is a conclusive refutation of the opinion of Rav Huna, who maintains that the offspring cannot be redeemed and rules that one must leave them to die?

⁹⁷ Rav Huna could have said to you: The inferences upon which the refutation is based are false. Just as these unblemished offspring cannot be redeemed, the same is true with regard to blemished animals, as even blemished offspring cannot be redeemed. And since the former clause taught the phrase: They may be redeemed unblemished, the latter clause also taught the phrase: They may not be redeemed unblemished. And since the former clause taught: As any offering he desires, the latter clause also taught: As any offering he desires. According to Rav Huna, no inferences can be made from these rulings of the baraita because they were phrased in this manner for the sake of symmetry between its two sections, rather than to teach a specific halakha.

⁹⁸ It is stated: And one who slaughters them outside the Temple courtyard is exempt from karet. The Gemara notes: Rav Huna taught this as: One who slaughters them outside the Temple courtyard is liable to receive karet, and he interprets it as referring to a case involving an animal with a minor blemish, such as on the cornea of the eye. And the mishna is in accordance with the opinion of Rabbi Akiva, who says: Although animals with a minor blemish may not be sacrificed ab initio, if they ascended the altar they shall not descend and are sacrificed. Since an animal with a minor blemish is potentially suitable for sacrifice, one who slaughters it outside the Temple courtyard is liable to receive karet.

⁹⁹ The Gemara continues analyzing the baraita, which teaches: Whether before its redemption or after its redemption, an animal whose consecration preceded its blemish renders an animal that was a substitute for it sacred. Rav Nahman says that Rabba bar Avuh says: And its substitute that was

imbued with sanctity after its redemption must die. What is the reason? The Gemara explains: What are we to do? Shall we sacrifice it? It cannot be sacrificed, as it received its status from the deferred sanctity of the redeemed blemished animal and is therefore unfit for the altar. Shall we redeem it? It cannot be redeemed, as its sanctity is not strong enough to be transferable to the money for its redemption. Therefore, it must die.

¹⁰⁰ Rav Amram objects to this: But let the substitute be eaten in its blemished state by the owners. After all, what is the difference between this substitute and the substitute of a firstborn or of an animal tithe offering, which may be eaten? The Gemara explains the question: As we learned in a mishna (Temura 21a): With regard to the substitute of a firstborn and of an animal tithe offering, both they, the substitutes themselves, and their offspring, and the offspring of their offspring, forever, i.e., for all future generations, are like the firstborn and the animal tithe offering, respectively, and therefore they are eaten in their blemished state by the owners. Why is the blemished substitute of a firstborn or an animal tithe permitted whereas the substitute of a disqualified consecrated animal remains forbidden?

¹⁰¹ Abaye said to Rav Amram: This one bears its mother's name and that one bears its mother's name, i.e., each substitute is subject to the same halakha as the animal for which it was substituted. This animal is entirely called a substitute of a firstborn or an animal tithe offering: Just as a firstborn and an animal tithe offering are eaten in their blemished state by the owners, so too, their substitute is eaten even when it is blemished.

¹⁰² And likewise, this substitute for a redeemed animal whose consecration preceded its blemish bears its mother's name, i.e., it is called the substitute of a sacrificial animal: Just as sacrificial animals are eaten only once they have been rendered permitted through redemption, so too, their substitutes are also eaten only through redemption. But the sanctity of this particular substitute is not strong enough to be transferable to money for its redemption, and therefore it cannot be redeemed. Consequently, it may not be eaten.

¹⁰³ The Gemara notes that it is taught in a baraita in accordance with the opinion of Rav Nahman: From where is it derived with regard to the substitute of disqualified consecrated animals that it must die? It is derived from a verse, as the verse states: "Nevertheless, these you shall not eat, of them that only chew the cud, or of them that only have a split hoof...it is impure to you" (Leviticus 11:4). The extraneous phrase "impure to you" indicates that there exists an animal which possesses the signs of a kosher animal but is nevertheless prohibited in consumption, and that is the substitute of a disqualified consecrated animal. The Gemara raises an objection: But isn't that extraneous phrase necessary for the halakha of the five sin offerings that are left to die, which may not be eaten? The Gemara answers: No; that halakha is derived from the phrase: "Of them that only have a split hoof... is impure."

¹⁰⁴ The Gemara notes that this is also taught in a baraita: From where is it derived that there are five sin offerings that are left to die? The verse states: "Of them that have a split hoof...is impure to you," which indicates that there is a second category of animals that possess the signs of a kosher animal, but that are nevertheless prohibited in consumption. The Gemara raises an objection: But isn't the category of the five sin offerings that are left to die a halakha learned as a tradition, not from a verse? Rather, when that verse came, it came to teach that the substitute of a guilt offering may not be sacrificed and is left to graze until it develops a blemish.

¹⁰⁵ The Gemara raises a further objection: The halakha of a substitute for a guilt offering is also a halakha learned as a tradition, as stated in the principle: In any case where a sin offering is left to die, a guilt offering is left to graze. Since the substitute of a sin offering is left to die, it is established by tradition that the substitute of a guilt offering is left to graze, and therefore no verse is required to teach this halakha.

¹⁰⁶ The Gemara answers: Rather, the verse is actually the source for a halakha that applies to the five sin offerings left to die. And both a verse is necessary and the halakha learned as a tradition is also necessary to determine the final course of action that one should take. The Gemara elaborates: If the concept of the five sin offerings had been derived from the verse alone, I would say that the five sin offerings are left to graze. Therefore, the halakha learned through tradition teaches us that they are left to die. And if this ruling were based only on the halakha learned as a tradition, I would say: In a case where one happened to eat from one of these five sin offerings, there is a prohibition that he violated, but not a negative mitzva, for which one is liable to receive lashes. The verse therefore teaches us that there is a negative mitzva here as well.

¹⁰⁷ And if you wish, say instead that the halakha of the five sin offerings left to die is in fact a halakha learned as a tradition, and therefore no verse is required for its own sake. Rather, the verse: "Of them that have a split hoof," serves to juxtapose an item that comes, i.e., that is derived, from the mention of animals who chew their cud, referring to the substitutes of disqualified consecrated animals, with an item that comes from animals who have a split hoof, referring to the five sin offerings: Just as there, the sin offerings are left to die, so too here, the substitutes are left to die.

¹⁰⁸ MISHNA: With regard to one who receives animals as part of a guaranteed investment from a gentile, i.e., the Jew receives the animals to raise them and commits to pay a fixed price at a later date even if they die or their value decreases, and the offspring born in the interim are divided between the gentile and the Jew,

¹⁰⁹ their direct offspring are exempt from the mitzva of the firstborn if they give birth to a male, but the offspring of their direct offspring are obligated in the mitzva of the firstborn if they gave birth to a male. If the Jew established their offspring in place of their mothers for collection in case the mothers die, the offspring of their direct offspring are exempt and the offspring of the offspring of their direct offspring are obligated. Rabban Shimon ben Gamliel says: Even until ten generations, the offspring are exempt, as they all serve as a guarantee for the gentile, because if he does not receive the fixed payment for the animal, he will collect his debt from any offspring born to it or its offspring.

¹¹⁰ A ewe that gave birth to a goat of sorts and a goat that gave birth to a ewe of sorts are exempt from the mitzva of the firstborn. And if the offspring has some of the characteristics of its mother, it is obligated in the mitzva of firstborn.

¹¹¹ GEMARA: The mishna teaches that animals given to a Jew as a guaranteed investment by a gentile are not subject to their offspring being counted a firstborn because they belong to the gentile. The Gemara suggests: Is this to say that since the owner did not yet take the money that will be owed to him, the investment itself stands in the owner's possession, i.e., the owner is still regarded as such?

¹¹² And the Gemara raises a contradiction to this conclusion from a mishna (Bava Metzia 70b): One may not accept from a Jew sheep to raise or other items to care for as a guaranteed investment, in which the terms of the transaction dictate that the one accepting the item takes upon himself

complete responsibility to repay its value in the event of depreciation or loss, but receives only part of the profit. This is because it is a loan, as the principal is fixed and always returned to the owner, and any additional sum the owner receives is interest. The Gemara remarks: Evidently, the investment stands in the possession of the recipient, as otherwise it would not be considered a loan.

¹¹³ Abaye said: This is not difficult. This case, i.e., the mishna here, is where the gentile owner of the sheep accepts upon himself the responsibility for losses due to an accident or depreciation in the market value, and that is why the sheep are considered to still belong to him. And that case, the mishna in Bava Metzia, is where the owner did not accept upon himself responsibility for losses due to an accident or depreciation. Therefore, the guaranteed investment stands in the possession of the recipient.

¹¹⁴ Rava said to Abaye: If the owner accepted upon himself responsibility for losses due to an accident or depreciation, can you call it a guaranteed investment? This case is not a guaranteed investment, as the owner is not guaranteed to receive what he had given; rather, it is a type of joint business venture that is permitted between two Jews. And furthermore, if the term: Guaranteed investment, can refer to two different kinds of investments, then why was it stated without qualification in both mishnayot?

¹¹⁵ Rava continued: And furthermore, even if one grants that this arrangement can be called a guaranteed investment, there is another difficulty. Instead of the tanna teaching in the latter clause of the mishna in Bava Metzia: But one may accept a guaranteed investment from gentiles, let the tanna distinguish and teach within the case itself, that of accepting a guaranteed investment from a Jew. He should have taught: In what case is this statement, i.e., that one may not accept from a Jew sheep to raise or other items to care for as a guaranteed investment, said? It is in a case when the owner did not accept upon himself responsibility for losses due to an accident or depreciation, but if the owner accepted upon himself responsibility for losses due to an accident or depreciation, one may well enter into such an arrangement.

¹¹⁶ Rather, Rava rejected this explanation and said: Both this case in the mishna here and that case in Bava Metzia are discussing a situation where the owner did not accept upon himself responsibility for losses due to an accident or depreciation. And here, with regard to the firstborn, this is the reason that the offspring are exempt from the halakhot of a firstborn: Since, if the gentile comes and wants his money, and the Jew does not give it to him, the gentile will seize the animal, and if he does not find the animal he will seize the offspring, this means that the hand of a gentile is in the middle, i.e., even though the animals stand in the possession of the recipient, the gentile has some degree of ownership over the bodies of the offspring. And there is a halakha: In every case where the hand of a gentile is in the middle, the animal is exempt from the halakhot of a firstborn.

¹¹⁷ § The mishna teaches: If the Jew established their offspring in place of their mothers for collection in case the mothers die, the offspring of their direct offspring are exempt. The Gemara cites a dispute with regard to animals involved in a guaranteed investment, in a case where the Jew did not establish their offspring in the place of their mothers. Rav Huna says: Their direct offspring are exempt, but the offspring of their direct offspring are obligated. And Rav Yehuda says: The offspring of their direct offspring are also exempt, and the offspring of the offspring of their direct offspring are obligated.

¹¹⁸ The Gemara raises an objection to the opinion of Rabbi Yehuda. We learned in the mishna: If the Jew established their offspring in place of their mothers for collection in case the mothers die, the offspring of their direct offspring are exempt. The Gemara infers: The reason they are exempt is that he established the offspring in place of their mothers; but if he did not establish them in place of their mothers, they are not exempt. This is apparently a conclusive refutation of the opinion of Rabbi Yehuda.

¹¹⁹ The Gemara answers that Rav Yehuda could have said to you: That inference is incorrect, as the same is true even though he did not establish the offspring in place of their mothers. In that case as well, the offspring of their offspring are exempt. And this is what the mishna is teaching us by stating the halakha in that manner: Even if he established the offspring in place of the mother, only the first two generations of offspring are exempt, but not all successive generations.

¹²⁰ And it is necessary to teach this halakha that although he established the offspring in place of their mothers all successive generations are not exempt, as one might think that it is the normal manner of the gentile to seize not only the direct offspring, but her young of any generation as payment, which would mean that all successive generations are exempt. And therefore the mishna teaches that he is like one who did not establish the offspring in place of the mother, which means that the offspring of the direct offspring are exempt, but the offspring of the offspring of the direct offspring are obligated.

¹²¹ The Gemara raises an objection to the opinion of Rav Huna. We learned in the mishna that Rabban Shimon ben Gamliel says: Even until ten generations the offspring are exempt, as they serve as a guarantee for the gentile, because if he does not receive the fixed payment for the animal he will collect his debt from any offspring born to it or its offspring. Rabban Shimon ben Gamliel's use of the term: Even, indicates that he disagrees with the first tanna only with regard to how many generations of offspring are exempt, but both agree that at least some generations are exempt. Granted, according to Rav Yehuda, who says that, in exempting from firstborn status, the first tanna descended to two generational levels,

¹²² this is what Rabban Shimon ben Gamliel said to him: Even until ten generations, the offspring are exempt. But according to Rav Huna, who says that the first tanna did not descend to any generational levels, what is the meaning of the phrase: Even until ten generations? The Gemara responds: Rav Huna could have said to you that the statement of Rabban Shimon ben Gamliel is referring to the second case of the mishna, where the Jew established the offspring in place of the mothers, as in that case the first tanna also descends to generational levels.

¹²³ The Gemara comments: Come and hear an objection to the opinion of Rav Yehuda from the mishna: With regard to one who accepts animals as part of a guaranteed investment from a gentile, the direct offspring are exempt, and the offspring of the direct offspring are not exempt. This is apparently a conclusive refutation of the opinion of Rav Yehuda, who said that the offspring of the direct offspring are also exempt. The Gemara explains that Rav Yehuda could have said to you: I will say that the mishna means that they, the direct offspring, and their offspring are exempt. When the mishna said: The offspring are exempt, it was referring not to the offspring of the original animals given to the Jew, but to the offspring of those offspring.

¹²⁴ The Gemara notes that there are those who say that there is a different version of this exchange: The mishna is actually written as: They, the direct offspring, and their offspring are exempt, which is

apparently a conclusive refutation of the opinion of Rav Huna. The Gemara explains that Rav Huna could have said to you: One can say that the mishna means that they, i.e., the original animals given to the Jew, and their offspring are exempt. But the offspring of their direct offspring are obligated.

¹²⁵ § The mishna teaches: A ewe that gave birth to a goat of sorts and a goat that gave birth to a ewe of sorts are not subject to the obligation of a firstborn. Rav Oshaya came from Neharde'a and brought a baraita in his hand: With regard to an animal that has the appearance of a ewe and that was born to a goat, or a goat that was born to a ewe, Rabbi Meir deems it obligated, and the Rabbis deem it exempt.

¹²⁶ Rav Hoshaya said to Rabba: When you go before Rav Huna, ask him: With regard to what does Rabbi Meir deem it obligated? If we say that it is with regard to the mitzva of a firstborn, that is difficult: But doesn't Rabbi Meir agree that the verse: "But the firstborn of an ox" (Numbers 18:17), teaches that an animal is included in the mitzva of a firstborn only if it is an ox and its firstborn is an ox? In other words, the mitzva of the firstborn applies only if the offspring has the appearance of its mother.

¹²⁷ Rather, Rabbi Meir's ruling was with regard to the obligation of giving the first shearing of wool to the priest. The Gemara asks: But if so, doesn't Rabbi Meir agree with that which the school of Rabbi Yishmael taught: Lambs whose fleece is tough are exempt from, i.e., not subject to giving, the first shearing of wool to the priest, as it is stated: "And if he were not warmed with the fleece of my sheep" (Job 31:20)? It is derived from this verse that only a fleece which is fit to warm a person, i.e., fleece that is soft, is classified as wool that must be given to the priest. Since the fleece of the goat-like offspring of a ewe is tough, it should be excluded from the mitzva of the first shearing.

¹²⁸ Rabba said to Rav Hoshaya: Let us see; what are we dealing with here? We are dealing with a ewe that gave birth to a goat of sorts and its father was a goat. And they disagree as to whether or not one needs to be concerned with the offspring's paternity in terms of the matter of the prohibition against slaughtering itself and its offspring on the same day. As Rabbi Meir holds that one needs to be concerned with its paternity, and therefore one is liable for slaughtering the male goat and its goat-like offspring in a single day, and the Rabbis hold that one need not be concerned with its paternity.

¹²⁹ The Gemara objects: But if that is so, then let us say that they disagree on whether or not one needs to be concerned with the offspring's paternity in general, i.e., with regard to the prohibition against slaughtering an animal and its offspring on the same day, which is the subject of the dispute of Ḥanania and the Rabbis (see Hullin 78b). Instead of citing a dispute in the unusual case of a ewe that gave birth to a goat of sorts, the baraita should have simply stated that Rabbi Meir agrees with the opinion of Ḥanania that the prohibition against slaughtering an animal and its offspring applies even to a father and its offspring.

¹³⁰ Rather, Rabbi Meir's ruling is actually with regard to the obligation of a firstborn, and here we are dealing with a ewe born to a ewe born to a goat, which means that the offspring is similar in appearance to its mother, but not to its grandmother. One Sage, Rabbi Meir, holds: Follow the appearance of an offspring's mother to determine whether or not the mitzva of a firstborn applies, and as this offspring has the appearance of its mother, it does not have the status of an animal that resembles a different species. Accordingly, the mitzva of firstborn applies.

¹³¹ And one Sage, the Rabbis, holds: Follow the appearance of the mother of its mother to determine whether or not the mitzva of firstborn applies, and as this offspring does not have the appearance of

its mother's mother, it does have the status of an animal that resembles a different species. Consequently, the mitzva of firstborn does not apply.

¹³² And if you wish, say instead that we are dealing with a ewe born to a goat born to a ewe. One Sage, Rabbi Meir, holds: Its ovine nature was restored to its original state. That is, since the offspring resembles its older progenitor, the mitzva of firstborn applies. And one Sage, the Rabbis, holds: Its ovine nature was not restored to its original state, and in any case where the offspring is not like its mother, it is exempt from the mitzva of firstborn.

¹³³ The Gemara cites another interpretation of the baraita. Rav Ashi says: The baraita is referring to a case where the offspring has some of the characteristics of its mother, and the opinion of Rabbi Meir is that of the mishna here, which rules that the mitzva of firstborn applies to an offspring that has some of its mother's characteristics. And who are the Rabbis who disagree with Rabbi Meir? It is Rabbi Shimon, who says: The offspring does not have firstborn status unless its head and the majority of its body are similar to the appearance of its mother.

¹³⁴ According to the second explanation of the baraita, Rabbi Meir maintains that a ewe born to a goat born to a ewe is counted a firstborn despite the fact that it does not resemble its mother. Rabbi Yohanan says: Nevertheless, Rabbi Meir concedes with regard to the goat of the New Moon offering that we require the son of a female goat. What is the reason? With regard to the New Moon offering the verse states: "And one male goat for a sin offering unto the Lord" (Numbers 28:15). The superfluous word "one" teaches that the offering must be particularly a goat, as it has been since the six days of Creation.

¹³⁵ The Gemara asks: But is this derived from here? Isn't it derived from there: "When a bull, or a sheep, or a goat, is brought forth" (Leviticus 22:27), as the phrase "a bull, or a sheep" serves to exclude diverse kinds, i.e., an animal born from two different species of animals, while the phrase "or a goat" serves to exclude an animal that resembles a different species?

¹³⁶ The Gemara answers that both verses are necessary, as, had the halakha been derived only from there, the verse in Leviticus, I would say: That statement applies only where the resemblance to another species does not trace back to earlier generations, i.e., the animal does not resemble any of its progenitors, but in a case where it does trace back, I would say: No, the animal is fit for sacrifice. Therefore, it is derived from the verse in Numbers that the animal must be as it has been since the six days of Creation. And had it been derived only from here, the verse in Numbers, I would say: That statement applies only with regard to an obligatory offering, which is the subject of that verse, but in the case of a gift offering, the animal does not need to resemble its mother. Therefore, both verses are necessary.

¹³⁷ The Gemara cites a series of statements discussing an animal that resembles another species. Rabbi Aḥa bar Yaakov says: Everyone concedes that one is not flogged due to the prohibition of diverse kinds for wearing its wool together with linen, as it is stated: "You shall not wear diverse kinds, wool and linen together" (Deuteronomy 22:11). Just as linen is a material that has not changed, so too, one is liable only for wearing wool from an animal that has not changed, i.e., an animal whose appearance does not differ from that of its progenitors.

¹³⁸ Rav Pappa similarly says: Everyone concedes that the wool of an animal that resembles another species is unfit to be used as the sky-blue wool of ritual fringes, as it is stated: "You shall not wear diverse kinds...you shall make yourself twisted cords" (Deuteronomy 22:11–12). Just as linen is a

material that has not changed, so too, only wool from an animal that has not changed may be used as the sky-blue wool.

¹³⁹ Rav Nahman bar Yitzhak likewise says: Everyone concedes that its wool does not become ritually impure with leprous marks, as it is stated: “And when the mark of leprosy is in a garment, whether it be a woollen garment, or a linen garment” (Leviticus 13:47). Just as the linen of a garment has not changed, so too, only a garment made of wool from an animal that has not changed can become impure with leprous marks.

¹⁴⁰ Rav Ashi says: Along these lines, we can say also that if one trellised a grapevine over a fig tree, its wine is unfit to be used for libations. What is the reason? The verse states: “An offering, and libations” (Leviticus 23:37). Just as an offering must be an animal that has not changed, so too, libations must come from wine produced by vines that were not changed.

¹⁴¹ Ravina objects to this suggestion: By that reasoning, if one trellised flax over a shrub, it should also be considered a changed product. But if so, you cannot say what Rabbi Aha bar Yaakov said in his earlier statement: Just as linen is a material that has not changed, as linen also changes according to Rav Ashi’s reasoning. Rav Ashi said to Ravina: With regard to this wine, its scent has changed, but with regard to that flax, its scent has not changed, and therefore its alteration is considered inconsequential.

¹⁴² MISHNA: In the case of a ewe that had not previously given birth, and it gave birth to two males and both their heads emerged as one, Rabbi Yosei HaGelili says: Both of them are given to the priest, as it is stated in the plural: “Every firstborn that you have of animals, the males shall be to the Lord” (Exodus 13:12). And the Rabbis say: It is impossible for two events to coincide precisely, i.e., their births were not at precisely the same time. Rather, one preceded the other, and therefore one of the males is given to the owner and one to the priest.

¹⁴³ Rabbi Tarfon says: The priest chooses the better of the two. Rabbi Akiva says: They assess the value of the lambs between them and the priest takes the leaner of the two, as will be explained in the Gemara. And with regard to the second lamb that remains in the possession of the owner, since he may not partake of it due to its uncertain status as a firstborn, it must graze until it becomes blemished, at which point he may slaughter and eat it.

¹⁴⁴ And when he slaughters the animal he is obligated to have the gifts of the priesthood taken from it, i.e., the gifts that one is required to give a priest from a non-sacred animal: The foreleg, the jaw, and the maw. And Rabbi Yosei deems him exempt from giving those gifts. If one of the two born together died, Rabbi Tarfon says: The priest and the owner divide the remaining lamb. Rabbi Akiva says: Since there is uncertainty to whom it belongs, it remains in the possession of the owner, as the burden of proof rests upon the claimant. If a male and a female offspring were born together, everyone agrees that the priest has nothing here.

¹⁴⁵ GEMARA: The mishna teaches that the Rabbis disagree with Rabbi Yosei HaGelili, maintaining that it is impossible for the time of twins’ births to coincide precisely. They said in the school of Rabbi Yannai: According to Rabbi Yosei HaGelili, we heard in the mishna that he says: It is possible for two events that are in the hands of Heaven to coincide precisely, and all the more so it is clear that it is possible for two events that are in human hands to coincide precisely, as they are intended to be simultaneous. But according to the Rabbis, evidently they maintain that it is impossible for two

matters that are in the hands of Heaven to coincide precisely, but with regard to events that are in human hands, what is their opinion?

¹⁴⁶ The Gemara suggests: Come and hear a proof from a mishna (Middot 3:1): A red line encircled the altar in the middle, to separate between the blood that must be presented on the upper part of the altar and the blood that must be presented on the lower section of the altar. And if you say that it is impossible for two matters that are in human hands to coincide precisely, i.e., that people cannot measure the precise midpoint of an area, then that line will not be precisely in the middle, which means that there will be times when the priest puts blood meant for the upper part of the altar upon the lower section, and blood meant for the lower section above. The Gemara rejects this proof: In that case, one widens the line a little so that it certainly covers the middle part of the altar.

¹⁴⁷ The Gemara suggests: Come and hear a proof from the measurements of the vessels and from the measurements of the altar of the Temple. Since the Torah gives precise measurements for them, this indicates that it is possible to measure precisely. The Gemara rejects this proof as well: It is different there, as the Merciful One says: Do it, and to whatever extent you can fulfill His directives, this finds favor in His eyes, as the verse states: “All this in writing, as the Lord has made me wise by His hand upon me, even all the works of this pattern” (I Chronicles 28:19).

¹⁴⁸ Rav Ketina said: Come and hear a different proof from a baraita: An earthenware vessel that became ritually impure can be purified only by being broken. If it is broken in two, the larger piece remains impure while the smaller piece becomes pure. If one divided an impure earthenware oven into two pieces and they are equal in size, both are ritually impure, because it is impossible for the two to coincide precisely, i.e., one cannot measure exactly. Rav Kahana said, in rejection of this proof: An earthenware vessel is different, since it has indentations in it, i.e., the place of the break is uneven and is therefore particularly difficult to measure precisely.

¹⁴⁹ The Gemara suggests: Come and hear another proof from a mishna (Sota 45b): With regard to a case involving the heifer whose neck is broken, if the slain person was found precisely between two towns, the two towns bring two heifers between them; this is the statement of Rabbi Eliezer. What is the reason that each town must bring a heifer?

¹⁵⁰ Is it not because Rabbi Eliezer holds: With regard to matters that are in human hands, it is possible for two matters to coincide precisely? And Rabbi Eliezer also holds that when the verse states, in the singular: “And it shall be that the town which is nearest to the slain man, even the elders of that town shall take a heifer of the herd” (Deuteronomy 21:3), it is not necessarily referring to only one town, but even to the two nearest towns, if they are equidistant from the corpse. If it were impossible for both towns to be measured as precisely the same distance from the corpse, they would not bring two heifers but one in partnership, stipulating that it belongs to the town that is actually closer.

¹⁵¹ The Gemara rejects this: No, Rabbi Eliezer

¹⁵² holds in accordance with the opinion of Rabbi Yosei HaGelili, who says: It is possible for two matters that are in the hands of Heaven to coincide precisely, and all the more so matters that are in human hands. Consequently, one cannot cite Rabbi Eliezer’s opinion in order to determine the opinion of the Rabbis.

¹⁵³ The Gemara suggests: Let us say that this is subject to a dispute between tanna'im, as it is taught in a baraita: If the corpse of a slain person was found precisely between two towns, they would not break the heifer's neck at all. Rabbi Eliezer says: The two towns bring two heifers between them. What, is it not correct to say that they disagree with regard to this matter, in that the first tanna holds that it is impossible for two matters to coincide precisely and Rabbi Eliezer holds that it is possible for two matters to coincide precisely?

¹⁵⁴ The Gemara rejects this suggestion: And how can you understand that to be the dispute? If the first tanna holds that it is impossible for two matters to coincide precisely, why does he claim that they would not break the heifer's neck? Let them bring one heifer in partnership and stipulate that it is brought for the town that is actually nearest.

¹⁵⁵ Rather, with regard to these tanna'im, everyone agrees that it is possible for two matters to coincide precisely. And here they disagree over whether the singular form *kerova* in the phrase "the town which is nearest [*kerova*]" indicates that only the nearest town brings a heifer, and not the many nearest [*kerovot*] towns; as the first tanna holds that it is derived from the term "*kerova*" that only the nearest town brings a heifer, and not multiple *kerovot*; and Rabbi Eliezer holds that although the verse states "*kerova*," nevertheless this includes even multiple towns that are *kerovot*.

¹⁵⁶ The Gemara asks: What conclusion was reached about the Rabbis' opinion with regard to whether matters in human hands can coincide precisely? Rav Ḥiyya bar Avin says that Rav Amram says: The Sages taught in a baraita: If the slain person was found precisely between two towns, Rabbi Eliezer says: The two towns bring two heifers between them; and the Rabbis say: They bring one heifer in partnership and stipulate that it is brought for the town that is nearest.

¹⁵⁷ What do the Rabbis hold in this regard? If the Rabbis hold that it is possible for two matters that are in human hands to coincide precisely, and the singular "*kerova*" includes even multiple towns, *kerovot*, then they should bring two heifers. And if they hold that "*kerova*" indicates: But not *kerovot*, then they should not bring even one heifer. Rather, must one not conclude from it that the Rabbis hold: It is impossible for two matters to coincide precisely, and this is true even with regard to matters that are in human hands? Indeed, conclude from it that this is so.

¹⁵⁸ § The mishna teaches that in the case of a ewe that gave birth for the first time to two male offspring whose heads emerged as one, Rabbi Tarfon says: The priest chooses the better of the two. The Gemara asks: What is the reasoning of Rabbi Tarfon? He holds that it is presumed that the healthier and better of the two emerged first, and therefore it belongs to the priest.

¹⁵⁹ The mishna further teaches that Rabbi Akiva says: They assess the value of the lambs between them. Rabbi Ḥiyya bar Abba says that Rabbi Yoḥanan says: According to Rabbi Akiva, the priest takes the leaner of the two. Rabbi Ḥiyya bar Abba said to Rabbi Yoḥanan: But didn't we learn that they assess the value of the offspring between them, which indicates that the priest and owner divide their value? Rabbi Yoḥanan said to him: While you were eating dates in Babylonia, we in Eretz Yisrael explained it based on the latter clause in the mishna.

¹⁶⁰ As the latter clause teaches: If one of the two born together died, Rabbi Tarfon says: The priest and the owner divide the remaining lamb, and Rabbi Akiva says: Since there is uncertainty to whom it belongs, it remains in the possession of the owner, as the burden of proof rests upon the claimant. And if it enters your mind that when Rabbi Akiva said that they assess the value between them he meant that they divide the value between them, then in the latter clause too, let them divide the value

of the remaining offspring between them instead of leaving it with the owner. Rather, what does: They assess [meshammenin] the value between them, mean? It means that the additional fat [shumman] of the better twin will be the subject of dispute between them, as the owner says to the priest: Bring a proof that the better one is the firstborn, and take it.

¹⁶¹ § The mishna teaches: And the second lamb that remains in the possession of the owner must graze until it becomes blemished, at which point he may slaughter and eat it, and he is obligated to have the gifts of the priesthood, i.e., the foreleg, the jaw, and the maw, taken from it; and Rabbi Yosei deems him exempt from giving those gifts. The Gemara asks: What is the reasoning of Rabbi Meir, whose opinion is the ruling cited first in the mishna? Rabbi Yoḥanan says: The owner is obligated since the priest comes upon him from two sides, i.e., by force of two complementary claims, as the priest says to him: If the second lamb is in fact the firstborn, it is mine in its entirety, and if it is not the firstborn, at least give me the priestly gifts from it.

¹⁶² And what is the reasoning of Rabbi Yosei, who deems the owner exempt from giving the priestly gifts from the second animal? Rava says: In this particular case, the Sages rendered one who did not acquire the animal like one who acquired the animal. And therefore, even though the second lamb of the Israelite did not actually enter the priest's possession, it is considered as though it entered the priest's possession and he then sold it to the Israelite in its blemished state, in exchange for the lamb he received. The owner can then claim that perhaps it is the firstborn, and he already fulfilled his obligation of giving it to the priest.

¹⁶³ § Rabbi Elazar says: Everyone concedes in the case of an animal with uncertain firstborn status, the replacement for which is not in the possession of the priest, that it is obligated to have gifts of the priesthood taken from it. In other words, in a case where the priest receives neither offspring, e.g., when a male and female are born together, all agree that the owner must give the gifts to the priest.

¹⁶⁴ The Gemara asks: When Rabbi Elazar said that everyone concedes, to whom was he referring? Was he referring to Rabbi Yosei? That seems obvious. After all, Rabbi Yosei deemed the owner exempt from giving the gifts only there, where the replacement is in the possession of the priest, as the Sages rendered one who did not acquire the animal like one who acquired the animal. But if the replacement is not in the possession of the priest, evidently Rabbi Yosei does not rule that one is exempt, as his reasoning does not apply. Why, then, is the statement of Rabbi Elazar necessary?

¹⁶⁵ The Gemara answers that Rabbi Elazar's statement is in fact necessary, lest you say that the reason Rabbi Yosei deems him exempt from giving the gifts is that he holds that if you deem him obligated in the gifts, he will assume that the animal is completely non-sacred and come to use it for shearing and labor. Consequently, even though there is no replacement in the hands of the priest, the Sages ruled that one is exempt from giving the gifts, in order to ensure that he does not violate the prohibition against shearing the animal or using it for labor. Rabbi Elazar therefore teaches us that this is not the halakha, as Rabbi Yosei agrees that one is obligated to give the priestly gifts in such circumstances.

¹⁶⁶ The Gemara objects: And how can you say this? But doesn't the latter clause of the mishna (18b) teach: As Rabbi Yosei says:

¹⁶⁷ With regard to any animal whose replacements are in the possession of the priest, its owner is exempt from the mitzva of giving the priestly gifts, and Rabbi Meir deems him obligated to give the gifts. Evidently, in a case where the replacement is in the possession of the priest, yes, Rabbi Yosei

rules that the owner is exempt from giving the gifts, but if the replacement is not in the possession of the priest, he is not exempt.

¹⁶⁸ The Gemara explains that even so, Rabbi Elazar's statement is necessary, lest you say that Rabbi Yosei was not expressing his own opinion but stated his opinion in accordance with the statement of Rabbi Meir, i.e., he said to him: In my opinion, the Israelite is exempt from giving the priestly gifts even if the replacement is not in the possession of the priest, as, if you deem him obligated in the gifts, he might think that the animal is completely non-sacred and come to use it for shearing and labor. But even according to your reasoning, at least concede to me in a case where the replacement is in the possession of the priest, that the Sages rendered one who did not acquire the animal like one who acquired the animal. And Rabbi Meir said to Rabbi Yosei: No, I do not concede in that case. Accordingly, Rabbi Elazar is teaching that Rabbi Yosei does, in fact, maintain that the reason for the Israelite's exemption is that the replacement is in the possession of the priest.

¹⁶⁹ And Rav Pappa says with regard to the dispute between Rabbi Meir and Rabbi Yosei: Everyone concedes in the case of an animal whose status as tithe is uncertain that its owner is exempt from the mitzva of the priestly gifts. The Gemara asks: When Rav Pappa says that everyone concedes, to whom is he referring? Is he referring to Rabbi Meir? That would seem obvious. After all, Rabbi Meir deemed one obligated to give the gifts only there, in the case of an animal whose status as firstborn is uncertain, since the priest comes upon the Israelite from two sides. But with regard to an animal whose status as tithe is uncertain Rabbi Meir does not rule that one is obligated, as that reasoning does not apply. Why, then, is Rav Pappa's statement necessary?

¹⁷⁰ The Gemara explains that the statement of Rav Pappa is necessary lest you say that the reason that Rabbi Meir deems him obligated in the gifts is so that the halakhic category of the gifts should not be forgotten; if so, the same would apply even in the case of an animal whose status as tithe is uncertain. Rav Pappa therefore teaches us otherwise.

¹⁷¹ The Gemara asks: And how can you say this? But doesn't the latter clause teach: As Rabbi Yosei says: With regard to any animal whose replacements are in the possession of a priest, its owner is exempt from the mitzva of giving the priestly gifts, and Rabbi Meir deems him obligated to give the gifts. Evidently, the basis for the dispute between Rabbi Meir and Rabbi Yosei is not whether an obligation is imposed so that the halakhic category of the priestly gifts should not be forgotten, but whether the Sages rendered one who did not acquire the animal like one who acquired the animal, which means that an animal whose replacement is in the priest's possession is not subject to the mitzva of the gifts.

¹⁷² The Gemara explains that Rav Pappa's statement is necessary lest you say: Rabbi Meir deems one obligated to give the gifts even in the case of an animal whose status as tithe is uncertain, in order that the halakhic category of the gifts should not be forgotten. And as for the fact that the mishna presents their disagreement with regard to replacement animals, this serves to convey to you the far-reaching nature of the opinion of Rabbi Yosei, who deems one exempt from the mitzva of the gifts even in a case where the priest comes upon the Israelite from two sides. Rav Pappa therefore teaches us that in fact Rabbi Meir exempts one from the mitzva of the priestly gifts in the case of an animal whose tithed status is uncertain.

¹⁷³ § The mishna teaches: If one of the two born together died, Rabbi Tarfon says: The priest and the owner divide the remaining lamb. The Gemara asks: Why should they divide it? Let us see:

According to Rabbi Tarfon, who holds that it is presumed that the healthier and better of the two emerged first, as explained earlier, if the fatter and better of the two died it should be assumed that it was the one that belonged to the priest, and this one that is left belongs to the owner. And if the leaner of the two died, it should be assumed that the animal of the owner died, and this one that is left belongs to the priest. Rabbi Ami said: In fact, Rabbi Tarfon retracted his previous ruling that the priest takes the better of the two, and instead ruled that the priest and owner divide the value of the offspring in all cases. The mishna was not emended to reflect the updated ruling.

¹⁷⁴ § The mishna teaches: In a case where two animals were born together and one of them died, Rabbi Akiva says: The living offspring remains in the possession of the owner, as the burden of proof rests upon the claimant. Rabbi Hiyya stated a parable that clarifies the opinion of Rabbi Tarfon, who says that the priest and the owner divide the remaining lamb: To what is this matter comparable? It is comparable to two people who each deposited a sheep with a shepherd and one of the two sheep died, and it is unclear to whom it belonged. In that case, the shepherd places the remaining sheep between them and withdraws, leaving them to divide the value of the sheep between them. Likewise, the mishna is discussing a case where the live offspring is not in the possession of either the owner or the priest, and therefore it is divided between them.

¹⁷⁵ And Rabbi Hiyya also stated a parable that clarifies the opinion of Rabbi Akiva: To what is this matter comparable? It is comparable to one who deposited a sheep with a homeowner, who had sheep of his own, and it is unknown whose sheep died. In that case, the burden of proof rests upon the claimant. Since the remaining sheep is currently in the possession of the homeowner, the one who deposited the animal must prove that the living sheep belongs to him. Likewise, the mishna is discussing a case where the live offspring is in the possession of the owner, and therefore the burden of proof rests upon the priest.

¹⁷⁶ The Gemara asks: But if Rabbi Tarfon and Rabbi Akiva are addressing different circumstances, then with regard to what matter do they disagree? Does Rabbi Akiva disagree with the conclusion in the parable mentioned with regard to Rabbi Tarfon's opinion, of two people who each deposited a sheep with a shepherd, that the shepherd places the remaining sheep between them and withdraws? And similarly, does Rabbi Tarfon disagree with the conclusion in the case of one who deposited a sheep with a homeowner that the homeowner keeps the remaining sheep? Certainly not. Rather, Rava says, and some say it was Rav Pappa who says: Everyone concedes in the case of two who deposited sheep with a shepherd that the shepherd places it between them and withdraws, and everyone concedes in the case of one who deposited a sheep with a homeowner that the burden of proof rests upon the claimant.

¹⁷⁷ Rabbi Akiva and Rabbi Tarfon disagree only where the offspring were born in the courtyard of the homeowner, and the shepherd is a priest to whom the homeowner usually gives his firstborn animals. Rabbi Tarfon holds: The homeowner transfers to the priest a portion of his courtyard so that the priest should acquire the firstborn offspring located there, because it is suitable for him that the mitzva of giving the firstborn to a priest should be performed. Therefore, the priest is considered to hold partial jurisdiction of the courtyard. And consequently, this is comparable to two people who each deposited a sheep with a shepherd and one of the two sheep died, where the shepherd places the remaining sheep between them and withdraws, leaving them to divide the value of the sheep between themselves.

¹⁷⁸ And Rabbi Akiva holds: Since there is a loss to the owner in this case of uncertainty, he does not transfer anything to the priest. And as the courtyard belongs exclusively to the Israelite, this case is comparable to one who deposited a sheep with a homeowner who had sheep of his own, and it is unknown whose sheep died. The halakha in that case is that the burden of proof rests upon the claimant.

¹⁷⁹ MISHNA: If one's two ewes had not previously given birth and they gave birth to two males, both of them are given to the priest, as each is its mother's firstborn. If one gave birth to a male and the other to a female, the male is given to the priest, as it is its mother's firstborn. If they gave birth to two males and a female, one of the males is kept by him and one is given to the priest. Rabbi Tarfon says: The priest chooses the better of the two. Rabbi Akiva says: They assess the value of the lambs between them, and the priest takes the leaner of the two. And the second lamb must graze until it becomes blemished, at which point the owner may slaughter and eat it.

¹⁸⁰ And when the owner slaughters the animal, he is obligated to have gifts of the priesthood, i.e., the foreleg, the jaw, and the maw, taken from it. Rabbi Yosei deems him exempt from giving the gifts. If one of the two born together died, Rabbi Tarfon says: The priest and the owner divide the value of the remaining lamb. Rabbi Akiva says: Since there is uncertainty to whom it belongs, it remains in the possession of the owner, as the burden of proof rests upon the claimant. If they gave birth to two females and a male or to two males and two females, the priest has nothing here, as perhaps both ewes gave birth to females first.

¹⁸¹ If one of his ewes had previously given birth and one had not previously given birth, and they gave birth to two males, one of the males is kept by him and one is given to the priest. Rabbi Tarfon says: The priest chooses the better of the two. Rabbi Akiva says: They assess the value of the lambs between them and the priest takes the leaner of the two. And the second lamb must graze until it becomes blemished, at which point he may slaughter and eat it.

¹⁸² And when he slaughters the animal he is obligated to have gifts of the priesthood taken from it. Rabbi Yosei deems him exempt from giving those gifts, as Rabbi Yosei says: With regard to any animal whose replacements are in the possession of a priest, its owner is exempt from the mitzva of giving the priestly gifts. And Rabbi Meir deems him obligated to give the gifts. If one of the animals died, Rabbi Tarfon says: The priest and the owner divide the value of the remaining lamb. Rabbi Akiva says: Since there is uncertainty to whom it belongs, it remains in the possession of the owner, as the burden of proof rests upon the claimant. If a male and a female offspring were born together, everyone agrees that the priest has nothing here, as perhaps the one that had already given birth bore the male, and the one that had not given birth bore the female, in which case neither of the animals would have firstborn status.

¹⁸³ GEMARA: This mishna and the previous mishna (17a–b) listed three cases in which Rabbi Akiva rules that the priest receives the leaner of two potentially firstborn offspring, whereas Rabbi Tarfon maintains that he receives the better of the two. The Gemara notes: It was necessary to teach each of these three cases, as, had the mishna taught only the first case, that of a single ewe that gave birth to two male offspring, one might have thought that Rabbi Akiva stated his opinion only in that case, as the two offspring came from one womb, and there is no reason to assume that the better offspring was born first.

¹⁸⁴ But in the second case, that of his two ewes which had not previously given birth and which collectively gave birth to two males and a female, where two offspring came from one mother and one offspring came from one other mother, one might say that Rabbi Akiva concedes to the opinion of Rabbi Tarfon, as it can be claimed that the superior animal is this one that came from the mother that gave birth to a single offspring.

¹⁸⁵ And had the mishna taught only that second case, one might have thought that Rabbi Akiva stated his opinion only in that case, as both mothers had not previously given birth. But in a case where one had previously given birth and the other one had not previously given birth, and collectively they gave birth to two male offspring, one might say that Rabbi Akiva concedes to the opinion of Rabbi Tarfon

¹⁸⁶ that this offspring born to the ewe that had not previously given birth is superior. The Gemara concludes: Consequently, it was necessary to teach each case.

¹⁸⁷ MISHNA: With regard to an animal born by caesarean section and the offspring that follows it, since there is uncertainty whether each is a firstborn, neither is given to the priest. Rabbi Tarfon says: Both of them must graze until they become unfit, and they may be eaten in their blemished state by their owner. Rabbi Akiva says: Neither of them is firstborn; the first because it is not the one that opens the womb (see Exodus 13:12), as this animal did not itself open the womb, and the second because the other one preceded it.

¹⁸⁸ GEMARA: The Gemara asks: With regard to what do Rabbi Akiva and Rabbi Tarfon disagree? Rabbi Tarfon is uncertain with regard to an animal that is a firstborn in one aspect, e.g., first to be born or first to open the womb, whether it is considered a firstborn or whether it is not considered a firstborn. And conversely, it is obvious to Rabbi Akiva that an animal which is a firstborn in only one aspect is not considered a firstborn.

¹⁸⁹ With regard to the definition of a firstborn, the Sages taught in a baraita: This halakha can be derived by means of the form of exegesis known as: From a generalization that requires a detail, and from a detail that requires a generalization. How so? The verse states: “Sanctify to Me all the firstborn, that which opens any womb among the children of Israel, both of man and of animal, it is Mine” (Exodus 13:2). Had the verse written only the generalization: “Sanctify to Me all the firstborn,” one might have thought that even a female animal is included in the category of a firstborn. Therefore, the verse states the detail: “Every firstborn male...you shall sanctify to the Lord” (Deuteronomy 15:19).

¹⁹⁰ And had the verse stated only: “Every firstborn male,” one might have thought that the first male offspring of an animal has firstborn status, even in a case where a female emerged from the womb before it. Therefore, the verse states: “That which opens any womb,” to teach that only an animal that itself opens its mother’s womb can be a firstborn. And had the verse stated only: “That which opens any womb,” one might have thought that even an animal that emerged from the womb after its older sibling was born by caesarean section is considered firstborn. Therefore, the verse states: “All the firstborn,” to teach that only the first offspring can be considered a firstborn.

¹⁹¹ The Gemara analyzes the baraita. Rav Sherevyia said to Abaye: In the first clause, the baraita does not cite proof from the word “firstborn” that a male born after a female is not considered a firstborn. Apparently, an animal that is a firstborn in one aspect is called a firstborn, otherwise the baraita would not have had to derive the exclusion of a male born after a female from the phrase “that which

opens any womb”; it could have cited the word “firstborn.” And in the last clause, the baraita does cite proof from the word “firstborn” that an animal whose older sibling was born by caesarean section is not considered a firstborn, despite the fact that it is a firstborn in one aspect. Apparently, a firstborn in one aspect is not called a firstborn. If so, the baraita is self-contradictory.

¹⁹² Abaye said to Rav Sherevyā: Actually, a firstborn in one aspect is not called a firstborn, and this is what the first clause is saying: Had the verse stated only: “Every firstborn male,” one might have thought that even an animal born by caesarean section is itself considered a firstborn. Therefore, the verse states: “That which opens any womb,” to teach that an animal must itself open the womb to be considered a firstborn. The word “firstborn” cannot be cited as proof that an animal born by caesarean section is not a firstborn, as such an animal was in fact born first. Therefore, the tanna cites the phrase “that which opens any womb.” Once this phrase is cited, then a male born after a female is excluded as well, despite the fact that this halakha could have been derived from the word “firstborn.”

¹⁹³ Ravina said that there is a different explanation: Actually, a firstborn in one aspect is called a firstborn, and the halakha is not derived from the meaning of the word “firstborn” itself, but from the fact that it is superfluous. And this is what the last clause is saying: If it enters your mind that an animal which emerged from the womb after its older sibling was born by caesarean section is sanctified, why do I need the word “firstborn” that the Merciful One wrote?

¹⁹⁴ If it serves to exclude a case where a female emerged from the womb before it, that is derived from the phrase “that which opens any womb.” Rather, conclude from it that “firstborn” serves to exclude a case where an animal emerged from the womb after its older sibling was born by caesarean section. According to Ravina, the word “firstborn” is referring to an animal that is a firstborn even in only one aspect, but as it is extraneous it serves to exclude an animal whose older sibling was born by caesarean section.

¹⁹⁵ Rav Aḥa of Difti said to Ravina: If it enters your mind that a firstborn in one aspect is called a firstborn and the derivation is based on the fact that the term “firstborn” is superfluous, that works out well in a case where a male emerged by caesarean section and then another male emerged through the womb. It stands to reason that it is not sanctified, as this birth is excluded by the word “firstborn,” as it is the firstborn of the womb, but it is not the firstborn of the males.

¹⁹⁶ But in a case where a female emerged by caesarean section and afterward a male was born through the womb, let it be sanctified, as it is the firstborn of the males and the firstborn of the womb. One cannot derive the exclusions of both of these cases from the word “firstborn,” and yet the baraita indicates that even if a female was born first by caesarean section, the male born afterward is not considered the firstborn. The Gemara concludes: Rather, it is clear that the baraita must be interpreted in accordance with the explanation of Abaye, that a firstborn in one aspect is not called a firstborn.

Chapter 3

¹ MISHNA: In the case of one who purchases a female animal from a gentile and does not know whether it had previously given birth or whether it had not previously given birth, and after the

purchase the animal gave birth to a male, Rabbi Yishmael says: If the mother was a goat within its first year the male offspring certainly is given to the priest, as it definitely never gave birth previously. From that point forward, i.e., if the mother is older than that, its offspring's status as a firstborn is uncertain. If it was a ewe within its second year the male offspring certainly is given to the priest; from that point forward an offspring's status is uncertain. If it was a cow or a donkey within its third year the male offspring certainly is given to the priest; from that point forward the offspring's status is uncertain.

² Rabbi Akiva said to him: Were an animal exempted only by giving birth to an offspring and in no other manner the halakha would be in accordance with your statement. But the Sages said: An indication of the offspring in a small animal is a murky discharge from the womb, which indicates the animal had been pregnant, and therefore exempts subsequent births from the mitzva of the firstborn. The indication in a large animal is the emergence of an afterbirth, and the indication in a woman is a fetal sac or an afterbirth. Since these can be produced even within a year, it cannot be assumed that an animal in its first year is definitely subject to the mitzva of the firstborn.

³ Rabbi Akiva continues: Rather, this is the principle: In any case where it is known that the animal had previously given birth, the priest has nothing here. And in any case where it is known that the animal had not previously given birth, that is given to the priest. And if it is uncertain, it may be eaten in its blemished state by the owner.

⁴ GEMARA: The mishna teaches that according to Rabbi Yishmael, the firstborn status of the offspring of a goat acquired from a gentile when it was more than one year old is uncertain. The Gemara asks: From that point forward, i.e., if it was bought after its first year, why is it in a state of uncertainty? One should follow the majority of animals, and as the majority of animals are impregnated and give birth within their first year, it can be assumed this animal certainly gave birth. The Gemara suggests: Shall we say Rabbi Yishmael holds in accordance with the opinion of Rabbi Meir, who says one must be concerned for the minority, i.e., he must take the minority of cases into account?

⁵ The Gemara responds: You may even say Rabbi Yishmael holds in accordance with the opinion of the Rabbis. When the Rabbis follow the majority, this is in a case of an evident majority, which is extant and can be examined. For example, in a situation where a piece of meat is found in front of nine stores selling kosher meat and one store selling non-kosher meat, and it is not known from which store it came, it may be assumed that it came from one of the stores that sells kosher meat. And similarly, the Sanhedrin reaches its decisions by a majority vote of its judges. But with regard to a non-evident majority, which is based solely upon statistical information such as the assertion that most animals become pregnant and give birth within their first year, even the Rabbis do not follow the majority.

⁶ The Gemara raises a difficulty: But the case of levirate marriage of a male minor or a female minor is dependent upon a non-evident majority, and yet the Rabbis follow the majority in their ruling. As we learned in a baraita: A male minor or a female minor may not perform the ritual through which a yavam frees a yevama of her levirate bonds [ḥalitza], nor enter into levirate marriage; this is the statement of Rabbi Meir. The Rabbis said to Rabbi Meir: You have aptly stated that they may not perform ḥalitza, since "man," indicating an adult male, is written in the section of the Torah addressing ḥalitza (see Deuteronomy 25:7). Although an adult female is not mentioned explicitly, we

juxtapose the halakha of the woman to that of the man and require that the female involved in ḥalitza must be an adult as well.

⁷ But what is the reason they may not enter into levirate marriage, with regard to which the Torah's wording does not specifically indicate adults? Rabbi Meir said to them: In the case of a male minor I am concerned lest he is found to be a eunuch, i.e., one who is incapable of fathering children, when he grows up. Similarly, a female minor may not enter into levirate marriage lest when she grows up she is found to be a sexually underdeveloped woman [ailonit], who is incapable of bearing children. In either case the mitzva of levirate marriage does not apply, and they would be found to have encountered a forbidden relative and entered into a forbidden relationship where no mitzva applies, as the entire purpose of levirate marriage is to have children for the brother who died childless.

⁸ And the Rabbis hold: Follow the majority of male minors, and most male minors are not eunuchs; and likewise, follow the majority of female minors, and most female minors are not sexually underdeveloped women. This indicates that the Rabbis disagree with Rabbi Meir even with regard to a non-evident majority.

⁹ Rather, Rava says:

¹⁰ It is clear, as was suggested initially, that Rabbi Yishmael holds in accordance with the opinion of Rabbi Meir, who says that one must be concerned for the minority.

¹¹ Ravina says: You may even say that Rabbi Yishmael holds in accordance with the opinion of the Rabbis. When the Rabbis follow the majority, it is with regard to a majority that is not dependent upon an action but is simply the nature of reality. But in the case of a majority that is dependent upon an action, such as the pregnancy of a young goat, which depends upon whether or not it had copulated with a male, the Rabbis do not follow the majority.

¹² § The Sages taught in a baraita: If one purchased a goat within its first year from a gentile and does not know whether or not it had previously given birth, the subsequent male offspring certainly is given to the priest; from that point forward an offspring's status as a firstborn is uncertain. If it was a ewe within its second year the offspring certainly is given to the priest; from that point forward an offspring's status as a firstborn is uncertain. If it was a cow within its third year the offspring certainly is given to the priest; from that point forward an offspring's status as a firstborn is uncertain. If it was a donkey it is subject to the same halakha as a cow. Rabbi Yosei, son of Rabbi Yehuda, says: The offspring of a donkey within its fourth year also has the status of a firstborn. Until here is the statement of Rabbi Yishmael.

¹³ The baraita continues: When these matters were stated by the students before Rabbi Yehoshua, he said to them: Go out and say to Rabbi Yishmael: You erred. Were an animal exempted only by giving birth to an offspring and in no other manner the halakha would be in accordance with your statement. But the Rabbis said: An indication of the offspring in a small animal is a murky discharge from the womb, which exempts subsequent births from the mitzva of the firstborn. And the indication in a large animal is the emergence of an afterbirth, and the indication in a woman is a fetal sac or an afterbirth.

¹⁴ Rabbi Yehoshua added: That is the opinion of the Rabbis, but I myself do not say so. Rather, I hold that a goat that expelled a murky discharge from the womb at the age of six months can give birth within its first year, and a ewe that expelled a murky discharge in its first year can give birth

within its second year. The Gemara will later discuss the practical difference between his opinion and the ruling that he ascribes to the Rabbis. Rabbi Akiva says: I have not arrived at this method of determining firstborn status. Rather, in any case where it is known that the animal had previously given birth, the priest has nothing here. And in any case where it is known that the animal had not previously given birth, that is given to the priest. And if it is uncertain, it may be eaten in its blemished state by the owner.

¹⁵ The Gemara analyzes the baraita. With regard to what matter do Rabbi Yishmael and Rabbi Yehoshua disagree? Shall we say they disagree with regard to whether or not a murky discharge from the womb exempts an animal from the mitzva of the firstborn; as Rabbi Yishmael holds that a murky discharge does not exempt an animal because it is not a sign of a birth, and Rabbi Yehoshua holds that a murky discharge exempts an animal?

¹⁶ The Gemara rejects this suggestion: If we actually see a murky discharge, everyone agrees that the murky discharge exempts an animal. And here, it is with regard to whether one is concerned about the possibility that an animal might have expelled a murky discharge that they disagree. Rabbi Yishmael holds that we are not concerned about a murky discharge, and it can therefore be assumed that the first offspring born after its purchase from the gentile is firstborn; and Rabbi Yehoshua holds that one is concerned about a murky discharge, and due to the uncertainty the next offspring remains with its owner.

¹⁷ The Gemara objects: And is it correct that Rabbi Yishmael is not concerned about the possibility that the mother might have expelled a murky discharge before giving birth to a live offspring? But doesn't Rava say: It is clear that Rabbi Yishmael holds in accordance with the opinion of Rabbi Meir, who says one must be concerned for the minority? If so, Rabbi Yishmael should be concerned for a murky discharge as well. The Gemara explains: Where Rabbi Yishmael is concerned is when the concern leads to a stringency. But if the concern would lead to a leniency, as in this case, where it would mean that the animal born after a year is only an uncertain firstborn, he is not concerned.

¹⁸ And if you wish, say instead: Whether it leads to a leniency or whether it leads to a stringency Rabbi Yishmael is concerned, and here they disagree with regard to whether or not an animal can expel a murky discharge and then return to its fertile state and give birth within its first year. As Rabbi Yishmael holds: An animal that expels a murky discharge does not return to its fertile state and give birth within its first year, and accordingly, from the fact that this animal gave birth it can be concluded that it certainly did not expel a murky discharge beforehand. And Rabbi Yehoshua holds: An animal that expels a murky discharge returns to its fertile state and can give birth within its first year.

¹⁹ § The baraita teaches that Rabbi Yehoshua said: That is the opinion of the Rabbis, but I myself do not say so. Rather, I hold that a goat that expelled a murky discharge from the womb at the age of six months still gives birth within its first year, while a ewe that expelled a murky discharge in its first year still gives birth within its second year. The Gemara asks: Since according to both opinions an animal that expelled a murky discharge can still give birth within a year, what difference is there between Rabbi Yehoshua's tradition of the opinion of the Rabbis and his own reasoning?

²⁰ The Gemara answers: The difference between their opinions is in a case where a goat expelled a murky discharge at the end of its first six months of life, when the seventh month began, and then gave birth before the end of its first year. And there is a difference between them with regard to the

statement of Ze'eiri, as Ze'eiri says: The expulsion of a murky discharge, which is sufficient to exempt an animal from having its future offspring counted a firstborn, prevents it from being impregnated for no less than thirty days. If an animal becomes pregnant within thirty days of expelling a murky discharge, evidently that discharge was not the sign of a fetus, and therefore the offspring will have firstborn status.

²¹ In this case, as the pregnancy of a goat lasts five months and a murky discharge was expelled at the end of the sixth month, a goat that gave birth by the end of the year, i.e., twelve months, must have become pregnant within a month of the discharge. The Rabbis, whose opinion Rabbi Yehoshua cited by tradition, accept the statement of Ze'eiri, and therefore they rule that this goat, which became pregnant within a month of the discharge, is not exempt from the mitzva of the firstborn. According to Rabbi Yehoshua's own reasoning, he does not accept the statement of Ze'eiri, which means that although this animal became pregnant within a month of the discharge, it was nevertheless exempt from the mitzva of the firstborn.

²² The Gemara suggests another answer: And if you wish, say that everyone accepts the statement of Ze'eiri; and here, in the case of a goat that gave birth within its first year after having expelled a murky discharge at the end of its sixth month, they disagree with regard to whether or not an animal gives birth after incomplete months, i.e., prematurely.

²³ According to Rabbi Yehoshua's tradition of the opinion of the Rabbis, we do not say that an animal gives birth after incomplete months, and therefore if it gave birth within its first year it must have become pregnant within thirty days of the discharge, which means the discharge was not indicative of a fetus and does not exempt the next offspring from being counted a firstborn. According to Rabbi Yehoshua's own reasoning, we say an animal gives birth after incomplete months, and consequently it is possible the animal became pregnant later than thirty days after the discharge and its term of pregnancy was shorter than normal. If so, the discharge does exempt the next offspring from firstborn status.

²⁴ And if you wish, say that everyone accepts Ze'eiri's statement and we do not say that an animal gives birth prematurely, and here, they disagree with regard to whether or not the halakhic status of part of the day is like an entire day: According to Rabbi Yehoshua's reasoning we say part of the day is like an entire day, and therefore it is possible for the goat to have become pregnant on the thirtieth day after experiencing the discharge and to give birth precisely five months later, just before the year ends. According to his tradition of the opinion of the Rabbis, we do not say part of the day is like an entire day, which means that the earliest possible birth is on the first day of the second year.

²⁵ The baraita taught that Rabbi Akiva says: I have not arrived at this method of determining firstborn status. Rather, in any case where it is known the animal had previously given birth, the priest has nothing here. And in any case where it is known the animal had not previously given birth, its firstborn is given to the priest. And if it is uncertain, it may be eaten in its blemished state by the owner. The Gemara asks: What difference is there in practice between the opinions of Rabbi Akiva and Rabbi Yehoshua?

²⁶ Rabbi Ḥanina of Sura says: There is a difference between them in a case where the animal came into the Jew's possession after it had already started to produce milk. They differ as to whether or not the production of milk is sufficient to exempt an animal from having its next offspring counted a firstborn. Rabbi Akiva holds: Milk exempts it, as we follow the majority of animals, and the majority

of animals do not produce milk unless they have given birth. And Rabbi Yehoshua holds: Since there is a minority of animals that do produce milk even though they have not given birth, the animal that is born later is an uncertain firstborn.

²⁷ The Gemara asks: And is Rabbi Yehoshua concerned for a minority? Didn't we learn in a mishna (Yevamot 119a): If a woman's husband passed away before she had given birth to any children and the husband had no known brothers who could perform levirate marriage, even though she has a mother-in-law who traveled overseas and may have conceivably given birth to a male who could later perform levirate marriage, she does not need to be concerned for that possibility and may marry another man without finding out if a male child had been born. But if the mother-in-law left while she was full, i.e., pregnant, the daughter-in-law must be concerned that a male might have been born. Rabbi Yehoshua says: She does not need to be concerned.

²⁸ And we say: What is the reasoning of Rabbi Yehoshua? He holds the majority of pregnant women give birth to a child and a minority miscarry. And of all those who give birth, half bear males and half bear females. Combine the minority of those who miscarry with the half that give birth to females, and conclude that the males are in fact a minority, and we are not concerned for a minority. Evidently, Rabbi Yehoshua holds there is no need to be concerned for a minority.

²⁹ Rather, reverse the two opinions in the mishna. And in fact it is taught in that manner in a baraita: The production of milk exempts an animal from having its offspring counted a firstborn; this is the statement of Rabbi Yehoshua. Rabbi Akiva says: The production of milk does not exempt an animal from having its offspring counted a firstborn.

³⁰ § The Sages taught in a baraita: In the case of a kid that gave birth to female triplets and all her offspring each gave birth to female triplets, all of them, i.e., the offspring and their offspring, enter the pen to be tithed. The animal tithe applies only if one owns at least ten or more animals born in the same year that are not male firstborns. Rabbi Shimon says: I saw a single kid that yielded enough offspring to be subject to the tithe within its first year of life. The Gemara asks: Why do I need the baraita to teach that each offspring gave birth to three other offspring? Let one of them give birth to three, and let the other two give birth to two each, so that there are a total of ten goats born within a single year, which are therefore subject to the tithe.

³¹ The Gemara answers: Since there is one goat in this case that would not produce a sufficient number of offspring without giving birth to three, the baraita taught a case where all three goats gave birth to three offspring each, for the sake of consistency. The Gemara asks: But why do I need to teach that any goat gave birth to three at once at all? Let all the second-generation goats give birth to two offspring, and let her, the mother of the three second-generation goats, give birth again to another goat together with them. The fact that the baraita did not teach this case indicates that a goat cannot give birth again within the same year.

³² Shall we say the tanna of this baraita holds that an animal that expels a murky discharge does not return to its fertile state and give birth within its first year? The Gemara rejects this suggestion: It is possible the tanna does not hold that opinion. Even if you say an animal that expels a murky discharge returns to its fertile state and gives birth within its first year, an animal that actually gave birth to a live offspring certainly does not return to its fertile state and give birth within its first year.

³³ § The baraita teaches that Rabbi Shimon says: I saw a single kid that yielded enough offspring to be subject to the tithe within its first year of life. By contrast, the first tanna in the baraita does not

add the phrase: Within its first year of life. The Gemara asks: What difference is there between the opinion of the first tanna and that of Rabbi Shimon? The Gemara answers that there is a difference between them in a case where the second-generation goats expel a murky discharge on the first day of their seventh month, which is the seventh month of their year for animal tithe. And they disagree with regard to the statement of Ze'eiri, cited earlier, that the expulsion of a discharge which exempts an animal from having its future offspring counted a firstborn is one which prevents it from being impregnated for no less than thirty days.

³⁴ The first tanna accepts the statement of Ze'eiri, and therefore he holds that in such a case the goats cannot become pregnant before the first day of the eighth month, which means they cannot give birth before the first day of the second year. And Rabbi Shimon does not accept the statement of Ze'eiri; he holds that the goats can become pregnant during the seventh month and give birth during the last month of their first year of life. And if you wish, say that everyone accepts the statement of Ze'eiri, and here they disagree with regard to whether or not an animal gives birth after incomplete months, i.e., prematurely. According to the first tanna, an animal does not give birth after incomplete months; according to Rabbi Shimon, an animal gives birth after incomplete months.

³⁵ And if you wish, say that everyone accepts Ze'eiri's statement and everyone agrees that an animal does not give birth after incomplete months, and here they disagree with regard to whether or not the halakhic status of part of the day is like an entire day. According to the first tanna, we do not say part of the day is like an entire day, which means the earliest possible birth is on the first day of the second year. According to Rabbi Shimon, we do say part of the day is like an entire day, and therefore it is possible for the goat to give birth on the last day of the first year.

³⁶ And if you wish, say that everyone agrees that part of the day is like an entire day, and here they disagree with regard to whether or not an animal whose time has not yet arrived, i.e., one that is not yet seven days old, which may not be sacrificed on the altar, enters the pen to be tithed. According to the first tanna it does not enter the pen to be tithed; according to Rabbi Shimon, it does enter the pen to be tithed.

³⁷ The Gemara adds: And in fact it is taught in a baraita that Rabbi Shimon ben Yehuda says in the name of Rabbi Shimon: An animal whose time has not yet arrived enters the pen to be tithed. And these animals are like a firstborn: Just as a firstborn is consecrated before its time and is sacrificed after its time, so too, an animal whose time has not yet arrived is consecrated before its time and sacrificed after its time.

³⁸ The Gemara raises a difficulty: But rather than deriving the halakha of tithed animals from the firstborn let one derive it from sacrificial animals, which cannot be consecrated before their time arrives. The Gemara answers that it is reasonable to claim it would be appropriate for one to derive the halakha of tithed animals from the firstborn, as they have the following four aspects in common: First, unlike sacrificial animals, one cannot redeem a firstborn or a tithed animal even if it develops a blemish. Second, a blemish does not prevent them from being imbued with sanctity. Third, an animal that was rendered a substitute for a firstborn or a tithed animal is not sacrificed. Finally, they are consumed without having been redeemed, whereas other sacrificial animals must be redeemed first.

³⁹ The Gemara responds: On the contrary, it would be appropriate for one to derive the halakha of tithed animals from sacrificial animals, as they have the following in common: First, unlike firstborn animals, both tithed and consecrated animals are not limited to males. Second, both are sanctified by

human action rather than intrinsically consecrated. Additionally, they are not included among the gifts to the priest. Finally, both begin life as regular animals rather than as animals with the unique status of being born first. The Gemara accepts this objection: Rather, Rabbi Shimon derives the halakha from a verbal analogy between the term: “You shall pass” (Exodus 13:12), written with regard to the firstborn, and the term: “Whatsoever passes under the rod” (Leviticus 27:32), stated with regard to tithed animals.

⁴⁰ § The mishna teaches that a murky discharge is evidence of an offspring and exempts any future offspring from being counted a firstborn. The Gemara asks: What is considered a murky discharge that exempts future offspring from firstborn status? Rava says: As the shepherds say: A murky [detzalta] discharge from the womb is an indicator of a fetus that the animal suppressed in its womb. And Shmuel says: It is bubbles of blood. The Gemara adds: And one must show the discharge to a Sage [ḥakham] in order to determine its status. The Gemara asks: A Sage? From where would he know how to determine its nature? Rav Pappa says: The reference is to a knowledgeable [ḥakham] shepherd, who is familiar with the different types of discharge an animal can produce.

⁴¹ Rav Ḥisda says: They said the formation of a fetus in a woman takes forty days. Rav Ḥisda therefore asks: In an animal, how many days does it take for the fetus to form? Rav Pappa said to Abaye: Isn't this question resolved by that which Ze'eiri said, as Ze'eiri said: A murky discharge occurs no less than thirty days after conception? The Gemara explains: No; that was stated with regard to the thirty days after expulsion of a murky discharge, during which a female does not show receptivity to a male and does not become pregnant. The Gemara leaves Rav Ḥisda's inquiry unresolved.

⁴² § We found that the mishna discusses the halakha of one who purchases an animal from a gentile. The Gemara asks: What is the halakha with regard to one who purchases an animal from a Jew and it is unknown whether the animal had previously given birth? Rav says: Its offspring is a definite firstborn, as if it is so that it had previously given birth to a firstborn, the owner would have boasted to the buyer about the fact that he would not have to give its offspring to a priest.

⁴³ And Shmuel says: The firstborn status of its offspring is uncertain, as even if it had previously given birth the seller thinks the buyer wants it for slaughter, and therefore he does not bother informing him of its status. And Rabbi Yoḥanan says: Its offspring is certainly a non-sacred animal. What is the reason? If it is so that it had not previously given birth, since there is a prohibition involved, it can be assumed that the seller would have notified the buyer of the animal's status.

⁴⁴ The Gemara notes: It is taught in a baraita in accordance with the opinion of Rabbi Yoḥanan, who says the offspring is non-sacred: With regard to the prohibition against slaughtering a mother and its offspring in the same day, if the seller did not inform the buyer that the mother or offspring of the animal he is purchasing was sold earlier that day, the buyer may go and slaughter the animal and he need not refrain from doing so. Shall we say this baraita is a conclusive refutation of the opinions of Rav and Shmuel? The Gemara rejects this suggestion: There, with regard to slaughtering a mother and its offspring, the matter is dependent upon the seller, as it is his responsibility to notify the buyer. Here, in the case of a firstborn, the matter is dependent upon the buyer, and it is his responsibility to inquire about the animal's status.

⁴⁵ MISHNA: Rabbi Eliezer ben Ya'akov says: In the case of a large animal that expelled a mass of congealed blood, that mass must be buried. The reason is that perhaps there was a male fetus there

which was consecrated as a firstborn when it emerged, and the animal is exempt from having any future offspring counted a firstborn.

⁴⁶ GEMARA: Rabbi Ḥiyya teaches: That mass of congealed blood does not impart ritual impurity, neither through physical contact nor through carrying it. The Gemara asks: But since does not impart impurity, neither through contact nor through carrying, which indicates that it is not considered a fetus, why must it be buried?

⁴⁷ The Gemara answers: It must be buried in order to publicize that the animal is exempt from having its future offspring counted a firstborn.

⁴⁸ The Gemara notes with regard to the ruling of the mishna that the animal is exempt from having any future offspring counted as firstborn: That is to say that the expelled mass is a full-fledged offspring. But if so, why doesn't it impart ritual impurity, neither through physical contact nor through carrying? Rabbi Yoḥanan says: It is due to the halakhic nullification of a forbidden substance in a majority of permitted substances that the Sages touched upon it, in order to exclude it from impurity through contact or carrying. In other words, the fetus is in fact considered a full-fledged offspring, but it does not impart impurity because it is nullified by the rest of the congealed mass.

⁴⁹ The Gemara comments: And Rabbi Yoḥanan follows his line of reasoning in this regard, as Rabbi Yoḥanan says: Rabbi Eliezer ben Yaakov and Rabbi Shimon both said the same thing, i.e., they both issued rulings based on the same principle. The relevant statement of Rabbi Eliezer ben Yaakov is that which we said previously, i.e., that the expelled mass does not impart ritual impurity because the fetus is nullified by the majority.

⁵⁰ And what is the statement of Rabbi Shimon to which Rabbi Yoḥanan was referring? It is as we learned in a mishna (Nidda 18a): If a woman miscarried and the afterbirth is in the house, the house is impure. The reason is not that the afterbirth itself has the status of an offspring, but that there is no afterbirth without an offspring within it, even if it is undetected. Rabbi Shimon says: The offspring disintegrated before it emerged with the afterbirth. Consequently, the house is not rendered impure, because the disintegrated fetus is nullified by the majority.

⁵¹ § The Gemara continues discussing the ritual impurity imparted by a fetus. We learned in a mishna elsewhere (Oholot 7:4): If a fetus dies in its mother's womb, it imparts ritual impurity from when the womb opens. Yet deceased fetuses do not impart ritual impurity in this manner even during the opening of the womb, until the head of the fetus is round like the size of a skein [pika] of yarn. The Gemara asks: What is the meaning of: Like a skein? Rav Huna said: It means like a skein of woolen yarn. Ḥiyya bar Rav said to Rav Huna: My teacher, explain your statement: Were you referring to a skein of warp threads or a skein of the thicker woof threads?

⁵² Rav Huna said to him: It is taught in a baraita (Tosefta, Oholot 8:5): Deceased fetuses do not impart ritual impurity until the head of the fetus is the size of a skein of warp threads; this is the statement of Rabbi Meir. Rabbi Yehuda says: The head must be the size of a skein of woof threads. Rabbi Eliezer, son of Rabbi Tzadok, says: The fetus imparts ritual impurity from the time that tefifiyot are seen near the opening of the womb. The Gemara asks: What are tefifiyot? Rav Yehuda says that Shmuel says in the name of Rabbi Eliezer, son of Rabbi Tzadok: This is how they would explain it in Jerusalem: Tefifiyot are like the folds of skin that form when a mule bends down to urinate, and the area near the womb appears as a skein emerging from within a skein.

⁵³ Rav Huna says: I heard two different halakhot with regard to skeins: One involves a skein of warp threads and the other one involves a skein of woof threads, and I do not have the knowledge to explain to which matter these halakhot refer. When Rav Dimi came to Babylonia from Eretz Yisrael, he said that Rabbi Yoḥanan said: With regard to skeins, I heard three different halakhot: One involves a skein of warp threads, and one a skein of woof threads, and one a large skein used by sack makers, and I do not have the knowledge to explain to which matter these halakhot refer. When Ravin came to Babylonia from Eretz Yisrael, he explained this in the name of Rabbi Yoḥanan: To impart ritual impurity, the head of a fetus in the womb of a woman must be the size of a skein of warp threads, and the head of an animal fetus must be the size of a skein of woof threads.

⁵⁴ As for the halakha involving a large skein used by sack makers, it is as we learned in a baraita (Tosefta, Kelim Bava Metzia 7:1): For it to impart ritual impurity, a clod of earth that comes from an area in which uncertainty exists concerning the location of a grave or a corpse [beit haperas], or from the land of the gentile nations, must be of the measure of a large skein used by sack makers, the size of which is like the seal of large sacks [martzofin]. And an item of this size is also found on the top side of the seal of a Bethlehem jug.

⁵⁵ § Reish Lakish says in the name of Rabbi Yehuda Nesia: One who purchases fish brine from one who is unreliable with regard to ritual impurity [am ha'aretz], who must purify it due to the concern that it was rendered impure while in the seller's possession, brings it into contact with the water of a ritual bath so that the water touches the brine, and it is thereby rendered pure.

⁵⁶ Reish Lakish explains: The brine is pure whichever way you look at it: If water is the majority of the brine mixture, once he brought the brine into contact with the ritual bath, the water in the brine mixture became pure and the impurity of the brine is nullified by the majority of pure water. And if the majority is the brine excreted by the fish itself it is also pure, as brine alone is not susceptible to ritual impurity. Consequently, what impurity is there? Any impurity is due only to that minority of water in the mixture, and that water is nullified by the majority of brine.

⁵⁷ Rabbi Yirmeya says: The Sages taught that one should use that method of purification only if he wishes to dip his bread in the brine. But for cooking in a pot with other water this method is not effective, as the liquid of the type that was nullified, i.e., the water in the brine, found its own type, the water in the pot, and is revived in its impure state, as the water which was previously only a minority of the mixture is now the majority. Rav Dimi was sitting and saying this halakha. Abaye said to Rav Dimi: But does nullified impurity return and revive in its impure state? Rav Dimi said to him: And you, do you not hold that this is the halakha? But didn't we learn in a mishna (Teruma 5:2): With regard to a se'a of impure teruma that fell

⁵⁸ into one hundred se'a of pure, non-sacred produce, Rabbi Eliezer says: Let one se'a be lifted from the mixture and left to rot as impure teruma, as I say: The se'a that fell is the se'a that arose?

⁵⁹ And the Rabbis say: Let the se'a of teruma arise and be nullified by the one hundred se'a of non-sacred produce, and then all one hundred and one se'a will be considered non-sacred. Nevertheless, the mixture may not be allowed to come in contact with water, so that it does not become susceptible to ritual impurity, and therefore it must be eaten dry or roasted. Or alternatively, it may be kneaded with fruit juice, which does not render a substance susceptible to impurity. Or alternatively, if one wants to knead it with water, it may be divided into small batches, provided that there is not an egg-bulk

of teruma in a single batch, as an egg-bulk is the minimum volume needed for food to be susceptible to contracting impurity.

⁶⁰ And it is taught in that regard: Concerning those one hundred se'a of non-sacred produce,

⁶¹ according to Rabbi Eliezer, what will be with them? Let them be eaten dry or roasted, or kneaded with fruit juice, or divided into small batches, provided that there is not an egg-bulk of volume in a single batch. And Ulla says: What is the reason that the mixture may not be allowed to come in contact with water, despite the fact that it is entirely non-sacred? It is a rabbinic decree, lest one bring a kav of non-sacred, impure produce from some other place and take a kav and a little more from this mixture. Then he will think to himself: I will nullify the kav of impure produce with the majority of pure produce from the mixture. But since there is some amount of impure produce in the mixture, the type that was nullified found its own type and is revived in its impure state.

⁶² Abaye said to Rav Dimi: That proof is not conclusive. Even if impurity revives impurity, as in the case of teruma where the kav of produce is impure, why should it be assumed that purity revives impurity, as is suggested with regard to the fish brine, where the water in the pot is pure?

⁶³ Abaye raised an objection to the opinion of Rabbi Yirmeya from a mishna (Para 9:7): If the ashes of a red heifer, which impart ritual impurity to the priests involved in its ritual and are fit for sprinkling on someone impure with impurity imparted by a corpse, became intermingled with regular burned ashes, we follow the majority in order to determine whether or not the mixture is impure. And therefore, if the majority is composed of the regular burned ashes, the mixture does not impart impurity. Abaye explains the objection: And if you say nullified impurity is considered like an item that is nevertheless present in the mixture and can be revived, then although the mixture does not impart impurity through physical contact as it is assumed that one touches the majority, let it impart impurity through carrying due to the ashes of the red heifer.

⁶⁴ Rav Dimi responded: In fact, it was stated with regard to that mishna that Rabbi Yosei, son of Rabbi Ḥanina, says: The mixture is pure in the sense that it does not impart impurity through contact, but it does impart impurity through carrying.

⁶⁵ Abaye responded: But doesn't Rav Ḥisda say: If meat from an animal carcass, which imparts ritual impurity, was mixed with the meat of a slaughtered animal, the meat from the carcass is nullified by the meat of the slaughtered animal in the event that the ritually pure meat constitutes a majority. The reason is that it is impossible for a carcass to become a slaughtered animal, i.e., a ritually slaughtered animal can never have the status of a carcass with regard to impurity. Abaye explains the difficulty: Granted that it does not impart impurity through contact, but if the impurity is considered present to some extent let the mixture impart impurity through carrying.

⁶⁶ Rav Dimi said to Abaye: You learned the mishna according to the interpretation of Rav Ḥisda, but we learned it according to the interpretation of Rabbi Ḥiyya, as Rabbi Ḥiyya teaches: With regard to meat from an animal carcass and meat from a slaughtered animal, one nullifies the other, depending on the majority. And it was stated with regard to this ruling that Rabbi Yosei, son of Rabbi Ḥanina, says: If the majority is from a slaughtered animal the mixture is pure in the sense that it does not impart impurity through contact, but it does impart impurity through carrying.

⁶⁷ Abaye raised another difficulty: And that which we learned in our mishna contradicts your opinion, as Rabbi Eliezer ben Yaakov says: In the case of a large animal that expelled a mass of

congealed blood, that mass must be buried, and the animal is exempt from having any future offspring counted a firstborn. And Rabbi Ḥiyya teaches with regard to this ruling: That mass does not impart ritual impurity, neither through physical contact nor through carrying. But why? If Rav Dimi is correct, then granted it does not impart impurity through contact, but let it nevertheless impart impurity through carrying. Rav Dimi was silent in response.

⁶⁸ The Gemara asks: Why was Rav Dimi silent? Perhaps the halakha is different here, as it is decayed impurity, since an animal carcass that has rotted does not impart impurity at all. The Gemara comments: This works out well according to the opinion of bar Padda, who says: An item with severe ritual impurity, such as that of a nonviable newborn, imparts impurity to substances until it is rotted to the degree that it is no longer fit to be consumed by a gentile who observes certain mitzvot [ger toshav], who is permitted to consume it; but an item with light impurity, which transmits impurity only by contact, imparts impurity to substances until it is no longer fit to be eaten by a dog. And as this congealed mass is not fit to be eaten by a ger toshav it does not impart impurity. But according to Rabbi Yoḥanan, who says:

⁶⁹ Both this one and that one, i.e., items of both forms of impurity, impart impurity until they are no longer fit to be eaten by a dog, it poses a difficulty to the opinion of Rabbi Yirmeya, as this mass is fit for a dog. The Gemara concludes: Indeed, it is difficult.

⁷⁰ The Gemara discusses the matter itself. Bar Padda says: An item with severe ritual impurity imparts impurity to substances until it is no longer fit to be eaten by a ger toshav, but an item with light impurity imparts impurity to substances until it is no longer fit to be eaten by a dog. And Rabbi Yoḥanan says: Both this one and that one impart impurity until they are no longer fit to be eaten by a dog. The Gemara asks: What is the reason for the ruling of bar Padda? As it is written: “You shall not eat of any animal carcass; you may give it to the ger who is within your gates” (Deuteronomy 14:21). Bar Padda understands from this verse that an item which is fit for a ger toshav is called an animal carcass, and that which is not fit for a ger toshav is not called an animal carcass.

⁷¹ The Gemara asks: And with regard to the other Sage, Rabbi Yoḥanan, how does he interpret that verse? He maintains that it serves to exclude a carcass that was decayed from the outset, e.g., if the flesh started to decompose while the animal was still alive, due to severe injury. But if the carcass was initially edible and later decayed, it continues to impart ritual impurity provided it is fit for a dog. The Gemara asks: And with regard to the other Sage, bar Padda, how does he respond to this claim? A verse is not necessary to exclude such a case where the carcass was decayed from the outset, as it is merely like dust and obviously does not impart impurity.

⁷² We learned in our mishna that Rabbi Eliezer ben Ya’akov says: In the case of a large animal that expelled a mass of congealed blood, that mass must be buried, and the animal is exempt from having any future offspring counted a firstborn. And Rabbi Ḥiyya teaches: That mass of congealed blood does not impart ritual impurity, neither through physical contact nor through carrying. And Rabbi Yoḥanan says: It is due to the halakhic nullification of a forbidden substance in a majority of permitted substances that the Sages touched upon it, in order to exclude it from impurity through contact or carrying.

⁷³ The Gemara asks: Why did Rabbi Yoḥanan say this halakha is due specifically to the nullification of a substance in a mixture by the majority of the mixture? Let one derive the halakha from the fact that the mass is not fit for consumption at all, and it never was. The Gemara explains: This too was

initially fit by virtue of its mother, i.e., if one had slaughtered the mother before the embryo was discharged it would have been edible as part of the mother.

⁷⁴ We learned in a mishna elsewhere (Makhshirin 6:3) that Rabbi Eliezer ben Yaakov says: Ritually pure brine, taken from an am ha'aretz, into which any amount of water fell is rendered impure. Rav Nahman says that Rabba bar Avuh says: That is to say that amei ha'aretz are suspected of mixing half a portion of water in the brine, which means that when the additional water falls in, the nullified impurity in the brine is revived by it and renders the entire mixture impure. The Gemara asks: But why do I need to say they are suspected of mixing precisely half a portion of water? Even if they mix in less than half, the brine will also be rendered impure upon contact with the added water, as that small amount combined with slightly less than half a portion of water constitutes half the mixture, and half a mixture is not nullified by the other half.

⁷⁵ The Gemara answers: Say instead that an am ha'aretz is suspected of mixing in water until it constitutes slightly less than half the mixture. And if you wish, say instead: The impurity of foods belonging to an am ha'aretz applies by rabbinic law and the impurity of liquids also applies by rabbinic law. Accordingly, the impurity of the brine in this case is due to two separate rabbinic decrees. Where the majority is water the Sages decreed the brine is impure, but in a case where half the mixture is pure fish brine and half is water the Sages did not decree that the brine is impure.

⁷⁶ MISHNA: Rabban Shimon ben Gamliel says: In the case of one who purchases a nursing female animal from a gentile, he does not need to be concerned, i.e., take into account the possibility, that perhaps it was nursing the offspring of another animal. Rather, the buyer may assume it had previously given birth. In the case of one who enters amid his flock and sees mother animals that gave birth for the first time that were nursing, and also sees mother animals that gave birth not for the first time that were also nursing, he does not need to be concerned that perhaps the offspring of this animal came to that animal to be nursed, or that perhaps the offspring of that animal came to this animal to be nursed.

⁷⁷ GEMARA: Rav Nahman said in the name of Rav: The halakha is in accordance with the opinion of the anonymous tanna in the mishnayot throughout the whole chapter, except where there is a difference of opinion recorded in that mishna. Rav Sheshet says: I say Rav was dozing or sleeping when he said this halakha. After all, to which mishna is this referring? If we say it is referring to the first mishna in the chapter (19b) then his ruling does not apply, as Rabbi Yishmael and Rabbi Akiva disagree in that mishna.

⁷⁸ Rather, you will say it is referring to the ruling of Rabbi Eliezer ben Yaakov (21b). This is also problematic, since it is already known that the halakha is in accordance with his opinion, as there is an established principle that the teaching of Rabbi Eliezer ben Ya'akov measures only a kav but is clean and accurate, and therefore the halakha is in accordance with his opinions.

⁷⁹ Rather, you will say it is referring to the statement of Rabban Shimon ben Gamliel in the mishna here. That is also difficult, as there is a tanna who disagrees, in the baraita cited on 24a. Rather, you will say that it is referring to the statement of Rabbi Yosei ben HaMeshullam in the next mishna (24b). But didn't Rav already say this one time? As Rav said: The halakha is in accordance with the opinion of Rabbi Yosei ben HaMeshullam. Rather, you will say that it is referring to the matter of the hair of a blemished firstborn discussed in the mishna on 25b. But that case too is subject to a dispute, as Akavya ben Mahalalel and the Rabbis disagree in that mishna.

⁸⁰ The Gemara answers: Actually, Rav's statement is referring to the statement of Rabban Shimon ben Gamliel here, and Rav teaches us this: That if a mishna is contradicted by a dissenting opinion cited in a baraita it is not considered a dispute, and the halakha therefore follows the opinion of Rabban Shimon ben Gamliel.

⁸¹ The Gemara asks: But once Rav said the halakha is in accordance with the opinion of the anonymous tanna in the mishnayot throughout the whole chapter except where there is a difference of opinion,

⁸² why do I need him to state that the halakha is in accordance with the opinion of Rabbi Yosei ben HaMeshullam?

⁸³ The Gemara explains: Had Rav said only that the halakha is in accordance with the opinion of the anonymous tanna in the mishnayot throughout the whole chapter, but did not say explicitly that the halakha is in accordance with the opinion of Rabbi Yosei ben HaMeshullam, I would say: Rav is referring specifically to the opinion of Rabbi Yosei ben HaMeshullam. And what is the meaning of the phrase: Throughout the whole chapter, which indicates he is speaking of more than one case? This is referring to the fact that Rabbi Yosei said two separate statements in the chapter. And this would indicate with regard to Rav's statement that if a mishna is contradicted by a dissenting opinion cited in a baraita, that is considered a dispute.

⁸⁴ Rav taught that the halakha is in accordance with the opinion of Rabbi Yosei in order to teach us that his statement with regard to the whole chapter is referring to the opinion of Rabban Shimon ben Gamliel, and with regard to Rav's statement, if a mishna is contradicted by a dissenting opinion cited in a baraita, that is not considered a dispute.

⁸⁵ What is the baraita mentioned previously? As it is taught in a baraita: In the case of one who purchases a nursing female animal from a gentile, the young that is born after the offspring currently being nursed is treated as a firstborn due to the uncertainty whether it is the animal's offspring, because an animal might be merciful and nurse another animal even though it has not given birth at all. Rabban Shimon ben Gamliel says: The matter stands in its presumptive status, i.e., the nursing animal is assumed to be the mother of the nursing offspring.

⁸⁶ The baraita continues: And similarly, Rabban Shimon ben Gamliel would say: One who enters amid his flock at night and sees about ten or about fifteen animals, some of whose offspring is a firstborn and others whose offspring is not a firstborn, and all were giving birth, and on the next day he arose and found that the male young were nursing from the mothers whose offspring is not a firstborn, and the female young were nursing from the mothers whose offspring is a firstborn, he does not need to be concerned that perhaps the young of this mother came to nurse from that mother. Rather, he may assume that each animal is nursing its own offspring.

⁸⁷ A dilemma was raised before the Sages: What is the precise meaning of the phrase: The matter stands in its presumptive status, which Rabban Shimon ben Gamliel stated? Does this mean that an animal does not show mercy unless it has given birth, and consequently, in a case where the animal has given birth we are concerned for the possibility that it might be merciful and nurse an offspring that is not its own? Or perhaps it means that an animal might be merciful only toward its own offspring, but it does not show mercy to an animal that is not its own?

⁸⁸ The Gemara asks: What difference is there in practice based on this distinction? Either way the nursing animal is assumed to have given birth and its future offspring will not be considered a firstborn. The Gemara answers that there is a difference with regard to whether or not one is flogged for slaughtering it due to violating the prohibition against slaughtering a mother and its offspring on the same day. If you say an animal is merciful only toward its own offspring but is not merciful toward an animal that is not its own, then one is flogged if he deliberately slaughters an animal and the offspring that it is nursing. But if you say it is also merciful toward an animal that is not its own, then one is not flogged in such a case.

⁸⁹ The Gemara returns to its initial inquiry. What is the precise meaning of Rabban Shimon ben Gamliel's statement? Come and hear a proof from the mishna, as Rabban Shimon ben Gamliel says: In the case of one who purchases a nursing female animal from a gentile, he does not need to be concerned lest the offspring currently being nursed was the offspring of another animal. Evidently, Rabban Shimon ben Gamliel holds that an animal nurses only its own offspring. The Gemara rejects this proof: Does the mishna teach that one does not need to be concerned that perhaps it is the offspring of another animal? No, it teaches that one does not need to be concerned that perhaps it was the offspring of another animal, and this is what it is saying: Whichever way you look at it, the next offspring is not a firstborn, as one does not need to be concerned that perhaps it was the offspring of another animal that it is nursing, as it would not nurse unless it already had an offspring initially.

⁹⁰ The Gemara suggests: Come and hear a proof from the continuation of the mishna: In the case of one who enters amid his flock and sees mother animals that gave birth for the first time that were nursing, and also sees mother animals that gave birth not for the first time that were also nursing, he does not need to be concerned that perhaps the offspring of this animal came to that animal to be nursed, or that perhaps the offspring of that animal came to this animal to be nursed.

⁹¹ The Gemara explains the proof: But why not? Let us be concerned that perhaps the nursing animal is merciful toward an offspring that is not its own. Evidently, Rabban Shimon ben Gamliel holds that an animal nurses only its own offspring, even if it had previously given birth. The Gemara rejects this proof: Even if an animal does show mercy toward offspring that is not its own, in a place where it has its own offspring, it does not set aside its own offspring and show mercy toward offspring that is not its own.

⁹² The Gemara further suggests: Come and hear a proof from Rabban Shimon ben Gamliel's statement in the baraita: If one purchases a nursing animal from a gentile, the matter stands in its presumptive status. From the phrase: And similarly, in the continuation of the baraita, the Gemara infers: What, is it not so that the first clause is similar to the latter clause? Just as in the latter clause the nursing young is certainly considered to be the nursing animal's own offspring, so too, in the first clause it is certainly considered to be the nursing animal's own offspring, despite the fact that the animal mother might have given birth previously.

⁹³ The Gemara rejects this suggestion: Are the cases comparable? This first clause of the baraita stands as it is and that second clause of the baraita stands as it is, i.e., they are referring to different cases. In the second clause, where all the offspring are standing before their mothers, it is certain that each mother will nurse only its own child. Conversely, in the first clause it is uncertain whether that child is its own. But if so, what is the meaning of the phrase: And similarly? It means both clauses state that the nursing animal is exempt from having its future offspring counted a firstborn, since

even if that offspring is not the mother's, the mother would not nurse it unless it had previously given birth.

⁹⁴ The Gemara analyzes a similar case. Rabba bar bar Ḥana says that Rabbi Yoḥanan says: If one saw a young animal resembling a pig that was trailing after a ewe, the ewe is exempt from having its future offspring counted a firstborn. And the pig-like animal is forbidden for consumption “until he comes and instructs righteousness to you” (Hosea 10:12), i.e., until Elijah the prophet arrives and determines the halakha.

⁹⁵ The Gemara raises a difficulty with regard to Rabba bar bar Ḥana's statement: On the one hand, the ewe is exempt from having its future offspring counted a firstborn, which is in accordance with the opinion of Rabban Shimon ben Gamliel that an animal that nurses from another is presumed to be its offspring. But on the other hand, the pig-like animal is forbidden for consumption, which is in accordance with the opinion of the Rabbis that an animal might nurse the young of another.

⁹⁶ And furthermore, if the halakha is in accordance with the opinion of the Rabbis, and there is a concern with regard to the identity of the mother of the offspring, what is the reason for citing the verse: “Until he comes and instructs righteousness to you”? By citing it, the baraita is indicating that the status of the pig-like animal is a halakhic uncertainty that can be resolved only by Elijah the prophet. Instead, it should have stated: Until the matter becomes known to you, in reference to the empirical uncertainty as to whether the pig-like animal is the offspring of the ewe.

⁹⁷ And if you would say that it is uncertain whether the halakha is in accordance with the opinion of Rabban Shimon ben Gamliel or in accordance with the opinion of the Rabbis, that cannot be correct: If that matter is uncertain, then why is the ewe exempt from having its future offspring counted a firstborn? And furthermore, is this question of whose opinion is accepted as the halakha an uncertainty at all? But doesn't Rabba bar bar Ḥana say that Rabbi Yoḥanan says: Wherever Rabban Shimon ben Gamliel taught a halakha in the corpus of our Mishna the halakha is in accordance with his opinion, except for the following three cases: The responsibility of the guarantor (see Bava Batra 174a), and the incident that occurred in the city of Tzaidan (see Gittin 74a), and the dispute with regard to evidence in the final disagreement (see Sanhedrin 31a)?

⁹⁸ The Gemara answers: Actually, it is obvious to Rabba bar bar Ḥana that the halakha is in accordance with the opinion of Rabban Shimon ben Gamliel. But it is uncertain if Rabban Shimon ben Gamliel holds that an animal that has given birth might be merciful toward offspring that is not its own, or if he holds that it is not merciful toward the offspring of another. The Gemara rejects this claim: If that is so, instead of teaching a case involving an animal with the appearance of a pig, he should have taught the more common case of a mother ewe nursing a baby lamb. And accordingly, rather than inquiring with regard to the prohibition against eating a non-kosher animal, he should have inquired as to whether or not one is flogged for it due to violating the prohibition against slaughtering a mother and its offspring on the same day.

⁹⁹ The Gemara explains: It was necessary for Rabba bar bar Ḥana to teach the case of a pig, as, had he taught a case involving a lamb, I would say: Even if you say that Rabban Shimon ben Gamliel holds that an animal that has given birth might be merciful toward the offspring of another, this is so only with regard to its own species, but with regard to an animal that is not of its own species, it would not show mercy and would not nurse the offspring. Therefore, Rabba bar bar Ḥana teaches us the case of a pig, to convey that an animal might be merciful, and this is also true even where the

offspring is not of its own species, as it could be said that perhaps the animal was merciful in such a case as well.

¹⁰⁰ And this is the meaning of that which Rabba bar bar Hana said that Rabbi Yoḥanan said: A dilemma was raised

¹⁰¹ by Aḥai the Distinguished [beribbi]: If one saw an animal with the appearance of a pig that was trailing after a ewe, what is the halakha? The Gemara asks: What is the dilemma he is raising? If we say he is inquiring with regard to the firstborn status of the future offspring, and he is therefore essentially asking if the halakha is in accordance with the opinion of Rabban Shimon ben Gamliel or if the halakha is in accordance with the opinion of the Rabbis, then let the dilemma be raised with respect to the more common case of a lamb, rather than the irregular case of a pig-like animal.

¹⁰² The Gemara answers: Actually, when Aḥai the Distinguished raised the dilemma it was with respect to the ramifications of each opinion: He inquired with regard to the future offspring's firstborn status, and this aspect of the dilemma was raised under the assumption that the halakha is in accordance with the opinion of the Rabbis. He also inquired with regard to whether or not the pig-like animal is permitted for consumption, and this aspect of the dilemma was raised under the assumption that the halakha is in accordance with the opinion of Rabban Shimon ben Gamliel.

¹⁰³ The Gemara elaborates: He inquired with regard to the offspring's firstborn status, and this question applies even according to the opinion of the Rabbis, who say that an animal might be merciful toward other young animals. The Gemara explains the dilemma: One can say that when an animal is merciful this applies only toward an animal that is of its own species, but to a young animal that is not of its own species a mother animal certainly does not show mercy. Therefore, the fact that it nursed proves that it is its offspring. Or perhaps an animal might also be merciful toward an offspring that is not of its own species. If it is merciful only to its own species, the ewe is exempt from having its future offspring counted a firstborn; if its mercy extends to other species then it is not exempt.

¹⁰⁴ And Aḥai the Distinguished also inquired with regard to whether the pig-like animal is permitted for consumption, and this question applies even according to the opinion of Rabban Shimon ben Gamliel: If you say he holds that an animal that has given birth might be merciful and nurse another mother's offspring, perhaps that is so only with regard to an animal that is of its own species, but to an animal that is not of its own species it is not merciful, which means the pig-like animal is kosher. Or perhaps a mother might also be merciful toward an offspring that is not of its own species, in which case the pig-like animal might not be kosher and therefore may not be eaten. After explaining the dilemma of Aḥai the Distinguished, the Gemara concludes: The dilemma shall stand unresolved.

¹⁰⁵ MISHNA: Rabbi Yosei ben HaMeshullam says: Since it is prohibited by Torah law to shear a firstborn, as it states: "And you shall not shear the firstborn of your flock" (Deuteronomy 15:19), one who is slaughtering a firstborn, and must clear hair or wool from the area of the neck in order to facilitate proper slaughter, clears space by uprooting the hair with a cleaver [bekofitz] from here and from there, on either side of the neck, although he thereby plucks out the hair. He may clear space in this manner provided that he does not move the plucked hair from its place; it must remain intermingled with the rest of the hair so it will appear that he did not shear the animal. And likewise, one plucks the hair to enable one of the Sages to examine the place of a blemish and thereby determine whether it is permitted to slaughter the firstborn outside the Temple.

¹⁰⁶ GEMARA: Rav says: The halakha is in accordance with the opinion of Rabbi Yosei ben HaMeshullam. The Sages raised a dilemma before Rav Huna: What is the halakha in the parallel case of one who wishes to slaughter a non-sacred animal on a Festival? The resolution depends on the reason for the ruling of Rabbi Yosei ben HaMeshullam: Does he permit clearing hair with a cleaver because he holds that plucking is not the same as shearing, and as opposed to plucking the hair of a firstborn, it is prohibited to pluck hair on the Festival, as this is considered uprooting an item from its place of growth?

¹⁰⁷ Or perhaps in general Rabbi Yosei ben HaMeshullam holds that plucking is considered a form of shearing. And this is the reason that it is permitted to clear space with a cleaver in the case of the firstborn, as it is an unintentional act, i.e., an action performed for a permitted purpose from which a prohibited labor may inadvertently ensue, since he does not intend to pluck out the hair; and on a Festival an unintentional act is permitted.

¹⁰⁸ Rav Huna said to them: Go and ask Rav's disciple, Rav Ḥananel, and if Rav in fact said the halakha is in accordance with the opinion of Rabbi Yosei ben HaMeshullam, I will explain to you the resolution of your dilemma. They went and asked Rav Ḥananel, and he said to them that this is what Rav says: The halakha is in accordance with the opinion of Rabbi Yosei ben HaMeshullam. They came before Rav Huna, and he said to them: In the parallel case of one who wishes to slaughter a non-sacred animal on a Festival, it is permitted to pluck the hair in order to facilitate proper slaughter. It was also stated that Rav Ḥanania bar Shelamya says in the name of Rav: In the parallel case of one who wishes to slaughter a non-sacred animal on a Festival,

¹⁰⁹ it is permitted to pluck the hair in order to facilitate proper slaughter.

¹¹⁰ The Gemara raises a difficulty: And does Rav actually say this? But doesn't Rav Ḥiyya bar Ashi say in the name of Rav: In the case of this cloth stopper of a barrel [mesokhrayya denazyata], it is prohibited to insert it tightly into the spout of the barrel on a Festival, because in the process liquid will be squeezed from the cloth, and squeezing liquids is prohibited on Shabbat and Festivals? Apparently, Rav prohibits even unintentional actions, and it follows that it is prohibited to clear hair with a cleaver on a Festival, as one will unintentionally pluck out some hair.

¹¹¹ The Gemara explains: In that case of the stopper, even the lenient authority, Rabbi Shimon, concedes that it is prohibited, as Rava and Abaye both say: Rabbi Shimon concedes that an unintentional act is prohibited if it falls under the category known as: Cut off its head and will it not die, i.e., when a prohibited labor is the inevitable consequence of an unintentional act. In the case of the cloth stopper, some water will inevitably be squeezed out.

¹¹² The Gemara objects to the claim that Rav agrees with the opinion of Rabbi Shimon that a regular unintentional act is permitted: But doesn't Rav Ḥiyya bar Ashi say that Rav says: The halakha is in accordance with the opinion of Rabbi Yehuda, and Rav Ḥanan bar Ami says that Shmuel says: The halakha is in accordance with the opinion of Rabbi Shimon. And Rav Ḥiyya bar Avin teaches Rav and Shmuel's rulings without mentioning either man, neither Rabbi Ḥiyya bar Ashi nor Rav Ḥanan bar Ami, and says: Rav says the halakha is in accordance with the opinion of Rabbi Yehuda, and Shmuel says the halakha is in accordance with the opinion of Rabbi Shimon.

¹¹³ Rather, actually Rav holds that an unintentional act is prohibited, and he permits plucking the hair of a firstborn because he maintains that plucking is not considered a form of shearing. And this is the reason he permits clearing the hair with a cleaver on a Festival, because it is considered uprooting an

item from its place of growth in an unusual manner, and performing a prohibited labor in an unusual manner is not prohibited by Torah law.

¹¹⁴ The Gemara raises a difficulty: And can it be claimed that plucking is not considered a form of shearing? But isn't it taught in a baraita: One who unwittingly plucks a large feather from the wing of a bird on Shabbat, and one who snips the tip of the feather, and one who pulls out the thin threads that constitute the feather is obligated to bring three sin offerings, one for each transgression. And Reish Lakish says, in explanation: One who plucks the wing is liable due to the labor of shearing. One who snips the tip of the feather is liable due to the labor of cutting. And one who pulls out the threads is liable due to the labor of smoothing. The Gemara explains: Plucking a wing is different from plucking hair, as that is the normal method employed to remove feathers.

¹¹⁵ The Gemara comments: And from the fact that Rav holds in accordance with the opinion of Rabbi Yosei ben HaMeshullam that plucking is not considered shearing, it can be inferred that Rabbi Yosei ben HaMeshullam holds in accordance with the opinion of Rav that an unintentional act is prohibited. The Gemara asks: And does Rabbi Yosei ben HaMeshullam hold that an unintentional act is prohibited?

¹¹⁶ But isn't it taught in a baraita: With regard to a red heifer, which is rendered unfit if it possesses two black hairs, that had two hairs whose roots were red but whose tops were black, Rabbi Yosei ben HaMeshullam says: One shears the tops with scissors, and he need not be concerned that he is violating the prohibition against shearing a consecrated animal. Apparently, the reason is that he does not intend to shear the red heifer but only to render it fit. This indicates that Rabbi Yosei ben HaMeshullam holds an unintentional act is permitted.

¹¹⁷ The Gemara answers: A red heifer is different, as it is not subject to the prohibition against shearing a consecrated animal because it does not have wool, and that is why it is permitted to cut the tops of its hairs. The Gemara raises a difficulty: But isn't it taught in a baraita: The verse states: "You shall do no work with the firstborn of your ox, and you shall not shear the firstborn of your flock" (Deuteronomy 15:19). I have derived only that a firstborn ox may not be used for labor and that a firstborn sheep may not be used for shearing. From where is it derived to apply what is said about that animal to this one, and what is said about this animal to that one? The verse states: "You shall do no work...and you shall not shear." The term "and" indicates the two parts of the verse apply to both animals. Evidently, the act of shearing does apply to an ox, including a red heifer.

¹¹⁸ Rather, the red heifer is different, as it has the sanctity of items consecrated for Temple maintenance, and therefore the prohibitions that apply to offerings do not necessarily apply to it. The Gemara raises a difficulty: But doesn't Rabbi Elazar say it is prohibited to shear or perform labor with items consecrated for Temple maintenance? The Gemara answers: That prohibition applies by rabbinic law. The Gemara retorts: But that does not resolve the difficulty, as there is nevertheless still a prohibition by rabbinic law. Why, then, did Rabbi Yosei ben HaMeshullam deem it permitted for one to shear the tops of its hairs with scissors? The Gemara accepts this objection: Rather, the red heifer is different, as it is uncommon, and Rabbi Yosei ben HaMeshullam therefore maintains that the prohibition by rabbinic law was not applied to this case.

¹¹⁹ The Gemara challenges: But let the owner desacralize the heifer and render it non-sacred, and shear it, and then consecrate it again. The Gemara explains it is unreasonable to demand he desacralize it, as its price is expensive, and it would take an exceptionally large sum of money to

desacralize it. The Gemara challenges: But let him act in accordance with the statement of Shmuel, as Shmuel says: A consecrated animal worth one hundred dinars that one desacralized upon the value of one peruta is desacralized. The Gemara explains: You can say that Shmuel said that he has successfully desacralized the animal, but did he say an animal may be desacralized in this manner ab initio? The Gemara therefore concludes that Rabbi Yosei ben HaMeshullam deems it permitted for one to cut the tops of a red heifer's hairs because it is an uncommon case.

¹²⁰ And if you wish, say instead that although Rav holds in accordance with the opinion of Rabbi Yosei ben HaMeshullam, Rabbi Yosei ben HaMeshullam does not hold in accordance with the opinion of Rav.

¹²¹ § The mishna teaches: One who is slaughtering a firstborn clears space with a cleaver from here and from there, on either side of the neck, although he thereby plucks out the hair. He may clear space in this manner provided that he does not move the hair from its place. Rav Ashi says that Reish Lakish says: They taught that this is permitted only if one plucks the hair by hand, but if he does it with a tool it is prohibited, as it appears as though he is shearing the firstborn. The Gemara asks: But isn't it taught that one may clear space with a cleaver from here and from there on either side of the neck? The Gemara answers: Teach it as: One may clear space with his hands for a cleaver, but he may not clear space with a cleaver.

¹²² The mishna further teaches: And likewise, one plucks the hair to enable one of the Sages to examine the place of a blemish. A dilemma was raised before the Sages: Is this permitted ab initio, or only after the fact? Rabbi Yirmeya said: Come and hear a baraita: If there is wool that is entangled in a firstborn's ear, and it is obscuring a blemish that must be examined, Rabbi Yosei ben HaMeshullam says: One plucks the wool and shows the animal's blemish to a Sage in order to determine whether it is permitted to slaughter the animal outside the Temple. One can conclude from the baraita that it is permitted ab initio. The Gemara affirms: Indeed, conclude from it that this is so.

¹²³ The Gemara corroborates its conclusion. Rav Mari said: We learn in the mishna as well: And likewise, one plucks the hair to examine the place of a blemish. What is the mishna referring to in its comparison: And likewise? If we say it is referring to the mishna's ruling that when one slaughters a firstborn he may not move the plucked hair from its place, then the second halakha is unnecessary. Now that it is taught that if, when one comes to slaughter the animal, where its imminent slaughter renders it evident that he does not intend to shear it, but nevertheless he may not remove the hair, is it necessary to teach that one may not remove the plucked hair in order to examine the place of a blemish?

¹²⁴ Rather, isn't the mishna's comparison referring to the fact that it is permitted to pluck the hair ab initio? Just as it is permitted to pluck the hair for the purpose of slaughtering the animal, so too, it is permitted to pluck the hair in order to examine a blemish. Conclude from it that it is permitted ab initio. The Gemara affirms: Indeed, conclude from it that this is so.

¹²⁵ MISHNA: With regard to the hair of a blemished firstborn animal that shed from the animal, and which one placed in a compartment for safekeeping, and thereafter he slaughtered the animal; given that after the animal dies he is permitted to derive benefit from the hair the animal had on its body when it died, what is the halakhic status of hair that shed from the animal while it was alive? Akavya ben Mahalalel deems its use permitted,

¹²⁶ and the Rabbis deem its use prohibited; this is the statement of Rabbi Yehuda. Rabbi Yosei said to him: It was not with regard to that case that Akavya ben Mahalalel deemed use of the wool permitted. Rather, it was in the case of the hair of a blemished firstborn animal that shed from the animal which one placed in a compartment and thereafter the animal died. It was in that case that Akavya ben Mahalalel deems use of the wool permitted, and the Rabbis deem its use prohibited even after its death.

¹²⁷ With regard to wool that is dangling from a firstborn animal, i.e., which was not completely shed, that which appears to be part of the fleece is permitted when the animal is shorn after its death, and that which does not appear to be part of the fleece is prohibited.

¹²⁸ GEMARA: Rabbi Yosei's statement, that it was not with regard to the case where the animal was slaughtered that Akavya ben Mahalalel deemed use of the wool permitted, apparently indicates by inference that Akavya ben Mahalalel deemed use of the wool prohibited if the animal was slaughtered. This is difficult: Now that it has been taught that use of the detached wool of a dead firstborn is permitted, despite the fact that the attached hair must be buried, is it necessary to teach that detached wool is permitted in a case where one slaughtered the animal, where the use of the attached hair is permitted?

¹²⁹ Rather, Rabbi Yosei means that it was not in that case that Akavya deemed use of the detached wool permitted while the Rabbis deem it prohibited, since if he slaughtered the animal, everyone agrees that use of the wool is permitted. They disagree in a case where the detached wool came from a dead animal that was not slaughtered.

¹³⁰ Rabbi Asi says that Reish Lakish says: The dispute applies in a case where an expert deemed the animal permitted for slaughter due to a blemish before the wool was shed, as one Sage, the Rabbis, holds that we decree that use of the wool the animal sheds is prohibited, lest one come to postpone its slaughter in order to collect the wool that it sheds. The Rabbis wanted a blemished firstborn to be slaughtered as soon as possible, lest one shear it or use it for labor, both of which are prohibited by Torah law. And one Sage, Akavya ben Mahalalel, holds that we do not issue such a decree. But in a case where an expert did not deem the animal permitted for slaughter before its wool was shed, all agree that use of the wool is prohibited, even after the animal died or was slaughtered.

¹³¹ Rav Sheshet raises an objection from a baraita: Blemished animals that become intermingled with unblemished animals render the entire group of animals prohibited in any ratio, even if there was only one blemished animal. Since blemished animals may not be sacrificed, and it is impossible to distinguish them from the unblemished animals, none may be sacrificed on the altar. And Rabbi Yosei says: Let the matter be investigated.

¹³² Rav Sheshet continues: And we discussed it, and inquired: What did Rabbi Yosei mean when he said: Let the matter be investigated? Shall we say he meant that one should search for the blemished animal and remove it from the group, so that the other animals may be slaughtered on the altar? This is difficult, as in that case, by inference, the first tanna said that in such a case the remaining unblemished animals are still not permitted. This cannot be so, as there is no reason to deem the remaining animals prohibited once the blemished animal has been removed.

¹³³ And Rav Nahman says that Rabba bar Avuh says: Here we are dealing with a case of the shearings of a blemished firstborn, whose detached wool became intermingled with non-sacred wool. And who is the first tanna, who holds that all the wool is prohibited? It is Rabbi Yehuda, who says in

the mishna here that if the firstborn were slaughtered, the Rabbis deem use of their wool prohibited. And Rabbi Yosei conforms to his line of reasoning, as he says: If the firstborn were slaughtered, the Rabbis deem use of their wool permitted.

¹³⁴ Rav Sheshet explains his objection to the interpretation of Reish Lakish: And it is taught that Rabbi Yosei says: Let the matter be investigated. What does he mean when he says: Let the matter be investigated? Does this not mean that an expert examines the animal to determine whether it is a permanent blemish, in which case the intermingled wool is permitted, or whether it is a temporary blemish and the use of the wool is prohibited? If so, Rabbi Yosei holds that wool shed from a firstborn is permitted even though it was shed before the expert deemed the blemish to be permanent and the animal permitted for slaughter. This contradicts the interpretation of Reish Lakish.

¹³⁵ Rava said in response: No, Rabbi Yosei meant that the matter should be investigated to determine if an expert had deemed the firstborn permitted for slaughter before its wool was shed. If he did, then yes, the wool is permitted; and if not, it is not permitted.

¹³⁶ The Gemara relates: When Ravin ascended from Babylonia to Eretz Yisrael, he stated this halakha, including Rav Naḥman's interpretation of the baraita, in the presence of Rabbi Yirmeya. Rabbi Yirmeya said: Foolish Babylonians! Because they dwell in a dark land, they state halakhot that are dim. Did they not hear that which Rabbi Ḥiyya bar Abba says that Rabbi Yoḥanan says: That mishna is dealing with the animals themselves, not their wool, and the dispute between the first tanna and Rabbi Yosei is with regard to a case where one examined the flock and did not find the blemished animal?

¹³⁷ And they disagree with regard to the issue that is the subject of the dispute between Rabbi Meir and the Rabbis. As we learned in a mishna (Pesahim 10a) that Rabbi Meir would say: Any object that was held in the presumptive status of ritual impurity, e.g., it is certain that there was a grave in a particular field, that place forever remains in its ritual impurity, even if it was excavated and the source of impurity was not found, until it becomes known to you the location of the ritual impurity, and then the rest of the field is permitted. The assumption is that the impurity was not found because the search was not conducted properly.

¹³⁸ And the Rabbis say: He continues digging until he reaches bedrock or virgin soil, under which there is certainly no ritual impurity. If he searched this extensively and failed to discover any impurity, it is evidently no longer there. Similarly, in the case of the baraita, the dispute is whether or not failure to locate the blemished animal constitutes sufficient reason to conclude that it is no longer intermingled with the rest of the flock. Accordingly, the first tanna holds in accordance with the opinion of Rabbi Meir while Rabbi Yosei holds in accordance with the opinion of the Rabbis.

¹³⁹ The Gemara cites another version of Rabbi Yoḥanan's interpretation of the baraita: Rabbi Asi says that Rabbi Yoḥanan says: The dispute is with regard to a case where he examined the flock and found the blemished animal, and they disagree with regard to the issue that is the subject of the dispute between Rabbi Yehuda HaNasi and Rabban Shimon ben Gamliel.

¹⁴⁰ This is as it is taught in a baraita: With regard to a field in which a grave was lost, one who enters it becomes impure due to the possibility that he passed over the grave and thereby contracted ritual impurity. If a grave was subsequently found in it, one who enters the field not in the place of the found grave remains pure, as I say: The grave that was lost is the grave that was found. This is the statement of Rabbi Yehuda HaNasi. Rabban Shimon ben Gamliel says: Let the entire field be

examined before ruling that one who enters it remains pure. Similarly, in the baraita concerning the intermingled blemished and unblemished animals, the first tanna holds in accordance with the opinion of Rabban Shimon ben Gamliel, while Rabbi Yosei holds in accordance with the opinion of Rabbi Yehuda HaNasi.

¹⁴¹ The Gemara asks: And Rabbi Asi, what is the reason he did not state the explanation of Rabbi Ḥiyya bar Abba? Rabbi Asi could have said to you: Granted, with regard to impurity one can say the impure object might no longer be there, as perhaps a raven came and took it or a mouse came and took it. But here, with regard to a blemished animal that became intermingled with unblemished animals, where could the blemished animal have gone? The Gemara asks: And how would the other amora, Rabbi Ḥiyya bar Abba, respond to this claim? He would say the blemish was a temporary blemish and it was healed, which is why there is no longer a blemished animal among the flock.

¹⁴² And as for Rabbi Ḥiyya bar Abba, what is the reason he did not state the explanation of Rabbi Asi? Rabbi Ḥiyya bar Abba could have said to you: Granted, in the case of a field it is normal for people to be buried in it, and therefore Rabban Shimon ben Gamliel claims that just as this person was buried in it, so too, another person might have been buried there. Therefore, there is no reason to assume the grave that was found is the grave that was lost. But with regard to sacrificial animals, once they were examined and they are found to be whole, is it normal for them to suddenly develop a blemish? In such a case even the first tanna would not deem the animals prohibited, as it can be assumed they found the only blemished one. And what would the other amora, Rabbi Asi, say in response? Since they gore each other, the development of a blemish is in fact common among them.

¹⁴³ Rabbi Asi earlier said in the name of Reish Lakish that both Akavya ben Mahalalel and the Rabbis agree that if an expert did not deem the firstborn permitted for slaughter before its wool was shed, use of the wool is prohibited. The Gemara raises an objection from a baraita: With regard to one who plucks the wool from an unblemished firstborn, even though it later developed a blemish and the owner then slaughtered it, use of the wool is prohibited. The Gemara infers: The reason this is the halakha is that the animal was unblemished.

¹⁴⁴ But in the case of a blemished firstborn, use of its wool is permitted, even though an expert did not deem the animal permitted for slaughter. This contradicts the statement of Rabbi Asi. The Gemara answers: It is possible that the tanna of that baraita calls the animal unblemished wherever an expert did not yet deem the firstborn permitted for slaughter, even if it was physically blemished.

¹⁴⁵ The Gemara remarks: Let us say that the interpretation of Reish Lakish is the subject of a dispute between tanna'im, as the baraita states: With regard to one who plucks the wool from an unblemished firstborn, even though it later developed a blemish and the owner slaughtered it, use of the wool is prohibited. In the case of a blemished firstborn from which one plucked wool, and it subsequently died, Akavya ben Mahalalel deems the wool permitted and the Rabbis deem it prohibited. Rabbi Yehuda said: It was not with regard to that case that Akavya ben Mahalalel deemed use of the wool permitted. Rather, it was in a case of the hair of a blemished firstborn animal that shed from the animal and one placed the hair in a compartment, and thereafter one slaughtered the animal. In that case Akavya ben Mahalalel deems use of the wool permitted, and the Rabbis deem its use prohibited.

¹⁴⁶ The baraita continues: Rabbi Yosei says: My father, Ḥalafta, concedes to Akavya ben Mahalalel in this case of a slaughtered firstborn that use of the wool is permitted. Indeed [aval], the Rabbis said

explicitly: One places it in a compartment, as perhaps there is a hope that use of the wool will ultimately be permitted, since if he slaughters the animal all agree that use of the wool is permitted. But if the animal dies by other means, Akavya ben Mahalalel deems use of the wool permitted and the Rabbis deem it prohibited.

¹⁴⁷ The Gemara raises a difficulty: If that is the explanation of their dispute, the opinion of Rabbi Yosei is identical to the opinion of the first tanna in the baraita, as both hold that use of the wool of a slaughtered blemished firstborn is permitted and the dispute between Akavya ben Mahalalel and the Rabbis applies to a case where the animal dies by other means. Rather, is it not correct to say the dispute between them concerns the requirement that an expert deem the animal permitted for slaughter?

¹⁴⁸ The Gemara elaborates: As the first tanna holds: If an expert deemed the animal permitted before its wool was shed, then yes, use of the wool is permitted after the animal has been slaughtered; but if not, then use of the wool is not permitted. And Rabbi Yosei comes to say that even in a case where an expert did not deem the firstborn permitted for slaughter before its wool was shed, use of the wool is still permitted. If so, the interpretation of Reish Lakish is the subject of the dispute between the first tanna and Rabbi Yosei: The first tanna agrees with that opinion and Rabbi Yosei rejects it.

¹⁴⁹ Rava said: No, the interpretation of Reish Lakish is not the subject of their dispute, as everyone agrees that if an expert deemed the animal permitted before its wool was shed, then yes, use of the wool is permitted, but if an expert did not deem the animal permitted beforehand then the use of its wool is not permitted. And there are three disputes concerning this matter, as the first tanna holds: Akavya ben Mahalalel and the Rabbis disagree with regard to a case where the firstborn died, and the same is true, i.e., they disagree, in a case where he slaughtered it. And the reason that the first tanna states they disagree specifically in a case where it died is to convey to you the far-reaching nature of the opinion of Akavya, i.e., that he deems use of the wool permitted even if the animal was not slaughtered.

¹⁵⁰ And Rabbi Yehuda holds: With regard to a firstborn that died, all, i.e., Akavya ben Mahalalel and the Rabbis, agree that use of the wool is prohibited, and when they disagree it is with regard to a case where the owner slaughtered the animal. And Rabbi Yosei comes to say: Where he slaughtered it, all agree that use of the wool is permitted, and when they disagree it is with regard to a case where the animal died.

¹⁵¹ Rav Naḥman says: The halakha is in accordance with the opinion of Rabbi Yehuda, since we learned a mishna in our preferred tractate in accordance with his opinion. As we learned in a mishna (Eduyyot 5:6): In the case of the hair of a blemished firstborn animal that shed from the animal and one placed the hair in a compartment, and thereafter he slaughtered the animal, Akavya ben Mahalalel deems use of the wool permitted and the Rabbis deem its use prohibited even after the animal's death.

¹⁵² Rav Naḥman bar Yitzḥak says: The mishna is also precisely formulated so that this conclusion can be inferred, as we learned in the latter clause of the mishna: With regard to wool that was not completely shed which is dangling from a firstborn animal, that which appears to be part of the fleece is permitted when the animal is shorn after its death, and that which does not appear to be part of the fleece is prohibited.

¹⁵³ Rav Naḥman bar Yitzḥak explains the proof: In accordance with whose opinion is this ruling? If we say it is in accordance with the opinion of Rabbi Yosei, that is difficult: But in what case did he issue this ruling? If we say it was in a case where he slaughtered it that cannot be correct, as whether the halakha follows the opinion of Akavya or whether it follows the opinion of the Rabbis, in both this case of wool that appears to be part of the fleece and that case where it does not, the use of the wool is permitted.

¹⁵⁴ Rather, if one says this is referring to a case where the animal died, that too is difficult. But that cannot be correct either, since if the halakha is in accordance with the Rabbis, then both this wool and that wool are prohibited. And if the halakha is in accordance with Akavya, then the mishna should have stated the opposite ruling: If the dangling wool appears to be part of the fleece it is prohibited, as the death of the animal renders it prohibited because it is considered attached to the animal; if it does not appear to be part of the fleece it is permitted, as it was considered detached from the beginning, before the animal died.

¹⁵⁵ Rather, it is obvious that this clause of the mishna is in accordance with the opinion of Rabbi Yehuda. And in what case does the mishna's ruling apply? If we say it is referring to a case where the animal died, then whether the halakha is in accordance with the opinion of Akavya or whether it is in accordance with the opinion of the Rabbis, in both this case of wool that appears to be part of the fleece and that case where it does not, the use of the wool is prohibited.

¹⁵⁶ Rather, is it not referring to a case where he slaughtered the animal? And consequently, if the mishna is in accordance with the opinion of Akavya, then in both this case of wool that appears to be part of the fleece and that case where it does not, use of the wool is permitted. Rather, is it not correct to say the mishna is in accordance with the opinion of the Rabbis? And accordingly, one may conclude from it that Akavya and the Rabbis disagree in a case where he slaughtered the animal? The Gemara affirms: Indeed, conclude from it that this is so.

¹⁵⁷ § Rabbi Yannai raises a dilemma: With regard to one who plucks wool from an unblemished burnt offering which was later slaughtered, what is the halakha? The Gemara expresses surprise: If one intentionally violates a prohibition and plucks the wool from an unblemished consecrated animal, is there anyone who deems it permitted? All agree that use of the wool is prohibited in such a case. Rather, Rabbi Yannai's question was: With regard to wool that was torn out by itself from an unblemished burnt offering, what is the halakha?

¹⁵⁸ The Gemara elaborates: Do not raise the dilemma concerning the wool of a sin offering and a guilt offering. Since these offerings come for atonement the owner does not keep them longer than necessary, and therefore there is no reason to deem the wool prohibited. Likewise, with regard to the wool of a firstborn and an animal tithe offering there is also no dilemma. Since they do not come for atonement one might keep them longer than necessary, and therefore the wool is prohibited in order to prevent one from violating the prohibition against shearing the animal or using it for labor. Rather, when you raise the dilemma, it is with regard to the wool of a burnt offering. What is the halakha? Does one say that since

¹⁵⁹ being brought for atonement is not its primary function, there is a concern that one might keep it? Or perhaps, since a burnt offering also effects atonement for neglecting to perform a positive mitzva, one does not keep the animal longer than necessary.

¹⁶⁰ The Gemara suggests: Come and hear a resolution from a baraita: With regard to one who plucks the wool from an unblemished firstborn, even though it later developed a blemish and the owner then slaughtered it, use of the wool is prohibited. The Gemara infers: The reason use of the wool is prohibited is because he plucks it. But if it was torn out not by human intervention it is permitted. And this is correct all the more so with regard to a burnt offering, where one does not keep the animal any longer than necessary.

¹⁶¹ The Gemara rejects this proof: Actually, the same is true even if the wool of an unblemished firstborn animal was torn out by some other means; it is also prohibited. And the reason that the baraita teaches the halakha using the term: One who plucks, is to convey to you the far-reaching nature of the opinion of Akavya ben Mahalalel, as he maintains that in the case of a blemished animal, discussed in the latter clause of the baraita, even if one plucks the wool it is permitted. Since the latter clause discusses a case where one plucked the wool himself, it is inferred that the former clause discusses the same situation.

¹⁶² The Gemara asks: But didn't we learn in the mishna that the hair was shed rather than plucked? The Gemara explains that the mishna taught a case where the hair of the blemished animal was shed in order to convey to you the far-reaching nature of the opinion of the Rabbis, who deem the wool prohibited even in such a case. Conversely, the baraita taught a case where one plucks the hair in order to convey to you the far-reaching nature of the opinion of Akavya.

¹⁶³ § The mishna teaches that it is permitted to derive benefit from wool that is dangling from a firstborn but was not completely shed if it appears to be part of the fleece when the animal is shorn after death, but otherwise it is prohibited. The Gemara inquires: What is considered: That which does not appear to be part of the fleece? Rabbi Elazar says that Reish Lakish says: This includes any strand of wool whose root is overturned and is facing toward the top, i.e., outward. Rav Natan bar Oshaya says: This includes any strand of wool that is not compressed together with the rest of the fleece, i.e., it sticks out when the fleece is pressed down.

¹⁶⁴ And what is the reason Reish Lakish did not state his explanation in accordance with the opinion of Rav Natan bar Oshaya, whose explanation is the more straightforward meaning of the phrase: That which does not appear to be part of the fleece? Rabbi Ile'a says: Reish Lakish holds that the Sages did not deem strands of wool that are not compressed together with the rest of the fleece prohibited, because it is impossible for there to be fleece without dangling hairs. If Rav Natan bar Oshaya's explanation were accepted, it would never be permitted to use such fleece of a dead firstborn animal. Consequently, Reish Lakish explains the statement of the mishna in a more lenient manner.

Chapter 4

¹ MISHNA: Until when must an Israelite tend to and raise a firstborn animal before giving it to the priest? With regard to a small animal, e.g., a sheep or goat, it is thirty days, and with regard to a large animal, e.g., cattle, it is fifty days. Rabbi Yosei says: With regard to a small animal, it is three months. If the priest said to the owner within that period: Give it to me, that owner may not give it to him. And if it is a blemished firstborn and the priest said to him: Give it to me so I may eat it, it is permitted for the owner to give it to him. And at the time that the Temple is standing, if it is

unblemished and the priest said to him: Give it to me and I will sacrifice it, it is permitted for the owner to give it to him.

² The firstborn animal is eaten year by year, i.e., within its first year, whether it is blemished or whether it is unblemished, as it is stated: “You shall eat it before the Lord your God year by year” (Deuteronomy 15:20). If a blemish developed within its first year, it is permitted for the owner to maintain the animal for the entire twelve months. If a blemish developed after twelve months have passed, it is permitted for the owner to maintain the animal for only thirty days.

³ GEMARA: The mishna teaches that an Israelite must raise a firstborn animal for thirty or fifty days, depending on the type of animal, before giving it to a priest. The Gemara asks: From where are these matters derived? Rav Kahana said: They are derived from a verse, as the verse states: “You shall not delay to offer of the fullness of your harvest, and of the outflow of your presses; you shall give to Me your firstborn sons. So you shall do with your oxen, and with your sheep; seven days it shall be with its mother, on the eighth day you shall give it to Me” (Exodus 22:28–29). The second part of verse 28 is juxtaposed to the second animal mentioned in verse 29. This juxtaposition teaches that just as a firstborn son is redeemed when he is thirty days old (Numbers 18:16), so too a sheep is given to the priest only when it is thirty days old.

⁴ The verses also state: “You shall not delay the fullness of your harvest, and of the outflow of your presses...So you shall do with your oxen” (Exodus 22:28–29). Just as the first fruits are brought on the festival of Shavuot, fifty days after Passover, so too the firstborn oxen are given to a priest when they are fifty days old. Here, the first part of verse 28 is juxtaposed with the first animal mentioned in verse 29.

⁵ The Gemara challenges: If these verses are the source, one can reverse the cases and derive that a firstborn ox must be given to the priest after thirty days, and a firstborn sheep after fifty days. The Gemara explains: It stands to reason that the time period that is alluded to earlier in the first verse corresponds to the animal that is mentioned earlier in the second verse, while the time period that is alluded to later in the first verse corresponds to the animal that is mentioned later in the second verse. The Gemara rejects this: On the contrary, it stands to reason that the time period that is alluded to closer to the mention of an animal should correspond to the animal, i.e., oxen, that is closest to it.

⁶ Rather, Rava says that the halakha of both a firstborn sheep and a firstborn ox are juxtaposed with the halakha of a firstborn child, which teaches that both require at least thirty days. But since the verse states: “So you shall do with your oxen” (Exodus 22:29), the verse adds an extra act of doing for you in the case of your oxen. In other words, the verse requires that the owner take care of an ox for additional time before giving it to the priest.

⁷ The Gemara challenges: But if so, one can say that the owner must care for the ox an additional thirty days, making a total of sixty days. From where is the total of fifty days derived? The Gemara answers: The interpretation of the verse with regard to the exact amount of time was given only to the Sages, and they determined that the owner must take care of his ox for fifty days.

⁸ This is also taught in a baraita: “You shall not delay to offer of the fullness of your harvest, and of the outflow of your presses; you shall give to Me your firstborn sons. So you shall do with your oxen, and with your sheep; seven days it shall be with its mother; on the eighth day you shall give it to Me” (Exodus 22:28–29). One might have thought that this time period, i.e., thirty days, applies

also to your oxen. Therefore, the verse states: “You shall do.” The verse adds an extra act of doing for you in the case of your oxen, and the interpretation of the verse was given only to the Sages.

⁹ From here the Sages stated: Until when must an Israelite tend to and raise a firstborn animal before handing it to the priest? With regard to a small animal, e.g., a sheep or goat, it is thirty days, and with regard to a large animal, e.g., cattle, it is fifty days. Rabbi Yosei says: With regard to a small animal, it is three months, because its tending is extensive, i.e., a great deal of work and effort are required in order to raise it before it can be given to a priest. A tanna taught that so much effort is required to raise a sheep because its teeth are small and it cannot eat most foods.

¹⁰ § The mishna teaches: If the priest said to the owner within that period: Give it to me, that owner may not give it to him. The Gemara asks: What is the reason? Rav Sheshet says: Because such a priest appears like a priest who assists at the threshing floor so that he can be given teruma. Since this arrangement benefits the owner of the firstborn, as he is spared the effort of taking care of the animal throughout this period, it is as though this priest has paid for the right to receive the firstborn, which is prohibited.

¹¹ The Sages taught in a baraita: With regard to the priests, the Levites, and the poor people who assist in the home of the shepherd, or at the threshing floor, or in the slaughterhouse, one may not give them teruma or tithe as their wages. And if one did so, he desecrated the sanctity of the item. And with regard to them the verse states: “But you are turned aside out of the way; you have caused many to stumble in the law; you have corrupted the covenant of Levi, says the Lord of hosts” (Malachi 2:8). And another verse states: “And you shall bear no sin by it, seeing that you have set apart the best from it; and you shall not desecrate the sacred items of the children of Israel, that you shall not die” (Numbers 18:32).

¹² The Gemara asks: What is the reason that the Gemara cites the second verse introduced with the phrase: And another verse states? The Gemara answers: And if you would say that the first verse indicates merely that teruma and tithe become desecrated, but one who does this is not punished by death, come and hear the second verse cited by the Gemara: “And you shall not desecrate the sacred items of the children of Israel, that you shall not die” (Numbers 18:32).

¹³ The baraita continues: And the Sages wished to penalize those who gave teruma or tithe to the priests, Levites, or poor people who helped them, and to require them to separate in their place complete teruma, so that the owners of the produce would not benefit from their improper actions. And for what reason did the Sages not penalize them? Perhaps they would mistakenly think that the produce has not yet been tithed at all, and they would come to separate teruma and tithes from it when it is actually exempt produce, as by Torah law it has already had its tithes removed. They might then separate teruma and tithes from it on behalf of produce to which the obligation of separating tithes still applies, i.e., regular untithed produce.

¹⁴ The baraita adds: And in all of these cases, although it is prohibited to give the teruma and tithe to a priest or Levite as his wages, nevertheless there is

¹⁵ the benefit of discretion for the owners of the produce, i.e., benefit accrued from the option of giving teruma and tithes to any priest or Levite of their choosing.

¹⁶ The baraita continues: How so? With regard to an Israelite who separated teruma from his pile of grain, and another Israelite found him and said to him: Take this sela coin for yourself and give the

teruma and tithes to my daughter's son who is a priest, it is permitted. But if it was a priest who gave the sela coin for the right to give the teruma and tithes to another priest, it is prohibited. Priests may not pay for the gifts that they receive.

¹⁷ The Gemara asks: And according to the tanna of this baraita, what is the reason that he does not state that the owners also have the benefit of discretion with regard to the gifts of the priesthood, i.e., the foreleg, jaw, and maw, which must be given to the priest from every non-sacred animal that one slaughters? Why does he mention teruma alone? The Gemara answers that he could have said to you: In the case of teruma, which has inherent sanctity, and which therefore cannot be redeemed, the priest will not come to err with it and treat it as though it has no sanctity, even if the owner receives payment for it.

¹⁸ By contrast, with regard to these gifts of the priesthood, since they have sanctity that inheres in their value, which means that once the priest has received them he may sell them, the priest might come to err with them by saying that the sanctity that they have can be redeemed with four zuz, i.e., the one sela, and he might come to treat them in the manner that one treats non-sacred food. This would be a mistake, as a priest must eat his priestly gifts in a dignified manner, i.e., roasted and with seasoning (see *Hullin* 132b).

¹⁹ § On a related topic, Rava says: Teruma from outside of Eretz Yisrael does not have any prohibition due to a priest assisting at the threshing floor. The Sages decreed that one must separate teruma from produce grown in certain places outside of Eretz Yisrael. Yet, the halakhot governing this teruma are not as stringent as those that apply to teruma from produce grown within Eretz Yisrael. Consequently, one may give such teruma to a priest for helping at the threshing floor. In support of this claim, the Gemara relates that Rav Ḥama gave teruma from outside of Eretz Yisrael to his servant, who was a priest, as his wages.

²⁰ With regard to teruma from outside of Eretz Yisrael, Shmuel says: Teruma from outside of Eretz Yisrael that became mixed with non-sacred produce is nullified in a majority, unlike ordinary teruma, which requires one hundred parts of non-sacred produce to nullify it. The Gemara relates that Rabba, who was a priest, would nullify his teruma from outside of Eretz Yisrael in a majority *ab initio* and eat it during his days of impurity. Both of these acts are prohibited in the case of teruma from produce grown in Eretz Yisrael.

²¹ The Gemara relates: Rav Huna, son of Rav Yehoshua, when he would happen to have wine of teruma from produce grown outside of Eretz Yisrael, would pour two jugs of non-sacred wine and one jug of teruma wine into a vat in order to nullify the teruma wine, and then take out one jug's worth of wine to drink. Having done so, from here onward every time he received more teruma wine grown outside of Eretz Yisrael, he would pour one jug of teruma wine into the same vat, which still contained two jugs' worth of wine, and take out one jug's worth of wine.

²² And Shmuel further says: Teruma from produce grown outside of Eretz Yisrael does not need to be separated before one eats the produce. Rather, one may proceed to eat and afterward separate the teruma from the remainder.

²³ And Shmuel also says: Teruma from outside of Eretz Yisrael is prohibited only to a member of a priestly household whose impurity comes from his body, e.g., a man who experiences a seminal emission or a menstruating woman. It is not prohibited to a priest who came into contact with a corpse, an animal carcass, or the carcass of a creeping animal. And this statement, that such teruma is

forbidden to one whose impurity comes from his body, applies only with regard to eating it. But with regard to touching teruma from outside of Eretz Yisrael, we have no problem with it.

²⁴ Ravina says: Therefore, a menstruating woman, whose impurity comes from her body, may separate ḥalla from dough outside of Eretz Yisrael, and a minor priest, who has never experienced a seminal emission and is therefore ritually pure, may eat it. And if there is no minor priest available, she takes the ḥalla with the top of a skewer [massa] and throws it in the oven, and then separates another piece from the dough as ḥalla, not because it is necessary but so that the halakhic category of ḥalla should not be forgotten. And an adult priest may eat it, even if he is ritually impure.

²⁵ The Gemara relates that Rav Naḥman, Rav Amram, and Rami bar Ḥama were traveling in a ferry. Rav Amram went to relieve himself. A certain woman came before Rav Naḥman and Rami bar Ḥama and said to them: In the case of one who is impure through contact with a corpse, what is the halakha with regard to whether he may immerse himself in a ritual bath and partake of teruma from outside of Eretz Yisrael? Rav Naḥman said to Rami bar Ḥama:

²⁶ But do we have sprinkling of the ashes of the red heifer? Since without such sprinkling one remains impure after contact with a corpse, how does it help to immerse in a ritual bath? Rami bar Ḥama said to him: Shouldn't Rav Naḥman be concerned for the opinion of the old man, i.e., Rav Amram? Wouldn't it be better to wait until he returns before answering? Meanwhile, Rav Amram came back. He said to them that this is what Rav says: One who became impure with impurity imparted by a corpse may immerse and partake of teruma from produce grown outside of Eretz Yisrael.

²⁷ The Gemara comments: But the halakha is not in accordance with his opinion. Mar Zutra said in the name of Rav Sheshet: One who became impure through contact with the carcass of a creeping animal may immerse in a ritual bath and partake of teruma from produce grown outside of Eretz Yisrael. But the halakha is not in accordance with his opinion.

²⁸ § The mishna teaches: The firstborn animal is eaten year by year, i.e., within its first year, whether it is blemished or unblemished. The Gemara comments: From the fact that the mishna says: If a blemish developed within its first year, rather than within the first year, that is to say that we count according to its year, not by the calendar year. In other words, the year is calculated from the day of the animal's birth. From where is this matter derived?

²⁹ It is derived from a verse, as Rav Yehuda says that Rav says that the verse states: "You shall eat it before the Lord your God, year by year [shana beshana] in the place that the Lord shall choose, you and your household" (Deuteronomy 15:20). The phrase "shana beshana," which can also be translated as: A year in a year, indicates that the verse is referring to one year that enters another year. Which type of year enters another year? You must say that this is speaking of the year of the firstborn animal, which enters the following calendar year, since if the animal is born in the middle of the year, its first year includes part of the subsequent calendar year.

³⁰ The school of Rav taught that there is a different halakha derived from the phrase "year by year." This phrase indicates that it may be eaten on one day of this year and one day of that next year. The verse thereby taught with regard to an unblemished firstborn animal, which is sacrificed in the Temple, that it is eaten for two days and one night, like a peace offering.

³¹ The Gemara asks: From where does the school of Rav derive the halakha that a firstborn must be eaten within its own year and that its year is not calculated according to the calendar year? They derive it from the halakha of other sacrificial animals, whose age is counted from their birth rather than by the calendar year. And with regard to the other sacrificial animals themselves, from where do we derive that their age is counted from their birth? Rav Aḥa bar Yaakov says that the verse states: “And when the days of her purification are fulfilled, for a son or for a daughter, she shall bring a lamb in its first year for a burnt offering, and a pigeon or a dove for a sin offering, to the door of the Tent of Meeting, to the priest” (Leviticus 12:6). This description of the lamb is referring to its own year, and not a year of the counting of the world.

³² The Gemara asks: And Rav, from where does he derive that a firstborn is eaten for two days and one night? The Gemara answers: He derives it from a verse in which Moses spoke to Aaron and his sons with regard to eating the firstborn: “And their flesh shall be yours, as the breast of waving and as the right thigh, it shall be yours” (Numbers 18:18). The verse thereby juxtaposed the halakha of the firstborn with the breast and thigh of a peace offering. Just as there, it may be eaten for two days and one night, as stated explicitly in a verse (see Leviticus 7:16), so too here, a firstborn may be eaten for two days and one night.

³³ And the other ones, i.e., the Sages from the school of Rav, why don’t they derive the halakha that a firstborn is eaten for two days and one night from that verse? The Gemara answers that if it were derived from there, it would be possible to say that the verse is comparing the halakha of a firstborn to the breast and thigh of a thanks offering, which are eaten for only one day and night.

³⁴ The Gemara asks: And the other one, Rav Yehuda, citing Rav, how does he respond to this? The verse states: “And their flesh shall be yours, as the breast of waving and as the right thigh, it shall be yours” (Numbers 18:18). The verse adds another mention of a form of the term being in the second phrase: “It shall be yours,” to teach that the priest has an additional day to eat a firstborn animal, i.e., that it is compared to the breast and thigh of a peace offering, not to that of a thanks offering.

³⁵ The Gemara asks: And the other ones, the Sages from the school of Rav, how do they respond to this claim? The Gemara answers: With regard to the inference from there, it is possible to say that this phrase: “It shall be yours,” teaches with regard to a blemished firstborn that the owner must give it to the priest. This derivation is necessary, as we have not found this halakha that a blemished firstborn is given to a priest stated explicitly anywhere in the entire Torah.

³⁶ The Gemara asks: And the other one, Rav Yehuda, citing Rav, from where does he derive that a blemished firstborn is given to a priest? The verse states: “And their flesh shall be yours,” in the plural, i.e., both an unblemished firstborn and a blemished firstborn. The Gemara asks: And the other ones, the Sages from the school of Rav, how do they respond? The Gemara answers that they would claim that the term “and their flesh” is written in the plural not because it is referring to blemished animals, but because it is said in reference to those firstborn animals of all the Israelites.

³⁷ § The mishna teaches: If a blemish developed within its first year, it is permitted for the owner to maintain the animal for the entire twelve months; if a blemish developed after twelve months have passed, it is permitted for the owner to maintain the animal for only thirty days. A dilemma was raised before the Sages: With regard to what case is the mishna speaking? Does the mishna mean that if a blemish developed within the animal’s first year, the owner is permitted to maintain the animal for the entire twelve months, and after the animal’s first year also for another thirty days? Or perhaps

the mishna is referring to two different situations, i.e., in a case where the blemish developed within the animal's first year the owner is permitted to maintain the animal for the entire twelve months, but nothing more; and in a case where it developed a blemish after one year, he is permitted to maintain it for only thirty days.

³⁸ The Gemara suggests: Come and hear, as it is taught in a baraita: With regard to a firstborn in the present time, when there is no Temple and the animal cannot be brought as an offering, until it has developed a blemish that can be shown to an expert, it is permitted for the owner to maintain the animal for two or three years. But once the animal develops a blemish that can be shown to an expert, if the blemish developed within its first year, it is permitted for the owner to maintain it for the entire twelve months.

³⁹ The baraita continues: After the animal's first year, the owner does not have permission to maintain it even for one day, or even one hour. But due to the mitzva of returning a lost item to the owners, i.e., to give the owner time to find a priest and give him the animal, the Sages said: The owner is permitted to maintain the animal for thirty days. The Gemara assumes that in its latter clause the baraita is still addressing a blemish that developed in the first year. If so, the thirty days evidently apply in such a case.

⁴⁰ The Gemara asks: But still, let the dilemma be raised with regard to that baraita itself: Are the thirty days granted in a case where the animal develops a blemish after its first year? Or perhaps these thirty days are granted if it develops a blemish before the end of its first year. In other words, when the baraita states: After its first year, this can be interpreted as referring to an animal whose blemish developed only then, or to one that had a blemish earlier and subsequently reached the end of its first year.

⁴¹ The Gemara suggests: Come and hear a baraita: If the animal developed a blemish on the fifteenth day within its first year, i.e., fifteen days before the end of its year, one completes for it fifteen days after its year. Conclude from this baraita that the owner may maintain a firstborn for an additional thirty days if it develops the blemish during its first year. The Gemara adds that this supports the opinion of Rabbi Elazar, as Rabbi Elazar says: With regard to an animal that developed a blemish toward the end of its year, one gives the owner thirty days from the time that the animal developed a blemish.

⁴² There are those who say that Rabbi Elazar says: From where is it derived with regard to a firstborn animal that developed a blemish during its first year that one gives the owner thirty days after its year? It is derived from a verse, as it is stated: "You shall eat it before the Lord your God year by year in the place that the Lord shall choose, you and your household" (Deuteronomy 15:20). It is derived from here that it may be eaten for one year and for another year. Which are the days that are considered to be a significant part of a year? You must say these are thirty days, which in certain respects are considered a complete year. This indicates that such a firstborn may be eaten for up to thirty days beyond the first twelve months.

⁴³ According to this version of the discussion, the Gemara raises an objection: It is taught in a baraita that if the animal developed a blemish on the fifteenth day within its year, i.e., fifteen days before the end of its year, one completes for it fifteen days after its year. This indicates that with regard to completing a total of thirty days from the time the animal developed the blemish, yes, the owner may continue to maintain the animal in such a case. But if the blemish developed earlier, the baraita does

not give him an extra thirty days beyond the conclusion of the year. The Gemara concludes: The refutation of the opinion of Rabbi Elazar is indeed a conclusive refutation.

⁴⁴ MISHNA: In the case of one who slaughters the firstborn animal and only then shows its blemish to an expert to determine whether it is a blemish, and it was established by the expert that it is in fact a blemish that renders its slaughter permitted, Rabbi Yehuda deems it permitted for a priest to derive benefit from the firstborn. Rabbi Meir says: Since it was slaughtered not according to the ruling of an expert, it is prohibited. In a case involving one who is not an expert, and he examined the firstborn animal and it was slaughtered on the basis of his ruling, that animal must be buried, and the non-expert must pay compensation to the priest from his property.

⁴⁵ GEMARA: Rabba bar bar Ḥana says: The dispute in the mishna between Rabbi Meir and Rabbi Yehuda does not apply in the case of a blemish on the cornea of the eye. In that situation everyone agrees that the animal is prohibited, because such blemishes in the eye change after the animal's death, which means that there is no way of determining at that late stage whether it had been a permanent blemish or a temporary one. They disagree only with regard to blemishes that are on the animal's body, which do not change after death. As Rabbi Meir holds that we issue a decree prohibiting the animal in the case of blemishes that are on the animal's body due to the case of blemishes on the cornea, and Rabbi Yehuda holds that we do not issue a decree with regard to blemishes that are on the animal's body due to the case of blemishes on the cornea.

⁴⁶ This is also taught in a baraita: In the case of one who slaughters a firstborn animal and afterward shows its blemishes to an expert, Rabbi Yehuda says: If the blemish is on the cornea of the eye the animal is prohibited, because such blemishes change. But in the case of blemishes on its body the animal is permitted, because these blemishes do not change. Rabbi Meir says: Both this, blemishes on the eye, and that, blemishes on the body, are prohibited because they change. The Gemara inquires: Could it enter your mind that blemishes on the body are prohibited because they change? Do blemishes on the body change after the death of the animal? Rather, the blemishes on the body are prohibited due to a decree based on the case of blemishes on the cornea, which change.

⁴⁷ Rav Naḥman bar Yitzḥak says:

⁴⁸ The mishna is also precisely formulated, as it states that Rabbi Meir says: Since it was slaughtered not according to the ruling of an expert, it is prohibited. Conclude from this wording that Rabbi Meir penalizes him for not showing it to an expert. In other words, this indicates that the animal is deemed prohibited as a penalty. It is not due to any uncertainty, as blemishes on the body do not change after death, but it is due to a rabbinic decree. The Gemara comments: Conclude from it that the mishna should be understood as Rabba bar bar Ḥana explained.

⁴⁹ A dilemma was raised before the Sages: The baraita states: Due to the blemishes on the cornea, which change. But does this mean that all blemishes on the cornea of the eye definitely change after the death of the animal? Or perhaps there are some that change after death and there are others that do not change.

⁵⁰ The Gemara asks: What is the practical difference of this dilemma? The Gemara explains: The difference is with regard to contradicting witnesses who claim that the animal had the identical blemishes in its eye when it was alive. If you say that all corneas change after the death of the animal, they are liars. But if you say that there are some that change after death and there are others

that do not change, the court relies on such witnesses. Therefore, what is the resolution of the dilemma?

⁵¹ The Gemara answers: Come and hear a baraita, as Rabba bar bar Ḥana says: Rabbi Yoshiya from Usha told me: Come and I will show you the corneas that change. Since he said to him: Come and I will show you those that change, one can conclude by inference there are some corneas that change after death and there are others that do not change.

⁵² § The mishna teaches: In a case involving one who is not an expert, and he examined the firstborn animal and it was slaughtered on the basis of his ruling, that animal must be buried, and the non-expert must pay compensation to the priest from his property. The Gemara asks: Shall we say that we learned the unattributed mishna in accordance with the opinion of Rabbi Meir, who deems a firstborn animal forbidden in all cases where it was not slaughtered based on the ruling of an expert? The Gemara rejects this suggestion: No; perhaps this is referring only to a case where there was a blemish on the cornea of the eye, which changes after the death of the animal, and everyone agrees with the ruling of the mishna in such a case.

⁵³ § The Sages taught in a baraita: When one pays the priest for a firstborn that became forbidden, he pays one-quarter of the value of a small animal, i.e., a sheep or goat, or half of the value of a large animal, i.e., a bull. The Gemara asks: What is the reason for this discrepancy? Rav Pappa says: The loss of this bull is a relatively great loss, and the loss of that sheep or goat is a small loss.

⁵⁴ The Gemara raises a difficulty: If so, let him pay in accordance with the actual loss incurred. In other words, if he paid the same proportion of the value of a sheep or goat, he would still be paying less than half the value of a bull. Rav Huna bar Manoḥ says in the name of Rav Aḥa bar Ika: The Sages touched upon it and determined that he should pay only one-quarter, due to the decree against those who raise small livestock in Eretz Yisrael, as these animals cause damage to the land. As a result, such animals may be raised only in specific areas, which means the priest was spared exertion, and therefore the Sages required one to pay only one-quarter of the value.

⁵⁵ MISHNA: If a judge issued a judgment and erred, so that he exempted a liable party or found an innocent party liable, or if he ruled that a pure item is impure or ruled that an impure item is pure, and by doing so he caused a litigant a monetary loss, then what he did is done, i.e., the judgment stands, and the judge must pay damages from his home, i.e., from his personal funds. And if the judge was an expert for the court, he is exempt from liability to pay.

⁵⁶ GEMARA: The mishna teaches that a judge who errs must pay compensation for the damage he caused. The Gemara suggests: Shall we say that we learned the unattributed mishna in accordance with the opinion of Rabbi Meir, who rules that there is liability for damage caused by indirect action? Rabbi Ile'a says that Rav says: This is referring to a case where a judge took the item in question from one litigant and gave it to the other litigant with his hand, and therefore he directly caused the damage.

⁵⁷ The Gemara raises a difficulty: Granted, the case where he finds an innocent party liable is in a case where the judge took the item in question from the innocent party and gave it to the other litigant with his hand. But what are the circumstances of his giving the item from one to another with regard to the clause of: He exempts a liable party? It is if the judge said to the litigant only: You are exempt from liability to pay, but the judge did not take the item in question from one litigant and give

it to the other litigant with his hand. Ravina said: It is referring to a case where the lender had collateral from the borrower, and the judge took it from him and gave it back to the other party.

⁵⁸ In the case of: He ruled that a pure item is impure, how could he cause a loss with his own hands? It is where he had the litigant's ritually pure item touch a creeping animal to emphasize that he believes it was already impure, and he thereby imparted impurity to it. In the case of: He ruled that an impure item is pure, how could he cause a loss with his own hands? It is where he mixed this impure produce of the litigant's with the litigant's ritually pure produce, and he thereby caused all of the produce to be considered impure. When an expert judge later rules that that produce is actually impure, the result is that the entire mixture contains impure produce, and the judge caused this damage directly.

⁵⁹ MISHNA: Apropos the previous mishna, which taught that a judge who was an expert for the court and who erred is exempt from payment, this mishna teaches: There was an incident involving a cow whose womb was removed, and when Rabbi Tarfon was consulted he ruled that it is an animal with a wound that will cause it to die within twelve months [tereifa], which is forbidden for consumption. And based on the ruling of Rabbi Tarfon, the questioner fed it to the dogs. And the incident came before the Sages of the court in Yavne, and they ruled that such an animal is permitted and is not a tereifa.

⁶⁰ And Theodosius [Todos] the doctor said: A cow or pig does not emerge from Alexandria of Egypt unless the residents sever its womb so that it will not give birth in the future. The breeds of cows and pigs in Alexandria were of exceptional quality and the people of Alexandria did not want them reproduced elsewhere. The fact that these animals lived long lives after their wombs were removed proves that the hysterectomy did not render them tereifot.

⁶¹ Upon hearing this, Rabbi Tarfon said: Your donkey is gone, Tarfon, as he believed he was required to compensate the owner for the cow that he ruled to be a tereifa. Rabbi Akiva said to him: Rabbi Tarfon, you are an expert for the court, and any expert for the court is exempt from liability to pay.

⁶² GEMARA: The Gemara asks: But let Rabbi Akiva derive his ruling from the fact that Rabbi Tarfon erred concerning a matter that appears in the Mishna, as the ruling permitting an animal whose womb has been removed is recorded in a mishna (see *Hullin* 54a), and with regard to anyone who erred concerning a matter that appears in the Mishna, the decision is revoked, as this is considered an obvious mistake. In other words, Rabbi Tarfon's decision was not binding, and therefore when the owner fed the cow to the dogs, he acted on the basis of a ruling with no validity and thereby caused his own loss.

⁶³ The Gemara answers: Rabbi Akiva states one reason and adds another reason. One reason is that in the case of one who errs in a matter that appears in the Mishna, the decision is revoked. Another reason is that even if you erred in a deliberation, you are a judge accepted as an expert for the public, and any judge accepted as an expert for the public is exempt from liability to pay.

⁶⁴ MISHNA: In the case of an individual who takes payment to be one who examines firstborn animals to determine whether they are blemished, one may not slaughter the firstborn on the basis of his ruling, unless he was an expert

⁶⁵ like Ila in Yavne, whom the Sages in Yavne permitted to take a wage of four issar for issuing a ruling concerning a small animal and six issar for issuing a ruling concerning a large animal. They

permitted this provided that he would be paid whether it turned out that the firstborn was unblemished or whether it was blemished.

⁶⁶ GEMARA: The Gemara asks: What is the reason that the Sages in Yavne said that Ila could take a wage of four issar for issuing a ruling concerning a small animal but six issar for issuing a ruling concerning a large animal? The Gemara answers: Examining this one, a firstborn of a large animal, for blemishes involves great effort; but examining that one, the firstborn of a small animal, does not involve such great effort.

⁶⁷ § The mishna teaches that one like Ila may take his wages provided that he would be paid whether it turns out that the firstborn is unblemished or whether it is blemished. The Gemara inquires: Granted, if the animal is blemished he takes his wages, because he deems the animal permitted to be slaughtered and eaten; but if he examined an unblemished animal, why does he take his wages? The Gemara answers that if so, i.e., if he would be paid for examining only a blemished animal, people would come to suspect him and say that this animal that he declared to be blemished is in fact unblemished, and he declared it blemished and thereby deemed it permitted to be eaten only due to the fact that he wanted to claim his wages.

⁶⁸ The Gemara challenges: If so, then in a situation where the examiner is paid either way, people might also state a similar claim with regard to one who rules that it is an unblemished animal. They may suspect that this animal is really blemished, and the reason that this expert did not deem it permitted is that he holds that it is preferable for him to declare it unblemished so that he can collect his wages another time, when he examines it later and declares it blemished. The Gemara answers: The Sages of Yavne instituted an ordinance that he may take his wages for examining a firstborn once, but the Sages did not institute that he may take his wages twice for examining the same animal. Since he will not get paid a second time for the same animal, he has no incentive to declare it unblemished if it has a blemish.

⁶⁹ MISHNA: In the case of one who takes his wages to judge cases, his rulings are void. In the case of one who takes wages to testify, his testimonies are void. With regard to one who takes wages to sprinkle the purification waters of the red heifer upon one who contracted impurity imparted by a corpse, and one who takes wages to sanctify those waters, the halakhic status of his water is that of cave water, and the status of his ashes is that of mere burnt ashes.

⁷⁰ Although taking actual wages is prohibited, if the one examining the firstborn, or the judge, or the witness, was a priest, and the one who requires his services rendered him impure and prevented him from partaking of his teruma, that person must provide the priest with food, drink, and oil for smearing on his body from his own non-sacred property. And likewise if the one examining the firstborn, or the judge, or the witness, was an elderly person, the one who requires his services transports him on a donkey. And in all these cases, although it is prohibited to take wages, the one who requires his services gives him his wages like the wages of a laborer, as he was unable to perform his usual labor that day.

⁷¹ GEMARA: The mishna teaches that the rulings of one who takes wages to judge cases are void. The Gemara asks: From where is this matter, that a judge may not be paid for his rulings, derived? Rav Yehuda says that Rav says that it is derived from a verse, as the verse states: “Behold, I have taught you statutes and ordinances, as the Lord my God commanded me, that you should do so in the midst of the land that you are going in to possess” (Deuteronomy 4:5). This teaches that just as I,

Moses, learned the word of God for free, so too, you learned it from me for free, and this is also how you should act with all future generations.

⁷² This halakha is also taught in a baraita: “Behold, I have taught you statutes and ordinances, as the Lord my God commanded me” (Deuteronomy 4:5). Just as I learned from God for free, so too, you learned from me for free. And from where is it derived that if one cannot find someone to teach him for free that he should learn even by giving payment? The verse states: “Buy the truth, and do not sell it; also wisdom, and instruction, and understanding” (Proverbs 23:23). And from where is it derived that one should not say: Just as I learned by giving payment, so too, I will teach it by receiving payment? The verse states: “Buy the truth, and do not sell it.”

⁷³ The mishna teaches: With regard to one who takes wages to sprinkle the purification waters of the red heifer, and one who takes wages to sanctify those waters, the halakhic status of his water is that of cave water, and the status of his ashes is that of mere burnt ashes. This indicates that one may not derive any benefit from the water or ashes of the red heifer. And the Gemara raises a contradiction from a mishna (Kiddushin 58a): With regard to one who betroths a woman with the water of purification, or with the ashes of purification, she is betrothed, and this is the halakha even if the man betrothing her is an Israelite, not a priest or a Levite. This indicates that one may derive benefit from the waters or ashes of purification.

⁷⁴ Abaye said: This is not difficult, since there, the mishna in Kiddushin is referring to one who betroths a woman with the value of the payment for bringing the ashes from afar and filling the vessel with the purification water, for which it is permitted to accept payment. Performing this act for the woman is comparable to giving her an item of value, since she will not have to pay someone to bring and fill the vessel for her. Here, the mishna is referring to payment for the actual sprinkling and sanctifying of the ashes.

⁷⁵ The Gemara comments: According to this answer, the language of the two mishnayot is also precise, as it teaches here: To sprinkle, or: To sanctify, indicating that he receives payment for the actual sprinkling and sanctification; and it teaches there, in the mishna in Kiddushin, that she is betrothed with the water of purification or with the ashes of purification, which indicates that the water and ashes have not yet been mixed together. The Gemara affirms: Learn from it that this is the correct explanation of the mishnayot.

⁷⁶ § The mishna teaches: Although taking wages is prohibited, if the one examining the firstborn, or the judge, or the witness, was a priest, and the one who required his services rendered him impure and prevented him from partaking of his teruma, he must provide the priest with food, drink, and oil. The Gemara asks: But he himself, the priest, how was he permitted to go to a place that caused him to become impure? It is prohibited for a priest to render himself ritually impure.

⁷⁷ The Gemara answers that this is referring to a case where he went to an area in which uncertainty exists concerning the location of a grave or a corpse [beit haperas], into which it is prohibited by rabbinic law for a priest to enter. As Rav Yehuda says that Rav says: A person who passes through a beit haperas may blow on the dust before taking each step, which would expose any bone beneath the dust, and walk. A priest may rely on that method of examination and enter the field.

⁷⁸ And Rav Yehuda bar Ami says in the name of Rav Yehuda: A beit haperas that has been trodden underfoot, thereby creating a path, is pure, and one no longer needs to be concerned about bones, as

the entire prohibition is a stringency by rabbinic law. Nevertheless, a priest who walks through such a field may not partake of teruma until he has purified himself.

⁷⁹ Alternatively, the Gemara suggests that the mishna is referring to a case where the priest becomes impure with other forms of impurity, with regard to which priests are not admonished. A priest is prohibited from becoming impure only through contact with a corpse. Yet, he may not partake of teruma if he becomes impure even in any other manner.

⁸⁰ § The mishna teaches: If the one examining the firstborn, or the judge, or the witness, was an elderly person, the one who required his services transports him on a donkey. And in all these cases, although it is prohibited to take wages, the one who required his services gives him his wages like the wages of a laborer, as he was unable to perform his usual labor that day. The Sages taught (Tosefta, Bava Metzia 4:11): The owner gives him his wage as if he were an idle laborer. Abaye says: It means that he is paid as a laborer who is idle from that typical labor of his from which he is kept idle. In other words, he must receive the amount of money a person would be willing to accept to refrain from his current occupation and engage in the actions discussed in the mishna. This calculation accounts for both the degree of difficulty of his steady employment and the amount of his remuneration.

⁸¹ MISHNA: In the case of one who is suspect with regard to firstborn animals of slaughtering them and selling their meat when it is prohibited to do so, one may neither purchase meat from him, including even deer meat, nor may one purchase from him hides that are not tanned. Rabbi Eliezer says: One may purchase hides of female animals from him, as the halakhot of firstborn animals are in effect only with regard to males. And one may not purchase bleached or dirty wool from him. But one may purchase spun thread from him, and all the more so may one purchase garments from him.

⁸² GEMARA: The mishna teaches that one may not purchase from him even deer meat. The Gemara explains that the reason is that it could be confused with meat of a calf, as they are similar in appearance.

⁸³ The mishna teaches: Nor may one purchase from him hides that are not tanned. The Gemara infers from here that we may purchase tanned hides from one who is suspect with regard to firstborn animals. The reason is that if it is so that it is a hide of a firstborn, he would not make such an effort with it to tan it. This is because he would think: If the Sages hear that this hide is from a firstborn, they will cause me a loss by confiscating it from me.

⁸⁴ The mishna teaches that Rabbi Eliezer says: One may purchase hides of female animals from him, as the halakhot of firstborn animals are in effect only with regard to males. The Gemara asks: What is the reason? People know the difference between the hide of a male animal and the hide of a female animal, due to the differences in anatomy.

⁸⁵ The Gemara asks: But if so, according to the first tanna, why is it prohibited to purchase hides of female animals from one who is suspect with regard to firstborn animals? The Gemara answers that the first tanna claims as follows: If so, i.e., if it is permitted to purchase hides of female animals, one might also come to sell hides of male animals, as he will sever the male reproductive organ and say that mice ate this part of the hide. The Gemara asks: And the other, Rabbi Eliezer, why is he not concerned that one might cut off that part of the hide and sell it as the hide of a female? The Gemara answers that Rabbi Eliezer maintains that the place of the mice is known, i.e., one can tell by looking at the hide whether it was eaten by mice or cut with a knife.

⁸⁶ § The mishna teaches: And one may not purchase bleached or dirty wool from him. The Gemara asks: Now that the mishna has taught that we may not purchase bleached wool from him, despite the fact he has expended effort in bleaching it, which indicates that it is not from a firstborn, is it necessary to teach that one may not purchase dirty wool from him? The Gemara answers: Rather, the tanna is teaching one case here, that of wool that was bleached and cleaned from its dirt.

⁸⁷ The mishna teaches: But one may purchase spun thread from him, and all the more so one may purchase garments from him. The Gemara asks: Now that the mishna has taught that we may purchase spun thread from one who is suspect with regard to firstborn, is it necessary to teach that one may purchase garments? The Gemara answers: What does the mishna mean which it says: Garments? It is referring to felt [namei] garments, which are not made of spun thread.

⁸⁸ MISHNA: In the case of one who is suspect with regard to the Sabbatical Year, i.e., of sowing or engaging in commerce with Sabbatical-Year produce, one may not purchase flax from him, and this applies even to combed flax, in which much labor and exertion was invested. But one may purchase spun thread and woven fabric from such individuals.

⁸⁹ GEMARA: The Gemara asks: Now that the mishna has taught that we may purchase spun thread from one who is suspect with regard to the Sabbatical Year, is it necessary to teach the case of woven fabric? The Gemara answers: What does the mishna mean when it says: Woven? It means wool woven into chains, which is not spun.

⁹⁰ MISHNA: In the case of one who is suspect with regard to selling teruma under the guise of non-sacred produce, one may not purchase even water and salt from him; this is the statement of Rabbi Yehuda. Rabbi Shimon says: One may not purchase from him any item that has relevance to teruma and tithes. However, one may purchase water and salt from him, as teruma and tithes do not apply to them.

⁹¹ GEMARA: The Gemara asks: What is added by Rabbi Shimon's statement that one may not purchase any item that has relevance to teruma and tithes from one who is suspect with regard to selling teruma? The Gemara answers: Rabbi Shimon's statement serves to add fish innards to this prohibition, as people mix olive oil with them, and it might be oil of teruma.

⁹² The Gemara relates: There was a certain butcher who was suspected of selling

⁹³ fat of the kidney adjacent to the thigh, which is forbidden, in place of fat of the intestines, which is permitted. Rava penalized him and prohibited him even from selling nuts. Rav Pappa said to Rava: In accordance with which opinion in the mishna is your ruling? It must be in accordance with the opinion of Rabbi Yehuda. If it is in accordance with the opinion of Rabbi Yehuda, then you should prohibit this butcher from selling even water and salt.

⁹⁴ Rava replied: Actually, my ruling is in accordance with the opinion of Rabbi Shimon, who holds that one is suspected only about those items that are related to the prohibition in question. And we are in fact penalizing him with regard to items related to the prohibition itself. How so? Ordinary children are enticed by nuts, and that individual went and misled the children of butchers and enticed them with nuts, and they brought him fat of the kidney that is adjacent to the thigh, and he sold it as though it were fat of the intestines.

⁹⁵ MISHNA: One who is suspect with regard to the Sabbatical Year is not suspect with regard to tithes; and likewise, one who is suspect with regard to tithes is not suspect with regard to the

Sabbatical Year. One who is suspect with regard to this, the Sabbatical Year, or with regard to that, tithes, is suspect with regard to selling ritually impure foods as though they were ritually pure items. But there are those who are suspect with regard to ritually pure items who are not suspect with regard to this, the Sabbatical Year, nor with regard to that, tithes. This is the principle with regard to these matters: Anyone who is suspect with regard to a specific matter may neither adjudicate cases nor testify in cases involving that matter.

⁹⁶ GEMARA: The mishna teaches that one who is suspect with regard to the Sabbatical Year is not suspect with regard to tithes. The Gemara asks: What is the reason? One is not required to eat produce of the Sabbatical Year within the wall of Jerusalem, and therefore he treats it lightly. As for second tithe, since one is required to eat it only within the wall of Jerusalem, it is possible that it seems more stringent for him, and therefore he is not suspect, despite the suspicions with regard to produce of the Sabbatical Year.

⁹⁷ The mishna teaches: One who is suspect with regard to tithe is not suspect with regard to the Sabbatical Year. The Gemara asks: What is the reason? The Gemara answers: Since there is redemption for tithes, one might treat them lightly. As for produce of the Sabbatical Year, since it is always prohibited to him and there is no redemption of it, it is possible that it seems more stringent for him, and therefore he is not suspect.

⁹⁸ The mishna teaches: One who is suspect with regard to this, the Sabbatical Year, or with regard to that, tithes, is suspect with regard to selling ritually impure foods as though they were ritually pure items. The Gemara explains: Since he is suspect with regard to matters that apply by Torah law, all the more so that he is suspect with regard to matters that are by rabbinic law. Eating non-sacred food in a state of ritual purity is an ordinance of the Sages; it does not apply by Torah law. Consequently, he is certainly not trusted with regard to that matter.

⁹⁹ The mishna teaches: But there are those who are suspect with regard to ritually pure items who are not suspect with regard to this, the Sabbatical Year, or with regard to that, tithes. The Gemara asks: What is the reason? Granted, he is suspect with regard to prohibitions that are by rabbinic law, but he is not suspect with regard to prohibitions that are by Torah law. And the Gemara raises a contradiction from a baraita: If one is trusted with regard to ritually pure items he is trusted with regard to produce of the Sabbatical Year. It can be inferred from here that if he is suspect with regard to ritually pure items he is likewise suspect with regard to produce of the Sabbatical Year.

¹⁰⁰ Rabbi Ilai says: The mishna is referring to a case where they saw him practicing stringencies with regard to produce of the Sabbatical Year and tithes privately, within his home. Since he himself is known to be trustworthy in these matters in private, he is not suspected of violating these prohibitions in his business, despite his lack of trustworthiness with regard to ritual purity.

¹⁰¹ Rabbi Yannai, son of Rabbi Yishmael, said that there is an alternative answer: The baraita is referring to a case where one was suspect with regard to both ritually pure items and produce of the Sabbatical Year, and he came before the Sages and accepted upon himself that he would observe both of them, and afterward he was suspected with regard to one of them. The reason for the halakha here is that we say: Since he is suspect with regard to this one of them, he is also suspect with regard to the other one. Although one of the prohibitions is more stringent than the other, the court has seen that he cannot be trusted to keep his word about either of them.

¹⁰² § The mishna teaches: One who is suspect with regard to the Sabbatical Year is not suspect with regard to tithes. Rabba bar bar Ḥana says that Rabbi Yoḥanan says: This is the statement of Rabbi Akiva, the unattributed. Most unattributed statements of tanna'im were formulated by Rabbi Akiva's students and reflect his opinions. But the Rabbis say: One who is suspect with regard to produce of the Sabbatical Year is suspect with regard to tithe.

¹⁰³ The Gemara asks: Who are the Sages referred to here as the Rabbis? It is Rabbi Yehuda, as in Rabbi Yehuda's locale they considered produce of the Sabbatical Year an especially stringent prohibition. Therefore, if a resident of that place was suspect with regard to the Sabbatical Year, he was certainly not trusted with regard to tithes. As in that locale, if a certain person would call another: A convert, son of a female convert, wishing to insult him, that person would say to him in reply: I have a blessing coming to me, as I do not eat produce of the Sabbatical Year like you do. This indicates that the accusation of eating produce of the Sabbatical Year was a great insult, since they treated the Sabbatical Year stringently.

¹⁰⁴ There are those who say that Rabba bar bar Ḥana says that Rabbi Yoḥanan says: This is the statement of Rabbi Akiva, the unattributed. But the Rabbis say: One who is suspect with regard to tithe is suspect with regard to produce of the Sabbatical Year. And who are the Sages referred to here as the Rabbis? It is Rabbi Meir, who says: One who is suspect with regard to one matter is suspect with regard to the entire Torah.

¹⁰⁵ The Gemara relates that Rabbi Yona and Rabbi Yirmeya, who were students of Rabbi Zeira, disagreed about this matter. And some say that it was Rabbi Yona and Rabbi Zeira, students of Rabbi Yoḥanan, who disagreed. One said: But the Rabbis say that one who is suspect with regard to produce of the Sabbatical Year

¹⁰⁶ is suspect with regard to tithe. And who are the Sages referred to here as the Rabbis? It is Rabbi Yehuda, as in his locale they treated the prohibition of produce of the Sabbatical Year stringently. And the other one says: One who is suspect with regard to tithe is suspect with regard to produce of the Sabbatical Year. And who are the Sages referred to here as the Rabbis? It is Rabbi Meir.

¹⁰⁷ As it is taught in a baraita (Tosefta, Demai 2:4): With regard to an am ha'aretz, i.e., one who is unreliable with regard to ritual impurity and tithes, who accepts upon himself the commitment to observe the matters associated with ḥaver status, i.e., that he will be stringent in all matters observed by ḥaverim, including teruma, tithes, and ḥalla, and also undertake to eat only food that is ritually pure, and the Sages accepted him as trustworthy but subsequently he was suspected with regard to one matter in which others saw him act improperly, he is suspected with regard to the entire Torah. This is the statement of Rabbi Meir. And the Rabbis say: He is suspected only with regard to that particular matter.

¹⁰⁸ It is also taught in a baraita (Tosefta, Demai 2:4): With regard to a convert who accepted upon himself upon his conversion matters of Torah, i.e., all of the mitzvot, even if he is suspect with regard to one matter alone, he is suspect with regard to the entire Torah, and he is considered like a Jewish transgressor [meshummad], who habitually transgresses the mitzvot. The Gemara explains that the practical difference resulting from the fact that he is considered like a Jewish transgressor is that if he betroths a woman, his betrothal is a valid betrothal, and they are married. Although he is suspect with regard to the entire Torah, he does not return to his prior gentile status.

¹⁰⁹ The Sages taught in a baraita: In the case of one who comes to accept upon himself the commitment to observe the matters associated with ḥaver status except for one matter, which he does not wish to observe, he is not accepted, and he is not trustworthy even with regard to those matters that he does wish to accept upon himself. Likewise, in the case of a gentile who comes to convert and takes upon himself to accept the words of Torah except for one matter, he is not accepted as a convert. Rabbi Yosei, son of Rabbi Yehuda, says: Even if he refuses to accept one detail of rabbinic law, he is not accepted.

¹¹⁰ The baraita continues: And similarly, in the case of a Levite who comes to accept the matters of a Levite, or a priest who comes to accept the matters of priesthood, except for one matter, he is not accepted. As it is stated: “He among the sons of Aaron, that sacrifices the blood of the peace offerings, and the fat, shall have the right thigh for a portion” (Leviticus 7:33). This means that with regard to the Temple service, which is handed over to the sons of Aaron, any priest who does not admit to it in its entirety has no share in the priesthood.

¹¹¹ The Gemara continues on a similar topic. The Sages taught in a baraita: In the case of one who comes to accept upon himself a commitment to observe the matters associated with ḥaver status, if we have seen that he practices such matters in private, within his home, he is accepted, and afterward he is taught the precise details of being a ḥaver. But if we have not seen him act as a ḥaver in his home, he is taught first and afterward accepted. Rabbi Shimon ben Yoḥai says: Whether in this case or that case, he is first accepted, and he then continues to learn in the usual manner, i.e., as a ḥaver he learns from others how to behave.

¹¹² The Sages taught in a baraita: An am ha’aretz who wishes to become a ḥaver is accepted first with regard to hands, i.e., he is presumed to be stringent concerning the ritual purity of his hands by making sure to wash his hands before handling pure items, and afterward he is accepted as trustworthy for purity in general. And if he says: I wish to accept purity only with regard to hands, he is accepted for this. If he wishes to accept upon himself the stringencies of a ḥaver with regard to ritual purity but he does not accept upon himself the stringencies with regard to hands, i.e., to wash his hands, which is a simple act, he is not accepted even for purity in general.

¹¹³ The Sages taught in a baraita: Until when is he accepted, i.e., how much time must elapse before he is considered trustworthy as a ḥaver? Beit Shammai say: With regard to liquids, thirty days. With regard to impurity of clothing, about which ḥaverim would be careful as well, twelve months. And Beit Hillel say: Both with regard to this, liquids, and that, clothing, he must maintain the practice for twelve months before he is fully accepted as a ḥaver.

¹¹⁴ The Gemara raises a difficulty: If so, this is one of the rare cases of the leniencies of Beit Shammai and of the stringencies of Beit Hillel, and yet it is not included in tractate Eduyyot, which lists all of the cases where Beit Shammai are more lenient than Beit Hillel. Rather, the text of the baraita must be emended so that it reads: Beit Hillel say: Both with regard to this, liquids and that, clothing, he must maintain the practice for thirty days before he is fully accepted as a ḥaver.

¹¹⁵ § The Gemara provides a mnemonic to remember the topics from here until the end of the chapter: Ḥaver; student; sky-blue dye [tekhelet]; tax; return; tax collector; by himself.

¹¹⁶ The Sages taught in a baraita: One who comes to accept upon himself a commitment to observe the matters associated with ḥaver status must accept it in the presence of three ḥaverim. But his children and the members of his household are not required to accept the status of ḥaver separately in

the presence of three ḥaverim. Rabban Shimon ben Gamliel says: Even his children and the members of his household must accept the status of ḥaver in the presence of three ḥaverim, because a ḥaver, who accepted it himself in the presence of three others, is not comparable to the son of a ḥaver, who accepted that status only due to his father but did not accept it himself explicitly, and their accepting the status not in the presence of three people is insufficient.

¹¹⁷ The Sages taught in a baraita: One who comes to accept upon himself a commitment to observe the matters associated with ḥaver status must accept it in the presence of three ḥaverim, and even a Torah scholar who wishes to become a ḥaver must accept the status of ḥaver in the presence of three ḥaverim. But an elder who sits and studies Torah in a yeshiva is not required to accept the status of ḥaver in the presence of three ḥaverim, as he already accepted it upon himself from the moment he sat and dedicated himself to study Torah in yeshiva. Abba Shaul says: Even a Torah scholar is not required to accept the status of ḥaver in the presence of three ḥaverim; and not only does he have the status of ḥaver without an explicit declaration in the presence of three ḥaverim, but others can accept that they wish to become a ḥaver in his presence.

¹¹⁸ Rabbi Yoḥanan says: This mishna, i.e., the ruling that a Torah scholar must declare his intent to become a ḥaver in the presence of three ḥaverim, was taught in the days of the son of Rabbi Ḥanina ben Antigonus. At that time, Rabbi Yehuda and Rabbi Yosei were uncertain about a certain matter of ritual purity. The Sages sent a delegation of their students to the son of Rabbi Ḥanina ben Antigonus and told them to go and tell him to examine this matter. The students found him while he was carrying items that were ritually pure. The son of Rabbi Ḥanina ben Antigonus seated Sages from his own yeshiva next to the students who came to ask the question, because he did not trust these students to keep his items pure. And he stood and examined the matter.

¹¹⁹ The students returned and came and told Rabbi Yehuda and Rabbi Yosei that the son of Rabbi Ḥanina ben Antigonus had treated them as though they had the status of *amei ha'aretz*. Rabbi Yehuda said to them in anger: This one's father, i.e., Rabbi Ḥanina ben Antigonus, degraded Torah scholars by not trusting them with matters of ritual purity. And he too, the son of Rabbi Ḥanina ben Antigonus, degrades Torah scholars.

¹²⁰ Rabbi Yosei said to him: Let the honor of the elder, i.e., both the father and son, be left in its place. He did not act in this manner to degrade Torah scholars. Rather, from the day the Temple was destroyed, the priests were accustomed to act with a higher standard for themselves, and they decided that they will not pass ritually pure items to any other person. Therefore, the son of Rabbi Ḥanina, as a priest, acted appropriately.

¹²¹ The Sages taught in a baraita: In the case of a ḥaver that died, his wife and children and members of his household retain their presumptive status until they are suspected of engaging in inappropriate deeds. And similarly, in the case of a courtyard in which one sells sky-blue dye, it retains its presumptive status as a place in which fit sky-blue dye is sold until it is disqualified due to the merchant's unscrupulous behavior.

¹²² The Sages taught in a baraita: The former wife of an *am ha'aretz* who later marries a ḥaver, and likewise the daughter of an *am ha'aretz* who marries a ḥaver, and likewise the slave of an *am ha'aretz* who is sold to a ḥaver, must all accept upon themselves a commitment to observe the matters associated with ḥaver status. But with regard to the former wife of a ḥaver who later marries an *am ha'aretz*, and likewise the daughter of a ḥaver who marries an *am ha'aretz*, and likewise the slave of a

ḥaver who was sold to an am ha'aretz, these people need not accept upon themselves a commitment to observe the matters associated with ḥaver status ab initio, as each of them is already accustomed to behave as a ḥaver.

¹²³ The baraita continues: Rabbi Meir says: They too must accept upon themselves a commitment to observe the matters associated with ḥaver status ab initio. And similarly, Rabbi Shimon ben Elazar would illustrate this point and say in the name of Rabbi Meir: There was an incident involving a certain woman who married a ḥaver and would tie [koma'at] for him phylacteries on his hand, and she later married a tax collector and would tie for him tax seals on his hand, which shows that her new husband had a great influence on her level of piety.

¹²⁴ With regard to an am ha'aretz who accepts upon himself the stringent practices of a ḥaver, the Sages taught in a baraita: And with regard to all of them, when they retract and return to being amei ha'aretz, they are never accepted as ḥaverim; this is the statement of Rabbi Meir. Rabbi Yehuda says: If they retracted in private, while in public they continue to act as ḥaverim, they are not accepted, but if they retract in public [befarheseya], they are accepted, as they can be trusted.

¹²⁵ There are those who say another version of this discussion: If they performed their actions as ḥaverim even in private, when they initially accepted the status of ḥaverim, then they are accepted when they wish to return to that status. Conversely, if they performed their actions as ḥaverim only in public, they are not accepted.

¹²⁶ Rabbi Shimon and Rabbi Yehoshua ben Korḥa say: Both in this case and in that case they are accepted, as it is stated: "Return, you backsliding children; I will heal your backslidings" (Jeremiah 3:22). Rabbi Yitzḥak of the village of Akko says that Rabbi Yoḥanan says: The halakha is in accordance with the opinion of that pair, Rabbi Shimon and Rabbi Yehoshua ben Korḥa, i.e., those who return are accepted in both cases.

¹²⁷ § The Sages taught in a baraita: Initially, the Sages would say with regard to one who is a ḥaver and became a tax collector that he is rejected from his status as a ḥaver. Even if he later resigns from his position as a tax collector, he is not accepted. In later generations they went back to saying that if he resigns from his position as a tax collector he is like any other person and may be accepted once again as a ḥaver.

¹²⁸ The Gemara relates that one time the Sages needed Rav Huna bar Ḥiyya for a certain matter. Rabba and Rav Yosef and four hundred pairs of Sages ascended to his home. When he heard that they were coming, he tied for them four hundred chairs [takhtekei] to sit on. Eventually the Sages heard that he had become a tax collector. They sent him the following message: Go to your important position as a tax collector, and go to your former status, as we no longer need you. He sent to them the following message: I have repented and am no longer a tax collector. Rav Yosef did not go to him, but Rabba went to him.

¹²⁹ Rav Yosef said in explanation of why he did not go: We learn in a baraita that even if such an individual resigns from his position as a tax collector he is not accepted. Rabba said: We learn in the baraita that in later generations they went back to saying that if he resigns from his position as a tax collector he is like any other person and may be accepted once again as a ḥaver.

¹³⁰ § The Sages taught in a baraita: A person may inspect all firstborns for blemishes except for his own firstborns, as he has a vested interest. And despite his vested interest in these cases, one may

inspect his own sanctified animals that he consecrated for the Temple, to determine whether they have blemishes and may be redeemed; and he may inspect his animal tithes to decide whether they are fit for sacrifice in the Temple; and one may ask himself with regard to his ritually pure foods, i.e., he may decide for himself whether or not they have become impure, and he is not suspected of claiming that impure food is actually pure.

¹³¹ The Gemara analyzes the baraita. The Master said: A person may inspect all firstborns except for his own firstborns. What are we dealing with here? If we say that we are dealing with a case of one person examining a blemish, is he trusted by himself to deem any firstborn animal permitted for slaughter? The mishna on 36b states that only three people may permit a firstborn animal to be slaughtered. Rather, it must be dealing with one of three who jointly decide the status of the firstborn animal. And is he suspect in such a case? But didn't we learn in a mishna (Yevamot 25b): A judge before whom a woman performed refusal when she was a minor, by declaring that she did not desire the husband chosen for her by her family, or before whom she performed ḥalitza, may marry her, because he was only one member of the court, and therefore there is no suspicion of conflict of interest?

¹³² The Gemara answers: Actually, we are dealing with a case of a single judge, and this is as Rav Ḥisda says that Rabbi Yoḥanan says with regard to a different matter: Vows may be dissolved even by a single expert, and a three-member court is not always necessary. Here too, we are dealing with a single expert who deems the firstborn animal permitted. A single expert may rule with regard to the firstborn animals belonging to others, but not his own animals, due to his vested interest.

¹³³ The Gemara analyzes the last section of the baraita. And despite his vested interest, one may inspect his own sanctified animals. Why is it permitted for him to inspect them? The reason is that if he wants to avoid giving the animal to the Temple, he can issue a request from a halakhic authority to annul his oath. Consequently, he does not truly have a vested interest.

¹³⁴ The baraita also teaches: And he may rule with regard to his own animal tithes to decide whether they are fit to be sacrificed in the Temple. The Gemara explains that the reason is that if he wants to avoid bringing the animals as offerings, he can inflict a blemish upon his entire herd before separating the tithe, which would render them all unfit for sacrifice in the Temple.

¹³⁵ Finally, the baraita states: And one may ask himself with regard to his ritually pure foods, i.e., he may decide for himself whether or not they have become impure, and he is not suspected of claiming that impure food is actually pure. The Gemara explains that his vested interest in this case is not so great, as the food is fit for him to eat in his days of impurity.

Chapter 5

¹ MISHNA: With regard to all disqualified consecrated animals that were disqualified for sacrifice due to blemishes and were redeemed, all benefit accrued from their sale belongs to the Temple treasury. In order to ensure that the Temple treasury will not suffer a loss, these animals are sold in the butchers' market [ba'itliz] and slaughtered in the butchers' market, where the demand is great and the price is consequently higher. And their meat is weighed and sold by the litra, in the manner that non-sacred meat is sold.

² This is the halakha with regard to all consecrated animals except for the firstborn offering and an animal tithe offering. When these become blemished and their slaughter is permitted, they are sold and slaughtered only in the owner's house and are not weighed; rather, they are sold by estimate. The reason is that all benefit accrued from their sale belongs to the owner, i.e., the priest in the case of the firstborn and the owner in the case of the animal tithe offering. It is not permitted to treat disqualified consecrated animals as one treats non-sacred animals merely to guarantee that the owner will receive the optimal price. This is in contrast to disqualified consecrated animals, where all benefit accrued from their sale belongs to the Temple treasury, and therefore the animal is sold in the market to ensure that the optimal price is received.

³ And although the meat of the firstborn is not weighed and sold by the litra, nevertheless, if one has non-sacred meat weighing one hundred dinars, one may weigh one portion of non-sacred meat against one portion of the meat of the firstborn, because that is unlike the manner in which non-sacred meat is weighed.

⁴ GEMARA: The mishna teaches that with regard to all disqualified consecrated animals that were disqualified for sacrifice due to blemishes and were redeemed, all benefit accrued from their sale belongs to the Temple treasury, and the animals may consequently be sold in the manner of non-sacred meat. The Gemara asks: When does this apply? If we say that it applies to an animal after its redemption, i.e., after the owner redeemed it from the Temple treasury, does the benefit accrued belong to the Temple? Certainly not. Once a consecrated animal is redeemed from the Temple treasury, it is in the possession of its owner, which means that the benefit accrued belongs to the owner.

⁵ Rather, it applies to an animal before its redemption, in which case the money accrued from its sale, which renders it non-sacred, belongs to the Temple treasury. But if so, the mishna's statement that the animals may be slaughtered in the butchers' market is problematic. The Gemara explains the difficulty: How can the animal be evaluated after having been slaughtered? Redeeming a sanctified animal requires standing and valuation, i.e., it has to be set standing before a priest for him to appraise its monetary value and only then is it redeemed (see Leviticus 27:11–12).

⁶ The Gemara adds: This works out well according to the one who says that items consecrated to be sacrificed on the altar that were then disqualified due to a blemish were not included in the requirement of standing and valuation. If so, the animal may be slaughtered and subsequently sold. But according to the one who says that items consecrated to be sacrificed on the altar were included in the requirement of standing and valuation, what is there to say in explanation of the mishna?

⁷ The Gemara answers: Rather, the ruling of the mishna actually applies to a case where the animals are sold and slaughtered after their redemption by the owner. And what is the meaning of the mishna's statement that all benefit accrued from their sale belongs to the Temple treasury? This is not referring to the profit from the sale in the butchers' market, as was previously assumed. Instead, it is referring to their initial redemption from the Temple treasury.

⁸ The Gemara explains: Since the Sage in the mishna deems it permitted for the redeemed animals to be subsequently sold in the butchers' market and slaughtered in the butchers' market, and weighed and sold by the litra, there is a higher probability that the owner will redeem the animal for more money initially. The owner's later ability to sell the redeemed animal for the highest market value is

in effect a benefit that eventually accrues to the Temple treasury, as he will be willing to spend more money to redeem the animal.

⁹ § The mishna teaches that the meat of blemished, consecrated animals may be sold in the same manner as non-sacred meat, except for the firstborn animal and animal tithe offering, as all benefit accrued from their sale belongs to the owner. Accordingly, even if it is blemished, the meat may be sold only in the owner's house. The Gemara asks: Granted, in the case of a firstborn offering, it is in the butchers' market that it may not be sold, whereas it may be sold in its owner's house. But with regard to the animal tithe offering, may it be sold in its owner's house?

¹⁰ But isn't it taught in a baraita: With regard to a firstborn animal it is stated: "You shall not redeem" (Numbers 18:17), indicating that its sanctity can never be removed from it and transferred to non-sacred objects. But it can be sold after it comes into the possession of the priest, while it is alive. By contrast, with regard to the animal tithe offering, it is stated: "It shall not be redeemed" (Leviticus 27:33), which teaches that its sanctity can never be removed from it, and it cannot be sold either, as the Gemara will explain (32a–b), not when alive and not when slaughtered, not when unblemished and not when blemished. This baraita clearly states that the animal tithe offering may not be sold no matter what its status, which seems to contradict the mishna.

¹¹ The Gemara notes: At night, Rav Sheshet found this matter difficult, and he resolved it in the morning from a baraita. He explains that in the mishna we are dealing with a case of an animal tithe offering belonging to young orphans that was blemished and slaughtered. Since the orphans are unable to consume the entire animal and would therefore suffer a monetary loss if the meat were to spoil, the Sages permitted its sale, and it is due to the principle of returning a lost item that they touched upon it, i.e., allowed for this.

¹² The Gemara relates: Rav Idi, the attendant [saraseih] of Rav Sheshet, heard this explanation from Rav Sheshet. Rav Idi went and stated the matter in the study hall, but did not say it in his master's name. Rav Sheshet heard what he had done and was annoyed. Rav Sheshet said: The one who stung me, let him be stung by a scorpion. The Gemara asks: And as for Rav Sheshet, what difference does it make to him whether or not his interpretation was cited in his name? The Gemara answers that this is as Rav Yehuda says that Rav says: What is the meaning of that which is written: "I will dwell in Your tent forever [olamim]" (Psalms 61:5)? Rav asked: But is it possible for a person to live in two worlds [olamim], this world and the next, simultaneously?

¹³ Rather, David, who recited this psalm, said to God: Master of the Universe, let people say a matter of halakha in my name in this world after I have passed on to another world. As Rabbi Yoḥanan said in the name of Rabbi Shimon ben Yoḥai: With regard to any Torah scholar in whose name a matter of halakha is stated in this world, his lips mouth the words in the grave, as though he were speaking.

¹⁴ And Rabbi Yitzḥak ben Ze'eiri says: What is the verse from which this is derived? The verse states: "And the roof of your mouth is like the best wine that glides down smoothly for my beloved, moving gently the lips of those who are asleep" (Song of Songs 7:10). Here, words of Torah in the mouths of the Jewish people are likened to a pile [kekhome] of grapes left to warm before they are pressed, which causes the wine to exude from them easily: Just as with regard to a pile of grapes, when a person places his finger on it and touches it, it moves and issues a sound as the wine bursts forth, so too with regard to Torah scholars, when a matter of halakha is stated in their name, their lips mouth the words in the grave.

¹⁵ The Gemara returns to Rav Sheshet's explanation: What is the baraita mentioned by Rav Sheshet, upon which he based his resolution? The Gemara explains: As it is taught in a baraita: With regard to an animal tithe offering of young orphans, one may sell it. And with regard to an animal tithe offering that one has slaughtered, whose meat may not be sold, one may include the cost of the meat in the cost of its negligent parts, thereby inflating the cost of those parts, i.e., the animal's hide, its fat, its sinews, and its horns, which are permitted to be sold.

¹⁶ The Gemara asks: What is the tanna of the baraita saying? Initially, the baraita stated that one may sell the meat of an animal tithe offering belonging to young orphans, which indicates that this may be done in the normal fashion. The baraita then proceeds to state that the sale of the meat must be performed in the indirect manner of inclusion. Abaye said: The baraita is actually referring to only one case, and this is what it is saying: With regard to the meat of an animal tithe offering of young orphans, it may be sold, but only by means of inclusion.

¹⁷ The Gemara states: One can conclude by inference from this baraita that in the case of an animal tithe offering of an adult, i.e., a non-orphan, its meat may not be sold even by means of inclusion. What is different in this case from that which is taught in a mishna (Sukka 3:11): In the case of one who purchases a lulav from another, who is an am ha'aretz, during the Sabbatical Year, the seller gives him an etrog together with the lulav as a gift, as it is not permitted for one to purchase the etrog during the Sabbatical Year, and one may not give the value of Sabbatical-Year produce to an am ha'aretz, lest he engage in commerce with it, which is prohibited.

¹⁸ The Gemara continues: And we discussed this mishna and asked: If the seller did not want to give him the etrog as a gift, what is the halakha? How can the buyer receive the etrog? And Rav Huna said: The seller includes the value of the etrog in the cost of the lulav. The buyer should purchase the lulav at an elevated price to cover the cost of the etrog as well. If inclusion is allowed in the case of the etrog, why would it not be permitted in the case of the meat of an animal tithe offering belonging to an adult?

¹⁹ The Gemara answers: There, in the case of the etrog, the matter is not evident, whereas here, with regard to the meat of an animal tithe offering, the matter is evident. The inclusion of the cost of the etrog in the elevated cost of the lulav is not evident, as it is reasonable that the price of a lulav might fluctuate. By contrast, inflating the cost of the negligible parts of the animal tithe offering to include the cost of its expensive meat is obviously an artifice and is therefore not permitted.

²⁰ Rava said to Abaye in response: If so, that the baraita is referring to only one case, why do I need it to use the expression: Animal tithe offering, twice? Rather, Rava said that the baraita is discussing two distinct cases, and this is what the tanna is saying: With regard to the meat of an animal tithe offering of young orphans, one may sell it in its usual manner, but in the case of an animal tithe offering belonging to an adult that was slaughtered, one may sell its meat only by means of including its cost in the elevated price of the animal's hide, its fat, its sinews, and its horns.

²¹ Rava said: From where do I say that the meat of an animal tithe offering belonging to an adult may be sold by inclusion? As it is written with regard to the animal tithe offering: "Then both it and that for which it is substituted shall be holy; it shall not be redeemed" (Leviticus 27:33). This indicates that a non-sacred animal designated as a substitute for an animal tithe offering assumes sacred status, while the animal tithe offering retains its sacred status as well. As stated earlier, the phrase "it shall not be redeemed" is interpreted as referring to the prohibition against selling the

animal tithe offering. The verse's juxtaposition of substitution and the prohibition against selling an animal tithe offering indicates a similarity between the two.

²² Rava explains: When does an animal tithe offering render consecrated as a substitute a non-sacred animal for which it is exchanged? Only when the animal tithe offering is alive, as substitution is invalid after its death. Similarly, when may the animal tithe offering not be redeemed, i.e., sold? When it is alive. It may be inferred from here that it may be redeemed, i.e., sold, after its slaughter. This teaches that by Torah law, the meat of an animal tithe offering may be sold once the animal has been slaughtered. The Sages decreed that an animal tithe offering may not be sold after its slaughter, due to the concern that one might sell it before its slaughter.

²³ Rava continues: It was only with regard to an item that is appraised when the animal is alive, i.e., its meat, which gives the animal its primary value, that the Sages decreed that it may not be sold even after its slaughter, due to the concern that one might sell the animal before its slaughter.

²⁴ But with regard to an item that is not appraised when an animal is sold when alive, e.g., the hide and sinews, as these are not primary contributing factors to the animal's value, the Sages did not decree that one may not sell such items after the animal's slaughter. Consequently, the meat of an animal tithe offering may be sold by means of inclusion in the animal's hide, fat, sinews, and horns. And with regard to a case of young orphans, the Sages established the halakha as if by Torah law, and therefore the meat may be sold in its usual manner.

²⁵ The Gemara notes: And even Rav Shmuel bar Rav Yitzḥak holds in accordance with that opinion of Rava, that by Torah law, the meat of a blemished animal-tithe offering may be sold in the normal manner. As Rav Shmuel bar Rav Yitzḥak says: From where is it derived that one may sell the meat of a blemished animal-tithe offering of young orphans in its usual manner, without having to resort to the method of inclusion?

²⁶ It is derived from a verse, as it is stated in a verse discussing consecrated animals that became blemished: "Notwithstanding, after all the desire of your soul, you may slaughter and eat flesh, according to the blessing of the Lord your God" (Deuteronomy 12:15). Now which is the item that has no blessing when it is alive, i.e., it is prohibited to derive benefit from it, but it does have a blessing after its slaughter, as indicated by the verse "You may slaughter...according to the blessing of the Lord your God"? You must say that this is the meat of the animal tithe offering.

²⁷ § The baraita cited earlier teaches that the Sages permitted the inclusion of the value of a blemished animal-tithe offering's meat in the cost of its hide, fat, sinews, and horns. In this regard, a dilemma was raised before the Sages: What is the halakha with regard to including the value of the meat in the cost of the animal's bones? Rabbi Ḥiyya and Rabbi Shimon, son of Rabbi Yehuda HaNasi, disputed this matter. One says that one may include the value in the cost of the bones, and one says one may not include it.

²⁸ The Gemara notes: And they do not disagree. This one, who maintains that one may not include the value in the cost of the bones, is referring to a small, domesticated animal, whose bones are incapable of being fashioned into utensils and are therefore never sold. That one, who holds that one may include the value in the cost of the bones, is referring to a large, domesticated animal, whose bones can be used and are therefore sold.

²⁹ And if you wish, say instead that both this one and that one are referring even to a large, domesticated animal, and still they do not disagree. This Sage rules in accordance with the custom of his locale, and that Sage rules in accordance with the custom of his locale. In other words, in certain places the custom is to use the bones and sell them, while elsewhere they do not.

³⁰ § The Gemara returns to the matter itself, stated in the baraita: With regard to a firstborn male animal offering the verse states: “You shall not redeem” (Numbers 18:17), but it may be sold while alive, by the priest to whom it belongs. By contrast, with regard to the animal tithe offering, it is stated: “It shall not be redeemed” (Leviticus 27:33), indicating that its sanctity can never be removed from it, and it cannot be sold, not when alive and not when slaughtered, not when unblemished and not when blemished. The Gemara asks: From where is this matter derived, that the phrase “it shall not be redeemed” is referring to the prohibition against selling the animal tithe offering?

³¹ Rav Ḥinnana says that Rav says, and similarly, Rav Dimi says that Rabbi Yoḥanan says: It is stated: “It shall not be redeemed,” with regard to the animal tithe offering, and it is stated: “And it shall not be redeemed,” with regard to dedications [baḥaramim], i.e., property that one consecrated by means of the expression: *Herem*. With regard to dedications, the verse states: “Notwithstanding, any dedicated item...may neither be sold nor redeemed” (Leviticus 27:28). This is a verbal analogy: Just as there, with regard to dedications, the prohibition against selling is mentioned together with the prohibition against redeeming, so too here, with regard to the animal tithe offering, the prohibition against selling is mentioned together with the prohibition against redeeming.

³² Rav Naḥman bar Yitzḥak said to Rav Huna, son of Rav Yehoshua: It must be that at least one of the phrases “It shall not be redeemed” is free, i.e., at least one of these terms is superfluous in its context, which means that it is included for the specific purpose of the verbal analogy. In such a case the verbal analogy cannot be refuted by logic, whereas if neither phrase is free one can refute the analogy if there is a significant difference between the two cases. As, if these terms are not free, the verbal analogy can be refuted: What is notable about dedications, in contrast to the animal tithe offering? They are notable in that they apply to all items one wishes to dedicate, whereas an animal tithe offering applies only to kosher animals.

³³ The Gemara notes: This is not so [la’ai], as at least one of the phrases: “It shall not be redeemed,” is certainly free. How so? Let the verse not state: “It shall not be redeemed,” with regard to dedications, and instead one could derive the prohibition from an animal tithe offering: Just as an animal tithe offering is sacred and may not be redeemed, so too, dedications are also sacred and may not be redeemed. Why then do I need the phrase “It shall not be redeemed” that the Merciful One writes, in the case of dedications? It is evidently to be considered free to enable the verbal analogy.

³⁴ The Gemara rejects this suggestion. It is still possible that the phrase “It shall not be redeemed,” written with regard to dedications, is not free, as the suggested derivation stated above can be refuted: What is notable about the animal tithe offering? It is notable in that there is sanctity before it and after it. If, instead of proclaiming as the tithe the tenth animal that one counted, one inadvertently proclaimed either the ninth animal or the eleventh animal as the tithe, the mistakenly proclaimed animal assumes the sacred status of the animal tithe offering. By contrast, one cannot inadvertently dedicate property to the Temple. Since the case of the animal tithe offering includes a stringency not shared by dedications, the phrase “It shall not be redeemed” is required to teach that dedications may not be redeemed, and is therefore not free for the verbal analogy.

³⁵ The Gemara cites an alternative suggestion. Rather, let the verse not state: “It shall not be redeemed,” with regard to dedications, and instead one can derive the prohibition from the firstborn offering: Just as the firstborn offering is sacred and may not be redeemed, as the verse states: “You shall not redeem it” (Numbers 18:17), so too, dedications are also sacred and may not be redeemed. Why do I need the phrase “It shall not be redeemed” that the Merciful One writes in the case of dedications? It is evidently to be considered free to enable the verbal analogy to the animal tithe.

³⁶ The Gemara rejects this suggestion as well: It is possible that the phrase “It shall not be redeemed” is not free, as the above derivation can be refuted: What is notable about the firstborn offering? It is notable in that its sanctity is from the womb, whereas dedications require an act of consecration.

³⁷ Rather, let the verse not say: “It shall not be redeemed,” with regard to the animal tithe offering, and instead one can derive the prohibition from a verbal analogy from the term of passing stated there and the term of passing stated in the case of a firstborn. With regard to an animal tithe offering the verse states: “Whatsoever passes under the rod” (Leviticus 27:32), and in the case of the firstborn offering it is stated: “And you shall cause to pass all that opens the womb, to the Lord” (Exodus 13:12). Just as the firstborn offering is sacred and may not be redeemed, so too, an animal tithe offering is also sacred and may not be redeemed. Why do I need the phrase “It shall not be redeemed” that the Merciful One writes with regard to animal tithe offerings? It is evidently to be considered free to enable the verbal analogy to dedications.

³⁸ The Gemara asks: But still, the phrase “It shall not be redeemed,” written with regard to the animal tithe offering, is itself not free, as the analogy between the animal tithe offering and the firstborn offering can be refuted as we refuted the analogy between the firstborn offering and dedications, since the firstborn offering is notable in that it is sanctified from the womb.

³⁹ The Gemara answers: The term “And you shall cause to pass,” written in the context of the firstborn, is a superfluous verse, as it could have simply stated: All that opens the womb is to be for the Lord. Consequently, it is free to enable the verbal analogy. In sum, the Gemara is suggesting that due to the term “And you shall cause to pass,” there is a verbal analogy between the animal tithe offering and the firstborn offering, from which it is derived that the animal tithe offering may not be redeemed. This means that the phrase “It shall not be redeemed,” written with regard to the animal tithe offering, is free to enable the verbal analogy with dedications, from which the prohibition against selling the meat of the animal tithe offering is derived.

⁴⁰ The Gemara raises a difficulty: With regard to a firstborn offering as well, let us derive that one may not sell its meat from a verbal analogy between the expression of redemption written there and the expression of redemption written in the context of dedications. This would contradict the ruling of the baraita that a firstborn offering can be sold after it enters the possession of the priest. The Gemara answers: The expression of redemption in the context of the animal tithe offering is free to enable the verbal analogy to dedications, but the expression of redemption in the context of a firstborn offering is not free, as it is required in its own context to teach that the firstborn offering may not be redeemed and as the source for the halakha of the animal tithe offering.

⁴¹ The Gemara asks: And what did you see that you said that the phrase “you shall not redeem” written in the context of a firstborn offering is not free, but is necessary for itself, i.e., to teach that it may not be redeemed, and yet the expression of redemption written with regard to the animal tithe

offering is free to enable the verbal analogy, as the halakha of its redemption is derived from the firstborn? But one can say the reverse, that the expression of redemption written in the context of the animal tithe offering is for itself, whereas that written with regard to a firstborn offering is free.

⁴² The Gemara answers: We derive the expression of redemption [geula] written in the context of the animal tithe offering from the expression of redemption [geula] written in the context of dedications, but we do not derive the expression of redemption [pediya] written in the context of a firstborn offering from the different expression of redemption [geula] written in the context of the dedications.

⁴³ The Gemara asks: What difference is there whether or not an identical expression is used for a verbal analogy? Didn't the school of Rabbi Yishmael teach a verbal analogy with regard to leprosy of houses? The verse states: "And the priest shall return [veshav] on the seventh day" (Leviticus 14:39), and another verse with regard to the priest's visit seven days later states: "And the priest shall come [uva] and look" (Leviticus 14:44). This returning and this coming have the same meaning and one can therefore derive by verbal analogy that the same halakha that applies if the leprosy had spread at the conclusion of the first week also applies if it had spread again by the end of the following week. Here too, the different terms of *pediya* and *geula* should not prevent the application of a verbal analogy.

⁴⁴ The Gemara answers: This statement, that the phrases used for a verbal analogy do not have to be identical, applies only where there are no terms that are equivalent to it. But where there are terms that are equivalent to it, we derive the verbal analogy from the terms that are equivalent to it, rather than from the terms that are not equivalent.

⁴⁵ The Gemara raises a difficulty: But let one derive that it is prohibited to sell the meat of a blemished firstborn offering from the verbal analogy between the expression of passing and the expression of passing, from the case of the animal tithe offering. This should be possible, as the sale of the meat of a blemished animal-tithe offering is also prohibited, as derived by a verbal analogy between the expression of redemption written in its context and the expression of redemption written with regard to dedications, as explained earlier.

⁴⁶ The Gemara answers: The Merciful One limits the extension of the prohibition against selling with regard to dedications by adding the term "it" in the verse: "It is most holy to the Lord" (Leviticus 27:28). The term "it" teaches that the prohibition against selling applies only to it, i.e., dedications, but not to a firstborn offering. The Gemara raises a difficulty: But one can say instead that the term "it" teaches that the prohibition against selling applies to dedications, but not to the animal tithe offering. The Gemara answers: The prohibition against selling applies to the animal tithe offering, with regard to which the expression of redemption is written, just like dedications, while the term "it" limits the prohibition to the firstborn offering.

⁴⁷ § Rava says that there is an alternative explanation for the prohibition against selling the animal tithe. The phrase "It may not be redeemed," written with regard to dedications, is unnecessary and is therefore free to enable a verbal analogy with the animal tithe offering. Rava explains: As where are the items of dedication, designated for the priests, located? If they are in the owner's possession, they are considered consecrated and may not be redeemed. And if they are in the priest's possession, they are considered non-sacred and the priest may sell them.

⁴⁸ This is as it is taught in a baraita: Dedications, as long as they are in the owner's possession, are like consecrated property in all respects, as it is stated: "Every dedicated item is most holy to the

Lord” (Leviticus 27:28). Once the owner gave them to the priest, they are like non-sacred property in all respects, as it is stated: “Every dedicated item in Israel shall be for You” (Numbers 18:14). Rava continues: Accordingly, concerning the phrase “It may not

⁴⁹ be redeemed” that the Merciful One writes, why do I need it? If it is not referring to the matter of dedications, as can be inferred from the baraita, apply it to the matter of the animal tithe offering, teaching that it may not be sold. The Gemara raises a difficulty: One can say that instead of applying it to the animal tithe offering, apply it to the matter of a firstborn offering. The Gemara rejects this possibility: The prohibition against selling extends to the animal tithe offering, concerning which the expression of redemption is written, just like dedications, which is not so concerning the firstborn offering.

⁵⁰ § Rav Ashi says that the prohibition against selling the animal tithe offering is not derived from dedications, but rather from the case of the animal tithe offering itself. The phrase “It may not be redeemed,” written with regard to the animal tithe offering, is to be understood as meaning: It may not be sold. Rav Ashi further says: From where do I say this? As it is written: “Then both it and that for which it is substituted shall be holy; it shall not be redeemed” (Leviticus 27:33).

⁵¹ Rav Ashi elaborates: When does the animal tithe offering render a non-sacred animal for which it is exchanged consecrated as a substitute? Only when the animal tithe offering is alive. Similarly, when may the animal tithe offering not be redeemed by its owner? Only when it is alive, which indicates that it may be redeemed after its slaughter. But when redeeming a sanctified animal, it requires standing and valuation, i.e., it has to be set standing before a priest for him to evaluate it and only then is it redeemed (see Leviticus 27:11–12). How, then, can the animal tithe offering be redeemed after having been slaughtered?

⁵² Rav Ashi continues: Rather, conclude from this verse that the phrase “it may not be redeemed” is not referring to redemption. Rather, it is actually to be understood as: It may not be sold. Accordingly, the prohibition against selling the animal tithe offering is in effect only while it is alive, as is the halakha with regard to a substitute; but once it is slaughtered, it may be sold.

⁵³ The Gemara raises a difficulty: This works out well according to the one who says that animals consecrated to be sacrificed on the altar that were disqualified due to a blemish were included in the requirement of standing and valuation. But according to the one who says that animals consecrated to be sacrificed on the altar that were disqualified due to a blemish were not included in the requirement of standing and valuation, what is there to say? According to this opinion, the phrase “It may not be redeemed” can be interpreted literally, in contrast to Rav Ashi’s claim.

⁵⁴ The Gemara explains: This is what we said, i.e., this is what we meant. The phrase “It may not be redeemed” cannot be understood literally, as is there ever an instance where an animal may not be redeemed when alive, and yet it may be redeemed after its slaughter? Since such a scenario is impossible, the verse must be referring to the prohibition against selling. The Gemara asks: But why can it not be said that an animal may be redeemed only after its slaughter? One can claim that when the animal is alive, since its sanctity is strong, it is logical to say that it may not be redeemed. Conversely, after its slaughter, when its sanctity is weak, it is logical to claim that it may be redeemed. If so, the phrase can be understood literally.

⁵⁵ The Gemara rejects this contention: But isn’t the opposite claim, that a slaughtered animal tithe offering may not be redeemed, based on an a fortiori inference: If, when the animal tithe offering is

alive and its sanctity is strong enough to transfer that sanctity to its redemption money, just as it renders a non-sacred animal consecrated as a substitute, nevertheless it may not be redeemed, then after its slaughter, when its sanctity is not strong enough to transfer that sanctity to its redemption money, as at this stage it cannot render a non-sacred animal consecrated as a substitute, should it be able to be redeemed? In other words, the fact that substitution can be effected only with a living animal indicates that a strong sanctity is more easily transferable to another item than a weak sanctity. Rather, conclude from this that the phrase “It may not be redeemed” is actually to be understood as meaning that it may not be sold.

⁵⁶ The Gemara raises a difficulty: But if so, let the Merciful One write explicitly: It may not be sold. The Gemara answers: Had the Merciful One written: It may not be sold, I would say that the animal tithe offering only may not be sold, as one who does so performs an act of a non-sacred item, by treating the consecrated animal in the same manner as a non-sacred animal and transferring its value to non-sacred money. But I would say that it may be redeemed, as in this manner its value becomes consecrated. Therefore, in order to counter this notion, the Merciful One writes: “It may not be redeemed,” which teaches both that the animal tithe offering may not be sold and that it may not be redeemed.

⁵⁷ MISHNA: Beit Shammai say: An Israelite cannot be counted with the priest to partake of a blemished firstborn. And Beit Hillel deem it permitted for him to partake of it, and they deem it permitted even for a gentile to partake of a blemished firstborn.

⁵⁸ GEMARA: The mishna teaches that Beit Hillel deem it permitted even for a gentile to partake of a blemished firstborn offering. The Gemara says: Whose opinion is expressed in the mishna? It is the opinion of Rabbi Akiva, as it is taught in a baraita: In the case of a blemished firstborn offering, only a group constituted entirely of priests may be counted to partake of it; this is the statement of Beit Shammai. And Beit Hillel say: The group may even be constituted of non-priests. Rabbi Akiva says that Beit Hillel deem it permitted even for a gentile to partake of a blemished firstborn. Evidently, Beit Hillel’s opinion in the mishna is in accordance with Rabbi Akiva’s explanation in this baraita.

⁵⁹ The Gemara explains: What is the reason of Beit Shammai? As it is written in a verse discussing the firstborn offering, addressed to Aaron and his sons: “But the firstling of an ox, or the firstling of a sheep, or the firstling of a goat you shall not redeem; they are holy ...and their flesh shall be yours, as the wave breast and as the right thigh, it shall be yours” (Numbers 18:17–18). Just as there, with regard to the breast and the thigh, priests may partake of it but an Israelite, i.e., a non-priest, may not, as the verse states: “You shall eat in a pure place; you, and your sons, and your daughters with you” (Leviticus 10:14), so too here, with regard to the firstborn offering, only priests may partake of it, but an Israelite may not.

⁶⁰ And Beit Hillel would respond to that claim: This statement applies only to an unblemished firstborn offering, which is sacrificed upon the altar. But concerning a blemished firstborn it is written: “You shall eat it within your gates; the impure and the pure may eat it alike” (Deuteronomy 12:22; see Deuteronomy 15:22). Beit Hillel derive an a fortiori inference: And if a ritually impure priest, who may not eat the meat of offerings of lesser sanctity, nevertheless may eat the meat of a blemished firstborn offering, then with regard to a non-priest, who may eat the meat of offerings of lesser sanctity, e.g., peace offerings and animal tithe offerings, is it not logical that he may eat the meat of a blemished firstborn offering?

⁶¹ The Gemara raises a difficulty: This a fortiori inference can be refuted: What is notable about the case of a ritually impure priest? It is notable in that its general prohibition was permitted in certain circumstances, specifically with regard to the communal service. If there are no ritually pure priests, the sacrificial service may be performed by ritually impure priests. By contrast, it is never permitted for a non-priest to perform the sacrificial service. Accordingly, one cannot derive the halakha concerning a non-priest via an a fortiori inference from an impure priest.

⁶² And Beit Hillel would respond: Is that to say that the a fortiori inference was stated with regard to the sacrificial service, which was the subject of that refutation? Not so; rather, we state it with regard to the eating of sacrificial meat, and the eating of a non-priest is superior to that of a ritually impure priest. Accordingly, the refutation of the a fortiori inference is inapplicable.

⁶³ § The baraita stated that according to Rabbi Akiva, Beit Hillel deems it permitted for non-priests, and even gentiles, to partake of blemished firstborn offerings. The Gemara asks: What is the reason of Rabbi Akiva? The verse states: “Like the gazelle and like the deer” (Deuteronomy 15:22). Just as a gazelle and a deer are permitted to be eaten by a gentile, so too, disqualified blemished firstborn offerings are permitted to be eaten by a gentile.

⁶⁴ The Gemara asks: And the other one, i.e., the tanna who disagrees with Rabbi Akiva’s version of the opinion of Beit Hillel, who does not deem it permitted for a gentile to partake of a blemished firstborn offering, what is his reason? The Gemara answers that the terms “gazelle” and “hart” are written three times in the context of disqualified consecrated animals, in Deuteronomy 12:15, 12:22, and 15:22. One is required for the statement of Rabbi Yitzḥak and Rabbi Oshaya, and one is needed for the statement of Rabbi Elazar HaKappar.

⁶⁵ And the other verse teaches that just as a gazelle and a deer are exempt from the first of their offspring being counted a firstborn, as the verse states: “All the firstling males that are born of your herd and of your flock” (Deuteronomy 15:19), referring specifically to domesticated animals but not undomesticated animals such as a gazelle and a deer; so too, disqualified consecrated animals are exempt from the first of their offspring being counted a firstborn (see 14a).

⁶⁶ § The Sages taught in a baraita: One may not give a blemished firstborn offering to menstruating women to eat; this is the statement of Beit Shammai. And Beit Hillel say: One may give it to menstruating women to eat. The Gemara asks: What is the reason of Beit Shammai? It is written with regard to the firstborn offering: “And their flesh shall be yours, as the wave breast and the right thigh” (Numbers 18:18). Just as there, with regard to the wave breast and the right thigh, menstruating women may not eat them, as these consecrated meats may not be eaten by a ritually impure individual, so too here, with regard to the firstborn offering, menstruating women may not eat its meat, as it too is consecrated.

⁶⁷ And Beit Hillel would respond: This statement, i.e., this verse, is referring only to the meat of an unblemished firstborn offering. Only such meat is compared to the wave breast and the right thigh. But with regard to a blemished firstborn offering, the verse explicitly states that the impure and the pure may eat it (see Deuteronomy 15:22).

⁶⁸ And Beit Shammai would claim: This statement, that the ritually impure may eat the meat of a blemished firstborn offering, applies only where the impurity does not issue upon him from his own body but is contracted from an external source, e.g., from a corpse or the carcass of a creeping

animal. But where the impurity issues upon him from his own body, such as in the case of a zav or a menstruating woman, that individual may not eat the meat of a blemished firstborn offering.

⁶⁹ Beit Shammai continue: This is a valid distinction, as we find that the Merciful One distinguishes between a case where the impurity issues upon an individual from his own body and between a case where the impurity does not issue upon him from his own body. As we learned in a mishna (Pesahim 95b): When the Paschal offering is sacrificed in a state of ritual impurity, due to the fact that the majority of the Jewish people are ritually impure, then zavim and lepers and zavot and menstruating women and women after childbirth may not eat from it. The sacrificing of the Paschal offering overrides only ritual impurity imparted by a corpse; it does not override other forms of ritual impurity.

⁷⁰ And Beit Hillel would respond: It is only there, in the case of the Paschal offering, that a difference of that kind applies, as the Merciful One revealed that only an individual whose impurity did not issue from his own body is permitted to eat the Paschal offering, as the verse states: “Impure by reason of a dead body” (Numbers 9:10). But here, with regard to the firstborn offering, the term “impure” is written unspecified: “The impure and the pure may eat it alike.” Therefore, in this case there is no difference between the two types of impurity.

⁷¹ § The Sages taught in a baraita: One may not skin an animal from its feet [margilin] on a Festival. Although it is permitted to slaughter and skin an animal on a Festival, one may not skin it in such a manner that he will retain the hide intact to function as a vessel. Similarly, one may not skin a firstborn offering from its feet, even on a weekday and even if it is blemished, nor is skinning by way of the feet permitted in the case of disqualified consecrated animals. Such an act is considered degrading to the animal, even if the animal has been redeemed and slaughtered.

⁷² The Gemara asks: Granted, one may not skin an animal from its feet on a Festival, as one is thereby performing an effort whose outcome is not needed for use on the Festival. But with regard to a firstborn offering, who is the tanna who taught that skinning it from its feet is prohibited? Rav H̥isda says: It is the opinion of Beit Shammai, who say that one may not feed the meat of a firstborn offering to menstruating women. According to Beit Shammai, a blemished firstborn retains its sanctity as though it were unblemished, and must be treated in the manner of sacrificial meat. Skinning an animal from its feet is considered an act inappropriate for such meat and is therefore prohibited.

⁷³ The Gemara analyzes the next clause of the baraita: Nor is skinning by way of the feet permitted in the case of disqualified consecrated animals. The Gemara asks: Who is the tanna who taught this? Rav H̥isda says: It is Rabbi Elazar, son of Rabbi Shimon, as we learned in a baraita: One had before him two sin offerings that he consecrated to achieve atonement for his sin so that in the event that one of them was lost or died the other would effect atonement. One of them was unblemished and the other one became blemished after having been consecrated. The halakha is that the unblemished offering should be sacrificed, whereas the blemished one should be redeemed.

⁷⁴ The baraita continues: If the blemished animal was redeemed and slaughtered before the blood of the unblemished one was sprinkled on the altar to effect the atonement, the blemished animal is permitted to be eaten. But if the blemished one was slaughtered after the blood of the unblemished animal was already sprinkled upon the altar, the blemished animal is prohibited both in consumption and benefit. Since its owner’s atonement is effected by the sprinkling of the blood of the unblemished

offering on the altar, at this stage the blemished animal must be put to death, in accordance with the halakha that a sin offering whose owner achieved atonement with another sin offering must die.

⁷⁵ Rabbi Elazar, son of Rabbi Shimon, says: Even if the blemished animal was slaughtered and its meat is being cooked in the pot, and only then was the blood of the unblemished animal sprinkled on the altar, the meat of the blemished animal is still prohibited. Rabbi Elazar, son of Rabbi Shimon, maintains that disqualified blemished offerings retain a measure of their sanctity even after being slaughtered. Since the blemished sin offering was not yet eaten when the blood of the unblemished one was sprinkled, it is considered a sin offering whose owner has achieved atonement, and therefore it is prohibited for one to derive benefit from it. The opinion of Rabbi Elazar, son of Rabbi Shimon, accords with the ruling of the baraita with regard to skinning a disqualified consecrated animal from its feet.

⁷⁶ The Gemara raises a difficulty: But let Rav Ḥisda establish the entire baraita in accordance with the opinion of Beit Shammai. The Gemara explains: Perhaps Beit Shammai say that the sanctity of a blemished offering is retained only in the case of a firstborn offering, as its sanctity is from the womb. But with regard to a disqualified consecrated animal, whose sanctity is not from the womb, perhaps they do not maintain that its sanctity remains even after it has been slaughtered. It is therefore necessary to attribute the latter clause of the baraita to Rabbi Elazar, son of Rabbi Shimon.

⁷⁷ The Gemara suggests: But if so, let Rav Ḥisda establish the entire baraita in accordance with the opinion of Rabbi Elazar, son of Rabbi Shimon. The Gemara answers: Perhaps Rabbi Elazar, son of Rabbi Shimon, says that the sanctity of a slaughtered blemished offering is retained only there, with regard to other disqualified consecrated animals, because their level of sanctity is strong enough to transfer their sanctity to their redemption money. But with regard to a blemished firstborn offering, whose level of sanctity is not strong enough to transfer it to its redemption money, perhaps its sanctity is not retained, and therefore one may skin the hide from its feet.

⁷⁸ The Gemara asks: But doesn't Rabbi Elazar, son of Rabbi Shimon, agree with the ruling of the mishna (31a) that all disqualified consecrated animals are sold in the butchers' market and weighed and sold by the litra, in the manner of non-sacred meat? Certainly he agrees with that halakha. Evidently, since there is a benefit that accrues to the Temple treasury, the tanna of the mishna deems this permitted. As it was taught (31b), the meat of disqualified consecrated animals may be treated in this manner despite the fact that it retains a measure of sanctity. The reason is that if the owner knows that it is permitted for him to perform this more lucrative action, he is likely to spend more money to redeem the animal in the first place, which benefits the Temple treasury. By the same logic, why doesn't Rabbi Elazar, son of Rabbi Shimon, permit the more lucrative action of skinning the animal from its feet?

⁷⁹ The Gemara cites several resolutions. Rav Mari, son of Rav Kahana, said that the benefit gained to the hide by skinning it whole is offset by the detriment caused to the flesh. Part of the animal's flesh is severed from the carcass during the skinning process, thereby lowering its value. In the West, Eretz Yisrael, they say in the name of Ravina that skinning a disqualified consecrated animal from its feet is prohibited because it appears as though he is performing work with sacrificial animals, which is prohibited.

⁸⁰ Rabbi Yosei bar Avin says that this prohibition is a rabbinic decree, lest one retain the disqualified consecrated animals in his possession while waiting for a consumer to purchase the hides, and in the

meantime raise many herds of disqualified animals from them. In such a case, he might shear or work the animals in a prohibited manner.

⁸¹ MISHNA: With regard to a firstborn animal that was congested with excess blood, even if the animal will die if one does not let the excess blood, one may not let its blood, as this might cause a blemish, and it is prohibited to cause a blemish on consecrated animals. This is the statement of Rabbi Yehuda. And the Rabbis say: One may let the blood provided that he will not cause a blemish while doing so, and if he caused a blemish, the animal may not be slaughtered on account of that blemish. Since he was the cause of the blemish, he may not slaughter the animal until it develops a different, unrelated blemish. Rabbi Shimon says: One may let the blood even if he thereby causes a blemish in the animal.

⁸² GEMARA: The Sages taught in a baraita: With regard to a firstborn animal that was congested with excess blood, and which can be healed only through bloodletting, one may let the animal's blood by cutting it in a place where the incision does not cause a permanent blemish. But one may not let the animal's blood by cutting it in a place where the incision causes a permanent blemish, as it is prohibited to intentionally cause a blemish in a firstborn animal; this is the statement of Rabbi Meir.

⁸³ And the Rabbis say: One may even let the animal's blood by cutting it in a place where the incision causes a permanent blemish, provided that he does not slaughter the animal on the basis of that blemish, even though in general, a firstborn animal may be slaughtered once it develops any permanent blemish. Rabbi Shimon says: The animal may even be slaughtered on the basis of that blemish. Rabbi Yehuda says: Even if the firstborn would die if its blood is not let, one may not let its blood at all.

⁸⁴ The Gemara relates: Rabbi Elazar taught his son, and some say it was Rabbi Ḥiyya who taught his son: Just as there is a dispute here in this baraita with regard to bloodletting, so there is a dispute in a mishna with regard to a barrel of teruma. As we learned (Terumot 8:8): In the case of a barrel of teruma oil with regard to which uncertainty developed concerning its status of ritual impurity, and which therefore may not be eaten, Rabbi Eliezer says that one must nevertheless safeguard the teruma from impurity. Therefore, if the barrel was resting in a vulnerable location, where it might come into contact with impurity, one should place it in a concealed location, and if it was exposed, he should cover it.

⁸⁵ Rabbi Yehoshua says: That is not necessary. Rather, if it was placed in a concealed location, one may place it in a vulnerable location. If it was covered he may expose it, as he need no longer safeguard this teruma from impurity. Rabban Gamliel says: One should do nothing new with it, i.e., he should leave the barrel as it is.

⁸⁶ The Gemara clarifies: Rabbi Meir, who deems it permitted to let the firstborn offering's blood provided that one does not cause a blemish, holds in accordance with the opinion of Rabbi Eliezer, who deems it prohibited to place the barrel in an exposed location lest it become ritually impure, which is equivalent to a blemish. And the Rabbis, who deem bloodletting permitted even if it will cause a blemish, hold in accordance with the opinion of Rabbi Yehoshua, who rules that the contents of the barrel may be exposed to ritual impurity. And Rabbi Yehuda, who says that bloodletting is not permitted under any circumstance, holds in accordance with the opinion of Rabban Gamliel, who rules that the barrel should be left as is and not be handled at all.

⁸⁷ The Gemara rejects this suggestion: From where can one prove that these comparisons are accurate? Perhaps Rabbi Meir states his opinion, that one may not let blood in a place that will cause a blemish, only there, as the individual is causing the blemish by direct action. But here, in the case of the barrel, where the ritual impurity results from an indirect action, perhaps he holds in accordance with the opinion of Rabbi Yehoshua.

⁸⁸ And furthermore, perhaps Rabbi Eliezer states his opinion that the barrel should be protected only here, because perhaps Elijah will come and deem it ritually pure. But there, with regard to the firstborn offering, where if one leaves the animal it will certainly die, perhaps he holds in accordance with the opinion of the Rabbis, that bloodletting is permitted in order to prevent the animal's death.

⁸⁹ And likewise, perhaps the Rabbis state their opinion only here, with regard to the firstborn offering, as if one leaves it, the animal will certainly die. But there, in the case of the barrel of teruma, perhaps they accept the claim that one must safeguard the teruma, because perhaps Elijah will come and deem it ritually pure, which would mean that they hold in accordance with the opinion of Rabbi Eliezer. It can also be suggested that Rabbi Yehuda states his opinion, that bloodletting is prohibited in all circumstances, only here, with regard to the firstborn offering, as the individual is causing the blemish by direct action. But there, in the case of the barrel, where the ritual impurity results from an indirect action, perhaps he holds in accordance with the opinion of Rabbi Yehoshua.

⁹⁰ And perhaps Rabban Gamliel states his opinion, that the barrel should not be moved at all, only there, because perhaps Elijah will come and deem it ritually pure. But here, with regard to the firstborn offering, where if one leaves it, it will certainly die, it is possible that he holds in accordance with the opinion of the Rabbis.

⁹¹ And furthermore, one cannot draw parallels between the opinions of the two sources, as here the tanna'im disagree with regard to the exposition of certain verses, and there they disagree with regard to the exposition of certain other verses. As Rabbi Ḥiyya bar Abba says that Rabbi Yoḥanan says: All of the Sages who disagree as to whether one may let the blood of the firstborn animal concede that one who leavens a meal offering after another had already leavened it is liable to receive lashes for the additional leavening, as it is written: "It shall not be baked with leaven" (Leviticus 6:10), and it is also stated: "No meal offering that you sacrifice to God shall be made with leaven" (Leviticus 2:11). This indicates that one is liable for every act of leavening performed on a meal offering.

⁹² Similarly, everyone agrees that one who castrates an animal after one who has already castrated it is liable, as it is written: "Those whose testicles are bruised or crushed or detached or cut shall not be offered to the Lord, and you shall not do this in your land" (Leviticus 22:24). If one is liable when the seminal vesicles are cut, then when the testicles are detached altogether, is he not all the more so liable? Rather, this verse serves to include one who detaches the testicles after one who cuts the seminal vesicles, to indicate that he is liable. Apparently, one is liable for castrating an animal that is already sterilized.

⁹³ These Sages disagree only with regard to one who causes a blemish in an already blemished animal, such as one whose blood circulation is constricted. As Rabbi Meir maintains that as the verse states: "It shall be perfect to be accepted; there shall be no blemish in it" (Leviticus 22:21), this categorical statement includes even the causing of a blemish in an offering that is already blemished. And the Rabbis maintain that the phrase "It shall be perfect to be accepted" indicates that the prohibition against causing a blemish applies only to an animal that is currently perfect, i.e.,

unblemished, and can therefore be accepted, i.e., it is fit to be sacrificed upon the altar. If the animal is already blemished, there is no prohibition against causing an additional blemish in it.

⁹⁴ The Gemara asks: And Rabbi Meir, what does he do with this verse: “It shall be perfect to be accepted”? The Gemara answers: That verse serves to exclude only an animal that was blemished from the outset, i.e., an animal that was born with a blemish. In such a case, there is no prohibition against causing an additional blemish in it. But if the animal was initially unblemished and later developed a blemish, it is prohibited to cause another blemish in it.

⁹⁵ The Gemara rejects this suggestion: There is no need to exclude an animal that was blemished from the outset, as it is merely like a palm tree, i.e., it can never attain the status of an animal consecrated as an offering. Therefore, it is obvious that the prohibition against causing a blemish does not apply to this animal.

⁹⁶ Rather, Rabbi Meir maintains that the phrase “It shall be perfect to be accepted” serves to exclude disqualified consecrated animals, to teach that after their redemption, when they become non-sacred, the prohibition against causing a blemish does not apply to them any longer. This exclusion is necessary, as it might enter your mind to say that since even after they have been redeemed and are non-sacred, just as it is prohibited to shear these animals or use them for labor, perhaps let it also be prohibited to cause a blemish upon them. Consequently, this verse teaches us that there is no prohibition against causing a blemish in these animals.

⁹⁷ The Gemara asks: And as for the Rabbis as well, who derive their opinion from the verse: “It shall be perfect to be accepted,” isn’t it written: “There shall not be any blemish in it,” which indicates an expansion of the prohibition against causing a blemish upon an offering? The Gemara answers: That verse comes to teach that the prohibition against causing a blemish extends also to a blemish caused as the result of an indirect action. As it is taught in a baraita: The verse states: “There shall not be any blemish in it” (Leviticus 22:21); from here I have derived

⁹⁸ only the prohibition that one may not directly cause a blemish. From where is it derived that one may not bring pressed figs or dough and place it on the animal’s ear so that a dog will come and eat it, thereby biting off part of the animal’s ear and leaving it blemished? The verse states: “There shall not be any blemish in it” (Leviticus 22:21), indicating that the same prohibition applies both when the blemish is caused directly and when it is any blemish, even one caused indirectly.

⁹⁹ After demonstrating that the tanna’im in the baraita discussing the firstborn offering disagree with regard to the exposition of certain verses, the Gemara clarifies that the tanna’im here, in the baraita discussing teruma whose status concerning impurity is uncertain, also disagree with regard to the exposition of verses. As Rav Yehuda says that Shmuel says, and Reish Lakish likewise says, and Rav Nahman likewise says that Rabba bar Avuh says: It is stated in a verse addressed to Aaron and his sons: “And I, behold, I have given you the charge of My terumot [terumotai]” (Numbers 18:8), with “terumotai” written in plural.

¹⁰⁰ Rabbi Eliezer, who holds that the barrel of teruma must be safeguarded from ritual impurity, holds that the verse is speaking of two terumot: Both teruma that is definitely ritually pure and teruma that is in abeyance, i.e., teruma whose status with regard to impurity is uncertain. And based on the plural “My terumot,” it is understood that the Merciful One states: Make a protection for it, i.e., safeguard even teruma whose status concerning impurity is uncertain. And Rabbi Yehoshua, who holds that one may expose to ritual impurity the teruma contents in the barrel, holds that the term

terumotai is written so that it can be read as terumati, meaning: My teruma, in the singular. Therefore, the requirement to safeguard teruma applies only to that teruma whose status is definitely pure.

¹⁰¹ The Gemara asks: Is this to say that Rabbi Eliezer holds that the vocalization of the Torah is authoritative, i.e., one derives halakhot based on the pronunciation of the words, although it diverges from the spelling? And the Gemara raises a contradiction from a baraita discussing a Hebrew maidservant's return to her father's house. The verse states, with regard to her master: "He shall have no power to sell her to a foreign people, seeing that he has dealt deceitfully with her [bevigdo bah]" (Exodus 21:8). The term "bevigdo" shares a root with a word for garment, beged. Therefore, the verse indicates that once the master has spread his garment over her, thereby designating her as his wife, if the maidservant is subsequently divorced or widowed, her father may no longer sell her. This is the statement of Rabbi Akiva, who maintains that the vocalization of the Torah is authoritative, and he interprets bevigdo as related to bigdo, his garment.

¹⁰² Rabbi Eliezer says: The word bevigdo is written without a yod and therefore is written in a manner that it can be read: Bevagdo. Accordingly, bevigdo bah means that since the father dealt deceitfully [bagad] with her by selling her once, he may not sell her again. Evidently, Rabbi Eliezer maintains that the manner in which the verses in the Torah are written is authoritative, and one derives halakhot based on the spelling of the words. This contradicts his derivation with regard to teruma, which is based on the pronunciation of the words.

¹⁰³ Rather, here, the tanna'im disagree with regard to this: The verse states: "And I, behold, I have given you the charge of My terumot" (Numbers 18:8). Rabbi Yehoshua holds that the term "you" teaches that only teruma that is fit for you to eat, i.e., teruma that is definitely ritually pure, you must safeguard. But teruma that is not fit for you, i.e., teruma whose status with regard to impurity is uncertain, you do not need to safeguard. And Rabbi Eliezer holds that this teruma, whose status with regard to impurity is uncertain, is also considered fit for you, because perhaps Elijah will come and deem it ritually pure.

¹⁰⁴ § The Gemara again discusses letting the blood of a firstborn offering. Rav Yehuda says that Shmuel says: The halakha is in accordance with the opinion of Rabbi Shimon. Rav Naḥman bar Yitzḥak objects to this: To which opinion of Rabbi Shimon is Shmuel referring? If we say he is referring to the opinion of Rabbi Shimon in the mishna, that the blood may be let despite the resulting blemish, because the purpose of the treatment is solely medical, that cannot be correct. After all, hasn't Shmuel taught us until now that an unintentional act, i.e., a permitted action from which a prohibited result inadvertently ensues, is permitted?

¹⁰⁵ But doesn't Rav Ḥiyya bar Ashi say that Rav says: The halakha is in accordance with the opinion of Rabbi Yehuda, who maintains that an unintentional act is prohibited, and Rav Ḥanin bar Ashi says that Shmuel says: The halakha is in accordance with the opinion of Rabbi Shimon, that an unintentional act is permitted. And Rav Ḥiyya bar Avin teaches these rulings directly, without citing additional men in their transmission. He simply states that Rav says that the halakha is in accordance with the opinion of Rabbi Yehuda, and Shmuel says that the halakha is in accordance with the opinion of Rabbi Shimon. Evidently, Shmuel could not be referring to the opinion of Rabbi Shimon in the mishna, as if so, he would be repeating himself.

¹⁰⁶ The Gemara answers: Rather, Shmuel is referring to the opinion of Rabbi Shimon in the baraita (33b), that not only may one let the blood of the dying firstborn animal despite the resulting blemish, but it is even permitted to eat the animal's meat on account of the blemish. And the Gemara notes that Rav Sheisha, son of Rav Idi, teaches this explicitly: Rav Yehuda says that Shmuel says: The halakha is in accordance with the opinion of Rabbi Shimon as stated in the baraita.

¹⁰⁷ MISHNA: In the case of one who slits [hatzorem] the ear of a firstborn offering, that person may never slaughter that animal. This is the statement of Rabbi Eliezer. And the Rabbis say: If another blemish later develops in the firstborn, he may slaughter the animal on account of that second blemish.

¹⁰⁸ GEMARA: The Gemara asks: But does Rabbi Eliezer penalize for a transgression forever? And the Gemara raises a contradiction from a mishna (Nega'im 7:5): In the case of one who had a snow-white leprous mark [baheret] on his body,

¹⁰⁹ and it inadvertently got excised, that individual is ritually pure. If he excised it intentionally, in an attempt to render himself ritually pure, the Sages impose a punitive impurity upon him. The tanna'im disagree with regard to the extent of the penalty: Rabbi Eliezer says: When he will develop another leprous mark, his status of ritual purity is assessed based on this new mark. When that mark is ruled ritually pure, he will become ritually pure from the ritual impurity generated by the mark he excised.

¹¹⁰ And the Rabbis say: The development of a new leprous mark is insufficient. Rather, he must wait either until the leprosy of the new mark spreads over his entire body, a sign of ritual purity (see Leviticus 13:12), or unless his old baheret had shrunk to a size smaller than that of a split bean before he excised it. Otherwise, he remains ritually impure. In any event, it is clear from this mishna that Rabbi Eliezer does not impose an indefinite penalty on one who transgresses. If so, why does he impose an indefinite penalty in the mishna discussing one who causes a blemish on the ear of a firstborn offering?

¹¹¹ Rabba and Rav Yosef both say, in answer to this question, that when Rabbi Eliezer penalizes one who transgresses, that is only in a case which involves his property, e.g., a firstborn offering. But in a case which affects his body, e.g., leprosy, he does not penalize him to such an extent.

¹¹² The Gemara elaborates: With regard to his property, i.e., the firstborn offering, if he would not be penalized indefinitely, there is reason to say that he might come to perform an action which would cause a blemish. Since the firstborn offering is anyway prohibited for personal use until it is blemished, he suffers no risk in blemishing it. A greater deterrent than usual is therefore needed to prevent such action. By contrast, in the case of leprosy on his body, is there a basis to say that he will come to perform an action and remove the white spot? In this case, the limited penalty of having to wait for purification from another leprous mark serves as a sufficient deterrent, as there is no guarantee that another mark will ever appear.

¹¹³ Rava said: Is this to say that the statement of Rabbi Eliezer in the mishna here is difficult in light of the other statement of Rabbi Eliezer in the mishna in Nega'im, whereas the statement of the Rabbis in the mishna is not difficult in light of the other statement of the Rabbis in Nega'im? In the mishna here, the Rabbis impose a limited penalty on the transgressor, whereas in the mishna in Nega'im they impose an indefinite one. This contradiction also requires resolution.

¹¹⁴ Rather, say: The statement of Rabbi Eliezer in the mishna here is not difficult in light of the statement of Rabbi Eliezer in Nega'im, as we answered. Likewise, the statement of the Rabbis in the mishna is not difficult in light of the statement of the Rabbis in Nega'im, as both rulings follow the same logic. Here, the Rabbis penalized him for what he did, and there, the Rabbis penalized him for what he did.

¹¹⁵ The Gemara elaborates: In the case of causing a blemish in a firstborn offering, by what means did he intend to permit it? By means of this blemish. Therefore, the Rabbis penalized him only with regard to this blemish, i.e., that the animal will not become permitted to him by means of this blemish that he himself caused. The firstborn offering retains its status as unblemished and will become permitted only if it develops another blemish. And similarly, here, with regard to the removal of the leprous mark, the Rabbis penalize him for what he did. He intended to render himself ritually pure by means of this act of excising the mark. Therefore, the Rabbis penalized him with regard to this act of excision. It is considered as though he did not excise the mark, and as a result, he remains impure permanently.

¹¹⁶ § The Gemara analyzes Rabbi Eliezer's statement: When he will develop another leprous mark, he will become ritually pure [yit'har] from the first. Rav Pappa asks: What is the correct version of Rabbi Eliezer's statement? Did we learn: Yit'har, or did we learn: Veyit'har, and he will become ritually pure? Yit'har indicates that he will immediately be rendered ritually pure from the first leprous mark upon the appearance of the second mark. Veyit'har, by contrast, indicates that the punitive ritual impurity by rabbinic law imparted by the first mark remains until the second mark is deemed ritually pure.

¹¹⁷ The Gemara asks: What is the practical difference between the two versions? After all, he is in any case ritually impure due to the second mark until that mark is deemed pure. The Gemara explains that there is a difference in the case of a bridegroom who had removed a leprous mark upon whom a new leprous mark appeared during the seven days of his wedding celebrations.

¹¹⁸ As we learned in a mishna (Nega'im 3:2): In the case of a bridegroom upon whom a leprous mark appeared, the court grants him seven days of his wedding celebrations before the mark is examined by a priest. This grace period is granted to him whether the mark appeared on him, i.e., his body, or on his cloak, or on any other garment of his. And similarly, with regard to any individual upon whom a leprous mark appeared during a pilgrimage Festival, the court grants him all the days of the pilgrimage Festival as a grace period, during which the mark is not examined by a priest.

¹¹⁹ The Gemara continues: If you say that we learned that the correct reading of Rabbi Eliezer's statement is yit'har, i.e., the individual is rendered ritually pure upon the development of the new mark, this means that he is ritually pure during the seven-day period, as he has already become ritually pure of the punitive impurity from the first mark. As for the latter mark, we wait the seven days of feasting for him, before the mark is examined by a priest. He is therefore ritually pure in all regards.

¹²⁰ But if you say that we learned that the correct reading of Rabbi Eliezer's statement is veyit'har, and the punitive impurity of the first mark remains intact until the ritual purity of the second mark has been confirmed, the grace period has no effect. The reason is that ultimately, even if the individual does not yet contract ritual impurity from the latter mark, he remains ritually impure on account of the first mark until the purification of the latter mark. The Gemara asks: What is the

resolution to Rav Pappa's query? Since there is no clear resolution, the Gemara concludes that the dilemma shall stand unresolved.

¹²¹ § The mishna teaches that one who slits the ear of a firstborn offering is prohibited indefinitely from slaughtering the animal on account of that blemish. Rabbi Yirmeya raises a dilemma before Rabbi Zeira: In the case of one who slits the ear of a firstborn offering and subsequently dies, what is the halakha with regard to penalizing his son after the father's death? Does the penalty prohibiting consumption of the firstborn offering extend to the son?

¹²² The Gemara compares this dilemma to two similar cases. If you say the halakha should be derived from the case of one who sells his Canaanite slave to gentiles and the seller subsequently dies, where the Sages penalized his son after the father's death and required him to redeem the slave, this is not a direct parallel. The Gemara explains: It is possible that the penalty is extended to the son only there, as each day that the slave is in the servitude of the gentile master, that master prevents the slave from performing mitzvot. A Canaanite slave is obligated to perform the same mitzvot as a Jewish woman, and he is unable to fulfill the mitzvot when in the possession of a gentile. Since this reason does not apply in a case of a firstborn offering, the case of the Canaanite slave cannot be cited as a source to resolve this dilemma.

¹²³ And if you say the halakha should be derived from the case of one who planned from the outset to perform his labor on the intermediate days of a Festival, by placing himself in a situation in which the labor should in theory be permitted, i.e., that a significant monetary loss would otherwise be incurred, that comparison is also inaccurate. The Gemara elaborates: In such a case the Sages penalized him by deeming it prohibited for him to perform the labor and by removing his rights to any of the finished products, but if he died before the start of the Festival, they did not penalize his son after the father's death. This case is not a direct parallel either, as it is possible that it is only there that the penalty is not extended to the son, since the father did not yet perform a prohibited act, as he did not carry out any action on the Festival before he died.

¹²⁴ If so, here, in the case of mutilating the ear of a firstborn offering, what is the halakha? Should one say that the Sages penalized only him, i.e., the father, and he is no longer alive? Or perhaps the Sages imposed the penalty upon his property, i.e., that no benefit may be derived from the animal, and that animal still exists in the possession of his heirs.

¹²⁵ Rabbi Zeira said to Rabbi Yirmeya: You learned the resolution to your dilemma in a mishna (Shevi'it 4:2). A field whose thorns were removed during the Sabbatical Year may be sown at the conclusion of the Sabbatical Year, as removing thorns is not full-fledged labor that renders the field prohibited. But if it had been improved with fertilizer, or if it had been enclosed so that the animals inside would fertilize it with their manure, it may not be sown at the conclusion of the Sabbatical Year, as both these acts cause significant improvements to the field. The Sages imposed a penalty that one may not derive benefit from prohibited labor. And Rav Asi, son of Rabbi Ḥanina, says: We have a tradition that if one improved his field in a prohibited manner and then died, his son may sow it. Apparently, the Sages penalized only him, i.e., the father, but the Sages did not penalize his son.

¹²⁶ Abaye says: We have a tradition

¹²⁷ that if one rendered impure the ritually pure items of another and died before paying, the Sages did not penalize his son after his death and require him to pay for the damage. What is the reason for this? The reason is that damage that is not evident, i.e., which does not involve any visible change, is

not considered damage by Torah law. There is a penalty imposed by rabbinic law, as the injured party suffered a loss, but the Sages penalized only him; the Sages did not penalize his son.

¹²⁸ MISHNA: There was an incident involving an old ram whose hair was long and dangling, because it was a firstborn offering. And one Roman quaestor [kastor] saw it and said to its owner: What is the status [tivo] of this animal that you allowed it to grow old and you did not slaughter it? They said to him: It is a firstborn offering, and therefore it may be slaughtered only if it has a blemish. The quaestor took a dagger [pigom] and slit its ear. And the incident came before the Sages for a ruling, and they deemed its slaughter permitted. And after the Sages deemed its slaughter permitted, the quaestor went and slit the ears of other firstborn offerings, but in these cases the Sages deemed their slaughter prohibited, despite the fact that they were now blemished.

¹²⁹ One time children were playing in the field and they tied the tails of lambs to each other, and the tail of one of them was severed, and it was a firstborn offering. And the incident came before the Sages for a ruling and they deemed its slaughter permitted. The people who saw that they deemed its slaughter permitted went and tied the tails of other firstborn offerings, and the Sages deemed their slaughter prohibited. This is the principle: With regard to any blemish that is caused intentionally, the animal's slaughter is prohibited; if the blemish is caused unintentionally, the animal's slaughter is permitted.

¹³⁰ GEMARA: The mishna mentions that one time children were involved in a case in which they unintentionally blemished a firstborn offering whose subsequent slaughter the Sages deemed permitted. The Gemara notes: And although the first clause of the mishna mentions a similar occurrence, the incident involving the children is necessary. As, had the tanna taught us only the incident involving the gentile, it might have been thought that the Sages permitted the slaughter of the firstborn offering only there, as it is not a problem if the gentile will acquire the habit of causing blemishes, because that prohibition does not apply to gentiles. But with regard to a Jewish minor, it is a concern that he is likely to acquire the habit of causing blemishes in firstborn offerings, and therefore one might say that even the first, unintentional time should not be permitted.

¹³¹ And had the tanna taught us only the incident involving a minor, it might have been thought that the Sages deemed the firstborn offering permitted only there, since there is no concern that people will come to confuse a minor with an adult. People would not erroneously conclude that it is permitted to cause a blemish on a firstborn offering intentionally merely due to an incident involving a minor. But in the case of a gentile adult, where this is a concern that people would come to confuse him with a Jewish adult, one might say that even the first, unintentional time should not be permitted. It is therefore necessary for the mishna to teach both cases.

¹³² § The Gemara analyzes the incident involving the Roman quaestor. Rav Ḥisda says that Rav Ketina says: They taught that the firstborn offering is permitted only in a case where the bystanders said to the quaestor: A firstborn offering may not be slaughtered unless it has a blemish, as this is referring to a blemish that develops naturally. But if they said to him that a firstborn offering may be slaughtered only if a blemish was caused to form upon it, which indicates human intervention, it is considered as though they explicitly told him: Go and cause a blemish on it, in which case the animal is prohibited.

¹³³ The Gemara cites a dissenting opinion. Rava said: Now consider, both expressions in fact indicate that the blemish occurred by itself, as both statements are in the passive. Accordingly, what

difference is it to me whether the bystanders used the expression: If it had a blemish, or the expression: A blemish was caused in it? Rather, the expression: Was caused, also indicates that it occurred by itself, and there is no difference between the expressions. In both instances the firstborn offering would be permitted.

¹³⁴ The mishna teaches that this is the principle: In the case of any blemish that is caused with his intent, the animal's slaughter is prohibited. The Gemara explains: What does this principle serve to add? It serves to add an indirect action, i.e., a blemish caused in this manner is also considered an intentional act and the animal may not be slaughtered on its account.

¹³⁵ The Gemara further inquires: What is added by the phrase in the second part of the principle: If the blemish was caused without his intent, the animal's slaughter is permitted? This serves to add an instance where a gentile did not inquire about the nature of the firstborn offering, but rather discovered it from one who speaks offhandedly. Although the gentile intentionally caused a blemish in the animal, since the Jew did not intentionally prompt him to cause it, the animal is permitted.

¹³⁶ MISHNA: If one's firstborn offering was pursuing him, and he kicked the animal and caused a blemish in it, he may slaughter the animal on account of that blemish.

¹³⁷ GEMARA: Rav Pappa says: They taught that the firstborn offering may be slaughtered only in an instance where he kicked it at the time of its pursuit. But if the individual kicked the animal after its pursuit, it may not be slaughtered, as he intended to cause a blemish in order to render it permitted to be slaughtered. The Gemara raises a difficulty: It is obvious that it is not permitted to slaughter the animal in such a case.

¹³⁸ The Gemara explains: Rav Pappa's statement is necessary, lest you say that it is in fact permitted to slaughter the firstborn offering since he kicked it after its pursuit only out of anger, as he recalls his distress caused by its pursuit of him, and not in order to render the animal permitted to be slaughtered. Rav Pappa therefore teaches us that it is assumed that he kicked the animal with the express intention of causing a blemish in it, not merely out of anger, and therefore it may not be slaughtered.

¹³⁹ There are those who say the opposite version of this discussion. Rav Pappa says: Do not say that if the individual kicked the firstborn offering at the time of the pursuit, then yes, it is permitted to slaughter it, but if he kicked it not at the time of the pursuit, it is not permitted to slaughter it. Rather, even if he kicked it after its pursuit of him, it is also permitted. What is the reason? It is assumed that he kicked it after the pursuit not with the intention of causing a blemish, but because he recalls his distress caused by its pursuit of him.

¹⁴⁰ § Rav Yehuda says: It is permitted to cause a blemish in a firstborn fetus before it emerges into the air of the world, as it obtains its sacred status only when it is born. Applying this ruling, Rava said: In the case of a kid, it is practical to cause a blemish on its ear. Since a kid's ears are long they emerge from the birth canal prior to the head. With regard to a lamb, whose ears are short and do not appear before the head, it is practical to cause a blemish only on its lip. There are those who say that there is a different version of this statement: In the case of a lamb as well, it is practical to cause a blemish on its ear, as one can say that it emerges from the birth canal through its temples, in which case its ears are visible first.

¹⁴¹ Rava says: In a case where a firstborn has a blemish in its mouth, if, when it eats, the blemish is not visible, but when it opens its mouth wide and cries out, it is visible, this is considered a blemish, rendering the animal fit for slaughter. The Gemara asks: What is this teaching us? We learn this in the mishna (39a) with regard to blemishes that render a firstborn offering fit for slaughter: The external gums that were damaged and lacking or that were scratched, and likewise, the internal gums that were entirely extracted, are considered blemished. What is the reason that if the internal gums were extracted it is considered a blemish? Is it not because when the animal opens its mouth wide and cries out, it is visible? If so, what is the novelty of Rava's statement?

¹⁴² Rav Pappa says in response: Rava is not in fact teaching a novel halakha. Rather, he is explaining the reason for the ruling of the mishna: What is the reason that if the internal gums were extracted it is considered a blemish? It is that when the animal opens its mouth wide and cries out, the blemish is visible.

¹⁴³ MISHNA: With regard to all the blemishes that are capable of being brought about by a person, Israelite shepherds are deemed credible to testify that the blemishes were not caused intentionally. But priest-shepherds are not deemed credible, as they are the beneficiaries if the firstborn is blemished. Rabban Shimon ben Gamliel says: A priest is deemed credible to testify about the firstborn of another, but is not deemed credible to testify about the firstborn belonging to him. Rabbi Meir says: A priest who is suspect about the matter of causing a blemish may neither adjudicate nor testify in cases involving that matter, even on behalf of another.

¹⁴⁴ GEMARA: Rabbi Yoḥanan and Rabbi Elazar disagree with regard to the meaning of the mishna. One of them says that the case of Israelite shepherds is where the shepherds are in the house of priests, i.e., in the employ of a priest. These shepherds are deemed credible to testify that the blemishes were not caused intentionally, as we are not concerned they are lying for a swallow [lilegima] of the firstborn that their priest employer might give them in exchange.

¹⁴⁵ And the case of priest-shepherds is where the shepherds are in the house of an Israelite, i.e., in the latter's employ. In such a case, the priest-shepherds are not deemed credible to testify that the blemishes were not caused intentionally, as the priest-shepherd can say: Since I have toiled with this firstborn offering, my Israelite employer will not forsake me and give it to another priest. The priest is assumed to be lying, as he has a motive to cause a blemish in the animal.

¹⁴⁶ And the same is true in the case of a priest who testifies for the sake of another priest. Although the first priest would not derive benefit from his testimony immediately, he is nevertheless not deemed credible to testify, as we are concerned about reciprocal behavior, i.e., the other priest might later repay the favor and lie on his behalf.

¹⁴⁷ And Rabban Shimon ben Gamliel comes to say that the testimony of a priest in such a case, when he testifies about the firstborn of another priest, is deemed credible, as there is no concern about reciprocal behavior. But he is not deemed credible with regard to his own firstborn. And Rabbi Meir comes to say that a priest, who is suspect about the matter of causing a blemish, may neither adjudicate nor testify in cases involving that matter, even on behalf of another. The difference between the opinion of Rabbi Meir and that of the first tanna will be discussed further on.

¹⁴⁸ The Gemara cites the other explanation of the mishna: And the other one of the two amora'im says: The case of Israelite shepherds is where the shepherds are priests in the employ of an Israelite. The mishna is teaching that these shepherds are deemed credible to testify that the blemishes on their

employer's firstborn offering were not caused intentionally, as they are not suspected of lying in order to obtain its meat.

¹⁴⁹ The reason is that it is assumed that the priest-shepherd would say: My Israelite employer will not forsake a priest who is a Torah scholar and give the blemished animal to me, an unlearned shepherd. The case of priest-shepherds is where the shepherds are Israelites in the employ of a priest. These shepherds are not deemed credible to testify, as we are concerned that they might be lying for a swallow of the firstborn that their priest employer would give them in exchange.

¹⁵⁰ And all the more so the testimony of a priest for the sake of another priest is not deemed credible, as we are concerned that the two might engage in reciprocal behavior, and we are concerned that the priest-shepherd might be lying for a swallow of the firstborn offering. And Rabban Shimon ben Gamliel comes to say that the priest-shepherd is deemed credible to testify with regard to the firstborn offering of another priest, but is not deemed credible to testify with regard to a firstborn belonging to himself. And Rabbi Meir comes to say that a priest who is suspect about the matter of causing a blemish may neither adjudicate nor testify in cases involving that matter, even on behalf of another.

¹⁵¹ The Gemara raises a difficulty: Granted, according to the second opinion, i.e., the one who says the first tanna maintains that the case of Israelite shepherds is where the shepherds are priests in the employ of an Israelite, and they are deemed credible to testify, this is the reason that Rabbi Meir comes to disagree and say that a priest who is suspect about the matter of causing a blemish may neither adjudicate nor testify even for the sake of an Israelite employer.

¹⁵² But according to the first opinion, i.e., the one who says that the first tanna maintains that the case of priest-shepherds is where the shepherds are in an Israelite's house, and they are not deemed credible to testify, what is Rabbi Meir coming to teach us? This is the same opinion as that of the first tanna himself.

¹⁵³ The Gemara answers: There is a difference between the opinions of the first tanna and Rabbi Meir with regard to a statement of Rabbi Yehoshua ben Kefusai. As it is taught in a baraita that Rabbi Yehoshua ben Kefusai says: If a firstborn animal in the house of a priest developed a blemish, two people from the marketplace, i.e., not from the priest's household, are required to testify about it that the blemish was not caused deliberately. This unqualified statement indicates that the two people can even be priests, provided that they are not household members.

¹⁵⁴ The baraita continues: Rabban Shimon ben Gamliel says: Even the priest's son and even his daughter may testify about it. Rabbi Yosei says: Even in a case where there are ten people, if they are members of his household, they may not testify about it. The first tanna of the mishna maintains that only a priest who is a shepherd of the animal in question is not deemed credible to testify, but the testimony of an independent priest is credible. This accords with the opinion of Rabbi Yehoshua ben Kefusai, who allows the testimony of any two independent people, including a priest. Conversely, Rabbi Meir does not deem credible even the testimony of an independent priest, as indicated by his general statement about suspect priests.

¹⁵⁵ The Gemara discusses a related statement: In accordance with whose opinion is that which Rav Hisda says that Rav Ketina says: In the case of an animal whose status as a firstborn is uncertain that was born in the house, i.e., in the possession, of an Israelite, e.g., it was uncertain whether the mother had previously given birth, in which case the animal remains in the possession of the Israelite and

may be eaten upon developing a blemish, two people from the marketplace are required to testify about it?

¹⁵⁶ In accordance with whose opinion is this statement? It is in accordance with the opinion of Rabbi Yehoshua ben Kefusai. Just as he requires two independent people to testify about a firstborn offering in the possession of a priest, as he is suspected of intentionally causing the blemish, so too, he requires two independent people to testify in the case of an uncertain status of a firstborn offering born in the possession of an Israelite.

¹⁵⁷ Rav Nahman disagrees and says: The Israelite owners themselves may testify about it. As, if you do not say so, but instead maintain that any involved person is suspected of deliberately causing a blemish in his firstborn animal, this poses a difficulty with regard to the halakha of an animal tithe offering, which may also be eaten if it developed a blemish. According to Rabbi Meir, who can testify about it? Rabbi Meir maintains that anyone who is suspect about the matter of causing a blemish on his own behalf may neither adjudicate nor testify in cases involving that matter even on behalf of another. If so, how can anyone, even an Israelite, testify about any blemished animal-tithe offering? It must be that an Israelite is not suspected of deliberately causing blemishes.

¹⁵⁸ The Gemara rejects this claim: With regard to the animal tithe offering, the owner is certainly deemed credible to testify that its blemish occurred naturally, because if he wants, he could legitimately cause a blemish in his entire flock before the obligation to separate tithes came into effect. Rather, this is what Rav Nahman stated: If an Israelite is not deemed credible to testify about a blemish found on an animal whose status as a firstborn is uncertain, then according to Rabbi Meir, who can testify about it? Both Israelites and priests stand to gain if their animal whose status as a firstborn is uncertain develops a blemish, and therefore no one should be deemed credible to testify about it.

¹⁵⁹ And if you would say that indeed, according to Rabbi Meir, an animal whose status as a firstborn is uncertain has no remedy that can render it fit for slaughter, as no one is deemed credible to testify about its blemish, this cannot be correct. But didn't we learn in a mishna (18b) that Rabbi Yosei would say: Any animal whose replacements are in the possession of a priest is exempt from, i.e., not subject to, the mitzva of giving the priestly gifts, and Rabbi Meir deems him obligated to give the gifts? Since Rabbi Meir permits the consumption of an animal whose status as a firstborn is uncertain, evidently he allows testimony about its blemish in such a case.

¹⁶⁰ Rather, learn from this that the Israelite owners may testify about their animals whose status as a firstborn are uncertain, despite the fact that priests may not. The reason is that it is only priests who are suspected of causing blemishes; Israelites are not suspected of causing blemishes.

¹⁶¹ § It was stated: Rav Nahman says that the halakha is in accordance with the opinion of Rabban Shimon ben Gamliel, that a priest is deemed credible to testify about the blemished firstborn animal of another priest, even if he is a household member. Rava says: The halakha is in accordance with the opinion of Rabbi Yosei, that one's household members are not deemed credible to testify.

¹⁶² The Gemara asks: And does Rava actually say this? But doesn't Rava say: If the priestly owner of a firstborn animal was standing outside with us, and the animal entered the house whole and emerged injured, the household members may testify about it that the blemish was not caused by a person. Evidently, Rava maintains that the members of the priest's household are deemed credible to testify about the priest's firstborn. The Gemara answers: One can say that Rava is referring to a case

where all the owners, i.e., the household members, are standing outside, while the shepherd alone remains inside. When the firstborn animal emerges injured, the shepherd is deemed credible to testify about the blemish and we are not concerned that he is lying.

¹⁶³ The Gemara asks: If so, that all of the household members were outside, what is the purpose of stating that the shepherd is deemed credible? This ruling is obvious. The Gemara answers: This ruling is necessary lest you say that we should entertain a suspicion that the shepherd himself caused the blemish. Rava therefore teaches us that this is not so, and the shepherd is deemed credible. The Gemara concludes: And the halakha is in accordance with the opinion of Rabban Shimon ben Gamliel, that a priest's household members may testify about his blemished firstborn offering. And this applies specifically to his son and daughter, but his wife may not testify. What is the reason? One's wife is as oneself.

¹⁶⁴ § Rav Pappa said to Abaye: According to Rabbi Meir, who says that a priest who is suspect about the matter of causing a blemish may neither adjudicate nor testify in cases involving that matter even on behalf of another, and in addition Rabbi Meir says that one who is suspected of transgressing one matter, i.e., who is known to have committed one transgression, is suspected of transgressing the entire Torah, it should follow that priests should also not be allowed to administer judgment at all. But isn't it written with regard to the priests: "And according to their word shall every controversy and every stroke be" (Deuteronomy 21:5)?

¹⁶⁵ The Gemara answers: One can say that Rabbi Meir says that priests are suspect with regard to causing blemishes only to the extent that there is a concern that they might have caused a blemish. But did he say this ruling to establish them as those who definitely cause blemishes? Certainly not.

¹⁶⁶ § A dilemma was raised before the Sages: With regard to testimony based on hearsay, where one repeats the testimony of another witness, what is the halakha in a case of such testimony about a blemished firstborn animal? Rav Asi deems prohibited the slaughter of the animal based on such testimony, and Rav Ashi deems it permitted. Rav Asi said to Rav Ashi: But isn't it taught in a baraita in the school of Menashe that hearsay testimony is valid only for the testimony of a woman, where one testifies that her husband is dead? This indicates that such testimony is not accepted in all other instances.

¹⁶⁷ Rav Ashi responded: Emend the baraita and teach it like this: Testimony based on hearsay is valid only for that testimony for which the testimony of a woman is valid. According to Rav Ashi, the baraita is teaching that any case where the testimony of a woman is valid, hearsay testimony is valid as well, and this includes testimony concerning a blemished firstborn animal.

¹⁶⁸ The Gemara relates that Rav Yeimar deemed fit testimony based on hearsay with regard to a blemished firstborn animal. Mareimar condescendingly called him: Yeimar who permits firstborn animals. The Gemara concludes: And the halakha is that testimony based on hearsay is valid in the case of a firstborn animal.

¹⁶⁹ § The Gemara discusses a related matter. Rabbi Ile'a says: In a case where a blemished animal was not established as being a firstborn, and one priest came to an expert and said that it is a firstborn animal and yet its blemish is with it, i.e., it was unintentionally blemished, he is deemed credible, and the expert may deem the animal fit for slaughter based on the priest's testimony.

¹⁷⁰ The Gemara asks: What is Rabbi Ile'a teaching us? Is he teaching us the principle that the mouth that prohibited it is the mouth that permitted it, i.e., when the only source that an item was prohibited is the statement of one who says that it is now permitted, his claim is accepted? But we learn this in a mishna (Ketubot 22a): With regard to a woman who said: I was a married woman and now I am a divorcée, she is deemed credible and permitted to remarry, as the mouth that prohibited her by establishing that she was married is the mouth that permitted her by establishing that she was divorced.

¹⁷¹ The Gemara answers: Rabbi Ile'a's statement is necessary, lest you say it is only there, in the case of the mishna, that the woman's testimony is accepted, as, if she wants to remarry illegally, she does not need to say anything at all about previously being married. But here, with regard to the firstborn animal, it is different, as, if the priest wishes to eat the meat of the animal, it not sufficient for him not to bring the animal to an expert, i.e., he has no recourse other than to say that it is a firstborn animal which has a blemish requiring examination, as he cannot determine on his own whether this blemish permanently disqualifies the firstborn animal from sacrifice, and he would not eat sacrificial meat outside the Temple courtyard, which is punishable by karet.

¹⁷² Since the priest must admit that this is a firstborn animal, I might say that this is not a case of: The mouth that prohibited it is the mouth that permitted it, and therefore the priest is not deemed credible. To dispel this possibility, Rabbi Ile'a teaches us that he is deemed credible, because if it due to that reason, that the priest is suspected of causing the blemish, he would have caused a blemish that is obvious to all. In such a case, he would violate a mere prohibition, not one that is punishable by karet, since he would not be eating sacrificial meat outside the Temple courtyard, as the animal is blemished.

¹⁷³ Mar bar Rav Ashi objects to this: What is different between this case and that incident involving a certain man who rented a donkey to another? The owner said to the renter: Look, do not go on the path of Nehar Pekod, where there is water and the donkey is likely to drown. Instead, go on the path of Neresh, where there is no water. The renter went on the path of Nehar Pekod and the donkey died. When he came back, he said: Yes, I went on the path of Nehar Pekod, but there was no water there, and therefore the donkey's death was caused by other factors.

¹⁷⁴ And Rava said: The renter's claim is accepted, due to the reasoning of: Why would he lie and state this claim? In other words, if this man wanted to lie, he could have told the donkey's owner: I went on the path of Neresh, as the owner instructed. And Abaye said to Rava: We do not say the principle of: Why would he lie, in a place where there are witnesses. Since witnesses can be summoned to establish conclusively whether there was water along the path of Nehar Pekod, the reasoning that the renter could have stated a different claim is not employed. Similarly, the priest's contention that the blemish occurred inadvertently should not be deemed credible, as it is known that priests are suspected of causing blemishes.

¹⁷⁵ The Gemara rejects this suggestion: How can these cases be compared? There, with regard to the path of Nehar Pekod, there is certainly water there, but here, the possibility that the priest caused a blemish in the firstborn animal is only a concern, and in a place of mere concern we do say the reasoning of: Why would he lie? The Gemara relates that Ravina was sitting and saying this halakha of Rabbi Ile'a anonymously. Rava Zuti said to Ravina: We learned this halakha in the name of Rabbi Ile'a.

¹⁷⁶ § The Gemara relates: Rabbi Tzadok, an erudite priest, had a firstborn animal. He placed barley in wicker baskets for it, and while it was eating, its lip split, rendering the animal blemished. Rabbi Tzadok came before Rabbi Yehoshua, to ask whether or not he is suspected of intentionally causing a blemish in his firstborn animal offering. Rabbi Tzadok said to him: Didn't we differentiate between a priest who is a ḥaver, i.e., learned, and a priest who is an ignoramus, with regard to their credibility about blemishes found on a firstborn animal? Rabbi Yehoshua said to him: Yes, we did. Since you are a learned priest, you are deemed credible to testify that this blemish was caused inadvertently.

¹⁷⁷ Rabbi Tzadok then came before Rabban Gamliel, the Nasi and head of the academy of Yavne at the time. Rabbi Tzadok said to him: Didn't we differentiate between a priest who is a ḥaver and a priest who is an ignoramus with regard to credibility about blemishes found on a firstborn animal? Rabban Gamliel said to him: No, we did not. Rabbi Tzadok said to him: But Rabbi Yehoshua said to me that yes, we did differentiate in this manner. Rabban Gamliel said to Rabbi Tzadok: Wait until the masters of the shields [ba'alei terisin], a reference to the Torah scholars who battle in the war of Torah, enter the study hall, at which point we will discuss this issue.

¹⁷⁸ When the Torah scholars entered the study hall, the questioner stood before everyone present and asked: With regard to blemishes found on a firstborn animal, didn't we differentiate between a priest who is a ḥaver and a priest who is an ignoramus? Rabbi Yehoshua said to him: No, we did not. Rabban Gamliel said to him: But they said to me in your name that yes, we did differentiate.

¹⁷⁹ Rabban Gamliel continued: Yehoshua, stand on your feet and they will testify against you that you did, in fact, say that we differentiated in such a case. Rabbi Yehoshua stood on his feet and said: How should I act in this situation? If I were alive and Rabbi Tzadok were dead, the living can contradict the dead, and I could deny issuing that ruling. Now that I am alive and he is alive, how can the living contradict the living? I have no choice but to admit that I said it.

¹⁸⁰ In the meantime, Rabban Gamliel was standing and lecturing, and Rabbi Yehoshua all the while was standing on his feet, as Rabban Gamliel did not instruct him to sit. He remained standing in deference to the Nasi. This continued for some time, until it aroused great resentment against Rabban Gamliel, and all of the people assembled began murmuring and said to Ḥutzpit the disseminator: Stop conveying Rabban Gamliel's lecture, and he stopped.

¹⁸¹ MISHNA: A priest is deemed credible to say: I showed this firstborn animal to an expert and he ruled that it is blemished.

¹⁸² GEMARA: Rav Yehuda says that Rav says: A priest is deemed credible to say: An Israelite gave me this firstborn animal with its blemish already inflicted upon it. What is the reason? With regard to any matter that is likely to be revealed, people do not lie about it. Since the Israelite can be questioned with regard to the veracity of the priest's claim, it is assumed that the priest will not risk lying. Rav Ashi said: We learn a similar principle in the mishna as well: A priest is deemed credible to say: I showed this firstborn animal to an expert and he ruled that it is blemished. What is the reason the priest's claim is deemed credible? Is it not because we say that with regard to any matter that is likely to be revealed, people do not lie about it?

¹⁸³ The Gemara rejects the claim that the mishna's ruling is based on the principle that people do not lie about a matter that is likely to be revealed: Perhaps there, in the case of the mishna, the reason the priest's claim is accepted is that he would not eat sacrificial meat outside the Temple courtyard. If an expert had not permitted the meat, the priest would not eat it. But here, in Rav's case, where the

priest claims an Israelite gave him an already blemished animal, since priests are suspected of causing blemishes and claiming that it was inadvertent, they are also suspected of causing a blemish and claiming it was given to them in that state by an Israelite.

¹⁸⁴ Rav Sheizevi raises an objection to Rav's ruling from a mishna (Demai 4:5): In the case of one who says to someone who is not trusted with regard to tithe: Purchase produce for me from someone who is trusted with regard to tithes, i.e., one who does not purchase produce from an ignoramus, who generally does not separate tithes; or if he says: Purchase produce for me from someone who tithes, i.e., even from one who purchases produce from an ignoramus but is careful to set aside tithes upon purchasing the produce, the agent is not deemed credible to claim that he fulfilled the condition of the one who appointed him. According to Rav, why isn't the agent deemed credible? Say the principle that with regard to any matter that is likely to be revealed, people do not lie about it.

¹⁸⁵ The Gemara answers: It is different there,

¹⁸⁶ as he has the easy option of extricating himself from the accusation that he did not fulfill the condition of the one who appointed him, by claiming that in his opinion the individual from whom he purchased the produce was to be trusted. Since the issue of the third party's trustworthiness is subjective, the agent is not afraid to lie.

¹⁸⁷ The Gemara suggests: The latter clause of this mishna certainly supports the ruling of Rav, that people do not lie with regard to any matter that will be revealed. How so? The latter clause states that if the one instructed the agent to purchase produce specifically from so-and-so, who is reliable with regard to tithes, then this agent is deemed credible to claim that he adhered to the instructions. Since the one who appointed him mentioned a specific individual, the agent is not suspected of lying, as that individual can be subsequently questioned.

¹⁸⁸ The Gemara rejects this proof: There, in the mishna, since the agent has a claimant, he is afraid to lie. In other words, since the one who appointed him specified an individual, the agent presumes that he intends to verify the matter, and therefore he will not risk lying. By contrast, in Rav's case, since it was the priest who volunteered the information that a specific Israelite gave him an already blemished firstborn animal, he is not concerned that the examiner might seek out the Israelite to confirm the actual facts.

¹⁸⁹ Upon hearing Rav Yehuda's statement in the name of Rav, Rabbi Yirmeya bar Abba said: From where does Yehuda know this halakha? Actually, I taught this halakha to Giddul in Rav's name and Giddul, in turn, taught it to Rabbi Yehuda. But Giddul corrupted my statement, as this is how I said it to him: An Israelite is deemed credible to say: I gave this firstborn animal to a priest with its blemish already inflicted upon it, and it may be slaughtered and eaten.

¹⁹⁰ The Gemara asks: An Israelite? It is obvious that he is deemed credible to issue this claim, as he has no use for the firstborn animal. The Gemara answers: No, this ruling is necessary, as it is referring to an animal that was young when the Israelite gave it to the priest and it grew older by the time of his testimony. This ruling is necessary, lest you say that as the animal grew older in the interim, perhaps the Israelite does not recognize it and mistakenly assumes that it was the animal he gave the priest, when in fact it is a different firstborn animal upon which the priest intentionally caused a blemish. Rabbi Yirmeya bar Abba therefore teaches us that the Israelite is trusted to recognize the animal he gave the priest.

¹⁹¹ The Gemara notes: In Sura, they teach the halakha in accordance with the latter version, as stated by Rabbi Yirmeya bar Abba, that an Israelite is deemed credible to testify. In Pumbedita, they teach the halakha in accordance with the first version, as taught by Rav Yehuda, citing Rav, that even a priest is deemed credible if he claims that an Israelite gave him an already blemished firstborn animal. The Gemara concludes: And the halakha is in accordance with even the first version.

¹⁹² In this regard, the Gemara relates that Rafram, who resided in Pumbedita, had a firstborn animal and he gave it to a priest in an unblemished state. The priest went and caused a blemish in it. One day, Rafram had an affliction in his eyes, which rendered it difficult for him to open them. The priest to whom Rafram had given the firstborn animal brought it before him, as an expert examiner, for him to deem the animal permitted. The priest said to him: An Israelite gave me this firstborn animal with its blemish upon it. Rafram forced his eyes open and saw the animal and recognized it [bashkerei] as the one he himself had given the priest. Rafram said to the priest: Is it not I who gave this firstborn animal to you?

¹⁹³ The Gemara notes: And even so, Rafram was unconcerned by the matter of the priest's attempted chicanery, as he maintained that it is only this priest who is impudent, but all other priests are not impudent. This scenario did not cause Rafram to discredit any other priest's claim that he received a blemished firstborn animal from an Israelite, as this was an exceptional case. This priest demonstrated extreme impudence by bringing it to be examined by Rafram himself, and therefore one cannot draw conclusions about the behavior of other priests from this incident.

¹⁹⁴ § The Gemara relates that there was a certain firstborn animal, one of whose eyes was larger than the other, whose owner came before Rav Ashi to have it deemed fit for slaughter on account of its blemish. Uncertain as to who brought the animal for examination, Rav Ashi said: For what should we be concerned with regard to this animal? In a case of such a blemish, whether it is a priest who brought it for examination, or whether it is an Israelite, there is no concern that the blemish might have been intentionally caused, as this is clearly a firstborn animal whose blemish was already with it naturally.

¹⁹⁵ Ravina said to Rav Ashi: But perhaps it is an Israelite who brought the firstborn animal, and Rav Yehuda says that one may not examine the firstborn animal of an Israelite unless a priest is present with him in order to receive the animal if it is established as fit for slaughter. Rav Yehuda is concerned that if the Israelite's firstborn animal is deemed fit for slaughter when no priest is present, the Israelite might improperly use the animal for his own purposes. If so, how can you, Rav Ashi, say that there is no problem if this animal was brought by an Israelite?

¹⁹⁶ Rav Ashi said to Ravina in response: How can these cases be compared? There, where the presence of a priest is required, it is referring to a case where the halakhic status of the blemish has yet to be determined. Now, granted an Israelite will not risk eating sacrificial meat outside the Temple courtyard, as that incurs a penalty of karet, and he therefore would have the blemish's status determined by an expert. But he is suspected with regard to the property of a priest. Although the Israelite will have the status of the animal confirmed before risking a prohibition that entails karet, he might steal the firstborn offering if it is established as fit for consumption.

¹⁹⁷ Conversely, here, in the case of the animal that had one eye larger than the other, since even an Israelite knows that this is a clear-cut blemish and the animal is clearly fit for slaughter, what is the reason he brought the animal before the Sages for examination? He brought it out of respect for the

Sage. Now, if this Israelite does not neglect the respect due a Sage, would he commit a transgression and steal the possession of the priest? Certainly not. Therefore, in our case an Israelite would be trustworthy, and the presence of a priest is unnecessary.

¹⁹⁸ MISHNA: Everyone is deemed credible to testify about the blemishes of an animal tithe offering, even the owner who is the beneficiary of a ruling that it is blemished.

¹⁹⁹ GEMARA: What is the reason that even the owner is deemed credible to testify? The reason is that had he wanted, he could have caused a blemish in it initially, in a permitted manner, before tithing his animals. The Gemara raises a difficulty: But when he leads his animals out of the gate in order to tithe them, does he know which of them will emerge as the tenth, that you say he could have initially blemished that specific animal before it assumed the tithe status?

²⁰⁰ And if you would say that he intentionally leads an animal out as the head of the ten, i.e., so that it is the last of ten to emerge, one may not do so, as the Merciful One states: “He shall not search whether it be good or bad” (Leviticus 27:33), which teaches that the animal tithe may not be led out intentionally but must exit of its own accord. Rather, this is the meaning of the Gemara’s initial answer: The reason is that had he wanted, he could have caused a blemish in his entire flock, in a permitted manner, before leading them through the gate in order to tithe them.

²⁰¹ MISHNA: With regard to a firstborn animal whose eye was blinded or whose foreleg was severed or whose hind leg was broken, all of which obviously render the animal permanently blemished, that animal may be slaughtered on the basis of the ruling of three regular Jews who attend the synagogue, and it does not require a ruling by one of the Sages. Rabbi Yosei disagrees and says: Even if there is a court of twenty-three Sages there, it may be slaughtered only on the basis of the ruling of an expert in judging blemishes.

²⁰² GEMARA: The Gemara relates that Rabbi Simlai and Rabbi Yehuda Nesia both say in the name of Rabbi Yehoshua ben Levi, and some say that Rabbi Simlai and Rabbi Yehoshua ben Levi both say in the name of Rabbi Yehuda Nesia: The permitting of the slaughter of a firstborn animal outside of Eretz Yisrael, where a firstborn offering is unfit for sacrifice even when the Temple is standing, may be performed on the basis of the ruling of three regular Jews who attend the synagogue. Rava said: And this ruling applies specifically in a case of clear-cut blemishes, i.e., those blemishes which clearly permit the slaughter of the firstborn animal.

²⁰³ The Gemara asks: What is Rava teaching us by this statement? We already learn this in the mishna: With regard to a firstborn animal whose eye was blinded or whose foreleg was severed or whose hind leg was broken, that animal may be slaughtered on the basis of the ruling of three regular Jews who attend the synagogue. The mishna is referring to clear-cut blemishes in contemporary times, in the absence of the Temple, when a firstborn animal is unfit to be brought as an offering. What, then, is the novelty of Rava’s statement?

²⁰⁴ The Gemara answers: If the halakha that three regular Jews may permit the slaughter of a firstborn animal is learned from the mishna alone, I would say that according to the mishna, the power invested in three regular Jews to permit the slaughter of a firstborn animal in the absence of the Temple nowadays, or outside of Eretz Yisrael during Temple times, applies even to a firstborn animal that has blemishes that are not clear-cut. And the reason that the mishna specifically teaches a case of clear-cut blemishes is to convey the far-reaching nature of the opinion of Rabbi Yosei, who

requires the examination of an expert even in such a case. Rava therefore teaches us that this is not so; rather, the mishna's ruling is referring specifically to a case of clear-cut blemishes.

²⁰⁵ § Rav Yehuda says that Rabbi Yirmeya bar Abba says the following halakha, but he was uncertain whether Rabbi Yirmeya bar Abba said it in the name of Rav and uncertain whether he said it in the name of Shmuel: Three regular Jews may permit a firstborn animal with clear-cut blemishes in a place where there is no expert. The Gemara asks: What is Rav Yehuda teaching us by this statement? We already learn this in the mishna: That animal may be slaughtered on the basis of the ruling of three regular Jews who attend the synagogue.

²⁰⁶ The Gemara answers: If the halakha is learned from the mishna alone, I would say that three laymen may permit a firstborn animal with clear-cut blemishes even in a place where there is an expert. Rav Yehuda therefore teaches us that in a place where there is no expert, yes, three laymen may permit it. But in a place where there is an expert, three laymen are not invested with this power.

²⁰⁷ Rav Ḥiyya bar Amram says: A group of three laymen may permit a blemished firstborn animal in a place where there is no expert to consult, and likewise a group of three laymen may dissolve a vow in a place where there is no Sage. The Gemara explains: The ruling that a group of three laymen may permit a blemished firstborn animal in a place where there is no expert to consult

²⁰⁸ is to the exclusion of the opinion of Rabbi Yosei in the mishna, who prohibits any number of laymen to deem a firstborn animal permitted. The ruling that a group of three laymen may dissolve a vow in a place where there is no Sage is to the exclusion of the opinion of Rabbi Yehuda, as it is taught in a baraita: Dissolution of vows requires a court of three. Rabbi Yehuda says: This is the halakha only if at least one of them is a Sage. If no Sage is available, laymen may not dissolve a vow.

²⁰⁹ Rav Ḥiyya bar Amram stated above that a group of three may dissolve a vow in a place where there is no Sage. This indicates that if there is a Sage, he alone may dissolve a vow. The Gemara asks: Who, for example, is considered such a Sage? Rav Naḥman said: For example, one such as me. The baraita further stated that Rabbi Yehuda says: At least one of the three laymen must be a Sage. The Gemara asks: Should one conclude by inference that those other two members can be anyone, even complete ignoramuses? Ravina said in explanation: Each member of the group must be one to whom the halakhot of vows is explained and he is able to comprehend them.

²¹⁰ § The mishna teaches that Rabbi Yosei says: Even if there is a court of twenty-three Sages there, it may be slaughtered only on the basis of the ruling of an expert. Rav Ḥananel says that Rav says: The halakha is not in accordance with the opinion of Rabbi Yosei. The Gemara challenges: This is obvious, as there is a principle that in a dispute between an individual Sage and many Sages, the halakha is in accordance with the opinion of the many Sages. The Gemara answers: Rav's statement is necessary, lest you say that Rabbi Yosei is an exception to the principle, as his reasoning [nimmuko] is with him, i.e., his logic is sound. Rav Ḥananel therefore teaches us that this is not so, and the halakha does not follow his opinion.

²¹¹ Earlier (36b), the Gemara cited a ruling, which was issued either by Rav or Shmuel, that three regular Jews may deem a firstborn animal permitted in a place where there is no expert, in contrast to the opinion of Rabbi Yosei. The Gemara suggests: Resolve that dilemma from this statement in the name of Rav, that the halakha is not in accordance with the opinion of Rabbi Yosei. It can be inferred from here that that first, uncertain ruling was stated in the name of Shmuel. As, if it was stated in the name of Rav, why do I need two identical rulings?

²¹² The Gemara answers: This is insufficient proof, as it is possible that Rav did not issue two identical rulings. Rather, one ruling was stated from the other, by inference. Rav issued only one of these statements explicitly; the other was reported by his students in his name based on an inference from what he had said.

²¹³ MISHNA: In the case of one who slaughters a firstborn animal and sells its meat, and it was discovered that he did not initially show it to one of the Sages, the halakha is that it was actually prohibited to derive any benefit from the meat. In that case, what the buyers ate, they ate, and the Sages penalized the seller in that he must return the money to them, which they paid for the meat that they ate. And with regard to that which they did not eat, that meat must be buried, and he must return the money that they paid for the meat that they did not eat.

²¹⁴ And likewise, in the case of one who slaughters a cow and sells it, and it was discovered that it is a tereifa, what the buyers ate, they ate, and what they did not eat, they must return the meat to the seller, who may sell it to a gentile or feed it to the dogs, and he must return the money to the buyers. If the buyers sold it to gentiles or cast it to the dogs, they pay the seller the value of a tereifa, which is less than the value of kosher meat, and the seller refunds the balance to the buyers.

²¹⁵ GEMARA: The Sages taught in a baraita: In a case where one sells meat to another and it was discovered that it is the meat of a firstborn animal, which was not deemed permitted for consumption by an expert, or if one sells produce to another and it was discovered that it is untithed produce, or if one sells wine to another and it turns out that it is wine that was used for a libation in idol worship, the halakha is that what the purchasers ate, they ate, and the seller reimburses them all their money.

²¹⁶ Rabbi Shimon ben Elazar says, qualifying this ruling: If he sold them items from which one is generally repulsed, he must reimburse them all their money, as they are presumed to not have derived benefit from the consumption of such items. But if he sold them items from which one is not generally repulsed, he deducts for them the value of the benefit from those items and reimburses them the balance. And the following are items from which one is generally repulsed: Carcasses and tereifot, repugnant creatures, and creeping animals. And the following are items from which one is generally not repulsed: Firstborn animals, untithed produce, and wine used for a libation in idol worship.

²¹⁷ The Gemara asks: Why does the seller deduct the value of the meat of a firstborn animal eaten by the purchaser and reimburse him the difference? Let the purchaser say to the seller: What loss have I caused you by eating the meat? Had you not sold it to me, you would have had no rights to partake of it, as this is an unblemished firstborn animal from which deriving benefit is prohibited.

²¹⁸ The Gemara answers: No, this ruling is necessary in a case where he sold him a cut of meat from an area on the animal that contained a blemish, but the seller had not yet brought the animal to be examined and deemed permitted by a Sage. In that instance, the seller can say to the purchaser: Had you not eaten the meat, I would have shown the animal to a Sage and he would have deemed it permitted to me. The Gemara notes that this is in accordance with the opinion of Rabbi Yehuda (28a), who permits a firstborn animal to be examined and deemed permitted even after it has been slaughtered.

²¹⁹ The Gemara adds that with regard to untithed produce, although one could claim that the purchaser did not cause a loss to the seller, as untithed produce is prohibited for consumption, the seller can say to the purchaser: Had you not eaten my produce, I would have remedied it, i.e.,

separated its tithes, and eaten it. Similarly, with regard to wine used for a libation in idol worship, which is also prohibited to be consumed, this is referring to a seller who sold it in a mixture of permitted wine. In this case, had the purchaser not consumed the wine mixture, the seller could have derived benefit from it, in accordance with the opinion of Rabban Shimon ben Gamliel.

²²⁰ As we learned in a mishna (Avoda Zara 74a): In the case of wine used for a libation in idol worship that fell into a wine cistern, it is prohibited to derive benefit from all the wine in the cistern, even if the volume of the wine used for a libation was small in comparison to the volume of the rest of the wine in the cistern. Rabban Shimon ben Gamliel says: All of the wine in the cistern may be sold to a gentile, and the money paid for it is permitted, except for the value of the wine used for a libation that is in it.

Chapter 6

¹ MISHNA: For these blemishes, one may slaughter the firstborn animal outside the Temple: If the firstborn's ear was damaged and lacking from the cartilage [haḥashus], but not if the skin was damaged; and likewise, if the ear was split, although it is not lacking; or if the ear was pierced with a hole the size of a bitter vetch, which is a type of legume; or if it was an ear that is desiccated. What is a desiccated ear that is considered a blemish? It is any ear that if it is pierced it does not discharge a drop of blood. Rabbi Yosei ben HaMeshullam says: Desiccated means that the ear is so dry that it will crumble if one touches it.

² GEMARA: With regard to the blemishes mentioned in this mishna and in the subsequent mishnayot, the Gemara asks: Why is it permitted to slaughter and eat a firstborn that sustained these blemishes? Only a lame animal and a blind animal are written in the verse that discusses this halakha. That verse states: "And if there be any blemish therein, lameness, or blindness, any ill blemish whatsoever, you shall not sacrifice it to the Lord your God. You shall eat it within your gates" (Deuteronomy 15:21–22).

³ The Gemara answers: It is also written in the beginning of the verse: "If there be any blemish therein," which indicates that other blemishes are also included. The Gemara asks: But why not say that the phrase "if there be any blemish therein" is a generalization, while "lameness, or blindness" is a detail. According to the principles of midrashic exegesis, if a generalization and a detail are mentioned, the generalization includes only that which is specified in the detail. Therefore, it should be concluded that in the event of lameness and blindness, yes, one may slaughter the firstborn, but in the event of another matter, one may not slaughter it.

⁴ The Gemara answers: By subsequently stating: "Any ill blemish," it then generalized again. Consequently, it is a generalization and a detail and a generalization, represented in the phrases "any blemish," "lameness or blindness," and "any ill blemish," and according to the principles of midrashic exegesis, you may deduce that the verse is referring only to items similar to the detail. Just as the items mentioned in the detail, i.e., in the phrase "lameness or blindness," are clearly defined as blemishes that are exposed and do not regenerate, so too, all blemishes that are exposed and do not regenerate are considered blemishes with regard to a firstborn.

⁵ The Gemara suggests: But say instead that just as the items mentioned in the detail, i.e., in the phrase “lameness or blindness,” are clearly defined as blemishes that are exposed and that cause an animal to desist from its normal labor, and they are blemishes that do not regenerate, so too, all blemishes that are exposed and that cause an animal to desist from its labor and do not regenerate are included in this halakha. If so, a blemish that does not fit these criteria would not render the firstborn permitted to be slaughtered. Why then did we learn in the mishna that if the firstborn’s ear was damaged and lacking from the cartilage, but not if it is lacking from the skin, it is considered a blemish, despite the fact that this does not cause the animal to desist from its labor?

⁶ The Gemara answers: The word “any” in “any ill blemish” is an amplification, and it includes even blemishes that are different from those defined by the detail. The Gemara challenges: If so, blemishes that are hidden should also be included. Why then did we learn in the mishna (39a) that animals with external gums that were damaged and lacking or that were scratched [veshenigmemu] and likewise animals with internal gums that were entirely extracted are considered blemished?

⁷ It can be inferred that if the internal gums were extracted then yes, one may slaughter the firstborn, but if they were merely damaged or they were scratched, one may not, since it is a hidden blemish. The Gemara answers: I require that it be an “ill blemish,” which must be exposed and degrading, and a hidden blemish is not considered such an “ill blemish.” The Gemara asks: If so, that all blemishes are included by the words: “Any ill blemish,” aside from hidden blemishes, a temporary blemish should also render it permitted for the firstborn to be slaughtered. Why then did we learn in the mishna: If the firstborn’s ear was damaged and lacking from the cartilage it may be slaughtered, but not if it is damaged and lacking from the skin, since it is a temporary blemish?

⁸ The Gemara answers: A temporary blemish is not excluded by the exegesis but is based on logical reasoning: Now, if we do not even redeem an offering due to a temporary blemish, will we slaughter a firstborn outside the Temple, for which redemption is not performed, due to a temporary blemish? The Gemara explains the source for this assertion that an offering is not redeemed because of a temporary blemish. As it is taught in a baraita: “And if it be any impure animal, of which they may not bring an offering to the Lord” (Leviticus 27:11). The verse is speaking of ritually pure animals with blemishes.

⁹ The baraita continues: Do you say that the verse is speaking of animals with blemishes that were redeemed, or is it referring only to an actual impure animal, such as a donkey or a horse that was consecrated; but with regard to a kosher animal, perhaps its consecrated status cannot be removed by redemption even if it was blemished? When the verse states: “And if it be of an impure animal” (Leviticus 27:27), a non-kosher animal is mentioned. So how do I realize the meaning of: “Of which they may not bring an offering”? You must say that this is referring to blemished animals that were redeemed, indicating that redemption is permitted.

¹⁰ The baraita concludes: One might have thought that offerings may be redeemed due to a temporary blemish that they sustained. Therefore, the verse states: “Of which they may not bring an offering to the Lord” (Leviticus 27:11). This teaches that an animal that is not sacrificed at all is redeemed, which excludes this animal that has a temporary blemish, which is not sacrificed today, but rather may be sacrificed tomorrow.

¹¹ The Gemara comments: If you wish, say a different explanation as to why a temporary blemish is not included in the amplification of the verse: “Any ill blemish”: If so, that even a temporary blemish

permits its slaughter, why do I need the verse to mention a lame animal and a blind animal? It would have sufficed to state: “Any ill blemish.” Rather, the verse excludes a temporary blemish that is unlike these two blemishes, which are permanent.

¹² § The mishna teaches: If the ear of the firstborn animal was split, although it is not lacking, one may slaughter the animal outside the Temple. With regard to this, the Sages taught in a baraita: The split that permits the animal to be slaughtered is one of any size. With regard to the damage, whether it was done by the hand of a person or by the hand of God, it may be slaughtered. The Gemara asks: Should it be derived by inference that with regard to a split, if it was caused by the hand of God it is not considered a blemish? That also should be considered an obvious blemish and render the animal permitted for slaughter.

¹³ The Gemara answers: Rather, the baraita should be interpreted as follows: The animal may be slaughtered for a split of any size, and with regard to a split and damage, whether it was done by the hand of God or by the hand of a person, the animal may be slaughtered. And what is the measure of the damage that is considered a blemish? It must be large enough that a fingernail will be retained [shetaḥgor] on it, i.e., if one passes his fingernail over the ear of the animal it can enter the area of the damage.

¹⁴ § The mishna stated that if the ear of a firstborn animal was pierced with a hole the size of a bitter vetch, the animal is slaughtered because of it. With regard to this, the Sages taught in a baraita: How large must the piercing of the ear be? It must be the size of a karshina. Rabbi Yosei, son of Rabbi Yehuda, says: Like the size of a lentil, which is slightly smaller. And what is a desiccated ear that is considered a blemish? It is an ear that if it is pierced, it does not discharge a drop of blood. Rabbi Yosei ben HaMeshullam says: Desiccated means that the ear is so dry that it will crumble if one touches it.

¹⁵ A Sage taught: Their statements are close to being identical in practice. The Gemara asks: The statements of whom are close to being identical? If we say that he is referring to the statements of the first tanna and Rabbi Yosei ben HaMeshullam with regard to a desiccated ear, there is a significant difference between these two opinions. One says it is determined by whether blood emerges, while the other holds it is based on whether it crumbles. Rather, he is referring to the statement of the first tanna and the statement of Rabbi Yosei, son of Rabbi Yehuda, as a karshina and a lentil are almost identical in size.

¹⁶ The Gemara asks with regard to the statement of Rabbi Yosei, son of Rabbi Yehuda: If the ear was pierced with a hole like the size of a lentil, then yes, it is considered a blemish, but if it was pierced with a hole less than the size of a lentil, then is it not considered a blemish? And one can raise a contradiction from a baraita: The Torah provides a description of the process by which a Hebrew slave who has already completed his six years of servitude may continue on as a slave of his master: “And you shall take the awl and put it through his ear and in the door” (Deuteronomy 15:17). From this verse, I have derived only that an awl can be used. From where do I know to include the palm thorn [hassol], a thorn, a needle, and a gimlet, and a stylus for writing on wax as valid tools for piercing his ear?

¹⁷ Therefore, the verse states: “And you shall take,” which indicates that anything that can be taken by hand is a valid tool. This is the statement of Rabbi Yosei, son of Rabbi Yehuda. Rabbi Yehuda HaNasi says: Not all these items can be used. Rather, since the verse specifies an “awl,” only items

similar to an awl can be used; just as an awl is distinct in that it is fashioned of metal, so too, anything fashioned of metal can be used.

¹⁸ And the latter clause of the baraita teaches: Rabbi Elazar said that Yudan the Distinguished would teach as follows: When they pierce the ear of the slave, they pierce only in the earlobe.

¹⁹ And the Rabbis say: The piercing is not performed on that part of the ear, since there is a tradition that the ear of a Hebrew slave who is a priest is not pierced, because the piercing renders him blemished and unfit to serve in the Temple. And if you say that they pierced the slave in the earlobe, how does a Hebrew slave who is a priest become blemished through piercing? A wound on this part of the ear heals. This indicates that they pierce only on the upper part of the ear, through the cartilage.

²⁰ In any event, it is clear from the statement of Rabbi Yosei, son of Rabbi Yehuda, that the piercing of a needle is considered a blemish, despite the fact that it is definitely smaller than the size of a lentil. The Gemara answers: Rav Ḥana bar Ketina said: It is not difficult, as here, Rabbi Yosei, son of Rabbi Yehuda, said that the hole must be the size of a lentil with regard to slaughtering an animal outside the Temple due to the blemish. There, with regard to disqualifying the animal from being sacrificed, even a tiny hole is considered a blemish, just as it renders the priest blemished.

²¹ § According to the first opinion cited in the baraita, the size of the hole that is considered a blemish in the ear of the firstborn animal is like that of a karshina. The Gemara asks: What is a karshina? Rav Sherevya says: It is a bitter vetch, called hinda in Aramaic.

²² With regard to this halakha, Rav Hoshaya asked Rav Huna the Great: Is this measure referring to a bitter vetch that can enter and exit the hole in the ear, which means that the hole is slightly larger than the bitter vetch? Or is it referring to a bitter vetch that is stationary in the hole, meaning that the hole is precisely the size of a bitter vetch? Rav Huna the Great said to him: I did not hear this halakha specifically, but I heard a similar halakha to it, that the expression: The size of a bitter vetch [melo karshina], means that the bitter vetch can enter and exit the hole.

²³ As we learned in a mishna (Oholot 2:3): The spine and the skull of a corpse that are incomplete do not impart ritual impurity in a tent. This halakha was unanimously accepted, but the details were subject to dispute: How much is considered a deficiency in the spine so that it will not impart impurity in a tent? Beit Shammai say: If it is missing two vertebrae, and Beit Hillel say: Even if it is missing only one vertebra, it will not impart impurity. And likewise, they disagree concerning the deficiency in the skull: Beit Shammai say that it must be missing a piece like the size of a drilled hole, and Beit Hillel say: It must be missing an amount that if removed from a living person, he would die.

²⁴ The Gemara relates: And Rav Ḥisda was sitting, and he raised a dilemma: That which was stated: An amount that if removed from a living person, how much is that? Rav Taḥlisa bar Avudimi said to him: This is what Shmuel says: It is like the size of a sela coin.

²⁵ The Gemara notes: And it was stated that the amora'im disagreed with regard to whom Rabbi Taḥlisa cited when relating this halakha to Rav Ḥisda. Rav Safra says that he told him a halakha of the amora'im citing Shmuel. And Rav Shmuel bar Yehuda says that he told him a baraita that stipulated that the measure is like the size of a sela coin. And your mnemonic to remember what each one said is the common talmudic phrase: Rav Shmuel bar Yehuda teaches [tanei], generally

indicating a source from a tanna, which hints that according to Rav Shmuel bar Yehuda, Rav Taḥlisa cited a baraita to Rav Ḥisda, while according to Rav Safra, he related a tradition from Shmuel.

²⁶ And Rav Ḥisda said to Rav Taḥlisa: If so, that the measure of the deficiency according to the opinion of Beit Hillel is the size of a sela coin, you have made the statement of Beit Shammai and the statement of Beit Hillel one and the same, since the size of a sela coin and a drilled hole is identical. As we learned in a mishna (Kelim 17:12): With regard to a window that was not fashioned by the hands of a person, such as where a stone fell out of the wall by itself, its measure for which ritual impurity is transmitted from room to room is like the size of a large fist. And this is the size of the fist of Ben Avatiaḥ, who was known to be an exceptionally large man. Rabbi Yosei said: And the size of this fist is like the size of a large human head.

²⁷ The mishna continues: But if the window was made by the hand of a person, its measure for which ritual impurity is transmitted is like the size of the drilled hole of the large drill of the chamber in the Temple, which is like the size of the Italian pundeyon and like the size of a sela of the emperor Nero. And its size is

²⁸ like the size of the hole of a yoke of an animal. Evidently, the measure of the drilled hole stipulated by Beit Shammai with regard to a deficient skull equals the size of a sela coin stipulated by Beit Hillel according to the statement of Rav Taḥlisa. The Gemara relates: Rav Taḥlisa was silent. And Rav Ḥisda said to him: Perhaps we learned that Beit Shammai did not mean the size of a drilled hole alone, but rather the size of a drilled hole and its obstruction, i.e., a hole that allows for the drill to be inserted and removed. This is slightly larger than the sela mentioned by Beit Hillel.

²⁹ And Rav Taḥlisa said to him: Do not say: Perhaps. Rather, say: Beit Shammai definitely was referring to the size of a drilled hole and its obstruction, and you can rely on this explanation since it is certainly correct, as certain as the testimony of Ḥizkiyya, the father of Ikkesh, which is uncontested. It can be derived from here that just as the phrase: Size of a drilled hole, is referring to the size of a hole into which the drill can be inserted and removed, so too, the size of a bitter vetch mentioned in the mishna is referring to a hole into which the bitter vetch can be inserted and removed.

³⁰ § The Gemara explains the reference to the testimony of Ḥizkiyya the father of Ikkesh. As we learned in a baraita that Ḥizkiyya, the father of Ikkesh, testified this testimony before Rabban Gamliel in Yavne, which he said in the name of Rabban Gamliel the Elder: With regard to earthenware vessels, any vessel that does not have a receptacle has no distinction with regard to the halakhic status of its sides. This is in contrast to the earthenware vessels mentioned in the Torah, where only the inside, and not the outside, is susceptible to ritual impurity. Rather, if its inside, i.e., the sides that are used, became impure, its outside also becomes impure. Likewise, if its outside became impure, its inside also becomes impure.

³¹ The Gemara challenges: With regard to an earthenware vessel, the Merciful One rendered its susceptibility to impurity dependent on the presence of a receptacle, as it states: “And every earthen vessel into whose interior any of them falls” (Leviticus 11:33). Consequently, if there is a receptacle, it will become impure, but if there is no receptacle, it should not become impure.

³² Rabbi Yitzḥak bar Avin said in response: The testimony is not referring to earthenware vessels, but to vessels that are purified through immersion in a ritual bath, such as wooden vessels, which are susceptible to ritual impurity even if they lack a receptacle. Accordingly, this is what the tanna is

saying: With regard to earthenware vessels, any vessel that does not have a receptacle never becomes impure. The halakha in the corresponding case with regard to a vessel that is purified through rinsing, i.e., immersion in a ritual bath, where it lacks a receptacle, is that there is no distinction with regard to the halakhic status of its sides. Therefore, if its inside, i.e., the side that is used, became impure, its outside also becomes impure. Likewise, if its outside became impure, its inside also becomes impure.

³³ The Gemara asks: Why do I need to render this halakha dependent on an earthenware vessel? Let us simply say: With regard to a vessel that is purified through rinsing, any vessel that does not have a receptacle has no distinction with regard to the halakhic status of its sides.

³⁴ The Gemara answers: This association teaches us that if the vessel that is purified through rinsing has a receptacle, it is like an earthenware vessel. Therefore, just as in the case of an earthenware vessel, if its inside became impure, its outside also becomes impure, but if its inside did not become impure, its outside does not become impure, so too, with regard to a vessel that is purified through rinsing, if its inside became impure, its outside becomes impure. But if its inside did not become impure, its outside does not become impure.

³⁵ The Gemara asks: Granted that with regard to an earthenware vessel, the Merciful One revealed that it is rendered ritually impure only if the impure item fell into its “inside” (see Leviticus 11:33). But with regard to a vessel that is purified through rinsing, did the Merciful One reveal with regard to it that it becomes impure only through its inside? Therefore, even if the impure item touched the outside, it should become entirely impure.

³⁶ The Gemara answers: If it is referring to ritual impurity that is by Torah law, then indeed a vessel that is purified through rinsing can become impure even through its outside. But here we are dealing with the ritual impurity of liquids, i.e., liquids that became impure and subsequently touched the vessel, which becomes impure only by rabbinic law. As we learned in a mishna (Kelim 25:6): With regard to a vessel whose outside became ritually impure by contact with impure liquids, only its outside is impure, but its inside, its rim, its ear-shaped handle, and its straight handle are pure. If its inside became impure, it becomes impure in its entirety.

³⁷ The Gemara explains the reason: By Torah law, food does not transmit impurity to a vessel, and a liquid does not transmit impurity to a vessel. And it was the Sages who decreed that an impure liquid transmits impurity to a vessel, because of the concern that people will be lenient with regard to the liquid of a zav and a zava, such as their urine or saliva, which are a primary source of impurity and impart impurity to vessels.

³⁸ Therefore, the Sages deemed the impurity of a vessel that is purified through rinsing whose outside became impure through liquid to be like the impurity of an earthenware vessel, and if its exterior became impure, its interior remains pure. But the Sages did not deem its impurity like the impurity of itself, i.e., a vessel that is purified through rinsing, by Torah law, that if its exterior became impure, the vessel becomes impure in its entirety.

³⁹ The reason for this is that through this ruling the Sages employed an indicator that it is impure only by rabbinic law so that people will not burn teruma and consecrated items due to having come into contact with those vessels, as by Torah law they are ritually pure and it is prohibited to burn them. The Gemara asks: If so, that this is the case under discussion, then with regard to a vessel that is purified through rinsing that has no receptacle as well, the Sages should employ an indicator. They should rule that the inside remains pure so that teruma and consecrated items will not be burned after

coming in contact with it. Why then did Hizkiyya, the father of Ikkesh, testify that if its outside became impure, its inside becomes impure as well?

⁴⁰ The Gemara answers: Since the Sages employed an indicator with regard to vessels that are purified through rinsing that have a receptacle, it is thereby known that the impurity of a vessel that does not have a receptacle that comes in contact with an impure liquid is by rabbinic law. Therefore, no one will burn teruma and consecrated items that came in contact with it.

⁴¹ The Gemara asks: And with regard to a vessel that is purified through rinsing, is it susceptible to ritual impurity by Torah law, so that the Sages found it necessary to decree that the exterior is susceptible to impurity of liquids? After all, in order for a vessel to be susceptible to impurity it is required to be similar to a sack, which is mentioned with regard to ritual impurity (see Leviticus 11:32): Just as a sack is carried both full and empty, so too, any object must be capable of being carried both full and empty in order to become ritually impure. This excludes a vessel that has no receptacle and cannot be carried full.

⁴² The Gemara answers that it is referring to these vessels that are suited for sitting and are susceptible to ritual impurity imparted by treading, i.e., the ritual impurity imparted by a zav, zava, or a menstruating woman who sits or lies down on an item, even though it lacks a receptacle. The Gemara challenges: If so, with regard to an earthenware vessel that has no inside, the Rabbis should also decree that it is susceptible to the impurity of liquids if it is fit for sitting. The Gemara answers: There is no ritual impurity imparted by treading with regard to earthenware vessels.

⁴³ § The Gemara returns to the matter of an incomplete skull. According to the opinion of Beit Shammai, if the skull is missing a piece of bone the size of a drilled hole, it does not impart impurity. According to Shmuel, Beit Hillel holds that it must be missing a piece the size of a sela coin. If so, there would be no disagreement between Beit Shammai and Beit Hillel, as it was taught with regard to a window that imparts ritual impurity that a drilled hole is the same size as a sela coin. The Gemara now offers an additional answer: Rav Pappa says that it was with regard to a large drill that we learned that the minimum size of a window that imparts impurity equals the size of a sela coin.

⁴⁴ The Gemara comments that by inference, the unspecified drill mentioned in the statement of Beit Shammai with regard to an incomplete skull is also smaller than the size of a sela coin mentioned by Beit Hillel. The Gemara asks: This works out well according to the explanation of Rabbi Meir for the opinion of Beit Shammai. But according to the opinion of the Rabbis, what is there to say?

⁴⁵ As we learned in a mishna (Oholot 2:3): With regard to which drill did Beit Shammai state their opinion concerning an incomplete skull? It was with regard to a small drill of doctors, used for drilling bones. This is the statement of Rabbi Meir. And the Rabbis say: It was with regard to a large drill, such as that used in the Temple chamber. According to the mishna concerning a window that imparts impurity, the size of this drill is like that of a sela coin, and the opinions of Beit Shammai and Beit Hillel would still be identical.

⁴⁶ The Gemara asks further: And even according to the opinion of Rabbi Meir, does it work out well? If the unspecified drill mentioned by Beit Shammai is smaller than a sela coin, then this is an instance of the leniencies of Beit Shammai and of the stringencies of Beit Hillel, as with regard to a skull that was missing a piece only the size of a drilled hole, Beit Shammai are lenient and hold that it does not impart impurity in a tent, while Beit Hillel do consider it impure. And we have a principle: That which we learned in the mishna in tractate Eduyyot pertaining to the leniencies of Beit

Shammai and the stringencies of Beit Hillel, we learned, and that which we did not learn there, we did not learn. Therefore, in all other cases, Beit Shammai are stringent and Beit Hillel are lenient.

⁴⁷ Rav Naḥman says: It is specifically with regard to a sela of the emperor Nero that we learned in the mishna concerning a window that imparts impurity that it is like the size of a large drilled hole. But with regard to the unspecified sela coin mentioned by Beit Hillel as the measure, it is even smaller than an unspecified drilled hole. Therefore, Beit Shammai are stringent even according to the opinion of Rabbi Meir.

⁴⁸ MISHNA: For these blemishes of the eye, one may slaughter the firstborn animal outside the Temple: The eyelid that was pierced, an eyelid that was damaged and is lacking, or an eyelid that was split; and likewise, one may slaughter a firstborn animal outside the Temple if there was in his eye a cataract, a tevallul, or a growth in the shape of a snail, a snake, or a berry that covers the pupil. What is a tevallul? It is a white thread that bisects the iris and enters the black pupil. If it is a black thread that bisects the iris and enters the white of the eye it is not a blemish.

⁴⁹ GEMARA: The mishna's list of blemishes of the eye included an eyelid [ris] that was pierced, damaged, or split. The Gemara asks: What is the meaning of: The ris? Rav Pappa says: It means the outer line, or barrier, of the eye, i.e., the eyelid. The mishna further stated: A cataract, a tevallul. With regard to a cataract, the Sages taught: A sunken cataract, i.e., one that is in the eye itself, is a blemish, but a floating cataract, i.e., one that is floating above the eye, is not a blemish.

⁵⁰ The Gemara asks: But isn't the opposite taught in a baraita, that a sunken cataract is not a blemish whereas a floating one is a blemish? The Gemara answers: That is not difficult, as this first baraita is referring to a cataract in the black portion of the eye, whereas that second baraita is referring to one in the white portion of the eye. The Gemara challenges: But it was taught that there are no blemishes in the white portion of the eye. Rather, both baraitot are referring to the black portion of the eye, and this second baraita is referring to a white cataract, whereas that first baraita is referring to a black cataract.

⁵¹ This is as Rabba bar bar Ḥana says: Yoshiya from Usha told me that with regard to a black cataract, if it is sunken it is a blemish, but if it is floating it is not a blemish. Conversely, with regard to a white cataract, if it is sunken it is not a blemish, whereas if it is floating it is a blemish. And your mnemonic to remember this is barka, which is a disease in which white patches float above the eye, and it is considered a blemish.

⁵² § The mishna included in its list of blemishes of the eye a growth in the shape of a snail, a snake, or a berry that covers the pupil. A dilemma was raised before the Sages: Is the snail mentioned in the mishna the same as the snake, or perhaps they are two distinct blemishes, and the mishna means a snail or a snake?

⁵³ The Gemara answers: Come and hear, as Rabba bar bar Ḥana says: Rabbi Yoḥanan ben Elazar told me: There was a certain elder in our neighborhood, and Rabbi Shimon ben Yosei Lakonya was his name, and in all my days I did not pass before him. But once I did pass before him, and he said to me: Sit, my son, sit, and I will teach you one matter: This snail that you see in the eye of a firstborn is a permanent blemish, and it is permitted to slaughter the animal on its account. And this is also the snake mentioned by the Sages as a blemish.

⁵⁴ Rabbi Shimon ben Yosei Lakonya adds: And even though the Sages said that a person cannot see blemishes for himself, and therefore I cannot permit this firstborn to myself, even so a halakhic authority may issue a halakhic ruling to his students, and the students may then issue a halakhic ruling for him based on what he taught them. Consequently, once I have taught you this halakha, you may permit my firstborn to me due to this blemish.

⁵⁵ The Gemara asks: How could Rabbi Yoḥanan ben Elazar permit the firstborn in this manner? But doesn't Rabbi Abba say that Rav Huna says: With regard to any Torah scholar who is engaged in issuing a ruling of halakha in a situation relevant to himself, if he already stated the ruling before the incident, i.e., before it was relevant to him, one listens to him; and if not, i.e., the ruling followed the incident, one does not listen to him? The Gemara answers that he too, Rabbi Shimon ben Yosei Lakonya, was engaged in issuing this ruling of halakha at the outset, before it became relevant to him.

⁵⁶ § The mishna further stated: What is a *tevallul*? It is a white thread that bisects the iris and enters the black pupil. The Gemara asks: Whose opinion is expressed in the mishna? It is the opinion of Rabbi Yosei, as it is taught in a baraita: If there is either a white thread that enters the black, or a black thread that enters the white, it is a blemish; this is the statement of Rabbi Meir. Rabbi Yosei says: If it is a white thread that enters the black, it is a blemish, but if it is a black thread that enters the white, it is not a blemish, as there are no blemishes in the white of the eye.

⁵⁷ Rav says: What is the reason of Rabbi Yosei? As it is written: "Their eyes stand forth from fatness" (Psalms 73:7), which is interpreted to mean that the wicked embark on an evil path due to the fatness in the eyes, which is in the white portion. This indicates that the white portion is called the fat of the eye, but it is not called simply: Their eyes. Conversely, a *tevallul* is considered a blemish only if it is in the eye itself, as it states: "Or *tevallul* in his eye" (Leviticus 21:20). The Gemara further asks: And with regard to Rabbi Meir, what is his reason? The Gemara answers that Rabbi Meir would explain as follows: What is the meaning of the expression *tevallul*? It is a substance that mixes [*hamevalbel*] within the eyes, i.e., which passes through the white and the black in any fashion.

⁵⁸ MISHNA: Pale spots on the eye and tears streaming from the eye that are constant are blemishes that enable the slaughter of the firstborn. Which are the pale spots that are constant? They are any spots that persisted for eighty days. Rabbi Ḥananya ben Antigonus said: One examines it three times within eighty days. Only if the spots are found during all three examinations are they considered constant.

⁵⁹ And these are the constant tears, i.e., this is how it is known whether the blemish is temporary or permanent: In a case where the animal ate, for medicinal purposes, moist fodder and dry fodder from a field watered exclusively with rain, or if the animal ate moist fodder and dry fodder from an irrigated field, or even if the animal did not eat them together but ate the dry fodder and thereafter ate the moist fodder, and the condition of constant tears was not healed, it is not a blemish. It is not a blemish unless the animal eats the moist fodder and thereafter eats the dry fodder and is not thereby healed.

⁶⁰ GEMARA: The Gemara asks: Whose opinion is expressed in the mishna? It is the opinion of Rabbi Yehuda, as it is taught in a baraita: A blemish of constant pale spots is a condition that persisted for forty days, and constant tears is a condition that persisted for eighty days; this is the

statement of Rabbi Meir. And Rabbi Yehuda says: A blemish of constant pale spots is a condition that persisted for eighty days.

⁶¹ The baraita continues: And these are the constant tears, according to the opinion of Rabbi Yehuda: In a case where the animal ate moist fodder and dry fodder from an irrigated field, or ate the dry fodder and thereafter ate the moist fodder, and the animal was not healed, its status as a blemish is not certain. It is not a blemish unless the animal eats the dry fodder after eating the moist fodder and is not thereby healed. And the duration of this period of eating moist and then dry fodder extends for three months.

⁶² The Gemara asks: But how can the mishna be in accordance with the opinion of Rabbi Yehuda? We learned about two types of fields in the mishna: A case where the animal ate moist fodder and dry fodder from a field watered exclusively with rain and a case where the animal ate moist fodder and dry fodder from an irrigated field and was not healed. In either case, it is not a blemish. By contrast, Rabbi Yehuda mentioned only moist fodder and dry fodder from a field that requires irrigation, from which it can be inferred that if the animal was fed moist fodder and dry fodder from a field watered exclusively with rain and it was not healed, its condition is a blemish.

⁶³ The Gemara answers that the mishna is incomplete and this is what it is teaching, in accordance with the ruling of Rabbi Yehuda in the baraita: If the animal ate moist fodder and dry fodder from a field watered exclusively with rain, it is a blemish. If it ate moist fodder and dry fodder from an irrigated field, it is not a blemish. And with regard to a field watered exclusively with rain as well, if it ate the dry fodder and thereafter ate the moist fodder it is not a blemish. It is not a blemish until the animal eats the dry fodder after the moist fodder.

⁶⁴ With regard to the statement of the baraita: And the duration of this period of eating moist and then dry fodder lasts for three months, the Gemara asks: Is that so? But isn't it taught that Rav Idi bar Avin says that Rav Yitzḥak bar Ashiyan says: The months of Adar and Nisan are the moist period mentioned in the mishna, as the fodder is still moist at that time of year; and the months of Elul and Tishrei are the dry period, as this is the end of summer? In total, there are four months, not three. The Gemara answers that one should say as follows: The months of Adar and half of Nisan are the moist period, and the months of Elul and half of Tishrei are the dry period, for a total of three months.

⁶⁵ With regard to the ruling of the mishna that the animal must be given moist fodder and then dry fodder, a dilemma was raised before the Sages: Does this mean it must be fed moist fodder at the time of moist fodder, i.e., at the end of the rainy season, and dry fodder at the time of dry fodder, at the conclusion of summer? Or perhaps it is fed moist fodder and then dry fodder leftover from the previous summer, both at the time of moist fodder.

⁶⁶ The Gemara suggests: Come and hear, as Rav Idi bar Avin says that Rav Yitzḥak bar Ashiyan said: The months of Adar and Nisan are the period of moist fodder; Elul and Tishrei are the period of dry fodder. This indicates that the animal is given the fodder that is available at that time. The Gemara refutes this proof: That statement is not necessarily referring to the time when it is fed, as perhaps one feeds it the produce of Elul and Tishrei in Adar and Nisan.

⁶⁷ The Gemara asks: And how much does one feed it? Rabbi Yoḥanan says in the name of Rabbi Pineḥas ben Arova: One feeds it the amount of a fig-bulk. Rava says: They raise a dilemma in the West, Eretz Yisrael: Does this mean that it is fed the amount of a fig-bulk at its first meal each day,

⁶⁸ or perhaps does it mean it is fed the amount of a fig-bulk at each and every meal? If you say that it is fed a fig-bulk only at the first meal, is it fed this fodder before its regularly scheduled eating or after eating? The Gemara elaborates: Before eating, it is certainly effective for it like a medicine, which people imbibe before their meals. With regard to after eating, what is the halakha? Is this an effective manner of examining the animal? The Gemara further inquires: Is the animal fed this fodder as a medicine before drinking or after drinking? Before drinking it is certainly effective for it, like barley, which is fed to an animal before it drinks. With regard to after drinking, what is the halakha?

⁶⁹ The Gemara continues to inquire: Is the animal given the fodder when it is tied or untied? The Gemara explains: When it is untied, the fodder is certainly effective for this animal. When it is tied, what is the halakha? Furthermore, is it fed the fodder when it is by itself, or with another animal? When it is with another animal, the fodder is certainly effective for this animal, as it is comfortable. When it is by itself, what is the halakha?

⁷⁰ Likewise, is the animal fed it in the city or in the field? When it is in the field, the fodder is certainly effective for this animal, as it is calm. When it is in the city, what is the halakha? Rav Ashi raises a further dilemma: If you say that this treatment is effective only when it is in the field, not when it is the city, what is the halakha with regard to a garden adjacent to the city? No resolution is found for any of these inquiries, and with regard to each of them the Gemara states that the dilemma shall stand unresolved.

⁷¹ § The mishna teaches with regard to constant pale spots that Rabbi Ḥanania ben Antigonus says: One examines the animal three times within eighty days. Rav Naḥman bar Yitzḥak says: And this is the halakha provided that they are divided into equal thirds, i.e., there must be an even gap between each of these examinations.

⁷² With regard to the statement of the mishna that constant tears are examined by feeding the animal moist and then dry fodder for a period of three months, Pineḥas, the brother of Mar Shmuel, raises a dilemma before Shmuel: If the animal ate the fodder in the required manner and was not healed, which means that it is blemished, is it a retroactive blemish from the day it was discovered, or is it a blemish from that point forward?

⁷³ The Gemara asks: What is the practical difference? The Gemara answers: It is with regard to whether one has violated the prohibition of misuse of consecrated property concerning its redemption money in a case where a consecrated animal was redeemed before the end of the three months of examination and someone derived benefit from the money paid for its redemption. If you say that it is a retroactive blemish, he thereby misuses consecrated property, as the redemption was effective and the money belongs to the Temple treasury.

⁷⁴ But if it is a blemish from that point forward, then one who derived benefit from money paid before that point has not misused consecrated property, as an unblemished animal cannot be redeemed, and the money remains non-sacred. What, then, is the halakha? Shmuel read this verse with regard to his brother: “The lame take the prey” (Isaiah 33:23), i.e., one who is not learned in Torah has managed to ask a question for which I have no answer.

⁷⁵ MISHNA: For these additional blemishes, one may slaughter a firstborn animal outside the Temple: Its nose that was pierced, or that was damaged and is lacking, or that was split. Likewise, its lip that was pierced, or that was damaged, or that was split is considered a blemish.

⁷⁶ GEMARA: With regard to the case of the nose that was pierced, the Sages taught in a baraita: In a case where its nostrils were pierced one into the other, if the perforation is visible on the outside of the nostril, this is a blemish; if it is visible only on the inside of the nostril, it is not a blemish. With regard to the case of: Its lip that was pierced or that was damaged or that was split, Rav Pappa says: This is referring to the outer row, i.e., the front, protruding part of its lip.

⁷⁷ MISHNA: The mishna lists additional blemishes that permit the slaughter of the firstborn: The external gums that were damaged and lacking or that were scratched, and likewise, the internal gums that were extracted. Rabbi Ḥanina ben Antigonus says: One does not examine from the double teeth, i.e., the large molars that appear like two teeth, and inward, and one does not examine even the place of the double teeth themselves. This is because even if they were extracted, it is a concealed blemish, and it does not permit the slaughter of the firstborn.

⁷⁸ GEMARA: The Sages taught in a baraita: When the mishna is referring to the double teeth, what are the double teeth? The area from the double teeth and inward, and the double teeth themselves, are considered like the inward part, i.e., the location of a concealed blemish, for which one may not slaughter the animal. Rabbi Yehoshua ben Kefutzai says: One slaughters the firstborn only for a blemish of the outer teeth alone. Rabbi Ḥanina ben Antigonus says: One does not consider the double teeth at all.

⁷⁹ The Gemara notes that the baraita asks about the double teeth but does not answer the question: What is the tanna saying? And furthermore, the opinion of Rabbi Yehoshua ben Kefutzai is the same as that of the first tanna, as they both maintain that a blemish to the double teeth is considered a concealed blemish.

⁸⁰ The Gemara answers that the baraita is incomplete and this is what it is teaching: What are the inner gums, for which a firstborn is not slaughtered if a blemish was found there? The inner gums are located from the place of the double teeth and inward, and the double teeth themselves are considered like the inward part. In what case is this statement, that one does not slaughter the animal, said? It is said in a case where the inner gums were damaged or were scratched. But if they were extracted, one does slaughter the firstborn for this blemish.

⁸¹ The Gemara continues its interpretation of the baraita. Rabbi Yehoshua ben Kefutzai says: One slaughters the firstborn only for a blemish of the outer teeth. But with regard to the inner gums that were extracted, one does not slaughter the animal for them, but it is disqualified as an offering. Rabbi Ḥanina ben Antigonus says: One does not pay attention to the double teeth at all, and a blemish there does not even disqualify the firstborn from sacrifice.

⁸² § Rav Aḥadvoi bar Ami raises a dilemma: Is there halakhic significance to the lack of a limb that is internal, or is there no halakhic significance to the lack of a limb that is internal? The Gemara inquires: With regard to what issue did he raise this dilemma? If it was with regard to whether such a blemish renders permitted the slaughter of a firstborn outside the Temple, it is written: “Lameness or blindness” (Deuteronomy 15:21), which indicates that the blemish must be exposed.

⁸³ If the dilemma was raised with regard to whether other sacrificial animals with such a blemish are thereby disqualified from being sacrificed and may be redeemed, it is written: “Blind or broken” (Leviticus 22:22), which are also types of exposed blemishes. The Gemara explains that we do not raise this dilemma with regard to slaughtering the firstborn or redeeming other sacrificial animals, as

it is clearly not considered a blemish to that extent. Rather, we raise the dilemma with regard to disqualifying the animal from sacrifice. What is the halakha?

⁸⁴ The Gemara clarifies the dilemma. The Merciful One states: “It shall be complete to be accepted” (Leviticus 22:21), which indicates that a complete animal, yes, is fit as a sacrifice, but if it is lacking in any manner, even on the inside, it is not fit. Or perhaps one should interpret this phrase: “It shall be complete to be accepted,” in light of what is stated immediately afterward: “There shall be no blemish therein.” Just as a blemish is on the outside, as taught by the next verse, which says: “Blind or broken,” so too, the status of lacking a limb applies only if it is lacking on the outside.

⁸⁵ The Gemara suggests: Come and hear that this matter is subject to a dispute. It is taught in one baraita: When it states with regard to the burning of the sacrificial portions of a peace offering: “And the two kidneys” (Leviticus 3:4), this teaches that one sacrifices only an animal that has two kidneys, but not an animal that has one kidney, nor one that has three kidneys. And it is taught in another baraita that when that verse states: “And the two kidneys...he shall take it away,” the singular form serves to include an animal that has one kidney, which may be sacrificed. Evidently, these tanna'im disagree as to whether an animal lacking a kidney is fit to be sacrificed.

⁸⁶ The Sages initially assumed that everyone agrees that there is no entity born with one kidney, and only one kidney is found because this offering became lacking a kidney only after birth. If so, let us say that they disagree about this: That one Sage, the tanna of the first baraita, holds that a lack of an internal limb is considered a lack, and one Sage, the tanna of the second baraita, holds that a lack of an internal limb is not considered a lack.

⁸⁷ Rav Ḥiyya bar Yosef says: There is no dispute here, as everyone agrees that there is such an entity born with one kidney, and everyone also agrees that the lack of an internal limb is considered a lack that disqualifies the animal. And the contradiction between the two baraitot is not difficult: Here, in the first baraita, where it was created with two kidneys and one is lacking, the animal is disqualified. Whereas there, where it was created with one kidney from the outset, it is not lacking and therefore it is fit.

⁸⁸ The Gemara asks: But the first baraita teaches the case of an animal that has one kidney as similar to that of an animal that has three kidneys. One can therefore infer: Just as these three kidneys were present from the outset, as an animal does not grow new limbs, so too, the animal with one kidney alone was like that from the outset.

⁸⁹ Rather, everyone agrees that a lack of an internal limb is considered a lack, and here the tanna'im disagree with regard to the matter of whether there is an entity created with one kidney from the outset. One Sage, the tanna of the second baraita, holds that there is an entity created with one kidney, and it may be assumed that this is such an animal, and it is not lacking a limb. And one Sage, the tanna of the first baraita, holds that there is no entity created with one kidney, and this animal is lacking a limb and is disqualified for sacrifice.

⁹⁰ And Rabbi Yoḥanan says: Everyone agrees that there is no entity born with one kidney, and that a lack of an internal limb is considered a lack, and yet it is not difficult. Here, in the first baraita, it is referring to a case where it lacked a kidney before its slaughter. Whereas there, the second baraita is dealing with a case where it lacked a kidney only after its slaughter, and therefore it is fit. The Gemara asks: And if the animal lacked a kidney after its slaughter but before the collection of the blood in a vessel for sprinkling, is it permitted to sacrifice it?

⁹¹ But doesn't Rabbi Zeira say that Rav says: In the case of one who slits the ear of the bull with the knife after slaughter, creating a blemish, and thereafter collects its blood from the neck, the offering is disqualified, as it is stated: "And the anointed priest shall take from the blood of the bull" (Leviticus 4:5). By using the term "the bull," the verse indicates that the bull must be at the time of collection of the blood as it already was before slaughter, without a blemish. Rather, here, in the first baraita, it is referring to a case where it lacked a kidney before the collection of the blood, whereas there, in the second baraita, it is dealing with a case where it lacked a kidney only after the collection of the blood.

⁹² The Gemara asks: And if the animal lacked a kidney after the collection of the blood but before the sprinkling of the blood, is it permitted to be sacrificed upon the altar? But isn't it taught in a baraita that the verse states with regard to the Paschal offering: "Your lamb shall be without blemish, a male in its year" (Exodus 12:5), indicating that it shall be unblemished and in its first year at the time of slaughter?

⁹³ The baraita continues: And from where is it derived that it must also be unblemished at the time of the collection of the blood, and at the time of conveying its blood to the altar, and at the time of the sprinkling of the blood? The verse states: "Shall be," emphasizing that all actions that are performed upon it shall be performed only when it is unblemished and in its first year. This teaches that the offering must be unblemished even at the time of the sprinkling of its blood.

⁹⁴ The Gemara answers: Interpret this baraita as teaching that only the requirement that the animal must be in its first year is necessary at the time of sprinkling. Nevertheless, it need not be unblemished at this stage. The Gemara adds: So, too, it is reasonable that this is the correct interpretation, as it is taught in a baraita that Rabbi Yehoshua says: With regard to all offerings in the Torah that were slaughtered and their blood was collected, from which there remains either an olive-bulk of flesh or an olive-bulk of fat, the priest sprinkles the blood of that offering. Learn from this baraita that even if most of the offering is lacking, it is not disqualified after the collection of the blood.

⁹⁵ The Gemara asks with regard to the interpretation of the baraita: But is there anything where at the time of its slaughter the animal is in its first year but at the time of the collection of the blood and conveying it to the altar it is in its second year? Rava says: That is to say that hours disqualify in the case of sacrificial animals, i.e., one measures the age of the offering from the exact time of its birth. Therefore, if the animal reaches its second year between the time when it is slaughtered and the collection of its blood it is disqualified.

⁹⁶ § The Gemara returns to the previous discussion of whether the lack of an internal organ disqualifies an offering from being sacrificed. Let us say that this matter is the subject of a dispute between tanna'im, as it is taught in a baraita discussing the verse that provides a list of animals disqualified from the altar: "And that whose stones are bruised, or crushed, or torn, or cut you shall not sacrifice to the Lord" (Leviticus 22:24). All of these blemishes are found in the animal's testicles; this is the statement of Rabbi Yehuda.

⁹⁷ The Gemara asks: Does Rabbi Yehuda mean that these blemishes are only in the testicles and not in the penis? There too these should be considered blemishes, as the penis is more exposed and visible than the testicles. Rather, say that all of them also apply to the testicles; this is the statement of Rabbi Yehuda. Rabbi Eliezer ben Ya'akov says: All of them are considered blemishes only when

found on the penis. Rabbi Yosei says: The blemishes of “bruised, or crushed” apply also to the testicles, while with regard to the blemishes of “torn or cut,” on the penis, yes, these are considered a blemish, but on the testicles they are not considered a blemish.

⁹⁸ The Gemara explains the relevance of the dispute to the matter at hand: What, is it not that these tanna'im disagree about this: That one Sage, Rabbi Yehuda, holds that the lack of an internal limb is called a lack. Therefore, in cases where the testicles are damaged they are considered lacking, disqualifying the animal, despite the fact that the blemish is not exposed. And one Sage, Rabbi Eliezer ben Ya'akov, holds that the lack of an internal limb is not called a lack.

⁹⁹ The Gemara rejects this suggestion: And can you understand the baraita in this manner? If so, what does Rabbi Yosei hold? If he holds that the lack of an internal limb is called a lack, then even “torn or cut” should be considered a lack, despite the fact that these blemishes are not visible. And if he holds that a lack of an internal limb is not called a lack, then even “bruised, or crushed,” should not be considered a lack, as they are not exposed.

¹⁰⁰ Rather, here they disagree with regard to exposed blemishes. Rabbi Yehuda holds that “bruised or crushed” testicles are considered blemished, as the testicles noticeably shrink due to the crushing. Likewise, testicles that are “torn or cut” are considered blemished, as the testicles appear to be hanging, i.e., dangling, to such an extent that they do not appear to be attached in the usual manner. Rabbi Eliezer ben Ya'akov holds that testicles that are “bruised or crushed” are not considered noticeable blemishes, as initially, before they become damaged, there are times that the testicles also shrink. Furthermore, testicles that are “torn or cut” are not considered blemished either, as initially, prior to being torn or cut, there are times that the testicles also hang.

¹⁰¹ And Rabbi Yosei holds that “bruised or crushed” testicles are considered blemished, as they are no longer present in their normal state, but are entirely broken. But he maintains that “torn or cut” testicles are not considered blemished, as they are still present in the pouch, despite the fact that they no longer function.

¹⁰² MISHNA: The mishna details additional blemishes that enable the slaughter of firstborn animals: If the pouch [hazoven] in which the genitals of the firstborn are concealed, or if the genitalia of a female sacrificial animal, were damaged and lacking; if the tail was damaged from the tailbone, but not if it was damaged from the joint, i.e., one of the joints between the vertebrae, because it heals; or in a case where the end of the tail is split, i.e., the skin and the flesh were removed and the bone remained exposed; or in a case where there is a full fingerbreadth of flesh between one joint and another joint; these are all blemishes.

¹⁰³ GEMARA: With regard to the case where the pouch in which the genitals of the firstborn are concealed was damaged, Rabbi Elazar says: This applies only if the pouch was damaged, but not in a case where it was removed. Furthermore, it is a blemish only if the pouch was damaged, but not if the male sex organ was damaged. The Gemara notes that this opinion is also taught in a baraita: It is a blemish only if the pouch was damaged, but not if it was removed, and only if the pouch was damaged, but not the male sex organ. Rabbi Yosei ben HaMeshullam says: An incident occurred involving one animal in Inbal, where a wolf removed its pouch and it later returned to its strength, i.e., it grew again.

¹⁰⁴ § The mishna stated: If the tail was damaged from the tailbone...or in a case where there is a full fingerbreadth of flesh between one joint and another joint. A tanna taught: The fingerbreadth of

which the Sages spoke is one-fourth of a handbreadth of any average person. The Gemara asks: With regard to what halakha is this stated? Rabba says: It is stated with regard to tekhelet, i.e., ritual fringes. As it is taught in a baraita: How many strings does one place on a garment? Beit Shammai say: Four strings are inserted into the hole in the garment so that there are eight strings hanging down altogether, and Beit Hillel say: Three strings are inserted into the hole so that six are hanging down.

¹⁰⁵ The baraita continues: And how much should be hanging beyond the knots and windings? Beit Shammai say: Four fingerbreadths, and Beit Hillel say: Three fingerbreadths. And the three fingerbreadths that Beit Hillel say should be hanging are each one-fourth of a handbreadth of any average person.

¹⁰⁶ Rav Huna, son of Rav Yehoshua, says that this baraita discussing the fingerbreadth is referring to the two cubits mentioned in a different context, as we learned in a mishna (Kelim 17:9): There were two rods for measuring cubits

¹⁰⁷ in the chamber of Shushan the capital, which was located above the eastern gate of the Temple Mount, one in the northeast corner and one in the southeast corner. The one that was in the northeast corner was longer than the cubit used by Moses in the building of the Tabernacle, which was six handbreadths, by half a fingerbreadth, and the one that was in the southeast corner was longer than the other one by another half a fingerbreadth. One therefore finds it longer than Moses' cubit by a full fingerbreadth.

¹⁰⁸ The mishna continues: And why did the Sages say that there should be two measures of a cubit, one large and one small? It was so that the artisans who were working in the Temple would take payment according to the amount of work they did, as measured by the small cubit, and return it to the Temple through their work, as measured by the large cubit, so they would not come to misuse consecrated property. If they would accept any payment that they did not deserve, they would be misusing consecrated property. It was with regard to the fingerbreadth mentioned in this mishna that the baraita cited above teaches that it is one-fourth of a handbreadth of any average person.

¹⁰⁹ The Gemara asks: Why do I need two large cubits? The Gemara answers: One, the shorter of the two, was used to measure silver and gold. Since silver and gold were valuable, the difference between the two measurements was set at only half a fingerbreadth, so that the artisans would not suffer too great a loss. And the other one, which was longer than Moses' cubit by a full fingerbreadth, was used in the construction of wood and stone structures.

¹¹⁰ Rav Naḥman bar Yitzḥak, and some say Rav Huna bar Natan, said: This baraita, which states that a fingerbreadth is one-fourth of a handbreadth of any average person, is referring to that which we learned in the mishna here with regard to the blemishes of a firstborn animal: In a case where there is a full fingerbreadth of flesh between one joint and another joint. That measure of a full fingerbreadth is one-fourth of a handbreadth.

¹¹¹ MISHNA: The firstborn animal may be slaughtered if it has no testicles or if it has only one testicle. Rabbi Yishmael says: If the animal has two scrotal sacs, it can be assumed that it has two testicles; if the animal does not have two scrotal sacs, it can be assumed that it has only one testicle. Rabbi Akiva says: The matter can be ascertained: One seats the animal on its rump and mashes the sac; if there is a testicle, ultimately it is going to emerge. There was an incident where one mashed the sac and the testicle did not emerge. Then, the animal was slaughtered and the testicle was

discovered attached to the loins. And Rabbi Akiva permitted the consumption of its flesh, as the testicle had not previously emerged, and Rabbi Yoḥanan ben Nuri prohibited its consumption.

¹¹² GEMARA: The mishna teaches that a firstborn may be slaughtered if it has no testicles or if it has only one testicle. The Gemara asks: Now that with regard to a case where it has only one testicle you said that it is a blemish, is it necessary to state the same in a case where it has no testicles at all? The Gemara answers that the mishna is incomplete and this is what it is teaching: If it does not have two testicles in two scrotal sacs, but in one sac, or alternatively, if it has two sacs and one testicle, it is a blemish.

¹¹³ The Gemara continues this version of the mishna. Rabbi Yishmael says: If the animal has two scrotal sacs, it is known that it has two testicles, and therefore it is not blemished and may not be slaughtered; if the animal has only one scrotal sac it is considered like one that has only one testicle, even if it actually has two testicles. And Rabbi Akiva comes to say: If it has two sacs, we do not say the claim of: It is known. Rather, one seats the animal on its rump and mashes the sac; if there is a testicle, ultimately it is going to emerge. If the testicle does not emerge, clearly it has only one testicle and is blemished.

¹¹⁴ § The mishna teaches: And there was an incident where one mashed the sac and the testicle did not emerge. Then the animal was slaughtered and the testicle was discovered attached to the loins. And Rabbi Akiva permitted the consumption of its flesh, and Rabbi Yoḥanan ben Nuri prohibited its consumption. The Gemara elaborates on this incident: It is taught in a baraita that Rabbi Yosei said: There was an incident in Piran of Beit Menaḥem where a firstborn animal apparently had only one testicle, and someone mashed its sac and the other testicle did not emerge. And the animal was slaughtered and the testicle was discovered attached to the loins. And Rabbi Akiva permitted its consumption, and Rabbi Yoḥanan ben Nuri prohibited its consumption.

¹¹⁵ The baraita continues: Rabbi Akiva said to Rabbi Yoḥanan ben Nuri: Until when will you consume the property of the Jewish people by prohibiting animals in such cases? Rabbi Yoḥanan ben Nuri said to Rabbi Akiva: Until when will you feed the Jewish people unslaughtered animal carcasses? The Gemara asks: How could Rabbi Yoḥanan ben Nuri use the term animal carcasses here? After all, aren't they properly slaughtered?

¹¹⁶ The Gemara responds: Rather, Yoḥanan ben Nuri actually referred to animals with a wound that will cause them to die within twelve months [tereifot]. The Gemara challenges: But it is not a prohibition of tereifot. Rather, he said: Until when will you feed the Jewish people sacrificial animals outside the Temple courtyard? According to Rabbi Yoḥanan ben Nuri this is not a blemish, and therefore the animal is an unblemished offering, which may not be eaten outside the Temple.

¹¹⁷ MISHNA: An animal with five legs, or one that has only three, or one whose hooves on its legs were closed like those of a donkey and not split, or the shaḥul, or the kasul may be slaughtered. What is a shaḥul? It is an animal with a thighbone that was dislocated. And what is a kasul? It is an animal whose build is asymmetrical in that one of its thighs is higher than the other.

¹¹⁸ GEMARA: The mishna teaches that an animal with five legs or three legs is blemished. Rav Huna says: The Sages taught this only in a case where the animal was missing or had an additional foreleg. But if it was missing or had an additional hind leg, not only is it blemished, but it is also a tereifa. The reason is that any extra limb is like a removed limb, and an animal whose hind leg was removed is a tereifa.

¹¹⁹ With regard to the ruling of the mishna that an animal whose hooves were closed like those of a donkey is blemished, Rav Pappa says: Do not say that it is a blemish only in a case where its hooves are entirely like those of a donkey, i.e., round and not split at all. Rather, when they are round, even though they are also split, it is still considered a blemish.

¹²⁰ The mishna teaches: Or the shaḥul, or the kasul may be slaughtered. In this regard, the Sages taught: What is the kasul and what is the shaḥul? The shaḥul is an animal with a thighbone that was dislocated. The kasul is an animal that is irregular in that one of its legs is inside the loin, i.e., in its proper place, and in one of its legs the bone is dislocated and is above the loin. It is taught in a baraita: What are the saru'a and kalut mentioned in the Torah (see Leviticus 22:23) among the animals disqualified from being sacrificed? The saru'a is one whose thigh is longer than the other; the kalut is one whose hooves on its legs are closed like those of a donkey and like those of a horse.

¹²¹ MISHNA: Additional blemishes that permit the slaughter of the firstborn include those where the bone of its foreleg or the bone of its hind leg was broken, even though it is not conspicuous. With regard to these blemishes listed in this chapter, Ilai, who was expert in blemishes of the firstborn, enumerated them in Yavne, and the Sages deferred to his expertise.

¹²² And Ilai added three additional blemishes, and the Sages said to him: We did not hear about those. Ilai added: An animal whose eye is round like that of a person, or whose mouth is similar to that of a pig, or where most of the segment of its tongue corresponding to the segment that facilitates speech in the tongue of a person was removed. The court that followed them said with regard to each of those three blemishes: That is a blemish that enables the slaughter of the firstborn.

¹²³ GEMARA: The mishna teaches that if the bone of its foreleg or the bone of its hind leg was broken it is considered a blemish, despite the fact that it is not conspicuous. The Gemara asks: If it is not conspicuous, is it a blemish? A blemish must be on an exposed part of the body (see 37b). Rav Pappa says: The mishna means that it is not conspicuous on its own account, i.e., the shape of the leg is no different from the usual. But it is conspicuous on account of its work, i.e., the manner in which the animal walks.

¹²⁴ § The mishna teaches that with regard to these blemishes listed in this chapter, Ilai enumerated them in Yavne, and he added three more, including an animal whose eye is round like that of a person. The Gemara asks: Is this to say that it is not the manner of animals to have eyes of this kind? And one can raise a contradiction from a mishna (Nidda 21a): With regard to a woman who miscarries a fetus in the form of a type of domesticated animal, undomesticated animal, or bird, whether it is a non-kosher animal or whether it is a kosher animal, if it is male, the woman observes the periods of impurity, i.e., seven days, and purity, i.e., thirty-three days, established in the Torah for a woman who gives birth to a male.

¹²⁵ If it is female, the woman observes the periods of impurity, i.e., fourteen days, and purity, i.e., sixty-six days, established in the Torah for a woman who gives birth to a female. If its sex is unknown, the woman observes the more severe restrictions from the case of the birth of a male and the more severe restrictions from the case of the birth of a female: She is impure for fourteen days like a woman who gave birth to a female, but blood that she sees thereafter is pure until only forty days after birth, like a woman who gave birth to a male. This is the statement of Rabbi Meir.

¹²⁶ And Rabba bar bar Ḥana says that Rabbi Yoḥanan says: What is the reason of Rabbi Meir? Since the eye of these animals is round like that of a person, a woman who miscarries a fetus of this kind is

impure. Rav Yosef said in resolution of this apparent contradiction: It is not difficult; this is referring to the black portion of the eye, whereas that is referring to the white portion of the eye.

¹²⁷ The mishna teaches: Or its mouth is similar to that of a pig. Rav Pappa says: Do not say that this is referring only to a case where the mouth is pointed and the upper lip overlaps the bottom lip, exactly like that of a pig. Rather, when it overlaps, even though it is not pointed, this is a blemish.

¹²⁸ The mishna teaches: Or that most of the segment of its tongue corresponding to the segment that facilitates speech in the tongue of a person was removed. The Gemara asks: Whose opinion is expressed in the mishna? It is the opinion of Rabbi Yehuda, as it is taught in a baraita: Or that most of its tongue was removed; Rabbi Yehuda says: Most of the segment of its tongue corresponding to the segment that facilitates speech in the tongue of a person must be removed to be considered a blemish.

¹²⁹ MISHNA: And there was an incident where the lower jaw of the firstborn protruded beyond the upper jaw, and Rabban Gamliel asked the Sages for a ruling, and they said: That is a blemish that enables the slaughter of the firstborn.

¹³⁰ GEMARA: The Gemara asks: What is the ruling taught in the previous mishna that the tanna is referring to when he teaches here: And there was an incident? The Gemara answers: Since we learned in the list of blemishes in the previous mishna the case where its mouth is similar to that of a pig, and the Rabbis disagree with Rabbi Ilai in that case, we say here that when the Rabbis disagree with Rabbi Ilai, it is only in a case where its upper lip overlaps the lower lip. But in a case where the lower jaw protrudes beyond the upper jaw, everyone agrees that this is a blemish.

¹³¹ The Gemara continues this version of the mishna: And there was also an incident where the lower jaw of the firstborn protruded beyond the upper jaw, and Rabban Shimon ben Gamliel asked the Sages for a ruling, and they said: That is a blemish that enables the slaughter of the firstborn.

¹³² The Gemara challenges: But it is with regard to the blemishes of a person that we learned in a mishna (44a): If his upper lip protrudes beyond the lower lip or his lower lip protrudes beyond the upper lip, that is a blemish. And it is only with regard to a person that it is written: “Whatever man of the seed of Aaron” (Leviticus 22:4), which teaches that in order to be fit for the Temple service a priest must be a man who is equal to the seed of Aaron, i.e., he has an ordinary appearance like other priests. But this requirement is not stated with regard to an animal, and therefore an animal should not be considered blemished if its lower lip protrudes beyond the upper lip.

¹³³ Rav Pappa said in response: That is not difficult; this mishna is referring to a case where the lower jaw contains a bone that is longer than the upper jaw, in which case it is a blemish even for an animal, whereas that mishna is referring to a case where the lower jaw does not contain a bone, and therefore it is a blemish only in the case of a person.

¹³⁴ MISHNA: With regard to the ear of the kid that was doubled and appeared like two ears, the Sages said: When the additional ear is one bone, i.e., it has its own cartilage, it is a blemish; when it does not have its own bone it is not a blemish. Rabbi Hananya ben Gamliel says: In the case of the tail of a kid that is similar to that of a pig or one that is so short that it does not have three joints, that is a blemish.

¹³⁵ GEMARA: The Sages taught: In a case where the mouth of a firstborn animal is swollen, and likewise, if its legs are swollen, the following distinction applies: If it is swollen due to the wind, i.e., it simply swelled up, it is not a blemish. If it is swollen due to a particularly large bone, this is a

blemish. If its ears are doubled, in a case where it has one cartilage, this is a blemish; in a case where it has two cartilages, this is not a blemish.

¹³⁶ § The mishna teaches that Rabban Gamliel says: With regard to the tail of a kid that is similar to that of a pig, that is a blemish. Rav Pappa says: Do not say that it is a blemish only where its tail is thin like that of a pig; rather, if it is round, i.e., curly like a pig's tail, even though it is thick, like the tail of a goat, this is considered a blemish.

¹³⁷ § The mishna stated: Or if the tail of a kid is so short that it does not have three joints, that is a blemish. Rav Huna says: In the case of the tail of a kid, if it has two joints, that is a blemish; if it has three joints, it is not a blemish. With regard to a lamb, if it has three joints, that is a blemish; if it has four joints, it is not a blemish. The Gemara raises an objection from a baraita: In the case of a kid, if its tail has one joint, that is a blemish; if it has two joints, it is not a blemish. With regard to a lamb, if it has two joints, that is a blemish; if it has three joints, it is not a blemish. The Gemara concludes: This is a conclusive refutation of the opinion of Rav Huna.

¹³⁸ The Gemara comments: And Rav Huna issued his statement because the mishna misled him. He thought that from the fact that the first clause is referring to a kid, whose tail is similar to that of a pig, it can be inferred that the latter clause, with its mention of three joints, is also referring to a kid. But it is not so. Rather, the first clause is referring to a kid, but the latter clause is referring to a lamb, as explained in the baraita.

¹³⁹ MISHNA: Rabbi Ḥanina ben Antigonus says that these are blemished animals: One that has a wart in its eyes; and one where the bone of its foreleg or hind leg was damaged; and one where the bone of its mouth, i.e., its jaw, was dislocated; and an animal with one of its eyes large and one small, or one of its ears large and one small where the difference in size is detectable by sight, but not if it is detectable only by being measured. Rabbi Yehuda says: An animal is blemished if with regard to its two testicles, one is as large as two of the other, but the Rabbis did not agree with his opinion.

¹⁴⁰ GEMARA: The mishna teaches that if an animal has a wart in its eyes, it is blemished. The Gemara asks: Is this to say that a wart is considered a blemish? And one can raise a contradiction from the mishna (41a): And these are the blemishes that one does not slaughter the firstborn due to them, neither in the Temple nor in the rest of the country, as these are not considered full-fledged blemishes...an animal with boils that are moist inside and out, and one with warts.

¹⁴¹ The Gemara responds: And how can you understand that a wart is not a blemish? After all, a wart is written in the Torah in its list of blemishes (see Leviticus 22:22). Rather, it is not difficult, as that mishna, which states that a wart is not a full-fledged blemish, is referring to a blemish on the animal's body, whereas this mention of a wart in the Torah and the mishna here is referring to a wart in its eye.

¹⁴² The Gemara asks: Now consider that the verse is written in an unspecified manner. What difference is it to me if the wart is on its body, and what difference is it to me if the wart is in its eye? How is this distinction derived from the verse? The Gemara suggests an alternative explanation: Rather, it is not difficult, as this is referring to a wart that has a bone, and that is referring to a wart that does not have a bone.

¹⁴³ The Gemara elaborates: The wart mentioned in the verse and the mishna here is one that has a bone, whereas the wart addressed by the mishna there is one that does not have a bone.

Consequently, if the wart is in its eye, it is a blemish, as stated in the verse and the mishna here, but if it is on its body, it is not a blemish, although the animal is disqualified from being sacrificed, in accordance with the ruling of the mishna there.

¹⁴⁴ The Gemara asks: And with regard to a wart that does not have a bone and is on the body, is the animal disqualified from being sacrificed? It is merely hanging flesh, as we learned in a mishna (45b) that Rabbi Eliezer says: With regard to those with flesh or skin that hangs from their body, such a blemish disqualifies a person, but with regard to such an animal, it is fit. Rather, both this mishna here and that mishna there are referring to a wart in the animal's eye, and it is not difficult, as this mishna is referring to a wart in the black of the eye, the pupil, whereas that mishna is referring to a wart in the white of the eye.

¹⁴⁵ The Gemara asks: But it has been established that there are no blemishes in the white part of the eye, which indicates that the animal is not even disqualified from being sacrificed on the altar. Rather, both this statement that there are no blemishes in the white of the eye and that ruling of the mishna that a wart disqualifies the animal from being sacrificed are referring to a wart in the white part of the eye. And Reish Lakish says: It is not difficult; this is referring to a wart that has a hair, and therefore the animal is unfit for the altar, whereas that statement is referring to a case where the wart does not have a hair. As for the mishna here, which rules that a wart is a full-fledged blemish, it is referring to a wart in the pupil of the eye, as explained.

¹⁴⁶ § The mishna teaches with regard to an animal where one of its eyes is large and one is small that this is a blemish. In this regard, it is taught in a baraita: When the mishna states the term large, it means the eye is as large as the eye of a calf, and when it states the term small, it means it is as small as that of a goose.

¹⁴⁷ The mishna teaches: Or one of its ears is large and one is small, which is detectable by sight, but not if it is detectable only by being measured. Rabbi Yehuda says: An animal is blemished if with regard to its two testicles, one is as large as two of the other, but the Rabbis did not agree with his opinion. The Gemara asks: And according to the Rabbis, how large can the difference between the two testicles be without this discrepancy being considered a blemish? The Gemara answers that it is taught in a baraita that Aherim say: Even if the second, smaller testicle is no bigger than a bean, the animal is fit.

¹⁴⁸ MISHNA: In the case of the tail of a calf that does not reach the leg joint [la'arkov], the Sages said: It is a blemish, because all growth of calves is in this manner: As long as they grow, their tails are extended beneath the leg joint. Which is the leg joint about which the Sages spoke? Rabbi Ḥanina ben Antigonus says: They are referring to the leg joint that is in the middle of the thigh.

¹⁴⁹ GEMARA: With regard to the case in the mishna of the tail of a calf that does not reach the leg joint, it is taught in a baraita: This leg joint is the upper joint, between the thighbone and the tibia, and not the lower joint, between the middle and lower bones. And with regard to this upper joint, the corresponding bone in the leg of a camel is conspicuous, but in a calf it is not noticeable from the outside.

¹⁵⁰ MISHNA: For these blemishes enumerated in the previous mishnayot, one slaughters the firstborn outside the Temple and disqualified consecrated animals may be redeemed on their account.

¹⁵¹ GEMARA: The Gemara asks: Why do I need this additional statement that for these blemishes one slaughters the firstborn outside the Temple? It was already taught in the first clause, at the beginning of the chapter: For these blemishes, one may slaughter the firstborn animal outside the Temple. The Gemara answers that the latter clause of the mishna was necessary: Disqualified consecrated animals may be redeemed due to these blemishes. The Gemara asks: But this too is obvious; if one may slaughter a firstborn due to these blemishes, is it necessary to state that one may redeem them?

¹⁵² Rather, since a previous mishna taught that Ila added three additional blemishes, and the Sages said to him: We did not hear about those, and then the tanna of the mishna proceeded to teach halakhot in the name of individual opinions, those of Rabbi Ḥananya ben Gamliel and Rabbi Ḥanina ben Antigonus, one might have thought that the halakha is not in accordance with their rulings. Therefore, he states an unattributed ruling in this mishna with regard to all their statements: For all these blemishes enumerated in the previous mishnayot, one slaughters the firstborn, and disqualified consecrated animals may be redeemed due to them. This indicates that the halakha is in accordance with all of these individual opinions.

¹⁵³ MISHNA: And these are the blemishes that one does not slaughter the firstborn due to them, neither in the Temple nor in the rest of the country: Pale spots on the eye and tears streaming from the eye that are not constant; and internal gums that were damaged but that were not extracted; and an animal with boils that are moist inside and out [garav]; and an animal with warts; and an animal with boils [ḥazazit]; and an old or sick animal, or one with a foul odor; and one with which a transgression was performed, e.g., it copulated with a person or was the object of bestiality; and one that killed a person. In these latter two cases, the act of bestiality or killing became known on the basis of the testimony of one witness or on the basis of the owner.

¹⁵⁴ And one does not slaughter a tumtum, whose sexual organs are concealed, and a hermaphrodite [ve'anderoginos], which has both male and female sexual organs, neither in the Temple nor in the rest of the country. Rabbi Shimon says: You have no blemish greater than that, and it may be slaughtered. And the Rabbis say: The halakhic status of a hermaphrodite is not that of a firstborn; rather, its halakhic status is that of a non-sacred animal that may be shorn and utilized for labor.

¹⁵⁵ GEMARA: The mishna teaches that the two types of boils: Garav and ḥazazit, are not considered full-fledged blemishes for which one may slaughter a firstborn outside the Temple. The Gemara asks: And is garav not considered a blemish? But isn't it written "garav" in the Torah, in the list of blemishes (see Leviticus 22:22)? And furthermore, is ḥazazit not considered a blemish? But isn't it written "yalefet" in the Torah, in the same verse, and it is taught in a baraita: "Garav"; this is referring to boils that are hard as earthenware [heres]; "yalefet"; this is the ḥazazit that affected the Egyptians (see Exodus 9:10). And Reish Lakish says: Why is it called yalefet? The reason is that it grabs [melapefet] continuously onto an invalid until the day of death, i.e., it cannot be healed.

¹⁵⁶ Granted, the contradiction between the status of the ḥazazit mentioned in the Torah and that of the ḥazazit in the mishna is not difficult, as here the Torah is referring to an Egyptian ḥazazit, and there the mishna is referring to a regular ḥazazit. But the contradiction between the status of the garav listed in the Torah and the garav of the mishna is difficult. The Gemara answers that the contradiction between the garav in the Torah and the garav in the mishna is also not difficult: This ruling of the mishna is referring to moist boils, whereas that garav of the Torah is referring to dry

boils. Moist boils will heal and therefore are considered a temporary blemish for which one may not slaughter a firstborn; dry ones will not heal.

¹⁵⁷ The Gemara asks: And does a moist boil heal? But isn't it written: "The Lord will smite you with the boil of Egypt, and with the hemorrhoids, and with garav, and with ḥares, from which you cannot be healed" (Deuteronomy 28:27). And since it is written: "And with ḥares," which is referring to boils that are as hard as earthenware [ḥeres], moist garav is thereby stated, and with regard to both types that verse states: "From which you cannot be healed."

¹⁵⁸ Rather, there are three types of garav: First, the garav of the verse that deals with blemishes, which is dry both on the inside and on the outside. This cannot be healed, and it is called ḥares in Deuteronomy. The second is the garav of the mishna, which can be healed, and is moist on the outside and inside. Third, the garav of Egypt, mentioned in Deuteronomy as one of the types of boils of Egypt. This garav is dry on the inside and therefore cannot be healed, but it is moist on the outside, as it is written with regard to the plague of boils in Egypt: "And it became a boil breaking forth with avabu'ot upon man and upon animal" (Exodus 9:10). Avabu'ot is referring to a substance that pours out [nove'a] and is moist.

¹⁵⁹ § Among the conditions that are not considered full-fledged blemishes, but one may not sacrifice an animal with one such condition as an offering either, the mishna lists: And an old animal, or a sick animal, or one with a foul odor. The Gemara asks: From where are these matters derived? They are derived from a verse, as the Sages taught: The verse states: "And if his offering be from [min] the flock, whether from the sheep or from the goats" (Leviticus 1:10). These three instances of the word "from [min]" serve to exclude the old, and the sick, and the animal with a foul odor, which may not be sacrificed.

¹⁶⁰ The Gemara notes: And all three exclusions are necessary. As, had the Merciful One written the word "from" once, one might have said that this serves to exclude an old animal, which will not become healthy again, as it will never get younger. But with regard to a sick animal, which might become healthy again, say that it is not disqualified. And, alternatively, had the Merciful One written only one term of exclusion, one might have said that it serves to exclude a sick animal, as it is not the natural manner of an animal to be sick. But with regard to an old animal, as this is the natural manner of all animals to grow old, say that it should not be disqualified from the altar.

¹⁶¹ And had the Merciful One written only two terms of exclusion, one might have said that they serve to exclude these weak animals, the sick and the old, as one should sacrifice only a fat, healthy animal. But with regard to an animal with a foul odor, which is not weak, say that it should not be disqualified. And alternatively, had there been only one term of exclusion, one might have said that it serves to exclude an animal with a foul odor, as it is repulsive. But with regard to these other two cases of an old and a sick animal, which are not repulsive, say that they are not excluded. Therefore, all three exclusions are necessary.

¹⁶² § The mishna teaches: And an animal with which a transgression was performed, and one that killed a person that was known on the basis of the testimony of one witness or the owner, are disqualified from being sacrificed. The Gemara asks: From where are these matters derived?

¹⁶³ They are derived from a verse, as the Sages taught in a baraita that when the verse states: "You shall bring your offering from the cattle, even from the herd or from the flock" (Leviticus 1:2), each mention of the word "from" is interpreted as a term of exclusion. The expression "from the cattle"

serves to exclude an animal that copulated with a person and an animal that was the object of bestiality. The expression “from the herd” serves to exclude an animal worshipped as a deity, and “from the flock” serves to exclude an animal set aside for idol worship. Finally, the word “or” in the expression “or from the flock” serves to exclude an animal that gored and killed a person.

¹⁶⁴ The Gemara challenges: In these cases of an animal that copulated with a person, an animal that was the subject of bestiality, and an animal that gored and killed a person, they are liable to death by stoning. Why, then, is a verse necessary to exclude them? The Gemara answers that this is referring to a case where the incident was known on the basis of the testimony of one witness or on the basis of the owner. Therefore, the animal is not killed, as there are not two witnesses to the event, but the testimony is sufficient to disqualify the animal as a sacrifice.

¹⁶⁵ § The mishna teaches that one does not slaughter a tumtum and a hermaphrodite, neither in the Temple nor in the rest of the country. The Gemara asks: Granted, one does not slaughter a tumtum, neither in the Temple, as perhaps it is a female and therefore does not have firstborn status and may not be sacrificed, nor in the rest of the country, as perhaps it is a male and it does not have a blemish, in which case he would be slaughtering a sacrificial animal.

¹⁶⁶ But in the case of a hermaphrodite, granted that one does not slaughter it in the Temple, as perhaps it is a female. But with regard to the rest of the country, even let it be considered a male; nevertheless, its female sex organ should be considered as a crack [ḥaritz], which is included in the blemish of “cracked” [ḥarutz] listed in the Torah (Leviticus 22:22), and let one slaughter it due to that blemish.

¹⁶⁷ Abaye said in response: The verse states: “Or cracked or broken” (Leviticus 22:22), which teaches that the blemish of being cracked is similar to that of being broken: Just as the blemish of being broken is relevant in the location of a bone, as there is no break where there is only flesh, so too, the term cracked is referring to a blemish found in the location of a bone, not in the location of the sex organs.

¹⁶⁸ Rava said: Even without the comparison to “broken,” you cannot say that a crack in the location of flesh, where there is no bone, is a blemish. As, if it would enter your mind that it is a blemish, since the tanna of the baraita cited above said with regard to “garav” that this is referring to boils that are hard as earthenware [ḥeres], evidently this blemish is a crack in the skin, as it is written with regard to the skin disease of leprosy: “And its appearance is deeper than the skin” (Leviticus 13:30), and the Sages explained: It is similar to the appearance of an area lit by the sun that seems deeper than the shade, which appears to cover it.

¹⁶⁹ And if so, let the Merciful One write: Crack, and it would not need to state garav, and I would say: If being cracked, which is not repulsive, is a blemish, then with regard to garav, which is repulsive, should it not all the more so be considered a blemish? Therefore, the Merciful One writes garav, to say that a crack found in the location of flesh is not a blemish. Consequently, one cannot say that the female sex organ of a hermaphrodite should be considered a blemish for which one may slaughter a firstborn outside the Temple.

¹⁷⁰ In this connection, the Gemara cites the statement of the mishna with regard to a hermaphrodite: Rabbi Yishmael says: You have no blemish greater than that, and it may be slaughtered. Evidently, Rabbi Yishmael maintains that the female sex organ of a hermaphrodite is considered a blemish. The Gemara explains: Rabbi Yishmael does not state a ruling like that of Abaye, as he maintains that we

do not say that the blemish of being cracked is similar to that of being broken. Rather, they are entirely different blemishes, and a crack found on flesh is considered a blemish.

¹⁷¹ Rabbi Yishmael also does not state a ruling like that of Rava, as perhaps his conclusion that a crack found where there is no bone is not a blemish applies only in a case where it is not conspicuous. But in a case where it is conspicuous, such as the female sex organ, we call it “an ill blemish” (Deuteronomy 15:21), and the animal is disqualified for use as an offering.

¹⁷² Rava raises a dilemma: What is the reason of Rabbi Yishmael that a hermaphrodite is definitely blemished? Is it obvious to him that a hermaphrodite animal is a male that has firstborn status, and it comes with its blemish, i.e., the female sex organ, and therefore it is permitted to slaughter it outside the Temple? Or perhaps Rabbi Yishmael is uncertain whether or not a hermaphrodite is considered a male, and he says his ruling in the manner of: If you say. In other words, if you say that a hermaphrodite animal is a firstborn, it comes with its blemish, and it may be slaughtered outside the Temple.

¹⁷³ The Gemara asks: What is the practical difference between the reasons? The Gemara answers that there is a difference with regard to being flogged on account of this animal due to violating the prohibition of shearing and utilizing a firstborn animal for labor (see Deuteronomy 15:19). If it is definitely a firstborn, then one would be flogged for violating the prohibition. But if one is uncertain whether it is a firstborn, although one may not shear it or perform labor with it, one is not liable to flogging for doing so. Alternatively, there is a difference with regard to giving it to a priest. If its status is uncertain, the priest cannot demand the animal from him, in accordance with the principle that the burden of proof rests upon the claimant.

¹⁷⁴ The Gemara suggests: Come and hear a baraita: Rabbi Ilai says in the name of Rabbi Yishmael: A hermaphrodite is a firstborn, and it comes with its blemish. Learn from the baraita that it is obvious to Rabbi Yishmael that a hermaphrodite is a firstborn. The Gemara responds: But perhaps he said his ruling in the manner of: If you say, as explained earlier.

¹⁷⁵ The Gemara suggests: Come and hear another baraita. It states with regard to a burnt offering from cattle: “A male” (Leviticus 1:3), from which it can be inferred: But not a female. When it says below, with regard to a burnt offering from sheep: “A male” (Leviticus 1:10), a second time, it is difficult to understand, as there is no need for the verse to state this. Why must the verse state “a male” again? This serves to exclude a tumtum and a hermaphrodite, which are disqualified from being sacrificed as burnt offerings.

¹⁷⁶ The Gemara analyzes this baraita: Whose opinion is this? If we say it is the opinion of the first tanna of the mishna, who maintains that a tumtum and a hermaphrodite may not be slaughtered in the Temple or in the rest of the country, then the status of a hermaphrodite is uncertain, as it is unknown whether it is male or female. But does a verse come to exclude a case of uncertainty?

¹⁷⁷ Rather, perhaps this baraita is in accordance with the opinion of the latter Rabbis in the mishna, who hold that a hermaphrodite is definitely not a male, but a distinct entity. Therefore, it is necessary for a verse to exclude it. This, too, is difficult, as according to these Rabbis the exclusion of a female, a tumtum, and a hermaphrodite is derived from one verse alone. The Gemara elaborates: As with regard to a firstborn, it is one “male” alone that is written, from which the Rabbis exclude all of the three categories from firstborn status. By contrast, the baraita excludes a female from one mention of the word “male” and a tumtum and a hermaphrodite from another mention of the word “male.”

¹⁷⁸ Rather, it is obvious that the baraita is in accordance with the opinion of Rabbi Yishmael. And in that case, granted, if you say that it is obvious to Rabbi Yishmael that a hermaphrodite is a firstborn male, that is why a verse was necessary to exclude a hermaphrodite from being brought as a burnt offering. But if you say that Rabbi Yishmael is uncertain whether or not a hermaphrodite is considered a male, is it necessary for the verse to exclude a case of uncertainty?

¹⁷⁹ The Gemara responds: Actually, the baraita is in accordance with the opinion of the latter Rabbis, who maintain that a hermaphrodite is not a male, but a distinct entity. And as for the difficulty that in the case of a firstborn they excluded a female, a tumtum, and a hermaphrodite from a single verse, that is not so. With regard to a firstborn there are also two verses written: “Males” (Deuteronomy 15:19), and: “That is a male” (Exodus 13:12). As in the case of a burnt offering, one of these serves to exclude a female, while the other serves to exclude a tumtum and a hermaphrodite.

¹⁸⁰ § The mishna teaches: And the Rabbis say: A hermaphrodite does not have firstborn status; rather, its status is that of a non-sacred animal that may be shorn and utilized for labor. Rav Ḥisda says: This dispute applies to a hermaphrodite, which the Rabbis maintain is a distinct entity, as it has both male and female sex organs, and therefore it does not have firstborn status. But with regard to a tumtum, whose genitalia is covered by skin, everyone agrees that it is an uncertain case, as it is definitely either a male or a female, but there is uncertainty as to which it is. And consequently, it is consecrated due to uncertainty, and it may not be slaughtered either in the Temple or in the rest of the country.

¹⁸¹ Rava said to Rav Ḥisda: If that is so, that a tumtum is certainly either a male or a female, with regard to valuations, when someone vows to give the valuation of a tumtum, it should be valued, either in accordance with the valuation of a man or a woman.

¹⁸² Why, then, is it taught in a baraita that the verse: “Then your valuation shall be for the male” (Leviticus 27:3), includes one whose status as a male is certain but not a tumtum or a hermaphrodite? The Gemara answers: Omit from this baraita the mention of a tumtum, as it is referring only to a hermaphrodite, which is a distinct entity.

¹⁸³ The Gemara suggests: Come and hear the continuation of that baraita: One might have thought that these shall not be valued according to the valuation of a man, but they shall be valued according to the valuation of a woman. Therefore, the verse states: “The male,” and in the following verse it states: “And if she is a female, then your valuation shall be thirty shekels” (Leviticus 27:4), indicating only one whose status as a male or female is certain, but not a tumtum or a hermaphrodite, which are categorized as neither male nor female. The Gemara again answers: Omit from this baraita the mention of a tumtum, as it is referring only to a hermaphrodite.

¹⁸⁴ The Gemara suggests: Come and hear a baraita discussing the peace offering, with regard to which it states: “Whether male or female” (Leviticus 3:1). This indicates: Only a definite male or a definite female, but not a tumtum or a hermaphrodite. Yet again the Gemara responds: Omit from this baraita the mention of a tumtum.

¹⁸⁵ The Gemara suggests: Come and hear a baraita: It states with regard to a burnt offering from cattle: “A male” (Leviticus 1:3), from which it can be inferred: But not a female. When it says below, with regard to a burnt offering from sheep: “A male” (Leviticus 1:10), a second time, it is difficult to understand, as there is no need for the verse to state this. Why must the verse state “a male” again?

This serves to exclude a tumtum and a hermaphrodite, which are disqualified as burnt offerings. The Gemara answers: Omit from this baraita the mention of a tumtum.

¹⁸⁶ The Gemara suggests: Come and hear a baraita discussing the halakhot of ritual impurity imparted by a bird in the throat: Any bird that was not slaughtered in the proper manner, i.e., in its neck with a knife, has the status of a carcass. This carcass renders the one who eats it impure when it is in his throat. Bird offerings, which are killed by pinching the nape of the neck with a fingernail, are the exception to this principle, and they do not impart impurity. With regard to a bird that is worshipped as a deity, or one set aside for idol worship, or one given as payment to a prostitute, or one that was given as the price of a dog (see Deuteronomy 23:19), and similarly with regard to a bird that is a tumtum or a hermaphrodite, if one killed any of them by pinching, they are ritually impure, as they are disqualified as offerings, and the pinching does not purify them. Therefore, they all render a person and the garments he is wearing ritually impure if an olive-bulk of them comes into contact with the throat while eating.

¹⁸⁷ Rabbi Eliezer says: If one pinched the neck of a tumtum or a hermaphrodite, it does not render the person and the garments he is wearing ritually impure when they are in the throat, as they are in fact fit to be sacrificed. As Rabbi Eliezer would say: Wherever it is stated explicitly in the Torah: “Male,” and: “Female,” you should exclude a tumtum and a hermaphrodite from among them, as their status is uncertain. This applies to animal offerings, with regard to which the Torah states “male” and “female.”

¹⁸⁸ But in the case of a bird offering, since “male” and “female” are not stated with regard to it, but simply doves and pigeons are stated with regard to it, you do not exclude a tumtum and a hermaphrodite from among them, as they are fit for the altar. Now if a tumtum is considered either definitely a male or a female, then why does the first tanna disqualify it from being sacrificed? The Gemara again replies: Omit from this baraita the mention of a tumtum.

¹⁸⁹ The Gemara suggests: Come and hear that Rabbi Elazar says: An animal with a condition that will cause it to die within twelve months [tereifa], and prohibited diverse kinds of livestock, and an animal born by caesarean section, and an animal that is a tumtum or a hermaphrodite do not become consecrated and do not render another animal consecrated in their place.

¹⁹⁰ And Shmuel says in explanation: They do not become consecrated by substitution, i.e., if one sought to substitute one of these animals for a sacrificial animal, it does not become sacred. And if one of these was born to a sacrificial animal, they do not render a non-sacred animal consecrated in a case where one wanted to render it a substitute for them. And if a tumtum is either a male or female, why would it not become consecrated and render another animal consecrated? The Gemara answers: Omit from this baraita the mention of a tumtum.

¹⁹¹ The Gemara suggests: Come and hear a slightly different version of that baraita. Rabbi Elazar says: There are five types of animals that do not become consecrated and do not render another animal consecrated, and they are: A tereifa, and prohibited diverse kinds of livestock, and an animal born by caesarean section, and an animal that is a tumtum, and a hermaphrodite. And if you would say: Here too, omit from this baraita a tumtum, then there are only four types of animals listed in the baraita. The Gemara answers: Remove the mention of a tumtum and in its place insert an orphan, i.e., an animal born after the death of its mother, which is also disqualified as a sacrifice.

¹⁹² The Gemara suggests: Let us say that this question of whether a tumtum is a distinct entity or is definitely either a male or female is the subject of a dispute between tanna'im. As it is taught in a baraita that Rabbi Ilai says in the name of Rabbi Yishmael: A hermaphrodite is a firstborn, and it comes with its blemish; and the Rabbis say: It is not imbued with sanctity. Rabbi Shimon ben Yehuda says in the name of Rabbi Shimon: The verse states: "Males" (Deuteronomy 15:19), and wherever it is stated: Male," this serves to exclude only a tumtum and a hermaphrodite. Since according to Rabbi Shimon ben Yehuda it is necessary for a verse to exclude a tumtum, like a hermaphrodite, from the category of a male, evidently in his opinion a tumtum is not considered to be one whose status as a male is uncertain but a distinct entity.

¹⁹³ The Gemara analyzes this baraita: And if you would say: Here too, omit from this baraita a tumtum, then the opinion of Rabbi Shimon ben Yehuda is the same as that of the Rabbis, as they too maintain that a hermaphrodite is not sacred. Rather, is it not that the difference between them is with regard to the status of a tumtum, as the first tanna, i.e., the Rabbis, holds: It is not imbued with sanctity, and they are referring specifically to a hermaphrodite, which was the subject of Rabbi Ilai's statement, but a tumtum is an uncertain case, and therefore it is sacred due to uncertainty. And Rabbi Shimon

¹⁹⁴ ben Yehuda comes to say: A tumtum is not of uncertain status, but a distinct entity, and it is not sacred at all. The Gemara responds: No, everyone agrees with regard to the statement that a tumtum is a distinct entity that there is no doubt that this is incorrect. Where there is doubt is with regard to whether it is a male or a female.

¹⁹⁵ In addition, in a case where the tumtum urinates from the place of the male sex organ, then everyone agrees that it is a male. When they disagree is in the case of a tumtum that urinates from the place of the female sex organ. One Sage, the Rabbis, holds that we are concerned that perhaps its male sex organ was inverted toward its female sex organ; therefore, it is of uncertain status. And one Sage, Rabbi Shimon ben Yehuda, holds that we are not concerned about this possibility; rather, it is definitely a female. And Rabbi Shimon ben Yehuda maintains in accordance with that which Rabbi Elazar ruled: With regard to a firstborn animal that urinates from the place where the female sex organ is found, it is non-sacred, as it is certainly a female.

¹⁹⁶ Rabbi Yoḥanan wondered about this ruling of Rabbi Elazar: Who is the Sage who is not concerned about the opinion of the first tanna in the mishna and about the opinion of Rabbi Yishmael, who maintain that a tumtum is a case of uncertainty? The Gemara asks: And let Rabbi Yoḥanan also say: Who is this who is not concerned about the opinion of the latter Rabbis in the mishna, as Rav Ḥisda says: This dispute refers to a hermaphrodite; but with regard to a tumtum, everyone agrees that it is an uncertain case.

¹⁹⁷ The Gemara explains that Rabbi Yoḥanan does not hold in accordance with that statement of Rav Ḥisda; rather, he maintains that according to the latter Rabbis a tumtum is a distinct entity. The Gemara asks: If Rabbi Yoḥanan does not hold in accordance with Rav Ḥisda, why did he wonder about Rabbi Elazar's ruling? Let him say that Rabbi Elazar said his opinion in accordance with the opinion of the latter Rabbis. The Gemara answers: That is indeed what he is saying: Who is the Sage who leaves aside the opinion of two Sages, the first tanna and Rabbi Yishmael, and acts in accordance with one opinion, the latter Rabbis?

¹⁹⁸ The Gemara asks: And Rabbi Elazar, in accordance with whose opinion does he hold? The Gemara answers that he holds in accordance with that which Reish Lakish says: The Sages said that the halakhic status of a tumtum is an uncertain case only with regard to a person, since the male sex organ and the female sex organ are in one place, i.e., a man and a woman urinate from the same area of the body. Since that area is concealed in the case of a tumtum, its status is uncertain. But with regard to a tumtum animal, there is no uncertainty whether it is a male or a female, as the genitals of a male and a female are not found in the same place. Rather, if it urinates from the place of the male sex organ, it is a male; if it urinates from the place of the female sex organ, it is a female.

¹⁹⁹ Rav Oshaya objects to this: And let us be concerned that perhaps its male sex organ was turned round to the place of its female sex organ. Abaye said to him: In accordance with whose opinion do you raise this objection? Is it in accordance with the opinion of Rabbi Meir, who is concerned about the minority of cases? The halakha is not in accordance with the opinion of Rabbi Meir, and therefore one should follow the majority of animals, to whom this does not occur.

²⁰⁰ Abaye bar Avin and Rav Ḥananya bar Avin both say: You may even say that Rav Oshaya's objection is in accordance with the opinion of the Rabbis, who are not concerned about a minority. The reason is that since in this case, the animal has changed in that it is different from typical animals, as it is a tumtum, perhaps it is also changed with regard to its male sex organ being inverted toward the female sex organ. If so, the Sages disagree with regard to this principle: There are those who say that since it has changed, it has changed, and there are those who say that the claim that since it has changed, it has changed is not accepted.

²⁰¹ The Gemara suggests: Let us say that the question of whether an animal that has changed in one respect has changed in a different respect, or whether it has not changed, is the subject of a dispute between tanna'im. As it is taught in a baraita: With regard to a tumtum who betrothed a woman, the betrothal is considered a betrothal, due to uncertainty, as the tumtum might be a male; and similarly, if the tumtum was betrothed by a man, the betrothal is deemed a betrothal due to uncertainty, as the tumtum might be a female.

²⁰² The baraita continues: And if the brother of the tumtum died childless, and there is no other brother who can perform levirate marriage with the widow, the tumtum performs ḥalitza, i.e., his brother's widow removes his shoe, as the tumtum might be a male, and she would require ḥalitza to release her from the levirate bond. And if the tumtum died, one of the brothers of the tumtum performs ḥalitza with the wife of the tumtum, or enters into levirate marriage with the wife of the tumtum, in case the tumtum was a male. And it is taught in another baraita: The wife of a tumtum performs ḥalitza and does not enter into levirate marriage.

²⁰³ With regard to these two baraitot, the Sages assumed that everyone holds in accordance with the opinion of Rabbi Akiva, who says: A eunuch whose condition is caused naturally, i.e., one who was entirely lacking in sexual capacity from birth, does not perform ḥalitza and does not enter into levirate marriage with his sister-in-law, as he is not included in the mitzva of levirate marriage. Likewise, if he died his brothers do not perform ḥalitza with his wife, and they may not enter into levirate marriage with her, as she is forbidden to them as a brother's wife who does not require levirate marriage.

²⁰⁴ Based on this assumption, the Gemara suggests: What, is it not that the two baraitot disagree about this, that the one who says that a tumtum performs ḥalitza and one of the brothers performs

ḥalitza with the wife of the tumtum or enters into levirate marriage with the wife of the tumtum holds that we do not say that since this tumtum has changed from an average person, he might also have changed in that he is a eunuch whose condition is caused naturally, and therefore the brothers would be prohibited from entering into levirate marriage with the wife? Rather, if the tumtum is a male, it is assumed that he is capable of fathering children, and consequently his wife requires levirate marriage.

²⁰⁵ And the one who says that the wife of a tumtum performs ḥalitza and does not enter into levirate marriage maintains that we say that since this person has changed, he has changed, i.e., the possibility that he might be a eunuch whose condition is caused naturally is considered, and therefore his wife may not enter into levirate marriage.

²⁰⁶ The Gemara responds: No; everyone agrees that we say that since this person has changed, he has changed, and there is a concern that he might be a eunuch whose condition is caused naturally. Rather, the difference between the rulings is that this baraita, which permits the wife of the tumtum to enter levirate marriage, is in accordance with the opinion of Rabbi Eliezer, who disagrees with Rabbi Akiva and maintains that levirate marriage may be performed with the wife of a eunuch whose condition is caused naturally, and that baraita, which prohibits levirate marriage, is in accordance with the opinion of Rabbi Akiva, that the brothers of a eunuch whose condition is caused naturally do not enter into levirate marriage with the wife of the tumtum.

²⁰⁷ The Gemara asks: And who is the tanna who holds in accordance with the opinion of Rabbi Akiva that the wife of a eunuch whose condition is caused naturally does not require levirate marriage, and yet he maintains that the wife of a tumtum must perform ḥalitza? If we say it is Rabbi Yehuda, this cannot be, as in his opinion even if the genitals of a tumtum were revealed and he was found to be a male, he deems him like a definite eunuch whose condition is caused naturally, and therefore his wife does not require ḥalitza at all.

²⁰⁸ As we learned in a mishna (Yevamot 81a) that Rabbi Yehuda says: With regard to a tumtum who was torn open so that his genitals were exposed, and he was found to be a male, he must not perform ḥalitza, because he is treated like a eunuch whose condition is caused naturally. Just as this tumtum does not perform ḥalitza, so too, his widow does not require ḥalitza.

²⁰⁹ Rather, it is the opinion of Rabbi Yosei, son of Rabbi Yehuda, who maintains that if a tumtum was torn open and he was found to be a male, he is considered as a matter of uncertainty to be a eunuch whose condition is caused naturally, and consequently his wife requires ḥalitza. As it is taught in a baraita that Rabbi Yosei, son of Rabbi Yehuda, says: A tumtum does not perform ḥalitza with the wife of his late, childless brother if there are other brothers to perform ḥalitza, as perhaps the skin covering his genitals will be torn open and he will be found to be a eunuch whose condition is caused naturally, and the widow would not be released from the levirate bond by his ḥalitza. According to this opinion, it is not certain that a tumtum would be found to be a eunuch whose condition is caused naturally.

²¹⁰ With regard to the opinion of Rabbi Yosei, son of Rabbi Yehuda, the Gemara asks: Why does this individual not perform ḥalitza due only to the possibility that he will be found to be a eunuch whose condition is caused naturally? Is that to say that every tumtum whose skin was torn is found to be a male and is not found to be a female? The Gemara explains that Rabbi Yosei, son of Rabbi Yehuda, said his opinion in the formulation of: Perhaps, which includes multiple uncertainties: A tumtum

must not perform ḥalitza, as perhaps he will be torn open and found to be a female, who can certainly not perform ḥalitza.

²¹¹ Alternatively, if he is found to be a male, he may also not perform ḥalitza, since perhaps he will be found to be a eunuch whose condition is caused naturally. The Gemara asks: Since both Rabbi Yehuda and Rabbi Yosei, son of Rabbi Yehuda, agree that a tumtum may not perform ḥalitza for his brother's wife, what is the practical difference between their opinions? Rava said:

²¹² There is a practical difference with regard to disqualifying the widow, through his ḥalitza, from entering into levirate marriage in a case where there are other brothers. According to Rabbi Yehuda, who maintains that this individual is certainly a eunuch whose condition is caused naturally, his ḥalitza is of no effect whatsoever, and therefore she may enter into levirate marriage with one of the other brothers. Conversely, according to Rabbi Yosei, son of Rabbi Yehuda, since it is possible that he is not a eunuch and his ḥalitza is valid, she is forbidden to the other brothers as their brother's wife.

²¹³ And there is also a practical difference between their opinions with regard to performing ḥalitza with the widow in a case where there are no brothers other than this tumtum. According to Rabbi Yehuda, ḥalitza is not necessary in this case, as she requires ḥalitza only if her late husband had brothers who are obligated to perform levirate marriage, and this individual is definitely a eunuch whose condition is caused naturally. By contrast, Rabbi Yosei, son of Rabbi Yehuda, maintains that he must perform ḥalitza with her, in case he is a male and not a eunuch.

Chapter 7

¹ MISHNA: Concerning these blemishes which were taught with regard to an animal, whether they are permanent or transient, they also disqualify in the case of a person, i.e., they disqualify a priest from performing the Temple service. And in addition to those blemishes, there are other blemishes that apply only to a priest: One whose head is pointed, narrow above and wide below; and one whose head is turnip-like, wide above and narrow below; and one whose head is hammer-like, with his forehead protruding; and one whose head has an indentation; and one wherein the back of his head protrudes.

² And with regard to those with humped backs, Rabbi Yehuda deems them fit for service and the Rabbis deem them disqualified. The kere'ah is disqualified from performing the Temple service. What is a kere'ah? It is anyone who does not have a row of hair encircling his head from ear to ear. If he has a row of hair from ear to ear, that person is fit for service.

³ GEMARA: The Gemara asks: Why does the mishna say that all the blemishes that disqualify an animal disqualify a priest as well? But there is the blemish of a wart, which is not written in the Torah with regard to a person but is written with regard to an animal (see Leviticus 22:22). And furthermore, there are also the blemishes of a cataract and a tevallul, which appear in the Torah with regard to a person but are not written in the Torah with regard to an animal (see Leviticus 21:20). Why, then, does the mishna on 38a teach that such blemishes disqualify an animal?

⁴ The Gemara responds: These blemishes are derived from one another, as it is taught in a baraita: In the case of a person, i.e., a priest, it is not stated of him that a wart disqualifies him from Temple

service, and in the case of an animal, it is not stated that a cataract or a tevallul disqualify it from being sacrificed. From where is it derived that one applies that which is said of this case to that case, and that which is said of this case to that case? The verse states: “Scabbed” and “scabbed,” “scurvy” and “scurvy,” both with regard to a person and an animal (Leviticus 21:20; 22:22), which serves to draw a verbal analogy from the verses.

⁵ The Gemara notes: These verses must be free, i.e., they are superfluous and are stated only for the purpose of the verbal analogy. This means that the verbal analogy cannot be refuted by logical reasoning, whereas if the verses are not free one can refute the analogy if there is a significant difference between the two cases. As, if they are not free, the verbal analogy can be refuted as follows: One cannot derive the disqualifications of a person for performing the Temple service from those of an animal, as the case of an animal can be considered more stringent because the animal itself is sacrificed upon the altar. Similarly, one cannot derive the disqualifications of an animal from those of a person, as one can claim that the halakha with regard to a person should be more stringent, since a person was included in the performance of mitzvot.

⁶ Indeed, the terms are free. Accordingly, since these disqualifications are derived from a verbal analogy they must be accepted as though they were written explicitly in the Torah. The Gemara proves these verses are free: Let the Merciful One write that scurvy disqualifies a person and an animal, and it would be unnecessary for the Merciful One to write that a scab disqualifies them, as I would say: And if scurvy, which is not repulsive, is considered a disqualifying blemish, then in the case of a scab, which is repulsive, is it not all the more so a disqualifying blemish? If so, then with regard to “scabbed” and “scabbed,” which the Merciful One writes with regard to a person and an animal, why do I need them? Evidently, they are to be considered free for the verbal analogy.

⁷ The Gemara raises a difficulty: But if animals and priests are disqualified by the same blemishes, let the Merciful One write all the disqualifying blemishes with regard to one of them, either a person or an animal, and let the Merciful One write that a scab and scurvy disqualify both here and here, for the purpose of the verbal analogy, and let all the other blemishes be derived in one case from the other one, through the verbal analogy.

⁸ The Gemara responds: To which is this referring, i.e., in which case should the Merciful One write all the blemishes? If the Merciful One had written all of them with regard to a person then I would say: All blemishes that disqualify in the case of a person likewise disqualify in the case of an animal. If so, then with regard to closed hooves and damaged gums, which are not written with regard to a person as they are not relevant because a person has no hooves and his gums are covered with teeth, I would say: In the case of an animal as well they should not disqualify.

⁹ And if you would say: Let the Merciful One write all the blemishes with regard to an animal, I would say: All blemishes that disqualify in the case of an animal likewise disqualify in the case of a person. Accordingly, with regard to a gibbon, one with blemished eyebrows, or a ḥarum, one with a sunken nose, which are not written with regard to an animal as such blemishes do not occur among animals, I would say: In the case of a person as well they should not disqualify. Therefore, the Torah delineates all the disqualifying blemishes with regard to both an animal and a person in order to state the blemishes that are unique to animals and the blemishes that are unique to people.

¹⁰ The Gemara asks: But even so, why is it necessary for the Torah to delineate all the common blemishes? Let the Merciful One write all of them in the verses discussing one of them, either an

animal or a person, and as for those that are not relevant for the other, i.e., those blemishes that apply only in the case of an animal, let the Merciful One write with regard to an animal, and as for those that are not relevant for the other, i.e., those blemishes relevant only to a person, let the Merciful One write with regard to a person. And let the Torah write the blemishes of a scab and scurvy both here and there, for the purpose of the verbal analogy, and let the fact that their common blemishes disqualify in both cases be derived from one another.

¹¹ Rather, the reason the Torah repeats their common blemishes is in accordance with that which the school of Rabbi Yishmael taught, as the school of Rabbi Yishmael taught: Every passage in the Torah that was stated and repeated was repeated only for the novel element introduced therein. It is the style of the Torah to repeat a passage even in order to teach only one additional halakha. Consequently, with regard to the blemishes of a person and an animal, their common blemishes were repeated on account of those blemishes that apply only to an animal or a person.

¹² § Rava says: Why do I need the Merciful One to write that a blemish causes disqualification from Temple service in the case of a person, i.e., a priest (see Leviticus 21:17–23), and that a blemish causes disqualification in the case of sacrificial animals (see Leviticus 22:20–25), and that a blemish causes disqualification for sacrifice in the case of a firstborn animal (see Deuteronomy 15:21)?

¹³ Rava answers: They are all necessary. As, had the Merciful One written only that a blemish causes disqualification in the case of a person, one might suggest that blemishes cause disqualification only in that case, since a person was included in the performance of mitzvot. Similarly, had the Merciful One written only that blemishes disqualify a firstborn animal from being sacrificed, it could be claimed that one cannot derive the disqualification of a person on account of blemishes from the disqualification of a firstborn animal, since an animal has an added aspect of stringency in that it itself is sacrificed upon the altar.

¹⁴ Additionally, one cannot derive the disqualifications of sacrificial animals from those of a firstborn animal, since the sanctity of a firstborn animal is from the womb, i.e., from birth, whereas the sanctity of other offerings applies only upon consecration by a person, and they are therefore of a lesser sanctity.

¹⁵ Furthermore, had the Merciful One written only that sacrificial animals are disqualified due to blemishes, it could be claimed that one cannot derive the disqualifications of a person from that of sacrificial animals, as the offerings themselves are sacrificed. Similarly, one cannot derive the disqualifications of a firstborn animal from those of sacrificial animals, as the sanctity of other offerings is greater than that of a firstborn animal because there are many types of other offerings, whereas a firstborn animal has only one type of sanctification. Therefore, it was necessary for the Merciful One to specify that blemishes disqualify in each case.

¹⁶ The Gemara raises a difficulty: Granted, the disqualification of one of these cases cannot be derived from only a single other one. But let one of them be derived from the other two. The Gemara rejects this suggestion: From which two should the other one be derived? If you will say: Let the Merciful One not write that blemishes disqualify a firstborn animal and one should derive that case from these, i.e., the disqualifications of a person and sacrificial animals, this suggestion can be rejected. What is notable about these? They are notable in that their sanctity is greater than that of a firstborn offering, as in the case of a person, he is included in the performance of mitzvot; and in the

case of a sacrificial animal, there are many types of offerings. Moreover, the halakhot of these blemishes apply to regular, i.e., non-firstborn, animals and people.

¹⁷ Furthermore, if one will say: Let the Merciful One not write that blemishes disqualify sacrificial animals and one should derive that case from these cases, a person, i.e., a priest, and a firstborn animal, this too can be rejected: What is notable about these? They are notable in that their sanctity is automatic and requires no consecration, as a priest is a priest by virtue of being the son of a priest, and a firstborn attains its status by being the first child of its mother, while offerings are consecrated by their owners.

¹⁸ Finally, if one will say: Let the Merciful One not write that blemishes disqualify a person and one should derive that case from these cases, the firstborn animal and sacrificial animals, this suggestion too can be rejected: What is notable about these? They are notable in that they themselves are sacrificed upon the altar, whereas a person is not. Therefore, all three verses are necessary, to teach that blemishes disqualify in all these cases.

¹⁹ § The mishna teaches that in addition to those blemishes that disqualify an animal, there are other blemishes that apply to a person despite the fact that they are not actual defects. The Gemara asks: From where are these matters derived? Rabbi Yoḥanan said: These halakhot are derived from that which the verse states: “No man among the seed of Aaron the priest who has a blemish shall come forward to sacrifice the offerings of the Lord made by fire” (Leviticus 21:21). The verse indicates that the priest must be a man who is equal among the seed of Aaron, i.e., one whose appearance is similar to the other priests.

²⁰ The Gemara asks: What difference is there between a priest disqualified from performing the Temple service due to a full-fledged blemish that disqualifies both people and animals, and a priest disqualified from performing the Temple service because he is not equal among the seed of Aaron? The Gemara responds: There is a difference between them with regard to profaning the Temple service. A priest with a full-fledged blemish who performs rites in the Temple profanes the service he has performed, as it is written: “He has a blemish; that he not profane My Sanctuaries” (Leviticus 21:23). A priest who is not equal among the seed of Aaron does not profane the service he performs.

²¹ The Gemara further asks: What difference is there between a priest disqualified from performing the Temple service because he is not equal among the seed of Aaron, e.g., one whose head is pointed, and a priest disqualified from performing the Temple service due to the mere appearance of a blemish, such as one whose eyelashes have fallen out, as stated in the mishnayot further on in this chapter? The Gemara responds: There is a difference between them with regard to the violation of the prohibition, which is stated as a positive mitzva, i.e., that priests who are equal shall serve in the Temple. A priest who is not equal among the seed of Aaron who performs the Temple service transgresses this prohibition. By contrast, a priest who is disqualified due to the appearance of a blemish is disqualified by rabbinic law, and he does not transgress a Torah prohibition by performing the Temple service.

²² § The Gemara clarifies the blemishes that the mishna lists as disqualifying a priest: One whose head is pointed [kilon], this is one whose head resembles the cover of a barrel, narrow above and wide below. One whose head is turnip-like, this is one whose head resembles the top of a turnip, wide above and narrow below. The Sages taught in a baraita another detail relating to this blemish:

And his neck stands in the middle of his head, i.e., his head protrudes equally in all directions around his neck, whereas a typical person's neck is situated at the back of his head.

²³ One whose head is hammer-like [makkavan], this is one whose head resembles a hammer, with his forehead protruding. And one whose head is indented [shakut], this is one with a depression in the front of his head. And one wherein the back of his head protrudes [sekifat] is someone for whom it appears a piece from the back of his head has been removed, as people say: A piece has been taken [shakil pisa]. Sekifat is understood to be an abbreviation of that term. The Sages taught in a baraita: And a priest whose neck is short, or one whose neck is narrow, is disqualified from performing the Temple service as well. A priest with a short neck is one whose neck is hidden and is not visible between his shoulders. A priest with a narrow neck is one whose neck is long and narrow.

²⁴ The mishna teaches: And with regard to those with humped backs, Rabbi Yehuda deems them fit for service and the Rabbis deem them disqualified. The Gemara elaborates: In a case where there is a bone in his hump, everyone agrees that the priest is disqualified for Temple service. They disagree when there is no bone. One Sage, i.e., the Rabbis, holds that this person is not equal among the seed of Aaron and is therefore disqualified from performing the Temple service; and one Sage, Rabbi Yehuda, holds that it is merely a piece of flesh and is not considered a blemish.

²⁵ § The mishna teaches that the kere'aḥ, i.e., anyone who does not have a row of hair encircling his head from ear to ear, is disqualified from performing the Temple service. Rava says: The Sages taught that a kere'aḥ is disqualified only if he does not have a row of hair in the back of his head but he has a row of hair in the front. But if he has a row of hair both in the front and in the back, he is fit for performing the Temple service. And all the more so, when he has hair in the back but he does not have in the front he is fit for performing the Temple service, as this is typical of older men.

²⁶ And there are those who teach the statement of Rava with regard to the latter clause of the mishna: And if he has a row of hair, that person is fit for performing the Temple service. Rava says: The Sages taught that such a person is fit only when he has a row of hair in the back but he does not have in the front. But if he has a row of hair both in the back and in the front, he is disqualified from performing the Temple service. And all the more so, one who has a row of hair in the front and does not have in the back, or one who does not have any hair at all, is disqualified.

²⁷ § Rabbi Yoḥanan says: The bald priests, and the priests who are dwarves, and the priests with leaky eyes, are disqualified from performing the Temple service, since they are not equal among the seed of Aaron. The Gemara asks: Why is it necessary for Rabbi Yoḥanan to state this? With regard to bald priests, we learn in the mishna that they are disqualified. Similarly, with regard to priests who are dwarves, we learn in a mishna (45b) that they are disqualified.

²⁸ The Gemara responds: It was necessary for him to teach us this statement with regard to priests with leaky eyes, as the halakha with regard to them does not appear in any mishna. And furthermore, it was necessary for him to reiterate the halakha with regard to bald priests and dwarves lest you say they are disqualified only by rabbinic law, due to the appearance of a blemish. Rabbi Yoḥanan therefore teaches that they are disqualified by Torah law, as they are not equal among the seed of Aaron.

²⁹ The Gemara raises a difficulty: But anywhere that a priest is deemed disqualified due to the appearance of a blemish, the tanna teaches this explicitly, e.g., in the mishna on this amud: And one whose eyelashes have fallen out is disqualified from performing the Temple service, due to the

appearance of a blemish. The Gemara responds: Rabbi Yoḥanan's statement is necessary, lest you say the tanna taught explicitly in one instance that a priest is disqualified due to the appearance of a blemish but the same is true with regard to all of those listed after the first clause of the mishna, starting from the case of priests with humped backs. Therefore, Rabbi Yoḥanan teaches that this is not the halakha.

³⁰ The Gemara persists: But anywhere that there is a priest disqualified due to the appearance of a blemish, the tanna repeats and teaches explicitly that this is the reason. As the tanna repeats and teaches (44a): And one whose teeth fell out is disqualified due to the appearance of a blemish. Rather, the reason Rabbi Yoḥanan reiterates the halakha with regard to a bald priest and a dwarf is to exclude that which is taught in a baraita, as it is taught in a baraita: The bald priests, the dwarves, and the priests with leaky eyes are fit for performing the Temple service by Torah law, and the Sages said they are disqualified only due to the appearance of a blemish. Rabbi Yoḥanan therefore teaches that they are disqualified by Torah law, as they are not equal among the seed of Aaron.

³¹ The Gemara notes: Who is this tanna who says that such priests are fit by Torah law? It is Rabbi Yehuda, as it is taught in a baraita that Rabbi Yehuda says: When the verse states: "And Aaron's sons, the priests, shall lay the pieces" (Leviticus 1:8), this serves to include the bald priests in the performance of the Temple service.

³² MISHNA: If a priest has no eyebrows, or if he has only one eyebrow, that is the gibben that is stated in the Torah in the list of blemished priests (see Leviticus 21:20). Rabbi Dosa says: A gibben is one whose eyebrows are so long that they lie flat and cover his eyes. Rabbi Ḥanina ben Antigonus says: A gibben is one who has two backs and two spines.

³³ GEMARA: The mishna teaches that the gibben stated in the Torah is one who lacks eyebrows. The Gemara asks: But does gibben mean one who does not have eyebrows? And the Gemara raises a contradiction from a baraita: When it is stated that a priest who is a gibben is disqualified from performing the Temple service (see Leviticus 21:20), this is referring to one who has many eyebrows. With regard to one who has no eyebrows or who has only one eyebrow, from where is it derived that he is disqualified as well? The same verse states: "Or a gibben." Clearly, the disqualification of one lacking eyebrows is not derived from the mention of a gibben, but from the term "or." Rava said the mishna should be understood as follows: One who has no eyebrows is disqualified, and this is derived from the exposition of the phrase "or a gibben."

³⁴ § The mishna teaches that Rabbi Dosa says a gibben is one whose eyebrows are so long that they lie flat and cover his eyes, and Rabbi Ḥanina ben Antigonus says that a gibben is one who has two backs and two spines. The Gemara asks: Is this to say that a person with two backs and two spines is capable of living? But it was stated that the Sages discussed the case of one who miscarries an entity that has two backs and two spines, and Rav said that in the case of a woman who miscarries such an entity, it is not considered an offspring, as it cannot survive, and therefore she does not have the ritual impurity caused by childbirth, and in the case of an animal who miscarries, the entity is prohibited for consumption.

³⁵ The Gemara responds: Rav Shimi bar Ḥiyya already raised this contradiction to Rav, his grandfather, and Rav said to him: Are you really Shimi? Rabbi Ḥanina ben Antigonus is not referring literally to someone with two backs and two spines, but to a person whose spine is crooked, causing

it to appear as though he has two spines. Such a person can survive but is disqualified from performing the Temple service.

³⁶ MISHNA: The ḥarum is disqualified from performing the Temple service. What is a ḥarum? It is one who can paint both of his eyes as one, with one brushstroke, because he has a sunken nose. If both of one's eyes are above or both of his eyes are below; or if one of his eyes is above and one of his eyes is below; or if both eyes are in the proper place but he sees both the room on the ground floor and the upper story as one, at the same time; and likewise those unable to look at the sun; and one whose eyes are different; and one whose eyes tear constantly, these are disqualified from performing the Temple service. And one whose eyelashes have fallen out is disqualified from performing the Temple service due to the appearance of a blemish. Unlike the others listed in this mishna, who are disqualified by Torah law, one with this condition is not disqualified by Torah law. Rather, the Sages issued a decree prohibiting a priest with such a condition to perform the Temple service.

³⁷ GEMARA: The Sages taught in a baraita: When it is stated that a ḥarum is considered a blemished priest (Leviticus 21:18), this is referring to a priest whose nose is sunk. If his nose retreats, i.e., it is very short and contracted upward, or if his nose is blocked, or if his nose is so long that it droops, from where is it derived that he is considered blemished? The same verse states: "Or a ḥarum." The term "or" serves to include all blemishes of the nose. Rabbi Yosei says: A ḥarum is only one who can paint both of his eyes as one. They said to him: You have gone too far in limiting your definition of a ḥarum.

³⁸ Rather, even if he does not paint both of his eyes as one, any priest with an abnormally sunken nose is considered a ḥarum.

³⁹ § The mishna teaches that if both of one's eyes are above or both of his eyes are below, he is disqualified from performing the Temple service. The Gemara asks: What does the mishna mean when it mentions a priest wherein both of his eyes are above or both of his eyes are below? If we say that the phrase: Both of his eyes are above, means that he constantly gazes upward, and the phrase: Both of his eyes are below, means that he constantly gazes downward, then the case where one of his eyes is above and one of his eyes is below must similarly mean that he gazes with one of his eyes downward and one of his eyes upward. But if so, this is identical to the next case in the mishna, that one sees both the room on the ground floor and the upper story as one.

⁴⁰ Rather, the phrase: Both of his eyes are above, is referring to a case where his eyes are situated above their normal place, and the phrase: Both of his eyes are below, is referring to a case where his eyes are situated below their normal place. Similarly, the case where one of his eyes is above and one of his eyes is below is where one of his eyes is situated above and one of his eyes is situated below. And the mishna adds that in a case where his eyes are situated in their proper arrangement as well, but he sees the room on the ground floor and the upper story as one, he too is considered blemished.

⁴¹ The Gemara asks: From where are these matters derived? As the Sages taught in a baraita: The verse states with regard to blemishes that disqualify priests: "Or a cataract or a tevallul in his eye" (Leviticus 21:20). Since it is obvious that a cataract or a tevallul can occur only in one's eyes, why does the verse state: In his eye? The term "in his eye" indicates that any blemish that is in his eye disqualifies him from performing the Temple service. From here the Sages stated: If both of his eyes are below or both of his eyes are above, or if one of his eyes is above and one of his eyes is below, or

if he sees the room and the upper story as one, or if when he speaks with his friend another person says: He is looking at me, he is blemished and is disqualified from performing the Temple service.

⁴² § The Sages taught in a baraita: When it is stated that a blind man [iver] is disqualified from performing the Temple service (see Leviticus 21:18), this applies whether he is blind in both of his eyes or blind in one of his eyes. With regard to a priest who cannot see due to pale spots on the eye or due to tears streaming from the eye that are constant, from where is it derived that he is disqualified? The same verse states: “A blind man [ish iver].” The superfluous word “ish” serves to include these conditions as well.

⁴³ Rava says: Why do I need the Merciful One to write the terms “man,” “blind,” “cataract,” “tevallul,” and “in his eye” (Leviticus 21:18, 20)? All these are necessary, as had the Merciful One written only “blind,” then one might say that a blind person is disqualified because his eyes are not in their sockets at all, i.e., they were enucleated. But in the case of a priest with pale spots on the eye or tears streaming from the eye that are constant, where his eyes are still in their sockets but he cannot see, perhaps he is not considered blemished. Therefore, the Merciful One wrote “man” to include these conditions as well.

⁴⁴ And had the Merciful One written only “man,” one might have thought that only total blindness disqualifies a priest, because he cannot see at all. But if his condition causes merely impaired vision, then he is not considered blemished. Therefore, the Merciful One wrote “cataract” to include conditions of impaired vision as well. And had the Merciful One written only that a priest with a cataract is disqualified, it might have been thought that such a priest is disqualified because his vision is impaired. But if his vision is not impaired but his eyes are mixed, i.e., the black and white parts of his eyes are mixed together, then he is not disqualified. Therefore, the Merciful One wrote “tevallul.”

⁴⁵ And had the Merciful One written only “tevallul,” one might say that this disqualifies a priest because his eyes are mixed. But the Torah does not disqualify a priest due to a deviation from normal appearance, e.g., especially large eyes, or eyes situated higher than normal. Therefore, the Merciful One wrote “in his eye.”

⁴⁶ In summary, Rava says: Therefore, all blemishes of the eyes that disqualify a priest on account of dimness, i.e., blindness, are derived from the term “man.” All blemishes of the eyes that are related to vision impairment are derived from “cataract.” All blemishes that are related to parts of the eye being intermingled are derived from “tevallul.” Finally, the disqualification of deviations is derived from “in his eye.”

⁴⁷ § The mishna teaches that those unable to look at the sun [sakhei shemesh] are disqualified from performing the Temple service. Rav Yosef taught that this is a reference to those who hate the sun [sanei shemesh], i.e., they are incapable of opening their eyes in sunlight. The mishna further states that one whose eyes are different is disqualified from performing the Temple service. In order to illustrate this blemish, Rav Huna pointed with his finger while saying: The term: Different eyes, is referring to an individual wherein one of his eyes is like ours and one of his eyes is like theirs. And since Rav Huna was pointing at Rav Yehuda, who had abnormal eyes, Rav Yehuda took offense.

⁴⁸ The Gemara raises an objection from a baraita to Rav Huna’s interpretation of one whose eyes are different: When the Sages taught that a shekhavna is disqualified from performing the Temple service, they were referring to one whose eyebrows lie flat [shokhvim] and cover his eyes. When they taught that one whose eyes are different [zagdum] is disqualified, they were referring to a case

where one of his eyebrows is black and one is white. The Gemara responds: With regard to any pair of limbs that are not identical to one another, the tanna of this baraita calls them different.

⁴⁹ § The mishna teaches that one whose eyes tear constantly is disqualified from performing the Temple service. The Gemara cites a baraita that defines such an individual: His eyes, i.e., his eyelids, droop and can open only partially, or his eyes are round; his eyes tear, or tears stream from his eyes, or tears flow intensely from them.

⁵⁰ The Sages taught in a baraita: The zadir, and the lupin, and the tamir are disqualified from performing the Temple service. Zadir is a reference to one whose eyes are strange. Lupin is a reference to one with an abundance of eyelashes. Tamir is a reference to one whose eyelashes are depleted. The Gemara asks: And does the tanna teach these cases together with full-fledged blemishes? But didn't we learn in the mishna: One whose eyelashes have fallen out is disqualified from performing the Temple service due to the appearance of a blemish? Clearly, this is not considered an actual blemish. The Gemara answers that it is not difficult. This mishna is referring to a case where the roots of his eyelashes remain, whereas that baraita is referring to a case where the roots do not remain.

⁵¹ MISHNA: The mishna lists additional blemishes that disqualify a priest from performing the Temple service: If a priest's eyes are large like those of a calf or small like those of a goose; if his body is disproportionately large relative to his limbs or disproportionately small relative to his limbs; if his nose is disproportionately large relative to his limbs or disproportionately small relative to his limbs, he is disqualified. And the tzomem and the tzome'a are also disqualified. What is a tzome'a? It is anyone whose ears are small. And what is the tzomem? It is anyone whose ears are similar to a sponge. If his upper lip protrudes beyond the lower lip or his lower lip protrudes beyond the upper lip, that is a blemish. And one whose teeth fell out is disqualified due to the appearance of a blemish.

⁵² GEMARA: Rav says: Moses, our teacher, was ten ammot tall, as it is stated: "And he spread the tent over the Tabernacle" (Exodus 40:19). Who spread the tent over the Tabernacle? Moses, our teacher, spread it, and it is written with regard to the height of the Tabernacle: "Ten ammot shall be the length of a board" (Exodus 26:16). Moses must have been at least as tall as the Tabernacle itself for him to have spread the tent over it.

⁵³ Rav Shimi bar Ḥiyya said to Rav: If so, you have rendered Moses, our teacher, a blemished person, as we learned in the mishna: If one's body is disproportionately large relative to his limbs or disproportionately small relative to his limbs, then he is blemished. A typical person is no more than three arm-lengths [ammot] tall, and yet Moses was apparently ten times taller than the length of his own arm. Rav said to him: Shimi, when I said that Moses was ten ammot tall, I said so in reference to the cubit [amma] of a board used in the building of the Tabernacle. The limbs of Moses were proportional to the rest of his body, but he was indeed ten cubits tall.

⁵⁴ The mishna taught that if one's nose is disproportionately large relative to his limbs or disproportionately small relative to his limbs, he is blemished. The Sages taught in a baraita: The measure of disproportion is the size of one's small finger.

⁵⁵ § The mishna also taught that the tzomem and the tzome'a are blemished. The Sages taught in a baraita: The tzime'aḥ is also disqualified from performing the Temple service. The Sages did not know what a tzime'aḥ is. They heard a certain Arab who was saying: Who wants a tzime'aḥ, and it was found to be a long-eared goat.

⁵⁶ The Gemara discusses the halakha of a tzomem, tzome'a, and tzime'aḥ with regard to animals. Rav Ḥisda says: A female goat that has no horns and a female lamb that has horns are fit for sacrificing upon the altar, i.e., they are not considered blemished, despite the fact that they differ from regular female goats and female lambs.

⁵⁷ The Gemara notes that this is also taught in a baraita: There are matters that appear like blemishes but they are not truly like blemishes, and one may therefore slaughter sacrificial animals on account of them in the Temple, i.e., they are fit for sacrifice despite these blemishes; but if they are firstborn animals, they are not permitted for slaughter in the rest of the country on account of these blemishes, as the unique physical characteristics of these animals are not true blemishes. And these are the blemishes: A female goat that has no horns, and a female lamb that has horns, and the tzime'aḥ, and the tzomem, and the tzome'a.

⁵⁸ With regard to the horns of an animal, Rav Ḥisda says that Ameimar says: If the horns of an animal were removed, and their bones, i.e., the bones inside the horns, were removed with them, the animal is unfit for sacrifice. But even so, one may not redeem the animal on account of such blemishes, as they are not full-fledged blemishes. But if the hooves were removed, and their bones, i.e., the portion of the leg to which the hooves are attached, were removed with them, they are unfit for sacrifice and they are even redeemed on account of such blemishes, as they are full-fledged blemishes.

⁵⁹ Rav Ḥisda stated that the removal of a horn and its bone is not considered a full-fledged blemish that enables the animal to be redeemed. The Gemara raises an objection from a baraita: If the horns or the hooves of an animal were removed, and their respective bones were removed with them, they are unfit and they are redeemed on account of them. The Gemara explains that it is not difficult. This baraita is referring to a case where the bone was entirely uprooted, which is a full-fledged blemish on account of which the animal may be redeemed. That statement of Rav Ḥisda is referring to a case where the bones were cut but were not uprooted entirely.

⁶⁰ The Gemara asks: But in a case where the bones of the animal were cut, is the animal even rendered unfit? And the Gemara raises a contradiction from a mishna (Para 2:2): With regard to a red heifer whose horns and hooves are black, the halakha is that one should cut away the black parts so that the heifer remains entirely red. Evidently, cutting away the horns of the heifer does not inflict a blemish upon it. Ze'eiri interpreted the mishna as referring to cutting the horn specifically from above the bone inside it. In such a case, the heifer is not disqualified. Cutting the bone itself does disqualify the animal.

⁶¹ MISHNA: The mishna lists additional blemishes that disqualify a priest from performing the Temple service: One who has breasts so large that they sag like those of a woman; or if one's belly is swollen and protrudes; or if one's navel protrudes; or if one is an epileptic, even if he experiences seizures only once in a long while; or one who is afflicted with a melancholy temper; or one whose scrotum is unnaturally long; or one whose penis is unnaturally long is disqualified from performing the Temple service.

⁶² GEMARA: The Gemara cites a halakha involving a swollen belly. Rabbi Abba, son of Rabbi Ḥiyya bar Abba, says that Torah scholars may urinate in public and they need not be concerned with issues of modesty, because holding back from urinating causes bodily harm. But they may not drink water in public, as such conduct is unbefitting a Torah scholar. And this is also taught in a baraita:

Torah scholars may urinate in public, but they may not drink water in public. And there was an incident involving one who sought to urinate, and he did not urinate, and his belly was found to be swollen.

⁶³ The Gemara relates: It was necessary for Shmuel to urinate on the Shabbat when everyone came to hear halakhot relating to the impending Festival. In order to afford him privacy, they spread a sheet for him. Shmuel then came before his father, who said to him: I will give you four hundred dinars if you will go and retract this incident, i.e., if you will state publicly that one may not hold back from urinating even at the expense of one's privacy. Since you are an important man, you can have others spread a sheet around you. But with regard to one who cannot have others spread a sheet for him, should he endanger himself by seeking privacy? You must therefore teach that one should not hold back from urinating even in public.

⁶⁴ The Gemara further relates that it was necessary for Mar bar Rav Ashi to urinate while he was walking on the beams of a bridge, and therefore he urinated. They said to him: Your mother-in-law is coming. Mar bar Rav Ashi said to them: I would have done this even in her ear. Since holding back from urinating would place him in physical danger, he would not care that his mother-in-law was coming and might see him.

⁶⁵ The Gemara returns to the incident cited in the baraita involving one who held back from urinating and his belly became swollen: And let me derive, i.e., can it not be said, that his belly swelled due to a leech that entered his intestines? The Gemara responds: The baraita is referring to a case where his urine would thereafter drip and no longer flowed in a healthy manner. Evidently, his health problems resulted from damage to the urinary tract.

⁶⁶ Concerning this topic the Sages taught in a baraita: There are two orifices in a man. One of them expels urine and one of them expels semen, and there is only a partition about the thickness of a garlic peel between them. When a man needs to urinate and withholds the urine, if his urinary duct and seminal duct were punctured such that this duct leads into that one, he will be found to be barren, as his urine will penetrate into his seminal duct.

⁶⁷ Reish Lakish says: What is the meaning of that which is written: "There shall not be male or female barren among you, or among your cattle" (Deuteronomy 7:14)? It means as follows: When will there not be a barren male among you? At a time that you act as among your cattle, i.e., you urinate when the need arises, without hesitation.

⁶⁸ Rabbi Yehoshua ben Levi says, with regard to the same verse, that the phrase "There shall not be male...barren among you" means you will not be barren of students, as one who leaves behind no students is considered barren. The term "or female barren" indicates that your prayers will not be barren, i.e., unheard, before the Omnipresent, but will be heard by Him. And when will they be heard? At a time when you place yourself in prayer as an animal, with humility.

⁶⁹ The Gemara cites additional statements of the Sages with regard to urination. Rav Pappa says: A person should urinate in Babylonia only on the dust, as it absorbs the urine. He should not urinate either on an earthenware vessel or on a hard place, as the urine will not be absorbed and will eventually flow into the underwater rivers. As Rav says: Those inclines of Babylonia return the water through underground watercourses to the Spring of Eitam in Eretz Yisrael, from which water was taken to the Temple. Additionally, Abaye says: A woman should not stand openly in front of a child when she urinates. But if she urinates while turning sideways, we have no problem with it.

⁷⁰ It is taught in a baraita that Rabban Shimon ben Gamliel says: A mass of feces that is held back without being discharged causes a person to suffer from dropsy [hidrokan], while a stream of urine that is held back causes a person to suffer from jaundice. Rabba bar Rav Huna says that Rav Ketina says that Reish Lakish says: If one's blood levels increase due to not undergoing bloodletting often enough, then boils will increase on him as well. If one's semen levels increase due to not engaging in sexual intercourse often enough, then leprosy will increase on him. If one's feces levels increase due to not relieving himself enough, dropsy will increase in him. Finally, if one's urine levels increase due to not relieving himself enough, then jaundice will increase as well.

⁷¹ § The mishna teaches that one who is afflicted with a melancholy temper is disqualified from performing the Temple service. The Gemara asks: What is this melancholy temper? A tanna taught: A fallen spirit, i.e., the spirit of a demon, has come upon him.

⁷² The mishna also teaches that one whose scrotum is unnaturally long [me'ushban] and one whose penis is unnaturally long [ba'al gever] are disqualified from performing the Temple service. The Sages taught in a baraita: A meshuban is one with exceedingly large testicles, and a ba'al gever is one with an unnaturally long penis. Similarly, it is taught in a baraita: A meshuban, this is synonymous with the kayyan. The garbetan, this is synonymous with a ba'al kik. A kayyan is one with a condition of the testicles, while a garbeta is one with a condition of the penis.

⁷³ The Gemara asks: And how much is considered too long, which disqualifies the priest from performing the Temple service? Rav Yehuda pointed and said: Until the knee. It is likewise taught in a baraita that Rabbi Eliezer ben Ya'akov says: If one's penis reaches until his knee he is disqualified from performing the Temple service. But if it reaches until just above his knee he remains fit. Some say if his penis reaches until the knee he is fit, but if it passes below the knee he is disqualified.

⁷⁴ MISHNA: If one has no testicles, or if he has only one testicle, that is the mero'aḥ ashekh that is stated in the Torah (see Leviticus 21:20) among the blemishes that disqualify a priest from Temple service. Rabbi Yishmael says: A mero'aḥ ashekh is anyone whose testicles were crushed. Rabbi Akiva says: It is anyone that has wind in his testicles, i.e., they are swollen. Rabbi Ḥanina ben Antigonus says: Mero'aḥ ashekh does not refer to the testicles; rather, the reference is to anyone whose appearance [marav] is especially dark [ḥashukhin].

⁷⁵ GEMARA: The Gemara explains why the tanna'im interpret mero'aḥ ashekh in different ways. It is difficult for Rabbi Yishmael: If mero'aḥ ashekh is referring to one who lacks two testicles, then the Torah should have stated: Ḥasar ashekh, lacking a testicle, rather than mero'aḥ ashekh. Therefore, he teaches that it is referring to one whose testicles were crushed. This is difficult for Rabbi Akiva: If mero'aḥ ashekh means one with crushed testicles, then the Torah should have stated: Mimro'aḥ ashekh, crushed testicles, not mero'aḥ ashekh. Therefore, he teaches that the Torah is referring to one who has wind in his testicles.

⁷⁶ This is difficult for Rabbi Ḥanina ben Antigonus: If mero'aḥ ashekh is referring to one with wind in his testicles, then the Torah should have stated: Ruah ashekh, wind in the testicles. Therefore, he teaches that the Torah is speaking of anyone whose appearance is especially dark. And how does he derive such an interpretation from the verse? He holds that the Sages subtract and add and interpret homiletically. Accordingly, the het of mero'aḥ is removed along with the ales of ashekh. The het is added to ashekh and the ales is added to mero'aḥ, and mero'aḥ ashekh is rearranged to state: Marav ḥashukhin, his appearance is dark.

⁷⁷ The Gemara asks: But if so, this is identical to one whose skin is extremely black, and the mishna on 45b explicitly states that such a priest is disqualified from performing the Temple service. The Gemara responds: Rabbi Ḥanina ben Antigonus learns from the mishna only that a mero'aḥ ashekh is disqualified; he does not teach in that mishna the halakha that a person with extremely black skin is blemished.

⁷⁸ MISHNA: The mishna lists additional blemishes that disqualify a priest from performing the Temple service: One whose legs are crooked and bend inward, causing him to knock his ankles or his knees into each other as he walks,

⁷⁹ and a ba'al happikim, and the ikkel. What is the ikkel? It is anyone who places his feet together and his knees do not knock into each other, i.e., he is bowlegged. A priest with a protuberance emerging alongside the thumb of his hand or the big toe of his foot, or one whose heel emerges and protrudes back from his foot, or one whose feet are wide like those of a goose are all disqualified from performing the Temple service.

⁸⁰ A priest whose fingers or toes are configured one upon the other, or one whose fingers or toes are attached, is likewise disqualified. But if they were attached from above the palm of the hand or the bottom of the foot only until the middle joint, he is fit. If they were attached below the joint, higher up on the finger or toe, and he cut to separate them, he is fit. In a case where there was an extra finger or toe on his hand or foot and he cut it, if that extra appendage contains a bone, the priest is disqualified even after it was cut, and if there is no bone the priest is fit.

⁸¹ If there was an extra appendage on his hands and on his feet, six on each for a total of twenty-four, Rabbi Yehuda deems the priest fit and the Rabbis deem him disqualified. With regard to one who is ambidextrous and has control of both of his hands, Rabbi Yehuda HaNasi deems the priest disqualified, as his halakhic status is like that of one who is left-handed, and the Rabbis deem him fit.

⁸² GEMARA: The Sages taught in a baraita: From the verse that states: "Broken-footed" (Leviticus 21:19), I have derived only that a broken leg disqualifies a priest from performing the Temple service. From where do I derive to include that the kishan, i.e., one who knocks his ankles or his knees together; the ikkel; and the kilvan are disqualified as well? The same verse states: "Or broken-footed." The term "or" serves to include all blemishes of the leg. It was also taught in a baraita: A ba'al hakippin and the shufnar are blemished. Rabbi Ḥiyya bar Abba says that Rabbi Yoḥanan says: A ba'al happikin is one who has large protuberances on his leg, while a shufnar is one who has no protuberances at all.

⁸³ The mishna teaches that one with a protuberance emerging alongside the thumb of his hand or the big toe of his foot, and one whose heel emerges and protrudes back from his foot are disqualified. Rabbi Elazar says: The description: One whose heel emerges and protrudes back from his foot, means his calf, i.e., his lower leg, emerges from the middle of his foot. The mishna also teaches that one whose feet are wide like those of a goose is disqualified. Rav Pappa says: Do not say that this is referring only to one whose feet are entirely like those of a goose, i.e., his feet are flat and his toes are not split. Rather, once one's feet are flat he is considered blemished, even though his toes are split.

⁸⁴ The mishna further teaches that a priest whose fingers or toes are configured one upon the other, or whose fingers or toes are attached, is likewise disqualified from performing the Temple service. But if they were attached from the hand or foot from above the palm of the hand or the bottom of the

foot until the middle joint, or if they were attached below the joint, higher up on the finger or toe, and he cut to separate them, he is fit. The Sages taught in a baraita: The verse states: “Broken-handed” (Leviticus 21:19). I have derived only that a broken hand disqualifies a priest.

⁸⁵ From where do I derive that if his fingers or toes are configured one upon the other, or if they are attached from the hand or foot above the middle joint and he cut them to separate them, that he is disqualified? The Gemara interrupts its citation of the baraita to ask: But didn’t you say in the mishna that if he separates his fingers he is fit? Rather, the baraita is referring to a priest whose fingers or toes are attached above the middle joint and he did not cut them. From where is it derived that he is disqualified? The verse states: “Or broken-handed.”

⁸⁶ § The mishna teaches: In a case where there was an extra finger or toe on his hand or foot and he cut it, if that extra appendage contains a bone, the priest is disqualified even after it was cut, as he is considered to be missing a limb, and if not, the priest is fit. Rabba bar bar Ḥana says that Rabbi Yoḥanan says: And this is the halakha only in a case where it can be counted along the back of the hand or foot, i.e., the extra digit is situated in a row with his other fingers or toes. Only in such a situation is an additional appendage considered a distinct limb to the extent that if it contains a bone he is disqualified even after it has been cut away.

⁸⁷ With regard to extra appendages the Sages taught: In the case of an extra appendage that was cut from a corpse, which contains a bone, then even if it does not have a nail it imparts ritual impurity both through contact and by carrying it, and it imparts impurity in a tent, as is the halakha with regard to the limb of a corpse. And if the extra appendage has no flesh surrounding the bone and therefore does not impart the impurity of a limb from a corpse, it is included in the count of 125 bones, which constitute a majority of the number of bones in a human being. A majority of bones imparts impurity in a tent, even if there is no flesh on any of them. Rabba bar bar Ḥana says that Rabbi Yoḥanan says: And it is considered a limb only when it can be counted along the back of the hand or foot.

⁸⁸ Rav Ḥisda says: This matter was stated by our great rabbi, Rav, may the Omnipresent come to his assistance. An extra appendage that contains a bone and does not have a nail imparts ritual impurity through contact and by carrying, but it does not impart impurity in a tent. Rabba bar bar Ḥana says that Rabbi Yoḥanan says: And it does not impart impurity in a tent only when it is not counted along the back of the hand or foot.

⁸⁹ Rabbi Yoḥanan says: The Sages rendered their statements in this case like statements of prophecy, i.e., there is no rationale for this halakha, as whichever way you look at it there is a difficulty: If a digit that is not counted with the other digits is considered a limb, it should impart impurity in a tent as well; and if it is not a limb, it also should not impart impurity through contact or by carrying.

⁹⁰ Rav Huna bar Manoah said in the name of Rav Aḥa, son of Rav Ika: This appendage imparts impurity through contact and by carrying because the Sages touched upon it, i.e., issued a ruling concerning it, and determined that the halakhot of a bone the volume of a barley grain apply to it, i.e., it is considered a bone fragment and not a limb. Accordingly, it does not impart impurity in a tent.

⁹¹ Rav Pappa said: It is a rabbinic decree that an appendage that is not counted with the other digits imparts impurity through contact and carrying, due to a case where the appendage is counted with the other digits, in which case it is considered a limb and imparts impurity in a tent. The Gemara raises a difficulty: If so, then an appendage that is not counted should impart impurity in a tent as well.

⁹² The Gemara explains: The Sages implemented a distinction by decreeing this appendage imparts impurity only through contact and carrying, in order that people will know that this impurity applies by rabbinic law and not by Torah law. And therefore they will not come to burn teruma, i.e., the portion of produce designated for the priest, or consecrated items that have been rendered impure on account of this type of impurity, as by Torah law they are ritually pure and may not be burned.

⁹³ § With regard to impurity imparted by extra appendages, we learned in a mishna there (Oholot 2:1): A majority of the skeletal structure or a majority of the number of bones in the corpse of a dead person, even when there is not a quarter of a kav of bones among them, are impure. Concerning the ruling of this mishna, the Sages taught in a baraita: What is considered a majority of the skeletal structure of a corpse? It is two calves and one thigh, since this constitutes a majority of the height of an adult. What is considered a majority of the number of bones? One hundred and twenty-five bones.

⁹⁴ Ravina said to Rava: Is the tanna coming to teach us a number? It is obvious that as there are 248 bones in the human body, 125 of them constitute a majority. Rava responded: The tanna teaches us that the halakha is as it is taught in a baraita: With regard to a corpse that lacks some bones and has only 200 bones, or one that has extra and has 281 bones, all of them are included in the count of 125. In other words, whether the number of 125 is in a majority or minority of that particular corpse, this number of bones imparts impurity, as one follows the majority of people, and most people have 248 bones.

⁹⁵ With regard to the number of limbs or bones in the human body, Rabbi Yehuda says that Shmuel says: There was an incident involving the students of Rabbi Yishmael, who boiled the corpse of a prostitute who was sentenced by the king to death by burning, in order to separate her flesh from her bones. They examined and found she had 252 limbs. They were puzzled by their finding, as the Sages say that the human body has only 248 limbs. Shmuel said to them: Perhaps you examined the corpse of a woman, as the verse added to her two hinges and two doors, for a total of 252 limbs.

⁹⁶ It is taught in a baraita that Rabbi Elazar says: Just as a house has hinges [tzirim], so too, a woman has hinges, as it is stated: “And she bowed herself and brought forth, for her pains [tzireha] came suddenly upon her” (I Samuel 4:19). Rabbi Yehoshua says: Just as a house has doors, so too, a woman has doors, as it is stated: “Because it did not shut the doors of my womb” (Job 3:10).

⁹⁷ Rabbi Akiva says: Just as there is a key to a house, so too, there is a key to a woman, as it is stated: “And He opened her womb” (Genesis 30:22). The Gemara challenges: The incident involving the students of Rabbi Yishmael, who found that the woman had only four additional limbs rather than five, i.e., there was no key, poses a difficulty for Rabbi Akiva. The Gemara responds: Perhaps since it is small, it dissolved in the water when they boiled the corpse.

⁹⁸ Rav says: And all of them, i.e., all the limbs found only in a woman, do not impart impurity in a tent, as it is stated: “This is the law: When a person dies in a tent” (Numbers 19:14), indicating that only an item that is equal for all people, male and female, imparts impurity in a tent.

⁹⁹ Abaye said to him: And are there no hinges in a man? But isn't it written: “Pangs [tzirim] have taken hold upon me, as the pangs of a woman in travail” (Isaiah 21:3)? The Gemara responds: The verse is referring specifically to hinges of flesh, which are not considered limbs, as they contain no bones. The Gemara persists: But isn't it written: “My lord, by reason of the vision my pains [tzirai] come” (Daniel 10:16)? The Gemara responds: Here too, the verse is referring to hinges of flesh. The Gemara notes: So too, it is reasonable that the hinges of a male are only of flesh, as if you do not say

so, then as far as the 248 limbs that the Sages stated constitute a human body, how can you find them? Neither in a man nor in a woman.

¹⁰⁰ § The mishna teaches that if one has an extra appendage on his hands and on his feet, six on each for a total of twenty-four, Rabbi Yehuda deems him fit while the Rabbis disqualify him. Rabbi Yitzḥak says: And both derived their opinions from one verse, as it is stated with regard to David's war against the Philistines: "And there was again war at Gath" (II Samuel 21:20), and it is also written in that same verse: "And there was a champion, who had on every hand six fingers, and on every foot six toes, twenty-four in number." One Sage, i.e., the Rabbis, holds that the verse speaks of negative qualities of the champion, and therefore it may be derived from here that extra appendages are blemishes; and one Sage, Rabbi Yehuda, holds that the verse speaks in his praise, which means that extra appendages are not blemishes at all.

¹⁰¹ With regard to that verse, Rabba says: Why do I need that which is written in the verse: "On every hand six fingers, and on every foot six toes, twenty-four in number"? Isn't it obvious that one who has six appendages on each limb will have twenty-four in total? Rabba explains: All of these details are necessary, as, had the Merciful One written only six and six, I would say there were six of his hand and six of his foot, i.e., he had only twelve appendages. Therefore, the Merciful One wrote "twenty-four." And had the Merciful One written only "twenty-four," I would say he had five fingers on this side and seven fingers on that side. Therefore, the verse wrote six and six. The verse concludes with the term "in number" to indicate that these fingers were counted in a single row on the back of the hand.

¹⁰² With regard to the dispute concerning whether or not extra appendages are a blemish, it is taught in a baraita that Rabbi Yehuda says: There was an incident involving one man who came before Rabbi Tarfon, and he had extra appendages on his hands and on his feet, six and six, for a total of twenty-four appendages. Rabbi Tarfon said to him: There should increase among the Jewish people those that are like you, i.e., strong men. Clearly, extra appendages are not a blemish but a praiseworthy condition. Rabbi Yosei said to Rabbi Yehuda: You seek to bring a proof from there? This is what Rabbi Tarfon actually said to him: All mamzerim and Gibeonites should be like you, i.e., physically weak, so that they should decrease from the Jewish people.

¹⁰³ § The mishna teaches that in the case of a priest who has control of both of his hands, i.e., he is ambidextrous, Rabbi Yehuda HaNasi deems him disqualified and the Rabbis deem him fit. With regard to this dispute the Sages taught in a baraita: One whose left side is dominant, whether his left hand or his left foot, is disqualified from performing the Temple service. Furthermore, in the case of one who has control of both of his hands, Rabbi Yehuda HaNasi deems him disqualified and the Rabbis deem him fit. The Gemara explains this dispute: One Sage, Rabbi Yehuda HaNasi, holds that he learned to control his left hand because a weakness began in his right hand. He is therefore disqualified, as his right hand is weak. And one Sage, i.e., the Rabbis, holds that a strength began in his left hand that allowed him to control both hands. Nevertheless, his right hand remains strong.

¹⁰⁴ MISHNA: Concerning the kushi, the giḥor, the lavkan, the kipe'aḥ, the dwarf, the deaf-mute, the imbecile, the drunk, and those with ritually pure marks, their conditions disqualify a person from performing the Temple service and are valid, i.e., they do not disqualify with regard to being sacrificed, in the case of an animal. Rabban Shimon ben Gamliel says: An imbecile among animals is

not optimal for sacrifice. Rabbi Elazar says: Even with regard to those with flesh or skin that hangs from their body, that blemish disqualifies in the case of a person and is valid in the case of an animal.

¹⁰⁵ GEMARA: The mishna teaches that a kushi, a giḥor, and a lavkan are disqualified. The Gemara explains: A kushi is one whose skin is extremely black, a giḥor is one whose skin is extremely white, and a lavkan is one whose skin is extremely red. The Gemara asks: Is that so? But there was a certain person who said to others: Who wants a lukiyani lamb, and the lamb was found to be white. Rather, a kushi is one whose skin is extremely black; a giḥor is one whose skin is extremely red, as people say about one whose skin is extremely red: Giḥia red; and a lavkan is one whose skin is extremely white, as in the case of that person who said: Who wants a lukiyani, and it was found to be white.

¹⁰⁶ § The mishna teaches that a kipe'aḥ is disqualified. Rav Zevid taught that this is referring to one who is extremely tall. The Gemara asks: Is that so, that one who is tall is considered blemished? But didn't Rabbi Abbahu teach: From where is it derived that the Holy One, Blessed be He, is praised through His destruction of those of stature? As it is stated: "Yet I destroyed the Amorite before them, whose height was like the height of the cedars" (Amos 2:9). Rav Pappa said in response: The mishna is not referring to one who is tall and has a healthy build, but to one who is long, emaciated, and ugly.

¹⁰⁷ Reish Lakish says: A man who is tall should not marry a woman who is also tall, lest there emerge from them a child who is extremely tall. Similarly, a man who is a dwarf should not marry a woman who is also a dwarf, lest there emerge from them a child who is exceptionally short. A man whose skin is pale should not marry a woman whose skin is also pale, lest there emerge from them a child who is extremely pale. Likewise, a man whose skin is dark should not marry a woman whose skin is also dark, lest there emerge from them a child who is extremely dark.

¹⁰⁸ § The mishna teaches that the deaf-mute, the imbecile, and the drunk are disqualified. The Gemara challenges: Since one who is drunk profanes the Temple service, the blemish of drunkenness should have been counted in the previous chapter together with those who have blemishes that profane the service. By contrast, those listed in this mishna are disqualified only because they are not equal among the seed of Aaron, and the halakha is that rites performed by priests with such blemishes are not profaned after the fact (see 43b).

¹⁰⁹ The Gemara responds: The mishna is referring to a case where one became drunk through other intoxicating agents, not through wine. In such a case, the rites are not profaned. And this is not in accordance with the opinion of Rabbi Yehuda, who holds that even in such a case the rites are profaned, as it is taught in a baraita: Rabbi Yehuda says that a priest who ate pressed figs from Ke'ila or drank milk or honey, thereby becoming intoxicated, and entered the Sanctuary to serve, is liable to receive lashes. This is because he transgressed the prohibition: "Drink no wine nor strong drink, you, nor your sons with you, when you go into the Tent of Meeting" (Leviticus 10:9). He understands that "strong drink" means any intoxicating agent. The verse indicates that one who performs the Temple service while drunk profanes the service, as it states immediately afterward: "And that you may put difference between the holy and the common."

¹¹⁰ MISHNA: These flaws do not disqualify a person from performing the Temple service, but they do disqualify an animal from being sacrificed: An animal whose mother or offspring were slaughtered that day, as slaughtering it would violate the prohibition against slaughtering the animal

itself and its offspring on the same day; a tereifa; one born by caesarean section; one with which a transgression of bestiality was performed; and one that killed a person.

¹¹¹ And a priest who marries women by a transgression, e.g., a divorcée or a woman who underwent ḥalitza, is disqualified from performing the Temple service until he vows not to derive benefit from her. The vow ensures that he will divorce her promptly. And a priest who becomes impure through exposure to corpses is disqualified from performing the Temple service until he accepts upon himself a commitment that he will no longer become impure through exposure to corpses.

¹¹² GEMARA: The mishna teaches about these flaws that do not disqualify a person from performing the Temple service but do disqualify an animal from being sacrificed, one of which is: Itself and its offspring. The Gemara asks: To what possible case involving people is the mishna referring when it differentiates between people and animals with regard to the flaw of: Itself and its offspring?

¹¹³ If we say this is referring to Aaron and his sons, and it means that they may serve in the Temple on the same day, then in the corresponding situation the mishna must be referring to a male goat and its offspring. And does such a prohibition apply? But isn't it taught in a baraita: The prohibition against slaughtering an animal itself and its offspring on the same day applies to female animals, i.e., a mother and its offspring, but it does not apply to males, i.e., a father and its offspring. Rather, the mishna is referring to a female goat and its offspring, that they may not be slaughtered on the same day. If so, in the corresponding situation here, with regard to the priesthood, the mishna must be referring to a female priest and her son. But is a female priest fit for performing the Temple service at all? Clearly not.

¹¹⁴ The Gemara explains: Actually, the mishna is referring to Aaron and his sons, and in the corresponding situation here, it is referring to a male goat and its offspring. And as for the difficulty that the prohibition of: Itself and its offspring, applies only to the mother, they said in the West, Eretz Yisrael, in the name of Rabbi Yosei bar Avin: That is to say, the mishna is in accordance with the opinion of Ḥananya, as it is taught in a baraita: The prohibition against slaughtering an animal itself and its offspring on the same day applies to female animals but it does not apply to male animals. Ḥananya says: It applies to both male and female animals.

¹¹⁵ § The mishna teaches that a priest who marries women by a transgression is disqualified from performing the Temple service until he vows not to derive benefit from her. It is taught in a baraita: If a priest was performing a sacrificial rite and it was discovered that he married a woman who was forbidden to him, he does not stop performing the rite. Rather, he vows not to derive benefit from her and then continues to perform the rite. Once he has finished, he descends from the altar and divorces his wife.

¹¹⁶ The Gemara asks: How can he be permitted to perform the Temple service before actually divorcing his wife? But let us be concerned that perhaps he will go before a Sage who will dissolve his vow. The Gemara responds: The tanna holds that when one seeks to dissolve a vow, he must delineate the conditions of the vow to the Sage. Accordingly, when the Sage hears that he uttered this vow because he married a woman who was forbidden to him, the Sage will not dissolve it.

¹¹⁷ The Gemara asks: This works out well according to the one who says one must delineate the conditions of the vow. But according to the one who says he does not need to delineate the conditions

of the vow, what can be said? The Gemara responds that we administer the vow to the priest in public. Such a vow cannot be dissolved.

¹¹⁸ The Gemara persists: This works out well according to the one who says that a vow that was taken in public has no option of nullification by a halakhic authority, but according to the one who says it has the option of nullification, what can be said? The Gemara responds that we administer the vow

¹¹⁹ to the priest based on the consent of the public, making it a type of vow that cannot be dissolved without their consent.

¹²⁰ Ameimar says: The halakha is as follows: Even according to the one who says a vow that was taken in public has the option of nullification, if it was taken based on the consent of the public it has no option of nullification. The Gemara comments: And this matter applies only to when the nullification of a vow is in order to enable one to perform an optional matter, but to enable one to perform a matter of a mitzva it has the option of nullification. As in the incident involving a certain teacher of children, upon whom Rav Aha administered a vow to cease teaching based on the consent of the public, as he was negligent with regard to the children by hitting them too much; and Ravina had his vow nullified and reinstated him, as they did not find another teacher who was as meticulous as he was.

¹²¹ § The mishna teaches that a priest who becomes impure through exposure to corpses is disqualified from performing the Temple service until he accepts upon himself that he will no longer become impure in that manner. The Gemara asks: What is different here that it is sufficient for him merely to accept upon himself a commitment in order to continue serving in the Temple, and what is different there, where the priest marries by a transgression, that we administer a vow to him? The Gemara responds: There his desire seizes him, and it is therefore necessary for the priest to take a vow.

Chapter 8

¹ MISHNA: There is a son who is a firstborn with regard to inheritance but is not a firstborn with regard to the requirement of redemption from a priest. There is another who is a firstborn with regard to redemption from a priest but is not a firstborn with regard to inheritance. There is another who is a firstborn with regard to inheritance and with regard to redemption from a priest. And there is another who is not a firstborn at all, neither with regard to inheritance nor with regard to redemption from a priest.

² Which is the son who is a firstborn with regard to inheritance but is not a firstborn with regard to redemption from a priest? It is a son who came after miscarriage of an underdeveloped fetus, even where the head of the underdeveloped fetus emerged alive; or after a fully developed nine-month-old fetus whose head emerged dead. The same applies to a son born to a woman who had previously miscarried a fetus that had the appearance of a type of domesticated animal, undomesticated animal, or bird, as that is considered the opening of the womb. This is the statement of Rabbi Meir.

³ And the Rabbis say: The son is not exempted from the requirement of redemption from a priest unless his birth follows the birth of an animal that takes the form of a person. In the case of a woman

who miscarries a fetus in the form of a sandal fish or from whom an afterbirth or a gestational sac in which tissue developed emerged, or who delivered a fetus that emerged in pieces, the son who follows these is a firstborn with regard to inheritance but is not a firstborn with regard to redemption from a priest.

⁴ In the case of a son born to one who did not have sons and he married a woman who had already given birth; or if he married a woman who gave birth when she was still a Canaanite maidservant and she was then emancipated; or one who gave birth when she was still a gentile and she then converted, and when the maidservant or the gentile came to join the Jewish people she gave birth to a male, that son is a firstborn with regard to inheritance but is not a firstborn with regard to redemption from a priest.

⁵ Rabbi Yosei HaGelili says: That son is a firstborn with regard to inheritance and with regard to redemption from a priest, as it is stated: “Whatever opens the womb among the children of Israel” (Exodus 13:2). This indicates that the halakhic status of a child born to the mother is not that of one who opens the womb unless it opens the womb of a woman from the Jewish people.

⁶ In the case of one who had sons and married a woman who had not given birth; or if he married a woman who converted while she was pregnant, or a Canaanite maidservant who was emancipated while she was pregnant and she gave birth to a son, he is a firstborn with regard to redemption from a priest, as he opened his mother’s womb, but he is not a firstborn with regard to inheritance, because he is not the firstborn of his father or because halakhically he has no father.

⁷ And likewise, if an Israelite woman and the daughter or wife of a priest, neither of whom had given birth yet, or an Israelite woman and the daughter or wife of a Levite, or an Israelite woman and a woman who had already given birth, all women whose sons do not require redemption from the priest, gave birth in the same place and it is uncertain which son was born to which mother; and likewise a woman who did not wait three months after the death of her husband and she married and gave birth, and it is unknown whether the child was born after a pregnancy of nine months and is the son of the first husband, or whether he was born after a pregnancy of seven months and is the son of the latter husband, in all these cases the child is a firstborn with regard to redemption from a priest but is not a firstborn with regard to inheritance. Due to the uncertainty, he is unable to prove he is the firstborn of either father, and therefore he is not entitled to the double portion of the firstborn.

⁸ GEMARA: Shmuel says: In a case where the head of a fetus emerged and then went back into the womb, the offspring is not considered to have been born and does not exempt the next fetus from the obligation of redemption of the firstborn, e.g., if its twin brother was born first. Shmuel says this halakha specifically in a case of miscarriage, i.e., where the fetus whose head emerged was a stillborn and the one that was eventually born first is a viable offspring. But in a case where both are viable offspring, the emergence of the head is considered birth.

⁹ The Gemara asks: What is the reason for Shmuel’s ruling? The verse states: “All in whose nostrils was the breath of the spirit of life” (Genesis 7:22), from which it is derived: Anywhere that one has the breath of the spirit of life, i.e., if it is viable, one goes by its nostrils, i.e., its head is considered significant. But with regard to another offspring, one that is not viable, its head is not considered significant.

¹⁰ The Gemara raises a difficulty: We learned in the mishna: What is a firstborn with regard to inheritance but not with regard to redemption from a priest? It is a son who came after the

miscarriage of an underdeveloped fetus, even where the head of the underdeveloped fetus emerged alive; and a fully developed nine-month-old fetus whose head emerged dead. Although the mishna addresses a nine-month-old fetus as well, in any event it teaches with regard to a miscarriage that its head exempts the offspring born after it. The Gemara responds: What is the meaning of the term: Its head? It means its head and most of the body.

¹¹ The Gemara asks: But if so, let the mishna teach: Most of it. The Gemara answers: By right, the mishna should have taught: Most of it, but it did not do so, since in the latter clause of the mishna it needs to teach: A fully developed nine-month-old fetus whose head emerged dead. It is inferred from there that the reason the subsequent son is the firstborn with regard to inheritance is that the head of this fetus emerged dead, but if it was a nine-month-old fetus whose head emerged alive, then the fetus that comes after it is not a firstborn with regard to inheritance either. Therefore, the tanna of the mishna taught in the first clause also that the head of a miscarriage exempts the subsequent son, to maintain stylistic uniformity.

¹² The Gemara asks: And according to this interpretation, what is the mishna teaching us? Is it that once the offspring reached out its head from the womb it is considered a birth? We learn this in a mishna with regard to the fetus of an animal (Hullin 68a): If a fetus reached out its head, although it returned the head, the halakhic status of that fetus is like that of a newborn, whose consumption is permitted only by its own slaughter.

¹³ And if you would say that the mishna there teaches us this halakha with regard to animals, and the mishna here teaches us that the same halakha applies to a human, this does not resolve the difficulty. The Gemara first explains why two rulings might be necessary with regard to people and animals: The reason is that the halakha of a human cannot be derived from that of an animal, as the animal has no concealed opening, i.e., the opening of an animal's womb is not hidden. Consequently, one might have thought that only in the case of an animal is the emergence of the head considered a birth. By contrast, in humans, where the woman's thighs conceal the opening of the womb and the emergence of the head alone is not noticeable, perhaps the emergence of the head is not considered a full-fledged birth.

¹⁴ Conversely, had this ruling been taught only with regard to humans, one would have said that the halakha of animals cannot be derived from that of a human because the countenance of a person's face is significant, as people are created in the image of God. This is not so with regard to animals.

¹⁵ After clarifying why both rulings are necessary, the Gemara explains why this does not resolve the difficulty: We learn that ruling with regard to people also, in a mishna (Nidda 28a): If the fetus emerged in the usual manner, head first, it is considered born only when most of its head emerges. And what is considered most of its head? It is from when its forehead emerges. Accordingly, there was no need for the mishna here to state the halakha with regard to the head of a nine-month-old fetus, and the mention of a head with regard to a miscarriage contradicts the opinion of Shmuel. The Gemara comments: The refutation of the opinion of Shmuel is indeed a conclusive refutation.

¹⁶ § Concerning this matter, Rabbi Shimon ben Lakish says: The emergence of a forehead alone in the case of a person exempts, i.e., is considered a birth, in all cases, except with regard to inheritance. If a son reached out his head alone and then brought it back, after which his twin brother was born, the second brother is the firstborn with regard to inheritance. What is the reason? The Merciful One states: "For he shall recognize the firstborn, the son of the hated, by giving him a double portion of

all that he has” (Deuteronomy 21:17), and recognition is not attained by emergence of the forehead alone. And Rabbi Yoḥanan says: Even with regard to inheritance the emergence of a forehead is sufficient.

¹⁷ The Gemara asks: When Rabbi Shimon ben Lakish says the emergence of a forehead alone in the case of a person exempts in all cases, what does this comprehensive phrase serve to include? The Gemara answers that it serves to include that which the Sages taught: With regard to a female convert whose offspring reached out its forehead alone in her gentile state, and then she converted and gave birth to the entire child, one does not assign to her the days of ritual impurity and the days of ritual purity of a Jewish woman who gave birth. And likewise she does not bring the offering that a woman is obligated to sacrifice after giving birth, as the child is considered to have been born while the mother was still a gentile.

¹⁸ The Gemara raises an objection to the opinion of Rabbi Yoḥanan from a baraita: When the verse states: “He shall recognize” (Deuteronomy 21:17), this is referring to the recognition of the face. And what exactly is the recognition of the face? It is recognizing the countenance of the face with the nose. This indicates that the forehead alone is insufficient. The Gemara answers: Teach the baraita as saying: Up to, but not including, the nose. The Gemara suggests: Come and hear a mishna (Yevamot 120a): One can testify that a man died, in order to permit his wife to remarry, only if he can attest to seeing the countenance of the face with the nose, as this allows one to identify the individual definitively. Once again, the Gemara answers that one should teach: Up to, but not including, the nose.

¹⁹ The Gemara suggests: Come and hear another proof: If people saw the forehead of a dead person without the countenance of the face, or the countenance of the face without the forehead, they cannot testify that he died and render his wife permitted to remarry until they see both the countenance of the face and the forehead, with the nose. And Abaye says, and some say it was Rav Kahana who says: What is the verse from which it is derived? “The recognition of their countenance does witness against them” (Isaiah 3:9), and there is no recognition of a face without the nose. The Gemara answers: Testimony enabling a woman to remarry is different, as the Sages were stringent with regard to it. Therefore, they required greater proof than with regard to the halakhot of a firstborn.

²⁰ The Gemara asks: And were the Sages stringent with regard to this testimony? But didn’t we learn in a mishna (Yevamot 122a): The Sages established that they would allow a woman to marry again based on testimony that is generally not accepted, such as testimony based on hearsay, i.e., the testimony of one man which was heard from another man who saw her husband die, from a woman’s testimony, from a Canaanite slave’s testimony, or from a Canaanite maidservant’s testimony? The Gemara answers that when the Sages were lenient it was with regard to the end of the testimony, i.e., to accept testimony that a husband had died even from individuals just mentioned. But the Sages were not lenient with regard to its beginning, i.e., the basic clarification of whether the witnesses properly identified the dead person when they saw him.

²¹ And if you wish, say instead that Rabbi Yoḥanan can resolve the difficulty as follows:

²² The requirement of “He shall recognize” with regard to a firstborn for inheritance, and the recognition of a husband’s face, are discrete matters.

²³ § It was stated that amora’im engaged in a dispute concerning the case of a man who had children when he was a gentile and he subsequently converted: Rabbi Yoḥanan says he does not have a

firstborn with regard to inheritance, i.e., a son who is his firstborn after his conversion does not inherit a double portion; and Rabbi Shimon ben Lakish says: He does have a firstborn with regard to inheritance. The Gemara elaborates: Rabbi Yoḥanan says: He does not have a firstborn with regard to inheritance, as this man already had “the first of his strength” (Deuteronomy 21:17), the Torah’s description of the firstborn in this context, before he converted. And Rabbi Shimon ben Lakish says: He does have a firstborn with regard to inheritance, as the halakhic status of a convert who just converted is like that of a child just born.

²⁴ The Gemara comments: And these amora’im follow their regular line of reasoning, as it was stated: If a man had children when he was a gentile and he subsequently converted, Rabbi Yoḥanan says: He has already fulfilled the mitzva to be fruitful and multiply, and Rabbi Shimon ben Lakish says: He has not fulfilled the mitzva to be fruitful and multiply. The Gemara clarifies: Rabbi Yoḥanan says he has fulfilled the aspect of the mitzva to be fruitful and multiply expressed in the command: “He did not create it to be a waste; He formed it to be inhabited” (Isaiah 45:18), i.e., to increase the inhabitation of the world. And Rabbi Shimon ben Lakish says he has not fulfilled the mitzva to be fruitful and multiply, as the halakhic status of a convert who just converted is like that of a child just born, and it is considered as though he did not have children.

²⁵ The Gemara adds: And it is necessary to state their opinions in both cases. As, if it were stated only in that first case with regard to inheritance, perhaps it is only in that case that Rabbi Shimon ben Lakish says his opinion that the first son born after conversion inherits a double portion, because in their gentile state they are not subject to the halakhot of inheritance. But with regard to that case, the mitzva to be fruitful and multiply, say he concedes to Rabbi Yoḥanan that since the verse states: “He did not create it to be a waste; He formed it to be inhabited,” and he has indeed performed an action that enables the world to be further inhabited, he has therefore fulfilled the mitzva.

²⁶ And conversely, if their dispute were stated only with regard to this mitzva to be fruitful and multiply, perhaps it is only in this case that Rabbi Yoḥanan says his opinion, due to the verse: “He formed it to be inhabited.” But with regard to that case of inheritance, say he concedes to Rabbi Shimon ben Lakish that sons born when one was a gentile are disregarded. Consequently, it is necessary to teach their opinions in both disputes.

²⁷ The Gemara raises a difficulty concerning the opinion of Rabbi Yoḥanan: We learned in the mishna: One who did not have sons and he married a woman who had already given birth; or if he married a woman who gave birth when she was still a Canaanite maidservant and she was then emancipated; or one who gave birth when she was still a gentile and she then converted, and when the maidservant or the gentile came to join the Jewish people she gave birth to a male, that offspring is a firstborn with regard to inheritance but is not a firstborn with regard to redemption from a priest.

²⁸ The Gemara analyzes the mishna: This maidservant or convert, whose child that was born when she came to join the Jewish people is a firstborn for inheritance, from whom, i.e., from what type of father, did she bear him? If we say she bore him from a Jew who did not previously have sons, the initial subject of this clause of the mishna, why does it make reference specifically to a gentile or a maidservant, indicating that this son is a firstborn for inheritance because the ones born when she was not Jewish are disregarded? The halakha would be the same even with regard to a Jewish woman who had already given birth.

²⁹ Rather, is the mishna not referring to two distinct cases? The first concerns a man who already had children before converting, and then marries a Jew who has already given birth to children, while the second involves a woman who had children when she was a maidservant or a gentile, and when she became Jewish she bore a child from one like her, a convert who had sons when he was a gentile and then converted. And the mishna teaches that this son is a firstborn with regard to inheritance, which apparently contradicts the opinion of Rabbi Yoḥanan.

³⁰ The Gemara answers: No; actually, her child was born from a Jew who did not have sons, and the reason the mishna makes reference specifically to a gentile or a maidservant is not due to the case of inheritance. Rather, it was necessary for the clause: But is not a firstborn with regard to redemption from a priest.

³¹ This statement serves to exclude the opinion of Rabbi Yosei HaGelili, who says: That son is a firstborn with regard to inheritance and with regard to redemption from a priest, as it is stated: “Whatever opens the womb among the children of Israel” (Exodus 13:2), i.e., one is not considered a firstborn unless he opens the womb of a woman from the Jewish people, and therefore the children that she bore before she converted are not considered to have opened her womb. Therefore, the first tanna of the mishna teaches us that he is not a firstborn with regard to redemption, as his mother’s womb was already opened when she was a gentile.

³² The Gemara suggests: Come and hear a proof against Rabbi Yoḥanan from a baraita: If a man had sons when he was a gentile and he converted, and then fathered more sons, he has a firstborn with regard to inheritance. Ravina says, and some say it is Rav Aḥa who says: This ruling is certainly in accordance with the opinion of Rabbi Yosei HaGelili, who says that the phrase in the verse “whatever opens the womb among the children of Israel” means it is not a firstborn unless it opens the womb of a woman from the Jewish people. And he derives his halakha, that of a gentile who converted, from her halakha, that of a female convert, that one does not take into account the children born before they converted. Rabbi Yoḥanan may hold in accordance with the opinion of the Rabbis, who disagree with Rabbi Yosei HaGelili.

³³ § Rav Adda bar Ahava says: With regard to the daughter of a Levite who gave birth to a firstborn boy, her son is exempt from the obligation to give five sela coins to the priest for his redemption, as the child is considered to be the son of a Levite and Levites are exempt from this obligation. The Gemara asks: From whom did she become pregnant? If we say that she became pregnant from a priest or a Levite, why does Rav Adda bar Ahava refer specifically to the daughter of a Levite? The halakha would be the same even for an Israelite woman who became pregnant from a priest or a Levite.

³⁴ Rather, Rav Adda bar Ahava must be referring to a case where the daughter of a Levite became pregnant from an Israelite. But if so, why is the son’s status determined by his mother’s status in this instance? After all, it is written: “By their families, by their fathers’ houses” (Numbers 1:2), which indicates that the lineage of a Jewish family follows the father rather than the mother.

³⁵ Rav Pappa says: This is referring to the daughter of a Levite who became pregnant from a gentile. In such a case, the son’s status is determined by that of the mother, and therefore the son is exempt from the redemption of the firstborn. And do not say this is the halakha only according to the one who says that in such a situation one does not disqualify the child at all due to his gentile father, and he is of fit lineage. Rather, even according to the one who says that one does disqualify the child due

to the gentile father, nevertheless, one also follows the mother and he is therefore called a Levite of flawed lineage, and is exempt from redemption.

³⁶ Mar, son of Rav Yosef, says a different explanation, in the name of Rava: Actually, Rav Adda bar Ahava is referring to a case where the daughter of a Levite became pregnant from an Israelite. And although the son's status is usually determined by that of the father, there, with regard to the redemption of the firstborn, it is different, as the verse states: "Whatever opens the womb among the children of Israel" (Exodus 13:2). This teaches that the Merciful One renders the obligation dependent upon the opening of the womb, and since this firstborn came from the womb of a daughter of a Levite, and not a Levite, the obligation of redemption does not apply.

³⁷ The Gemara raises a difficulty concerning the opinion of Rav Pappa: We learned in the mishna: One who had sons and married a woman who had not given birth; or a woman who converted while she was pregnant, or a Canaanite maidservant who was emancipated while she was pregnant and she gave birth to a son, he is a firstborn with regard to redemption from a priest but he is not a firstborn with regard to inheritance.

³⁸ And likewise, if an Israelite woman and the daughter or wife of a priest, neither of whom had given birth yet, or an Israelite woman and the daughter or wife of a Levite, or an Israelite woman and a woman who had already given birth, gave birth, and it is uncertain which son was born to which mother; and likewise a woman who did not wait three months after the death of her husband and she married and gave birth, and it is unknown whether the child was born after nine months and is the son of the first husband, or whether he was born after seven months and is the son of the latter husband, in all these cases the child is a firstborn with regard to redemption from a priest but is not a firstborn with regard to inheritance.

³⁹ The Gemara explains the difficulty: From the ruling in the case of one whose child became confused with that of a daughter of a priest or a Levite, by inference one can derive that the daughter of a priest and the daughter of a Levite are exempt from redemption. Now, from whom did she become pregnant? If we say that she became pregnant from a priest or a Levite, if so, why specifically mention the daughter of a priest and the daughter of a Levite? The same halakha would apply even in the case of an Israelite woman who became pregnant from a priest or a Levite, as the son is exempt from redemption because he is also a priest or a Levite.

⁴⁰ Rather, if the case is where the daughter of a priest or the daughter of a Levite became pregnant from a gentile, then is the son of the daughter of a priest exempt? But didn't Rav Pappa say: Rabba tested us on the following matter: With regard to the daughter of a priest who became pregnant from a gentile, what is the halakha? And we said to him: Isn't this the case discussed by Rav Adda bar Ahava, who says: With regard to the daughter of a Levite who gave birth to a firstborn boy, her son is exempt from the obligation to give five sela coins? This ruling was interpreted as referring to one who became pregnant from a gentile.

⁴¹ Rav Pappa continues: And Rabba said to me: How can these cases be compared? Granted, if the daughter of a Levite has a child from a gentile, he is considered a Levite with regard to redemption since his mother retains her sanctity. As it is taught in a baraita: In the case of a Levite woman who was captured, leading to a concern that one of her captors might have engaged in sexual intercourse with her, or even if a Levite woman definitely engaged in licentious sexual intercourse, one nevertheless gives her first tithe and she may eat it.

⁴² But with regard to the daughter of a priest, since if a gentile engages in intercourse with her she becomes like a non-priest and may no longer partake of teruma, her son from a gentile should be considered like an Israelite and be obligated in the redemption of a firstborn. If so, in what case does the mishna exempt the son of a daughter of a priest or a daughter of a Levite from redemption?

⁴³ The Gemara notes: This works out well according to the opinion of Mar, son of Rav Yosef, citing in the name of Rava, who says that Rav Adda bar Ahava, who deems the son of a Levite woman exempt from the obligation of redemption, was referring to a case where she became pregnant from an Israelite. This is because he can interpret the mishna as referring to the daughter of a priest or the daughter of a Levite who became pregnant from an Israelite. But according to the opinion of Rav Pappa, who maintains that the son of a priest's or Levite's daughter who became pregnant from an Israelite is subject to the obligation of redemption from a priest, with regard to what case does he interpret the mishna?

⁴⁴ The Gemara answers: Actually, the mishna is not referring to the daughter of a priest but to a woman who became pregnant from a priest. Therefore, her son is exempt from redemption, and yet she herself is an Israelite woman. And why does the mishna call her the daughter of a priest [kohenet]? Because her son is a priest.

⁴⁵ § It was stated that in the case of a priest who married a divorcée and then died and left a son who was a priest disqualified due to flawed lineage [ḥalal] and has the status of a non-priest, Rav Ḥisda says: The son is obligated to redeem himself. Rabba bar Rav Huna says: He is not obligated to redeem himself. The Gemara explains: In any case that the father died after thirty days following the birth of the son, at which point the father was already obligated in his redemption, everyone agrees that the son is not obligated to redeem himself, as his father acquired his redemption money, i.e., it is as though he separated five sela coins and took the money for himself, since he is a priest.

⁴⁶ They disagree when the father died within thirty days of the birth of the son, before the obligation of redemption had taken effect. Rav Ḥisda says the son is obligated to redeem himself, as his father did not acquire his redemption money. Rabba bar Rav Huna says the son is not obligated to redeem himself, as he can say to a priest who demands the redemption money from him: I come due to the strength of a man with whom you cannot enter into judgment, i.e., if my father were alive he would have separated five sela coins and taken the money for himself, and I inherit his claim.

⁴⁷ The Gemara raises a challenge to the opinion of Rabba bar Rav Huna: We learned in the mishna: If one married a woman who converted while she was pregnant, having been impregnated by a gentile, the child is a firstborn with regard to redemption from a priest and must redeem himself. But why is this the halakha? Let this son say to the priest: I come due to the strength of a man with whom you cannot enter into judgment, as his father is a gentile, from whom the redemption money cannot be claimed. The Gemara responds: The case of a gentile is different, as he has no lineage [ḥayis], i.e., this man is not considered his father's son at all.

⁴⁸ On this matter, the Gemara notes that Rabbi Shimon Yasinia says that Rabbi Shimon ben Lakish says, in accordance with the opinion of Rav Ḥisda: With regard to a priest who died within thirty days of the birth of his son and left a son who was a ḥalal, the son is obligated to redeem himself, as the father did not acquire his redemption money. If the father died after thirty days following the birth of the son, the son is not obligated to redeem himself, as his father already acquired his redemption money.

⁴⁹ § The mishna teaches: And likewise a woman who did not wait three months after the death of her husband and she married and gave birth and it is unknown whether the son was born after a pregnancy of nine months and is the son of the first husband, or after seven months and is the son of the second husband, the son is a firstborn with regard to redemption from a priest but is not a firstborn with regard to inheritance.

⁵⁰ The Gemara infers: This son is not a firstborn with regard to inheritance, but he takes a share of the inheritance like an ordinary son. But why is he entitled to any inheritance? Let him go to that son of the first husband and he will reject him, by demanding proof that he is from his family, and likewise let him go to that son of the second husband and he will reject him in the same manner.

⁵¹ Rabbi Yirmeya says: This ruling that he is not a firstborn with regard to inheritance is necessary only with regard to the son who follows him, born to the second husband, to teach that he is not a firstborn with regard to inheritance, as this son of uncertain status might be his firstborn brother. And when the mishna states: The child is a firstborn with regard to redemption from a priest but is not a firstborn with regard to inheritance, this is what it is saying: This son of uncertain status is a firstborn with regard to redemption from a priest, and the son who follows him, born to the second husband, is not a firstborn with regard to inheritance.

⁵² The Gemara suggests: And let the son with uncertain status and the son who follows him write an authorization to one another, by which each grants the other the right to claim his own share. In this manner they can claim the double portion together, as one of them is certainly the firstborn. And if you would say that the mishna is dealing with a case where there was no authorization, we interpret it later on (see 49a) as referring to a situation where there was an authorization.

⁵³ The Gemara answers: The mishna, which indicates that there is no firstborn with regard to inheritance here, supports the opinion of Rabbi Yannai, as Rabbi Yannai says: In a case where two sons of two men became confused and it is unknown who is the father of whom, if the two sons were initially recognized and were ultimately intermingled, each writes an authorization to the other, and the other sons in each family cannot claim that these sons are not their brother.

⁵⁴ If they were not initially recognized and were ultimately intermingled, each does not write an authorization to the other, as even initially neither of them had any certain right to their father's inheritance. Likewise, in the case of the uncertain son and the one who follows him in the mishna, neither one was ever recognized as his father's firstborn. Therefore, writing an authorization is ineffective in claiming any inheritance.

⁵⁵ MISHNA: Which is the offspring that is a firstborn both with regard to inheritance and with regard to redemption from a priest? In the case of a woman who miscarried a gestational sac full of water, or one full of blood, or one full of pieces of flesh; or one who miscarries a mass resembling a fish, or grasshoppers, or repugnant creatures, or creeping animals, or one who miscarries on the fortieth day after conception, the son who follows any of them is a firstborn with regard to inheritance and with regard to redemption from a priest.

⁵⁶ In the case of a boy born by caesarean section and the son who follows him, both of them are not firstborn, neither with regard to inheritance nor with regard to redemption from a priest. Rabbi Shimon says: The first son is a firstborn with regard to inheritance if he is his father's first son, and the second son is a firstborn with regard to redemption from a priest for five sela coins, because he is the first to emerge from the womb and he emerged in the usual way.

⁵⁷ GEMARA: The mishna teaches that neither a son born by caesarean section nor the son who follows him are firstborn, neither with regard to inheritance nor with regard to redemption from a priest. The Gemara explains: The first son, born by caesarean section, is not considered the firstborn with regard to inheritance, as we require fulfillment of the verse: “And they have borne him children” (Deuteronomy 21:15), written in the context of inheritance, and a caesarean section is not called a birth. Likewise, with regard to the redemption with five sela coins, this son is also not considered the firstborn, as we require fulfillment of the verse: “Whatever opens the womb” (Exodus 13:2), and he did not open his mother’s womb.

⁵⁸ Similarly, the second son who follows him is not considered the firstborn with regard to inheritance, as we require fulfillment of the verse: “For he is the first of his strength, the right of the firstborn is his” (Deuteronomy 21:17), and this son is not the first. In addition, he is also not considered the firstborn with regard to the redemption of five sela coins, as the tanna of the mishna holds: A firstborn for only one matter, i.e., he opened his mother’s womb but is not her first child, is not considered a firstborn with regard to redemption.

⁵⁹ § The mishna teaches that Rabbi Shimon says: The first son is a firstborn with regard to inheritance if he is his father’s first son, and the second son is a firstborn with regard to redemption from a priest for five sela coins. The Gemara explains: The verse states: “And they have borne him children,” and a caesarean section is not called a birth. Rabbi Shimon conforms to his standard line of reasoning, as he says with regard to a verse that deals with the ritual impurity of a woman after childbirth: “But if she bears a girl” (Leviticus 12:5), that the apparently superfluous term “she bears” serves to include a child born by caesarean section, and the same applies with regard to a firstborn for inheritance.

⁶⁰ And Rabbi Shimon also rules that the second son is a firstborn with regard to redemption from a priest for five sela coins, as he maintains: A firstborn for only one matter, i.e., one who opened his mother’s womb but is not her first child, is considered a firstborn with regard to the redemption of the firstborn, despite the fact that he is not his mother’s first child.

⁶¹ MISHNA: With regard to one whose wife had not previously given birth and then gave birth to two males, i.e., twin males, and it is unknown which is the firstborn, he gives five sela coins to the priest after thirty days have passed. If one of them dies within thirty days of birth, before the obligation to redeem the firstborn takes effect, the father is exempt from the payment due to uncertainty, as perhaps it was the firstborn who died.

⁶² In a case where the father died and the sons are alive, Rabbi Meir says: If they gave the five sela coins to the priest before they divided their father’s property between them, they gave it, and it remains in the possession of the priest. But if not, they are exempt from giving the redemption money to the priest. Rabbi Yehuda says: The obligation to redeem the firstborn already took effect on the property of the father; therefore, in either case the sons, his heirs, are required to pay the priest. If the wife gave birth to a male and a female and it is not known which was born first, the priest has nothing here, as it is possible that the female was born first.

⁶³ GEMARA: The mishna teaches that in a case where the father died and the sons are alive, Rabbi Meir says: If they gave the five sela coins to the priest before they divided their father’s property, they gave it; but if not, they are exempt from giving the redemption money. The Gemara asks: When did the father die? If we say that he died after the thirty days following the birth of his sons, does

Rabbi Meir say in this case that if they divided their father's property they are exempt from giving the redemption money to the priest? But the property is already on lien for the mitzva of redemption.

⁶⁴ Rather, it is referring to a case where the father died within thirty days of the birth of his sons, and the obligation of redemption applies to the firstborn himself, whose identity is unknown, but not to the father's property. If so, what is different about a case where they already divided the property between them, that Rabbi Meir deems them exempt? The reason must be that the priest will go to this son, and the son will reject him by demanding that the priest prove he is the firstborn; and likewise he will go to that other son, and he too will reject him in the same manner. The Gemara challenges this explanation: The same should apply even in a case where they did not divide the property: Let the priest go to this son and he will reject him, and let him go to that son and he too will reject him.

⁶⁵ Rabbi Yirmeya says: That is to say, i.e., it can be inferred from here, that in a case involving two people named Yosef ben Shimon who were residents of one city, and they acquired a field in partnership, a creditor of one of them can collect payment of his debt from either of them, despite the fact that he does not know which of them owes him the money. The reason is that he can say to each of them: If I have a claim against you, I am taking the one hundred dinars that is your share in the joint field, and if I have a claim against the other Yosef ben Shimon, I am taking the one hundred dinars that is his share in the field. This is similar to the case in the mishna, as the brothers who have yet to divide their father's property are considered partners, and therefore the priest can claim his debt from that property.

⁶⁶ Rava said in response: Now consider the principle that a person's property is a guarantee for him, i.e., it serves as a guarantee for the loan if the debtor does not repay it. Is there any case where one cannot claim repayment from the debtor himself, and yet he can claim from a guarantor? But didn't we learn in a mishna (Bava Batra 173a): In the case of one who lends money to another with the assurance of a guarantor, he cannot claim payment of the debt from the guarantor? And we maintain in this regard that he cannot claim payment of the debt from the guarantor at the outset, before first claiming the debt from the debtor. How, then, may the priest not claim the redemption money from either brother, and yet he can take it from their property?

⁶⁷ Rather, Rava says: Actually, the mishna is referring to a case where the father died after thirty days following the birth of his sons and the property is already on lien for the mitzva of redemption. And if this is a case where there is a lot of property, so too, the halakha is that the priest takes the five sela coins from that property, even after the sons have divided it, as they are obligated to pay their father's debt from their inheritance. And what are we dealing with here? With a case where there is only the five sela coins received from their father. That was the entire estate.

⁶⁸ Rava continues: And everyone accepts the opinion of Rav Asi, as Rav Asi says: In the case of brothers who divided property they received as an inheritance, with regard to half of it they are considered heirs and with regard to the other half they are considered purchasers from each other. And furthermore, everyone agrees that a loan written in the Torah, i.e., a financial obligation by Torah law, such as the redemption of the firstborn,

⁶⁹ is not like one written in a document, but like an oral loan. And everyone accepts the opinion of Rav Pappa, as Rav Pappa says: When a creditor gives a loan by oral agreement, he can collect the debt from the heirs of the debtor after his death but he cannot collect the debt from the purchasers of the debtor's property. Consequently, the priest can collect the redemption money only from the half

of the property with regard to which the sons are considered heirs, and since the entire property is worth only five sela coins he would be able to take only two and a half sela coins.

⁷⁰ And here Rabbi Meir and Rabbi Yehuda disagree with regard to the issue of: Five, but not with half of five. As Rabbi Meir holds that the Torah requires giving specifically five sela coins, but not half or part of five; therefore, the brothers are exempt from giving a priest those two and a half sela coins. And Rabbi Yehuda maintains that the Torah requires giving five sela coins, and even half or part of five. Therefore, he rules that the priest takes those two and a half sela coins from the property with regard to which the sons are considered heirs.

⁷¹ The Gemara asks: If so, when Rabbi Yehuda says: The obligation to redeem the firstborn already took effect on the property of the father, he should have said that the obligation to redeem the firstborn took effect on the man, i.e., the brothers who are obligated to pay the sum, as Rabbi Yehuda agrees that the priest forfeits the half of the obligation that applies to the property. And furthermore, it is taught in a baraita that Rabbi Yehuda says: In a case where the identity of the firstborn is unknown, and the brothers divided their father's property, if there are ten dinars, which equals two and a half sela coins, for this brother, and ten dinars for that brother, they are obligated to pay the priest; and if not, they are exempt.

⁷² The Gemara clarifies the difficulty by analyzing the baraita: What is the meaning of the clause: Ten dinars for this brother and ten dinars for that brother? If we say each has ten dinars from the father's property, which is the total sum of both the half of the inheritance and the half with regard to which they are purchasers together, which equals two and a half sela coins, and Rabbi Yehuda says they are obligated to pay the priest because he maintains that there is a mitzva to give five sela coins and even half or part of five, this is difficult. If so, why specifically state that they are obligated only when there are ten dinars? The same halakha would apply even to fewer than ten dinars, as the priest is entitled to whatever is available.

⁷³ Rather, it is obvious that in this case there are ten dinars of inheritance for this brother and ten dinars of inheritance for that brother, which totals five sela coins. According to Rabbi Yehuda, it is only in this case that they are obligated to pay the priest. Evidently, Rabbi Yehuda maintains that there is a mitzva to give specifically five sela coins, but not half or part of five, which contradicts the suggested explanation of the dispute.

⁷⁴ Rather, the mishna is referring to a case where the father's property is worth five sela coins, and everyone, both Rabbi Meir and Rabbi Yehuda, agree that the Torah requires giving five sela coins, but not half of five. And here they disagree with regard to the statements of Rav Asi and Rav Pappa that the portion of the inheritance includes only two and a half sela, which the priest is not entitled to collect. Rabbi Meir holds in accordance with their opinion, while Rabbi Yehuda disagrees and holds that all five sela coins are available for the redemption.

⁷⁵ § The Gemara notes: And there are those who teach this discussion with regard to the latter clause of the mishna: If one had two sons and it is unknown which is the firstborn, and the father died, Rabbi Yehuda says the obligation to redeem the firstborn already took effect on the property of the father. Therefore, even if the father's property has been divided, the sons are required to pay the priest. The Gemara asks: When did the father die? If we say that he died after thirty days following the birth of his sons, should one conclude by inference that Rabbi Meir maintains that if they divided

their father's property they are exempt from giving the redemption payment to the priest? But the property is already on lien for the mitzva of redemption.

⁷⁶ Rather, it is referring to a case where the father died within thirty days of the birth of his sons and the obligation of redemption applies to the firstborn himself, though it is unknown which is the firstborn. If so, why does Rabbi Yehuda obligate them even when the brothers had already divided their father's property between them? Let the priest go to this son, and he will reject him, by claiming that he is not the firstborn, and let him go to that son and he too will reject him on the same grounds.

⁷⁷ Rabbi Yirmeya says: That is to say: In a case involving two people named Yosef ben Shimon, who were residents of one city, and one of them purchased a field from the other, an earlier creditor can collect payment of his debt from that field. This is because he can say to the buyer: If you are indebted to me I am taking the one hundred dinars that is your share in the field, and if the other Yosef ben Shimon is indebted to me, then this field was on lien to me before you acquired it.

⁷⁸ Rava said: Now consider, a person's property is a guarantee for him, so why can the creditor not claim his debt from the debtor himself but can claim it from the guarantor, i.e., his property? The Gemara comments: And from here onward, all the rest of the discussion is the same as in the first version of the passage, as cited earlier.

⁷⁹ MISHNA: With regard to two wives of one man, both of whom had not previously given birth, and they gave birth to two males, i.e., each bore one male, and the sons were intermingled, the father gives ten sela coins to the priest even if it is unknown which son was born first, because it is certain that each is firstborn of his mother. In a case where one of them dies within thirty days of birth, if he gave all ten sela coins to one priest, the priest must return five sela to him, because the father was not obligated to redeem the son who then died. And if he gave the redemption payment to two different priests, he cannot reclaim the money from the possession of either priest, as each could claim that the money that he received was for the living child.

⁸⁰ If one mother gave birth to a male and one gave birth to a female, or if between them they gave birth to two males and one female, and the children were intermingled, the father gives five sela coins to the priest: In the first case because the male might have preceded the female and in the second case because one of the males is certainly firstborn. If the children were two females and a male, or two males and two females, the priest has nothing here, as it is possible the female was born first to each mother.

⁸¹ If one of his wives had previously given birth and one had not previously given birth and they gave birth to two males who became intermingled, the father gives five sela coins to the priest, as it is certain that one of them was born to the mother who had not yet given birth. If one of them dies within thirty days of birth the father is exempt from that payment, as it is possible that the one who died was born to the mother who had not yet given birth.

⁸² In a case of intermingling where the father died and the sons are alive, Rabbi Meir says: If they gave the five sela coins to the priest before they divided their father's property between them, they gave it, and it remains in the possession of the priest. But if not, they are exempt from giving the redemption payment to the priest. Rabbi Yehuda says: The obligation to redeem the firstborn already took effect on the property of the father. If the wives gave birth to a male and a female the priest has nothing here, as perhaps the female was born to the mother who had not yet given birth.

⁸³ With regard to two women who had not previously given birth, who were married to two different men, and they gave birth to two males and the sons were intermingled, this father gives five sela coins to a priest and that father gives five sela coins to a priest, as each is certainly firstborn to his mother. In a case where one of them dies within thirty days of birth, if the fathers gave all ten sela coins to one priest, the priest must return five sela coins to them. But if they gave the redemption payment to two different priests they cannot reclaim the money from the possession of either priest, as each could claim that the money that he received was for the living child.

⁸⁴ If the women gave birth to a male and a female and the children became intermingled, the fathers are exempt, as each could claim that he is the father of the female, but the son is obligated to redeem himself, as he is certainly a firstborn. If two females and a male were born, or two females and two males, the priest has nothing here, as it is possible the female was born first to each mother.

⁸⁵ If one woman had previously given birth and one had not previously given birth, and they were married to two men and they gave birth to two males, who then became intermingled, this one whose wife had not previously given birth gives five sela coins to the priest. If the women gave birth to a male and a female the priest has nothing here, as it is possible the female was born to the mother who had not yet given birth.

⁸⁶ GEMARA: The mishna teaches with regard to two wives of two husbands whose firstborns were intermingled, that if the fathers gave their redemption money to two different priests and one of the firstborns died, they cannot reclaim the money from the possession of either priest. The Gemara asks: What is different about a case where the fathers gave the redemption money to two different priests, and one of the firstborns subsequently died, that they cannot reclaim the money? The reason is that one father will go to this priest and he will reject him, by claiming that he took the redemption money for the surviving firstborn, and likewise he will go to that other priest and he too will reject him in the same manner.

⁸⁷ The same is also true in a case where they gave their redemption money to one priest: This father will go to the priest and the priest will reject him, by claiming that his son is still alive, and that father will go to the priest and he will reject him too, on the same grounds. Shmuel says:

⁸⁸ This is referring to a case where one of the fathers comes with authorization to act on behalf of the other father to state his claim for him, and therefore the priest cannot reject his claim. But if they gave the money to two different priests an authorization is of no effect, as each priest can claim the other took the redemption money of the son who died.

⁸⁹ The Gemara asks: But didn't the Sages of Neharde'a say: We do not write an authorization document [adrakhta] concerning movable property? Therefore, in the case of redemption, where money, which has the status of movable property, is demanded from the priest, an authorization document may not be used. The Gemara answers: This statement, that one does not write authorization for movable property, applies only when the respondent, in this case the priest, already denied the claim against him. But in a case where the respondent did not yet deny the claim against him we write authorization even for movable property. In the case of redemption, although the priest claims the one issuing the claim against him is not the father of the son who died, he does not deny that he received the money.

⁹⁰ § The mishna teaches: With regard to two women who had not previously given birth who were married to two men, and gave birth to a male and a female who then became intermingled, the fathers

are exempt from the mitzva of redemption but the son is obligated to redeem himself, as he certainly has firstborn status. If the offspring were two females and a male, or two males and two females, all of whom became intermingled, the priest has nothing here. Concerning this case Rav Huna teaches: If they gave birth to two males and a female the priest has nothing here, despite the fact that one of them is definitely a firstborn, as each father can claim that his firstborn is the female. In addition, the sons are exempt as well, since each can claim that the female was his sister and born first.

⁹¹ The Gemara asks: And with regard to the tanna of our mishna, why does he not state this case? The Gemara answers: Since you find this ruling that they are entirely exempt in a case where the women are married to two men, but you do not find it in a case of one man and two of his wives, as a firstborn was definitely born to that man and he must give five sela coins to a priest, the tanna does not teach the case of two women and two men either. The reason is that stylistically, the tanna prefers to teach the ruling: The priest has nothing here, only when the halakha is identical in a case of two wives of two men and a case of two wives of one man.

⁹² MISHNA: If the firstborn son dies within thirty days of birth, although the father gave five sela to the priest, the priest must return it. If the firstborn son dies after thirty days have passed, even if the father did not give five sela coins to the priest he must give it then. If the firstborn dies on the thirtieth day, that day's halakhic status is like that of the day that preceded it, as the obligation takes effect only after thirty days have elapsed. Rabbi Akiva says: If the firstborn dies on the thirtieth day it is a case of uncertainty; therefore, if the father already gave the redemption payment to the priest he cannot take it back, but if he did not yet give payment he does not need to give it.

⁹³ GEMARA: The Gemara asks: What is the reason of the Rabbis, i.e., the first tanna, who hold that the mitzva of redemption applies only after thirty days have elapsed? The Gemara explains that they derive the meaning of the term “month” stated in this context by means of a verbal analogy from the meaning of the term “month” stated in the context of the redemption of the Israelite firstborn in the wilderness via the Levites. Just as there, with regard to the redemption through the Levites, it is stated: “Number all the firstborn males of the children of Israel from a month old and upward” (Numbers 3:40), i.e., after thirty days, so too here, with regard to the mitzva of redemption for future generations, where it states: “From a month old you shall redeem” (Numbers 18:16), the requirement: And upward, applies as well, i.e., only after thirty days.

⁹⁴ And Rabbi Akiva is uncertain in this regard, as one could claim: From the fact that it was necessary for the verse to write “and upward” with regard to the mitzva of valuations: “And if it be from sixty years old and upward” (Leviticus 27:7), and it is not derived from the redemption of the Israelite firstborns in the wilderness that the phrase “from...years old” means “and upward,” one can conclude the following: The redemption of the firstborn in the wilderness and valuations are two verses that come as one, i.e., to teach the same matter.

⁹⁵ And there is a principle that any two verses that come as one do not teach their common halakha to other cases. If so, the halakha with regard to the mitzva of redeeming the firstborn for future generations would be that the thirtieth day is like the following day, which is not in accordance with the opinion of the Rabbis.

⁹⁶ Or perhaps one could say: When do two verses that come as one not teach their common halakha? That is with regard to general halakhot, i.e., entirely different areas of halakha. But with regard to themselves, i.e., similar cases, they do teach. If so, one should derive permanent halakha of

redemption of firstborns from the redemption of the firstborn in the wilderness. And it is due to that reason that Rabbi Akiva is uncertain concerning a firstborn on his thirtieth day.

⁹⁷ Rav Ashi says: All concede with regard to mourning that the thirtieth day is like the preceding day, i.e., if the son died on the thirtieth day it is considered as though he died on the day before and he has the status of a stillborn, and the rites of mourning are not observed. And the reason is as Shmuel says: The halakha is in accordance with the statement of the more lenient authority in matters relating to mourning.

⁹⁸ MISHNA: If the father of the firstborn dies within thirty days of birth the presumptive status of the son is that he was not redeemed, until the son will bring proof that he was redeemed. If the father dies after thirty days have passed the presumptive status of the son is that he was redeemed, until people will tell him that he was not redeemed. If one had both himself to redeem and his son to redeem, his own redemption takes precedence over that of his son. Rabbi Yehuda says: The redemption of his son takes precedence, as the mitzva to redeem the father is incumbent upon his own father, and the mitzva to redeem his son is incumbent upon him.

⁹⁹ GEMARA: It was stated: In the case of one who redeems his firstborn son within thirty days of his birth by giving a priest five sela coins, Rav says his son is redeemed and Shmuel says his son is not redeemed. The Gemara explains: Everyone agrees that if the father said: He is redeemed from now, that his son is not redeemed, as the obligation to redeem the son is not yet in effect. Likewise, if the father says the redemption should take effect after thirty days, and the money is still there, in the possession of the priest, after thirty days, his son is certainly redeemed, as the money is in the priest's possession when the obligation of redemption comes into effect.

¹⁰⁰ They disagree in a situation where the father says the redemption should take effect after thirty days but the money was squandered away in the meantime. Rav says his son is redeemed, just as is the halakha with regard to the betrothal of a woman on the condition that it takes effect after thirty days. In that case there, is it not correct that even though the money was squandered away during the thirty days it is a valid betrothal?

¹⁰¹ Here, too, the halakha is no different.

¹⁰² And Shmuel could say to you: There, with regard to betrothal, it is in his power to betroth her from now, when he gave her the coins, and therefore it is irrelevant that the money was spent. Conversely, here, in the case of redemption, it is not in his power to redeem his son from now. With regard to the practical halakha in this dispute the Gemara comments: And even though we maintain as a principle that wherever Rav and Shmuel disagree the halakha is in accordance with the opinion of Rav in ritual matters and in accordance with the opinion of Shmuel in monetary matters, here the halakha is in accordance with the opinion of Shmuel, who holds that if one redeems his son within thirty days he is not redeemed.

¹⁰³ The Gemara raises a difficulty: We learned in the mishna on the previous amud: If the firstborn son dies within thirty days of birth, although the father gave five sela coins to the priest, the priest must return the five sela coins to him. The Gemara infers: The reason he must return the money is that the son died. But if he did not die within thirty days his son is redeemed despite the fact that the father gave the priest the money prior to the proper time. This inference contradicts the opinion of Shmuel. The Gemara answers: Here we are dealing with a case where the money is still extant, i.e., in the priest's possession.

¹⁰⁴ The Gemara comments: Come and hear another difficulty from the mishna: If the father of the firstborn son dies within thirty days of the birth the presumptive status of the son is that he is not redeemed, until people will tell him that he is redeemed. But if people tell him he is redeemed then the redemption is effective, in contradiction to the opinion of Shmuel. The Gemara answers: There too, it is referring to a case where the money is still extant, i.e., in the priest's possession.

¹⁰⁵ The Gemara relates that a tanna taught a baraita in the presence of Rav Yehuda: In the case of one who redeems his firstborn son within thirty days of his birth, his son is redeemed. Rav Yehuda said to him: Shmuel said his son is not redeemed, and yet you say his son is redeemed? The Gemara comments: And even though we maintain that the halakha is in accordance with the opinion of Rav in ritual matters and in accordance with the opinion of Shmuel in monetary matters, here the halakha is in accordance with the opinion of Shmuel.

¹⁰⁶ § The mishna teaches that if one had both himself to redeem and his son to redeem, his own redemption takes precedence over that of his son. The Sages taught in a baraita: If one had both himself to redeem and his son to redeem, his own redemption takes precedence over that of his son. Rabbi Yehuda says: The redemption of his son takes precedence, as the mitzva to redeem the father is incumbent upon his own father, and the mitzva to redeem his son is incumbent upon him. Consequently, he should first fulfill the mitzva that is incumbent upon him by redeeming his son.

¹⁰⁷ Rabbi Yirmeya says: Everyone concedes that in a case where there are only five sela coins available and one has to redeem both himself and his son, his own redemption takes precedence over that of his son, despite the indication to the contrary from the mishna. What is the reason? The reason is that his own mitzva is preferable to one he performs on behalf of others. Where they disagree is in a case where there is both land worth five sela coins that is lien property that had been previously sold to others and land worth five sela coins that is unsold property.

¹⁰⁸ The Gemara explains the reasoning behind the dispute: Rabbi Yehuda maintains that a loan that is written in the Torah, i.e., a financial obligation by Torah law, such as redemption of the firstborn son with five sela coins, is considered as though it is written in a document, and it can therefore be collected from lien property, as can any loan recorded in a document. Therefore, the five sela coins that are lien property are available for one's own redemption but not for that of one's son, as the sale of the property presumably occurred before the birth of his firstborn. And therefore the priest goes and repossesses the land worth five sela that is lien property for his own redemption, like any debt written in a document; and with those five sela of unsold property he redeems his son. In this manner, one can fulfill both mitzvot.

¹⁰⁹ And the Rabbis maintain: A loan that is written in the Torah is not considered as though it is written in a document, since buyers will not know to guard against repossession if it is not written in a document. Therefore, the five sela coins that are lien property are not available for redemption, and consequently his own mitzva is preferable. He accordingly redeems himself with the land that is not lien.

¹¹⁰ MISHNA: The five sela coins of the redemption of the firstborn son, with regard to which it is written: "Five shekels of silver, after the shekel of the Sanctuary" (Numbers 18:16), are calculated using a Tyrian maneh. The silver content of the Tyrian coinage is significantly higher than that of provincial coinage, which is worth one-eighth its value.

¹¹¹ With regard to the thirty shekels paid to the owner of a Canaanite slave who is killed by an ox (see Exodus 21:32), and the fifty shekels paid by a rapist (see Deuteronomy 22:29) and by a seducer (see Exodus 22:16) of a young virgin woman, and the one hundred shekels paid by the defamer of his bride with the claim that she is not a virgin (see Deuteronomy 22:19), all of them, even those cases where the word shekel is not explicitly written, are paid in the shekel of the Sanctuary, whose value is twenty gera (see Numbers 18:16) and that is calculated using a Tyrian maneh. And all monetary obligations are redeemed, i.e., paid, with coins or with items of the equivalent value of money, except for the half-shekels that are donated to the Temple each year, which must be given specifically as coins.

¹¹² GEMARA: The mishna stated that the five sela coins of the redemption of the son are calculated using a Tyrian maneh. In explanation of this, Rabbi Asi says: One must give five sela of the maneh used in Tyre. Rabbi Ami says: The five sela coins are equal to a golden Arabian dinar. Rabbi Ḥanina says: There is a Syrian sela [istera], eight of which are sold for a large golden dinar. One must give five of these for the redemption of the son.

¹¹³ Rabbi Yoḥanan says: If one wishes to know how much to give for the redemption of the firstborn son, take the worn-out gold dinars of Hadrian and Trajan, which are sold at twenty-five dinars, and deduct from them one-sixth. And these that remain are the five sela that one must give for the redemption of the firstborn son, i.e., twenty dinars, as there are four dinars in a sela. The Gemara challenges: After deducting one-sixth from twenty-five, one is not left with twenty dinars, but twenty-one dinars less one-sixth [danka] of a dinar.

¹¹⁴ Rather, deduct one-sixth and another dinar, and these that are left are for the redemption of the firstborn son. The Gemara challenges: But the calculation is still inexact, as this sum is twenty dinars less one-sixth of a dinar. Rather, first deduct one dinar, and from the remainder, i.e., twenty-four dinars, deduct one-sixth, and these that are left are the five sela coins that one must give for the redemption of the son. The Gemara notes that these are a weight of twenty matkalei of the small golden dinars known as matkalei, which are worth twenty-eight and a half dinars, and half of a sixth of a dinar, in Arabian silver dinars.

¹¹⁵ § Rava says: The biblical sela coins, i.e., the shekels that must be given for the redemption of the firstborn son, are each three and one-third dinars in weight, not four dinars. As it is written: “The shekel is twenty gera” (Exodus 30:13), and we translate “twenty gera” as twenty ma’a. And it is taught in a baraita: Six silver ma’a equal a dinar. If so, twenty ma’a, which is equal to the sela of the Torah, is worth three and one-third dinars.

¹¹⁶ The Gemara raises an objection from a baraita, which discusses the halakha of one who redeems an ancestral field from the Temple treasury. The Torah states that one who consecrates his field in the Jubilee year gives as its redemption, for each of the upcoming forty-nine years, fifty sela for each area fit for the sowing of a kor of barley seed. In this regard, the Sages have said that one gives a sela and a pundeyon, which is half a ma’a, per year. The baraita notes a discrepancy here: But in the sela coins of the Sanctuary there are forty-eight pundeyon, which means that according to the statement of the Sages, the redemption for forty-nine years amounts to forty-nine sela and forty-nine pundeyon, i.e., fifty sela and a pundeyon, one pundeyon more than the sum required by the Torah.

¹¹⁷ The baraita explains: This pundeyon, what is its function? It is a premium [kilbon] for exchanging the sela into pundeyon. In any case, this baraita teaches that there are forty-eight

pundeyon in the sela of the Torah, which is twenty-four ma'a. This contradicts the statement of Rava, who said that the sela of the Torah is worth only twenty ma'a.

¹¹⁸ The Gemara answers that the baraita is referring to the period after the Sages added one-sixth to the coins, i.e., four ma'a to each sela. As it is taught in a baraita, with regard to the verse: "Twenty gera shall be the shekel" (Leviticus 27:25): We learn from here with regard to the shekel mentioned in the Torah that it is twenty gera. And from where is it derived that if one wants to add to the number of ma'a in the shekel he may add? The verse states: "Twenty gera shall be the shekel," whereby the term "shall be" denotes an increase. One might have thought that one may reduce the number of ma'a in the shekel to fewer than twenty. Therefore, the verse states: "The same is twenty gera" (Numbers 18:16), i.e., it may not be fewer than that.

¹¹⁹ The Gemara relates that Rav Ashi sent seventeen dinars to Rav Aḥa, son of Ravina, a priest, for the redemption of the firstborn son. Along with the money, Rav Ashi sent him the following message: Let the Master send me back the extra one-third of a dinar that is included in the sum. Since according to Rava the sela of the Torah is worth three and one-third dinars, five sela amount to sixteen dinars and two-thirds, which is one-third less than the seventeen dinars he sent. Rav Aḥa sent him in response: Let the Master send me the other three dinars that the Sages added to them, since after the Sages added to the sela of the Torah, five sela are equal to twenty dinars, three more than the seventeen Rav Ashi sent.

¹²⁰ § The Gemara continues to discuss the value of coins. Rabbi Ḥanina says: Any silver shekel that is stated in the Torah but which is unspecified is referring to one sela. Additionally, any unspecified silver shekel mentioned in the Prophets is a silver litra, weighing twenty-five sela, and any unspecified silver shekel mentioned in the Writings is in centenaria [kintarin], silver weighing one hundred sela. This is the case throughout the Bible except for the silver of Ephron, where even though it is written in the Torah: "Shekels of silver," without specification, it is in centenaria, as it is written: "Four hundred shekels of silver, current money with the merchant" (Genesis 23:16). This means that the silver was acceptable as shekels everywhere, and there is a place where they call a centenarius a shekel.

¹²¹ With regard to the worn-out dinars of Hadrian and Trajan mentioned earlier, Rabbi Oshaya says: The Sages wished to sequester all the silver and gold in the world because of the silver and gold of Jerusalem, i.e., that which was kept in the Temple treasury and was appropriated by gentiles and mixed with other silver and gold. They did not permit its use until they found a verse in the Torah indicating that it is permitted, as it is stated: "And robbers shall enter into it, and profane it" (Ezekiel 7:22). This verse teaches that once robbers plundered the silver and gold it is profaned and does not retain its sanctity.

¹²² The Gemara asks: And is Jerusalem the majority of the world such that that all of the silver and gold of the world should be prohibited due to a concern that it comes from Jerusalem? Rather, Abaye said: The Sages wished to sequester all the worn-out dinars of Hadrian and Trajan because of the coins of Jerusalem, as these coins contained a large quantity of the Temple treasury's gold and silver, until they found a verse in the Torah indicating that it is permitted, as it is stated: "And robbers shall enter into it, and profane it."

¹²³ § Rav Yehuda says that Rav Asi says: Every sum of money stated in the Torah without specifying that it is in shekels is referring to silver dinars of Tyrian coinage, which have a high value. And every

mention of coins in statements of the Sages is referring to provincial coinage, which was worth roughly one-eighth of Tyrian coinage.

¹²⁴ The Gemara challenges: And is it an established principle that all money mentioned in the Torah is a silver dinar of Tyrian coinage? But there is the case of one who admits to part of a claim that he has not returned a deposit or loan, where it is written: “If a man deliver to his neighbor money or vessels to guard and it is stolen out of the man’s house...the cause of both parties shall come before the judges” (Exodus 22:6–8). This teaches that the case is brought to a court, where the defendant must take an oath.

¹²⁵ And we learned in a mishna with regard to one who admits to part of a claim (Shevuot 38b): The oath administered by the judges to one who admits to part of a claim is administered only when the claim is for at least two silver ma’a, and the defendant’s admission is to at least the value of one peruta. If every sum of money mentioned in the Torah is referring to Tyrian coinage, how did the Sages arrive at the amount of two ma’a in this case?

¹²⁶ The Gemara explains: There, the halakha is derived from a juxtaposition, as the “money” mentioned in the verse is similar to “vessels”: Just as the word “vessels” indicates at least two, so too, “money” is referring to at least two coins. And just as money is a significant item, i.e., silver ma’a, so too, the vessels must be a significant item. Rav Asi, by contrast, is referring to a mention of money where there is no juxtaposition.

¹²⁷ The Gemara challenges: But there is the case of the redemption of second tithe, as it is written: “And bind up the money in your hand” (Deuteronomy 14:25). And yet we learned in a mishna (Ma’aser Sheni 2:8): With regard to one who exchanges copper coins of second-tithe money for a sela, Beit Shammai say: He may exchange the copper coins for the entire silver sela. This mishna indicates that second-tithe money, mentioned in the Torah, can be in the form of copper coins, and is not required to be in the form of silver coins. The Gemara explains that the verse states: “Money,” “money,” using the term more than once. This serves as an amplification. In other words, this addition teaches that second-tithe money can be in any coinage, including copper coins.

¹²⁸ The Gemara challenges: But there is the case of consecrated property, as it is written: “And he will give the money and it will be assured to him” (see Leviticus 27:19). And Shmuel says: With regard to consecrated property worth one hundred dinars, which was redeemed for an item worth one peruta, it is redeemed. Although the word “money” is stated in the Torah, a copper peruta may be used. The Gemara answers: There too, there is a reason for this unusual halakha, as he derives this ruling from a verbal analogy using the term “holy” mentioned here and “holy” from second tithe (see Leviticus 27:14, 30). Consequently, one may use any type of coin in this case as well.

¹²⁹ The Gemara challenges: But there is the case of the betrothal of a woman, as it is written: “Then shall she go out for nothing, without money” (Exodus 21:11). And yet we learned in a mishna (Kiddushin 2a) that Beit Shammai say that one can betroth her with one dinar or with an item that is worth one dinar, and Beit Hillel say one can betroth a woman with one peruta or with any item that is worth one peruta. If so, shall we say that Rav Asi, who claims that all sums of money mentioned in the Torah are in Tyrian coinage, stated his opinion in accordance with the opinion of Beit Shammai, even though the halakha is in accordance with the opinion of Beit Hillel?

¹³⁰ The Gemara suggests an alternative explanation: Rather, if this was stated, it was stated like this: Rav Yehuda says that Rav Asi says: Every set amount of money stated in the Torah, i.e., when a

specific amount is mentioned, such as the fifty shekels paid by a rapist (Deuteronomy 22:29), is referring to Tyrian coinage, and any amount of money set by rabbinic law is in provincial coinage.

¹³¹ The Gemara asks: If so, what is Rav Asi teaching us? We already learn all of these halakhot explicitly in the mishna: The payment of five sela for the redemption of a firstborn son, the thirty for a Canaanite slave killed by an ox, the fifty of a rapist and of a seducer, and the one hundred of the slanderer are all paid in the shekel of the Sanctuary, which is determined based on Tyrian coinage.

¹³² The Gemara answers: It was necessary for Rav Asi to clarify that payments mentioned in statements of the Sages are referring to provincial coinage, as that halakha was not taught in the mishna. As we learned in a mishna (Bava Kamma 90a): The Sages established that one who strikes another as an act of disrespect must give him a sela as a fine for striking him. And Rav Asi teaches: Do not say that this sela is a Tyrian sela worth four dinars. Rather, it is the sela of provincial coinage, which is worth one-half a dinar, as people commonly call a one-half dinar by the name sela.

¹³³ The Gemara relates that Ḥanan the wicked struck a certain man. He came before Rav Huna for judgment, and Rav Huna said to him: Go give him half a dinar, which is the fine imposed for such an action. Ḥanan had

¹³⁴ an impaired dinar with him, which was not in circulation, and his victim did not want to accept it from him. Ḥanan the wicked then struck him another time, rendering himself liable to pay an additional fine of one-half a dinar, and gave him the full dinar as payment for both strikes.

¹³⁵ § The mishna teaches: The thirty shekels paid to the owner of a Canaanite slave who is killed by an ox, and the fifty shekels paid by a rapist and by a seducer, and the one hundred shekels paid by the defamer are all paid in the shekel of the Sanctuary, which is calculated based on one hundred Tyrian dinars. The Gemara asks: Why do I need this additional mention of: All are paid in the shekel of the Sanctuary, which is calculated based on one hundred Tyrian dinars? The tanna of the mishna already taught this in the first clause.

¹³⁶ The Gemara explains: It was necessary to state the cases of the rapist and the defamer, as it might enter your mind to say: Since the term shekels is not written with regard to them, but only “money,” say that one pays merely dinars, and not shekels, which are worth four dinars. Therefore, the tanna teaches us that the halakhot of all these cases are derived from one another, and in all of them, the payment is in the shekel of the Sanctuary.

¹³⁷ § The mishna further teaches: And all monetary obligations are redeemed, i.e., paid, with coins or with items of the equivalent value of money, except for the half-shekels that are donated to the Temple each year, which must be given specifically as coins. The Gemara notes that it is taught in a baraita: All monetary obligations are redeemed with coins or with their equivalent value, except for the half-shekels, and second tithe, and the money for appearance, i.e., the two silver ma’a that every man must bring to the Temple to purchase burnt offerings of appearance on the pilgrimage Festivals, all of which must be given as coins.

¹³⁸ The Gemara elaborates: The halakha that the half-shekel payment dues to the Temple cannot be paid using items of equivalent value is as we learned in a mishna (Shekalim 2:1): When people who live far from Jerusalem wish to send to Jerusalem the shekels that have been levied from their community, they may combine their shekels and exchange them for darics [darbonot], which are large gold coins, due to the hardship of carrying on the journey. Instead of carrying large amounts of

shekels, the agents who deliver the funds will bring a much lighter burden of gold coins with them. They may exchange them only for coins, not for items of equivalent value.

¹³⁹ Second tithe may not be redeemed with items of equivalent value, as it is written: “And bind up [vetzarta] the money in your hand” (Deuteronomy 14:25), which the Sages interpreted as referring to money that has a form [tzura] engraved on it, i.e., a coin. And with regard to the money for appearance, this is as Rav Yosef teaches, that one may not bring a lump of silver full of base metals to the Temple courtyard.

¹⁴⁰ MISHNA: One may not redeem his firstborn son, neither with Canaanite slaves, nor with promissory notes, nor with land, nor with consecrated items. If the father wrote a promissory note to the priest that he is obligated to give him five sela coins, the father is obligated to give them to him but his son is not redeemed. Therefore, if the priest wished to give back the five sela coins to him as a gift he is permitted to do so.

¹⁴¹ With regard to one who designates five sela coins for redemption of his firstborn son and he lost the coins before he gave them to the priest, the father bears financial responsibility for their loss, as it is stated to Aaron the priest: “Everything that opens the womb in man and animal shall be yours”; and only afterward it says: “You shall redeem the firstborn of man” (Numbers 18:15). This indicates that only after the money shall be in the possession of the priest is the son redeemed.

¹⁴² GEMARA: The Gemara comments: The mishna is not in accordance with the opinion of Rabbi Yehuda HaNasi. As it is taught in a baraita that Rabbi Yehuda HaNasi says: One can redeem a woman’s firstborn son with anything worth five shekels except for promissory notes. This is different from the mishna, which also excludes Canaanite slaves and land. The Gemara asks: What is the reason for Rabbi Yehuda HaNasi’s opinion?

¹⁴³ The Gemara answers that he interprets verses using the method of amplifications and restrictions, and this is how he interprets the verse: “And its redemption from one month you shall redeem, according to the valuation of five silver shekels by the shekel of the Sanctuary” (Numbers 18:16). Concerning the phrase “and its redemption from one month,” since it does not specify that only certain items can be used for the redemption, the verse amplified the category of items that can be used to redeem the firstborn, intimating that many different items can be used. Then, with the phrase “according to the valuation of five silver shekels,” the verse restricted the category to items that are similar to silver shekels. Then, with the phrase “You shall redeem,” the verse again amplified the category.

¹⁴⁴ According to the hermeneutical principle that when a verse amplified and then restricted and then amplified, it amplified the relevant category to include everything except the specific matter excluded in the restriction. The Gemara elaborates: What has it amplified? Almost everything. And what has it restricted? It restricted only promissory notes, which are the most fundamentally dissimilar to silver shekels.

¹⁴⁵ The Gemara explains the reasoning of the Rabbis: And the Rabbis expound verses through the method of a generalization and a detail. They expound the verse as follows: The phrase “and its redemption from one month” is a generalization which suggests that many different items can be used to redeem the firstborn. Then, the phrase “according to the valuation of five silver shekels” is a detail, which suggests that only items that are similar to silver shekels can be used. Then, with the phrase: “You shall redeem,” the verse again makes a generalization.

¹⁴⁶ Based on this exegetical method, whenever a verse has a generalization and then a detail and then a generalization, the principle is that you may deduce that the verse is referring only to items that are similar to the detail. In this case, just as the detail, i.e., silver shekels, is explicitly something that is movable and has intrinsic monetary value, so too, anything that is movable and has intrinsic monetary value can be used. This excludes land, which is not movable property; it excludes Canaanite slaves, who are halakhically compared to land; and it excludes promissory notes, because even though they are movable property they do not have intrinsic monetary value.

¹⁴⁷ Ravina said to Ameimar: Does Rabbi Yehuda HaNasi really expound verses through the method of amplifications and restrictions? But doesn't Rabbi Yehuda HaNasi expound verses through the method of generalizations and details with regard to an awl?

¹⁴⁸ This is as it is taught in a baraita: The Torah provides the process by which a Hebrew slave who has already completed his six years of servitude may continue on as a slave of his master: "And you shall take the awl and put it through his ear and in the door" (Deuteronomy 15:17). From this verse, I have derived only that an awl can be used; from where do I know to include the thorn of a palm, and a thorn, a needle, and a gimlet, and a stylus for writing on wax, as valid tools for piercing his ear? The verse states: "And you shall take," which indicates that anything that can be taken by hand is a valid tool. This is the statement of Rabbi Yosei, son of Rabbi Yehuda. Rabbi Yehuda HaNasi says: Not all these items can be used. Rather, since the verse specifies an "awl," only items similar to an awl can be used; just as an awl is distinct in that it is fashioned of metal, so too, anything fashioned of metal can be used.

¹⁴⁹ And we say with regard to this dispute: About what do they disagree? Rabbi Yehuda HaNasi expounds verses using the method of generalizations and details, and Rabbi Yosei, son of Rabbi Yehuda, expounds verses using the method of amplifications and restrictions.

¹⁵⁰ Ameimar answers: Yes, generally Rabbi Yehuda HaNasi expounds verses using the method of generalizations and details, but here, with regard to the redemption of the firstborn, this is the reason he expounds the verses using the method of amplifications and restrictions: He holds in accordance with that which the school of Rabbi Yishmael taught.

¹⁵¹ As the school of Rabbi Yishmael taught: When defining which fish it is permitted to eat, the verse states: "This you may eat, from whatever is in the water, anything that has fins and scales in the water, in the seas and in the streams" (Leviticus 11:9). The verse first states the general term "in the water," "in the water," mentioning it twice, and only afterward mentions the details, i.e., "in the seas and in the streams." When the general and detailed phrases are ordered in this way, they are not expounded as a generalization and a detail, but rather the verse amplified and restricted. Similarly, although Rabbi Yehuda HaNasi generally expounds verses using the method of generalizations and details, with regard to the redemption of the firstborn, since the verse mentions the two general terms first and mentions the specific detail only afterward, he expounds it using the method of amplifications and restrictions.

¹⁵² The Gemara asks: And with regard to the Rabbis, why do they expound the verse about the redemption of a firstborn as a generalization and a detail? The Sages say: This is like they say in the West, Eretz Yisrael: Wherever you find two generalizations juxtaposed to each other, followed by a specific detail, place the detail between the two generalizations and thereby expound them as a generalization and a detail followed by another generalization.

¹⁵³ § The mishna teaches: And one may not redeem a firstborn with consecrated items. The Gemara asks: Isn't it obvious? Consecrated items are not his. The Gemara answers: Say that

¹⁵⁴ the mishna means: Nor may consecrated items be redeemed with any of these items mentioned above, i.e., Canaanite slaves, documents, and land.

¹⁵⁵ § The mishna teaches: If the father of a firstborn son wrote a promissory note to the priest that he is obligated to give him five sela coins, the father is obligated to give them to him but his son is not redeemed. Ulla says: By Torah law, his son is redeemed when the father gives the money to the priest. If so, what is the reason the Sages said his son is not redeemed? It is a rabbinic decree that was enacted, lest people say that one may redeem a firstborn son with a promissory note that enables the priest to collect a debt from a third party. This is not effective, as the Torah requires redemption with actual money.

¹⁵⁶ A tanna taught a baraita in the presence of Rav Nahman: His son is redeemed when the father gives the money. Rav Nahman said to him: This baraita is the statement of Rabbi Yosei, son of Rabbi Yehuda, which was recorded as unattributed. And some say: This baraita is the statement of Rabbi Elazar, son of Rabbi Shimon, which was recorded as unattributed. But the Rabbis say his son is not redeemed. The Gemara concludes: And the halakha is that his son is not redeemed.

¹⁵⁷ § The mishna further teaches: Therefore, if the priest wished to give back the five sela coins to him as a gift he is permitted to do so. The Gemara comments: We learn in the mishna that which the Sages taught explicitly in a baraita: If the father gave the redemption money for his son to ten priests all at once, i.e., he placed five sela coins in front of a group of ten priests, he has fulfilled his obligation. If he gave it to them one after the other, he has fulfilled his obligation. If a priest took the redemption money and returned it to the father, the father has fulfilled his obligation.

¹⁵⁸ And this was the practice of Rabbi Tarfon, as he would take the redemption money and return it. And when the Sages heard of this matter they said: This individual has fulfilled this halakha. The Gemara asks: Has he fulfilled only this halakha and nothing more? Certainly, Rabbi Tarfon fulfilled many halakhot. Rather, they meant: This individual fulfilled even this halakha.

¹⁵⁹ The Gemara relates that Rabbi Ḥanina, a priest, was accustomed to take the redemption money and return it. On one occasion, he saw that a certain man from whom he had received the redemption money for his son was passing to and fro before him, to hint to Rabbi Ḥanina that he should return the money. Rabbi Ḥanina said to him: Evidently, you did not conclusively resolve to give the money. This is a bad matter, and therefore his son is not redeemed.

¹⁶⁰ § The mishna teaches: With regard to one who designates five sela coins for redemption of his son and he lost the money before he gave it to the priest, the father bears financial responsibility for its loss. The Gemara asks: From where do we derive this? Rabbi Shimon ben Lakish says: It is derived by means of a verbal analogy between "valuation" and "valuation," from the passage discussing valuations. With regard to a firstborn son it states: "From a month old you shall redeem, according to your valuation" (Numbers 18:16), and it is written with regard to valuations: "And he shall give your valuation on that day" (Leviticus 27:23). Just as one bears financial responsibility to pay for valuations, the same applies to redemption money.

¹⁶¹ Rav Dimi says that Rabbi Yonatan says: The verse states concerning the redemption of the firstborn: "And every firstborn of your sons you shall redeem, and none shall appear before Me

empty” (Exodus 34:20). And therefore this halakha is derived through a verbal analogy between “empty” and “empty,” from the passage discussing the burnt offering of appearance, which every pilgrim must bring on a Festival. With regard to the burnt offering of appearance it states: “And none shall appear before Me empty” (Exodus 23:15). Just as in the case of the burnt offering of appearance one bears financial responsibility for the loss of the offering, so too, with regard to the redemption of the firstborn one bears financial responsibility for its loss as well.

¹⁶² Rav Pappa objects to this: Is it necessary here to cite one verse in support of another verse? The mishna itself cites the verse that is the source of the halakha that the father bears financial responsibility for the redemption money. Rather, Rav Pappa says: The reason for this halakha is the reason that the mishna itself teaches: “Everything that opens the womb in man and animal shall be yours; yet you shall redeem the firstborn of man” (Numbers 18:15).

¹⁶³ And when the comment of Reish Lakish was stated, it was stated with regard to the first clause of the mishna (49a), which teaches: If the firstborn son dies after thirty days have passed, even if the father did not yet give five sela coins to the priest he must give them then. From where do we derive this? Rabbi Shimon ben Lakish says: It is derived by means of a verbal analogy between “valuation” and “valuation,” from the passage discussing valuations. Just as in a case where one says: It is incumbent upon me to donate so-and-so’s valuation, he must do so even if that individual dies, so too, concerning the redemption of the firstborn the father must pay even though his son died.

¹⁶⁴ Rav Dimi says that Rabbi Yonatan says: It is written with regard to the redemption of the firstborn: “And all the firstborn of your sons you shall redeem, and none shall appear before Me empty” (Exodus 34:20), and it likewise states with regard to the burnt offering of appearance: “And none shall appear before Me empty” (Exodus 23:15). Just as there, in the case of the burnt offering of appearance, if one died after becoming obligated to bring the offering the heirs are obligated to bring his offering, so too here, with regard to the redemption of the firstborn, if the obligation already took effect, and the son and the father then died, the heirs are obligated to give five sela coins to a priest.

¹⁶⁵ MISHNA: The firstborn son takes a double portion, i.e., twice the portion taken by the other sons, when inheriting the property of the father, but he does not take twice the portion when inheriting the property of the mother. And neither does he take twice the portion in any enhancement of the value of the property after the death of the father, nor does he take twice the portion in property due the father, as he does in property the father possessed.

¹⁶⁶ And neither does a woman take these portions, i.e., any enhancement of the value of the property or the property due the husband, from her husband’s property for payment of her marriage contract upon her divorce or her husband’s death; nor do the daughters take this share of the property for their sustenance, to which they are entitled from their late father’s possessions. Nor does a man whose married brother died childless [yavam] receive these portions, even though he acquires his brother’s portion of their shared father’s inheritance after performing levirate marriage with his brother’s wife. The mishna summarizes: And all of them do not take a portion in any enhancement of the value of the property after the death of the owner, nor do they take a portion in property due the deceased, as they do in property in his possession.

¹⁶⁷ GEMARA: The mishna teaches that the firstborn son does not receive a double portion when inheriting the property of his mother. The Gemara asks: What is the reason? The Gemara explains that the verse states: “The law of primogeniture is his” (Deuteronomy 21:17); this is understood to

mean that there is a law of primogeniture for a man, i.e., a duty to bequeath a double portion to his firstborn son, and there is no law of primogeniture for a woman.

¹⁶⁸ The mishna teaches further: And neither does he take twice the portion in any enhancement of the value of the property after the death of his father. The Gemara explains that this is because it is written: “A double portion of all that he has” (Deuteronomy 21:17), and this enhancement was not in his father’s possession at the time of his death. The mishna also teaches: Nor does he take twice the portion in property due the father, as he does in the property in possession of the father. The Gemara explains that this too is because it is written: “Of all that he has” (Deuteronomy 21:17), and property due the father is not in his possession.

¹⁶⁹ § The mishna teaches: And neither does a woman take any enhancement of the value of the property or the property due the husband, from her husband’s property for payment of her marriage contract. The Gemara asks: Is that so? But doesn’t Shmuel say a creditor collects the value of the enhancement of the field of a borrower after the latter’s death? Since a wife’s marriage contract is like a promissory note, she is considered a creditor. Rabbi Abba says: The Sages taught here one of the leniencies for the husband that apply to a marriage contract: That a woman does not collect the value of the enhancement despite the fact that she is a creditor.

¹⁷⁰ The mishna teaches: Nor do the daughters take this share of the property for their sustenance, to which they are entitled from their late father’s possessions. The Gemara asks: What is the reason for this? The Gemara explains that a stipulation in the marriage contract, such as that the daughters are entitled to sustenance from the father’s property after his death, is comparable to the marriage contract itself, and therefore they cannot claim that which cannot be claimed from a marriage contract, i.e., an enhancement to the father’s property.

¹⁷¹ The mishna teaches: Nor does the yavam receive these portions. The Gemara asks: What is the reason for this? The Gemara answers that the Merciful One calls the yavam a firstborn, in the verse: “And it shall be, the firstborn” (Deuteronomy 25:6). Abaye says: The Sages taught this halakha only with regard to an enhancement by which the property was enhanced between the death of the brother and the levirate marriage. But concerning the enhancement that occurs between the levirate marriage and the distribution of the inheritance, he does take it. What is the reason? The Merciful One states: “Shall succeed in the name of his brother who is dead” (Deuteronomy 25:6), and by that stage he has succeeded him, and the enhancement occurred at that stage.

¹⁷² Rava says: Even with regard to the enhancement that occurs between the levirate marriage and the distribution of the inheritance, the yavam does not take it. What is the reason? He is compared to a firstborn: Just as a firstborn does not have any special right to the inheritance before its distribution, so too, a yavam does not have any right to the inheritance before its distribution.

¹⁷³ The mishna teaches: And all of them do not take a portion in any enhancement.

¹⁷⁴ The Gemara explains that this halakha is repeated in order to include an enhancement that occurs by itself after the death of the father or husband, for instance in a case when fodder [ḥafura], i.e., produce that has grown stalks but is not yet ripe, becomes full ears, or when date flowers [shalpufei] become fully developed dates. Despite the fact that in such cases the property became enhanced by itself, without any effort on the part of the other brothers, the firstborn may not claim his double portion from that enhancement, and the same applies in the other cases mentioned in the mishna.

¹⁷⁵ With regard to the repetition of the statement: Nor does he take twice the portion in property due the father as he does in property in his possession, this serves to include property of the father's father, in a case where the father died before his own father. The firstborn does not receive his portion in such property, despite the fact that it will certainly come into the father's possession, as this too is considered property that is due the father, not property in his possession. The same halakha applies also in the case of property due the wife, the daughters, or a yavam.

¹⁷⁶ MISHNA: And these are the people whose properties, unlike an ancestral field, do not return to their original owners in the Jubilee Year: The firstborn who inherited his father's property by the right of primogeniture need not return the extra portion for redistribution among the brothers; and one who inherits his wife's property need not return it to her family; and one who consummates the levirate marriage with the wife of his brother and gains the right to his brother's property need not return it for redistribution among the brothers.

¹⁷⁷ And likewise, a gift of land need not be returned to the original owners in the Jubilee Year; this is the statement of Rabbi Meir. And the Rabbis say: The halakhic status of a gift is like that of a sale, and it must be returned. Rabbi Elazar says: All these lands return in the Jubilee Year. Rabbi Yoḥanan ben Beroka says: Even one who inherits his wife's property must return the land to the members of her father's family and should deduct from them the monetary value of the land, as the Gemara will explain.

¹⁷⁸ GEMARA: The Gemara asks: What is the reason of Rabbi Meir, who holds that none of these items return in the Jubilee Year? The Gemara answers: It is with regard to land acquired specifically by means of a sale that the Merciful One states that it should be returned during the Jubilee Year (see Leviticus 25:28), whereas a gift and an inheritance are not returned. And these cases listed in the mishna that are derived from the halakha of an inheritance have the status of an inheritance, and those that are derived from a gift have the status of a gift. The Gemara elaborates: With regard to a firstborn, it is stated: "By giving him a double portion" (Deuteronomy 21:17); here the Merciful One calls the portion of a firstborn a gift, an item that is given.

¹⁷⁹ And one who inherits his wife's property need not return it to her family in the Jubilee Year, as Rabbi Meir maintains that the inheritance of a husband is by Torah law, not a rabbinic enactment, and land acquired through inheritance is not returned. And likewise, one who consummates the levirate marriage with the wife of his brother need not return the brother's property for redistribution among the brothers. This is because the Merciful One calls the yavam a firstborn, in the verse: "And it shall be, the firstborn" (Deuteronomy 25:6), and Rabbi Meir holds that the portion of the firstborn is not returned in the Jubilee Year, as explained earlier.

¹⁸⁰ The mishna further teaches: And the Rabbis say: The halakhic status of a gift is like that of a sale, and must be returned. The Gemara asks: What is the reason of the Rabbis? The Gemara answers that the term "you shall return" in the verse: "In the Jubilee Year you shall return every man to his possession" (Leviticus 25:13), is superfluous, as it is already stated: "It shall be a Jubilee for you, and you shall return every man to his possession" (Leviticus 25:10). Therefore, this term serves to include a gift, which is also returned in the Jubilee Year.

¹⁸¹ And these other cases listed in the mishna are all considered as an inheritance, and consequently they are not returned in the Jubilee Year. With regard to the husband's inheritance of his wife's

property, the Rabbis, like Rabbi Meir, maintain that it applies by Torah law, and they agree that the yavam is considered like a firstborn with respect to his portion.

¹⁸² As for a firstborn, the verse states: “By giving him a double portion” (Deuteronomy 21:17), and the Rabbis disagree with Rabbi Meir, who derives from this verse that the portion of the firstborn has the status of a gift. Rather, they maintain that the verse juxtaposes the extra portion of the firstborn to the portion he receives as an ordinary brother: Just as the portion of an ordinary brother is not redistributed among the brothers in the Jubilee Year, but rather is an inheritance, as it is stated: “On the day that he causes his sons to inherit” (Deuteronomy 21:16), so too the portion of the firstborn is an inheritance, and is not returned in the Jubilee Year.

¹⁸³ The mishna further teaches that Rabbi Elazar says: All these lands return in the Jubilee Year. The Gemara explains that Rabbi Elazar holds in accordance with the opinion of the Rabbis, who say that the term “you shall return” serves to include a gift, and he further maintains that these cases listed in the mishna are all considered gifts. The Gemara elaborates: With regard to a firstborn it is stated: “By giving him a double portion.” Through the use of the term “giving,” the Merciful One calls his portion a gift.

¹⁸⁴ And with regard to one who inherits his wife’s property, Rabbi Elazar maintains that the inheritance of a husband is by rabbinic law, and therefore it does not have the status of an inheritance that does not return in the Jubilee Year. And finally, one who consummates the levirate marriage with the wife of his brother returns the property for redistribution among the brothers, as the Merciful One calls him a firstborn, and Rabbi Elazar rules that the portion of the firstborn is returned in the Jubilee Year.

¹⁸⁵ § Rabbi Asi says that Rabbi Yoḥanan says: Brothers who divided property received as an inheritance are considered purchasers from each other, i.e., one does not say they each received the exact inheritance to which they were entitled. And as purchasers of land, they must return the portions to each other in the Jubilee Year, at which point they redistribute the property. Rav Hoshaya raises an objection from the mishna: And these are the people whose properties do not return to their original owners in the Jubilee Year: The firstborn who inherited his father’s property by the right of primogeniture.

¹⁸⁶ Rabbi Elazar said to Rav Hoshaya: What is the meaning of the clause: They do not return? It means that they do not return for naught, i.e., the firstborn does not forfeit the double portion; rather, when they redistribute the property he again receives a double portion. Rav Sheshet objects to this: By inference from this answer, should one conclude that the one who says the portion of the firstborn returns in the Jubilee Year is saying that it returns for naught? Why should the firstborn lose his double portion?

¹⁸⁷ Rav Ḥama read the verse about Rav Sheshet: “Wisdom is good with an inheritance” (Ecclesiastes 7:11), i.e., it is not enough to inherit knowledge of baraitot, as does Rav Sheshet; rather, one must also be expert in the wisdom of amora’im. Rav Ḥama explained: Didn’t Rav Sheshet hear this matter, that when Ravin came from Eretz Yisrael to Babylonia, he said that Rabbi Yoḥanan says, and some say that Rabbi Elazar said it in the name of Rabbi Elazar ben Shammua, who is the tanna Rabbi Elazar in the mishna: What is the meaning of the clause: They return in the Jubilee Year? It means that they return for naught, and they forfeit that which they received.

¹⁸⁸ § The mishna teaches that Rabbi Yoḥanan ben Beroka says: Even one who inherits his wife's property must return the land to the members of her father's family and should deduct from them the monetary value of the land. The Gemara asks: What does Rabbi Yoḥanan ben Beroka hold? If he holds that the inheritance of a husband is by Torah law, why must he return the property to the members of his wife's family? An inheritance by Torah law is not given back in the Jubilee Year. And if he holds that the inheritance of a husband is by rabbinic law, what is the purpose of the money he receives from his wife's relatives? Since the property belongs to them, they should not have to pay him anything.

¹⁸⁹ The Gemara answers: Actually, Rabbi Yoḥanan ben Beroka holds that the inheritance of a husband is by Torah law, and what are we dealing with here? We are dealing with a case where his wife bequeathed to him her family's graveyard. And due to the need to avoid a family flaw, i.e., harm to the family name, if the wife's family would be buried in plots belonging to others, the Sages said he should take money from them and return the graveyard.

¹⁹⁰ And this is as it is taught in a baraita discussing halakhot connected with burial that serve to uphold family honor: In the case of one who sells his grave, or the path to his grave, or the place where visitors would stand to comfort the mourners, or the place of his eulogies, the members of his family may come and bury him in his ancestral plot against the purchaser's wishes, due to the need to avoid a family flaw, i.e., harm to the family name. And what is the meaning of the clause: And deduct for them part of the monetary value of the property? It means that he must deduct the monetary value of his wife's grave from the value of the field, as a husband is obligated to pay for his wife's burial (see Ketubot 47b).

Chapter 9

¹ MISHNA: The mitzva of animal tithe is in effect both in Eretz Yisrael and outside of Eretz Yisrael, in the presence of, i.e., in the time of, the Temple and not in the presence of the Temple. It is in effect with regard to non-sacred animals but not with regard to sacrificial animals. And it is in effect with regard to the herd and the flock, but they are not tithed from one for the other; and it is in effect with regard to sheep and goats, and they are tithed from one for the other.

² And it is in effect with regard to animals from the new flock and with regard to animals from the old flock, but they are not tithed from one for the other. As by right, it should be inferred: If in the case of animals from the new flock and the old flock, which do not carry the prohibition of mating diverse kinds when mated with each other because they are one species, are nevertheless not tithed from one for the other, then with regard to sheep and goats, which do carry the prohibition of mating diverse kinds when mated with each other, is it not right that they will not be tithed from one for the other? Therefore, the verse states: "And all the tithe of the herd or the flock, whatever passes under the rod, the tenth shall be sacred to the Lord" (Leviticus 27:32), indicating that with regard to animal tithe, all animals that are included in the term flock are one species.

³ GEMARA: The mishna teaches that the mitzva of animal tithe is in effect both in Eretz Yisrael and outside of Eretz Yisrael. The Gemara suggests: Let us say that the mishna is not in accordance with the opinion of Rabbi Akiva. As it is taught in a baraita that Rabbi Akiva says: One might have

thought that a person must bring up his animal tithe from outside of Eretz Yisrael and sacrifice it in the Temple. Therefore, the verse states: “And you shall bring there your burnt offerings, and your offerings, and your tithes, and the offering of your hand, and your vows, and your gift offerings, and the firstborn of your herd and of your flock” (Deuteronomy 12:6).

⁴ Rabbi Akiva explains: The plural form “tithes” indicates that the verse is speaking of two tithes; one is the animal tithe, and the other one is the second tithe of grain, i.e., produce. Since these two tithes are included in the same word, it is derived from here that from the place where you bring up the tithe of grain, i.e., Eretz Yisrael, as the obligation to separate tithe of grain applies only there, you also bring up the animal tithe; but from a place where you do not bring up the tithe of grain, i.e., outside of Eretz Yisrael, you do not bring up the animal tithe either. This baraita, which states the opinion of Rabbi Akiva, apparently contradicts the ruling of the mishna.

⁵ The Gemara responds: You may even say that the mishna is in accordance with the opinion of Rabbi Akiva, as the baraita and the mishna are referring to different cases. The baraita there is referring to the requirement to bring the animal tithe to Jerusalem for it to be sacrificed on the altar. By contrast, the mishna here is speaking of the status of every tenth animal; these animals are to be separated and consecrated. The Gemara adds that the language of the baraita is also precise, as it adduces a derivation from the phrase “and you shall bring there.” Conclude from this citation that the baraita is referring specifically to the requirement to bring the animal tithe and sacrifice it in Jerusalem.

⁶ The Gemara asks: If so, since animal tithe outside of Eretz Yisrael is not sacrificed on the altar, why is it consecrated? What is the significance of its sanctity? The Gemara answers that it is consecrated to the extent that it may be eaten by its owner only when it develops a blemish.

⁷ § The mishna teaches that the animal tithe is in effect both in the presence of the Temple and not in the presence of the Temple. The Gemara challenges: If so, then even nowadays the halakha of the animal tithe should be in effect. Why then do people not remove every tenth animal from their flock or herd? The Gemara answers: The reason is in accordance with the opinion of Rav Huna, as Rav Huna says: This is a rabbinic decree due to an orphan, i.e., a baby animal whose mother died before it was born, lest it be included with the other animals to be tithed; the obligation of animal tithe does not apply to it.

⁸ The Gemara challenges: If so, then even originally, when the Temple stood, the practice should have also been not to separate animal tithe in case an orphaned animal was included in the counting. Rather, the Gemara explains that there was no concern for an orphaned animal when the Temple stood, as it was possible to remove this concern by issuing an announcement to everyone that an orphaned animal is exempt from animal tithe. The Gemara suggests: Here too, it is possible to remove the concern by means of an announcement that an orphaned animal is exempt from animal tithe.

⁹ Rather, Rabba says: The reason animal tithe is no longer separated is due to concern that a mishap might occur. And from where do you say that we are concerned for a mishap after the destruction of the Temple? As we learned in a baraita: One may neither consecrate items, nor value an item’s worth based on its appraisal, nor dedicate items for sacred use (see Leviticus, chapter 27) and dedicate its monetary worth to the Temple treasury, in the present time, when the Temple is no longer standing.

¹⁰ The baraita continues: And if one did consecrate, or valueate, or dedicate items for sacred use, the presence of these items might lead to the mishap of the violation of the prohibition against using consecrated property. Therefore, if one dedicated an animal it should be destroyed. If he dedicated produce, garments, or vessels made from materials that decompose, he should store them until they decompose. And if he dedicated money or metal vessels, he should take them and cast them into the Dead Sea. The Gemara adds: And in the case of an animal, what constitutes uprooting? He locks the door before it, and it dies on its own from hunger. This baraita indicates that animals that cannot be sacrificed nowadays must be left to die so that they are not used improperly.

¹¹ The Gemara challenges: If so, then a firstborn should also not be consecrated, as this too could lead to a mishap. The Gemara responds: Does the matter of the consecration of a firstborn depend on us? The animal is automatically consecrated upon its exit from the womb. The Gemara answers that this is what the questioner is saying: Let us sell the ears of all firstborn animals to gentiles before their births, so that they are not consecrated from the outset. A firstborn animal that is jointly owned by a Jew and a gentile does not become consecrated as a firstborn.

¹² The Gemara explains that it is possible to act in a different manner, so that the priest does not lose out on his rights to the firstborn animal. One can act in accordance with the opinion of Rabbi Yehuda, as Rabbi Yehuda says: It is permitted for a person to inflict a blemish upon a firstborn animal fetus before it emerges into the air of the world. The Gemara challenges: If so, here too, it is possible for one to inflict a blemish from the outset, before the animal becomes consecrated as the tithed animal.

¹³ The Gemara answers: How can one know which animal will emerge as the tenth? Since it is impossible to know this, one cannot inflict a blemish on the animal before it becomes consecrated. And if you would say that one should bring out the animal upon which he has inflicted the blemish at the head of the ten animals to ensure that it will be the tithed animal, this is not a valid option, as the Merciful One states: “He shall not inquire whether it be good or bad” (Leviticus 27:33). This means one may not plan in advance which animal will be the tenth.

¹⁴ And if you would say it is possible to inflict a blemish on the entire herd of animals and thereby ensure the tenth one will be blemished, that is also undesirable. The reason is that soon the Temple will be rebuilt and we will require animals for offerings, and there will be none remaining without a blemish.

¹⁵ The Gemara asks: But here too, with regard to a firstborn animal, why not also say that soon the Temple will be rebuilt and we will require animals for offerings and there will be none remaining without a blemish? The Gemara answers: It is possible to bring the offerings from ordinary animals that are not firstborns.

¹⁶ The Gemara challenges: Here too, with regard to the animal tithe, it is possible to bring the offerings from animals purchased from another person, which are exempt from animal tithe, as taught in the mishna on 55b. The Gemara answers: Since anyone who has animals inflicts a blemish on all of the animals in his herd to avoid consecrating the tithe, there will be very few unblemished animals available for purchase. And furthermore, blemishes that disqualify sacrificial animals are common, as even if the blemish is small, e.g., on the animal’s eyelid, it disqualifies the animal from being used for sacrifice. Therefore, it will not be common to find animals fit to be used as offerings. For this reason the Sages decreed that one should not tithe his animals in the present time.

¹⁷ § The mishna teaches that the mitzva of animal tithe is in effect with regard to non-sacred animals but not with regard to sacrificial animals. The Gemara raises a difficulty: It is obvious that the mitzva to tithe is not in effect with regard to sacrificial animals, as they are not his. Since sacrificial animals have been dedicated to the Temple, of course the owner cannot subsequently consecrate them.

¹⁸ The Gemara answers: The mishna is referring to offerings of lesser sanctity, e.g., peace offerings, and it is in accordance with the opinion of Rabbi Yosei HaGelili, who says: Offerings of lesser sanctity are the monetary property of their owners, and therefore the owner can consecrate them. As it is taught in a baraita with regard to the guilt offering of a robber who takes a false oath, that the verse: “And he commits a trespass against the Lord” (Leviticus 5:21), serves to include one who takes a false oath with regard to offerings of lesser sanctity belonging to another, which are the property of their owners. This is the statement of Rabbi Yosei HaGelili. Accordingly, it might enter your mind to say that such animals should be tithed. Therefore, the mishna teaches us that the mitzva of animal tithe is not in effect with regard to sacrificial animals at all.

¹⁹ The Gemara suggests: But one can say it is indeed so, i.e., perhaps offerings of lesser sanctity can indeed be tithed. The Gemara responds that the Merciful One states: “And all the tithe of the herd or the flock, whatever passes under the rod, the tenth shall be sacred to the Lord” (Leviticus 27:32). This teaches that this mitzva applies only to an animal that can become sacred in the future but not to an animal that is already sanctified, e.g., that has been set aside as an offering of lesser sanctity.

²⁰ The Gemara raises a difficulty: The reason that offerings of lesser sanctity cannot be tithed is that the Merciful One writes: “The tenth shall be sacred to the Lord,” from which it can be inferred that were that not the case, I would say that the sanctity of the animal tithe does take effect on the animal. This claim is difficult, as now that consecration of stringent sanctity does not take effect with regard to offerings of lesser sanctity, as will be explained, is it necessary to teach that a consecration of lesser sanctity does not take effect with regard to offerings of lesser sanctity?

²¹ The Gemara clarifies: What is this halakha that consecration of stringent sanctity does not take effect with regard to offerings of lesser sanctity? As we learned in a mishna (Temura 32a): Both concerning animals consecrated for the altar and items consecrated for Temple maintenance, one cannot alter their designation from one form of sanctity to another form of sanctity. But one can consecrate an animal already consecrated for the altar by consecration of its value, and that value is donated to the Temple treasury for maintenance, in addition to the sacrificing of the animal. And one can dedicate that value for the purpose of giving it to the priests. This mishna teaches that one may not consecrate an animal that has already been consecrated for Temple maintenance as an offering for the altar, despite the fact that an offering has more stringent sanctity, and if so, then the sanctity of the animal tithe certainly does not take effect with regard to offerings of lesser sanctity.

²² The Gemara answers: Even so, it is necessary for the mishna to teach that tithes do not take effect on offerings of lesser sanctity, lest you say that there, in the mishna in Temura, the reason is that not every animal stands to potentially become a burnt offering, i.e., an offering of more stringent sanctity, from the time it is born. For this reason the greater sanctity cannot take effect once the animal has been consecrated as an offering of lesser sanctity. But in the mishna here, where every animal stands to potentially become an animal tithe offering, one might have thought that even though it is consecrated as an offering of lesser sanctity, nevertheless the initial potential prohibition, i.e., status, of animal tithe is not abrogated from it.

²³ The Gemara clarifies: What difference is there if an animal that has been consecrated as a peace offering is also sanctified as an animal tithe offering? The Gemara explains that if it is sanctified as an animal tithe offering, the prohibition of: “It shall not be redeemed” (Leviticus 27:33), and the prohibition of: It shall not be sold (see 32b), take effect. A peace offering can be redeemed, whereas it is prohibited to redeem or sell animal tithe even after its slaughter. Therefore, the mishna teaches us that the sanctity of animal tithe does not take effect on animals that have been consecrated as offerings of lesser sanctity.

²⁴ § The mishna teaches: And the animal tithe is in effect with regard to the herd and the flock, but they are not tithed from one for the other; and it is in effect with regard to sheep and goats, and they are tithed from one for the other. In this regard the Gemara cites a baraita: Let it be proven that the animals from the new flock and the animals from the old flock can be tithed from one for the other, by an a fortiori inference: And if sheep and goats, which are prohibited for interbreeding with each other due to the prohibition of diverse kinds, are nevertheless tithed from one for the other, with regard to animals from the new flock and the old flock, which are not prohibited for interbreeding with each other as diverse kinds, is it not logical that they should be tithed from one for the other?

²⁵ The baraita continues: Therefore, the verse states: “You shall tithe a tithe from all the increase of your seed that the field brings forth year by year. And you shall eat before the Lord your God, in the place that He shall choose to place His name there, the tithe of your grain, of your wine, and of your oil, and the firstborn of your herds and of your flocks; that you may learn to fear the Lord your God always” (Deuteronomy 14:22–23). Here, the verse is speaking of two tithes; one is the animal tithe and the other one is the grain tithe. And the verse juxtaposes the animal tithe to the grain tithe, teaching that just as the grain tithe is not taken from the new grain for the old grain, so too, the animal tithe is not taken from the new flock for the old flock.

²⁶ The Gemara asks: If so, let us say with regard to sheep and goats that they too are not tithed for each other, by the same reasoning, i.e., that the verse juxtaposes the animal tithe to the grain tithe: Just as grain tithe is not separated from one type of grain for another grain that is not its type, so too, animal tithe is not separated from one type of animal for another species of animal that is not its type. The Gemara answers that with regard to animal tithe the Merciful One has amplified the halakha by stating “flock” (Leviticus 27:32). This teaches that all species referred to with the term flock, i.e., sheep and goats, are tithed together.

²⁷ The Gemara suggests: If so, let us also say that new flocks are tithed together with old flocks, based on that amplification of the verse. The Gemara answers that it is written: “You shall tithe a tithe” (Deuteronomy 14:22), to teach that old and new flocks are not tithed together. The Gemara asks: And what did you see that led you to use the juxtaposition to prohibit tithing old and new flocks together but not to prohibit tithing sheep and goats together? Rava said the verse states: “Year by year” (Deuteronomy 14:22), which teaches that I have juxtaposed the flocks with regard to the year in which they were born, i.e., to prohibit tithing old and new flocks together, but not with regard to another matter.

²⁸ § We learned in a mishna there (Terumot 2:4): One may not separate the portion of the produce designated for the priest [teruma] from one type of produce to exempt another type of produce that is not its type, and if one did separate teruma in that manner, his teruma is not teruma. The Gemara asks: From where is this matter derived? Rabbi Ami says that Rabbi Yannai says, and some say that

Rabbi Ami says that Rabbi Shimon ben Lakish says, that the verse states with regard to teruma: “All the best of the oil, and all the best of the wine, and of the grain, the first part of them, which they give to the Lord, to you have I given them” (Numbers 18:12). The Torah says: Give the best, i.e., teruma and tithes, of this, the oil, and the best of that, the wine, separately, i.e., one may not give teruma or tithes from one for the other. This mitzva also applies to tithes, as it too is called: “The best” (Numbers 18:30).

²⁹ The Gemara asks: We found a source for the halakha that one may not separate teruma from wine and oil together; from where is it derived that one may not separate teruma from wine and grain together, or from grain of one kind and grain of a different kind together? The Gemara answers that this can be derived by an a fortiori inference: And if wine and oil, which are not prohibited due to the prohibition of diverse kinds if they are planted with each other, nevertheless may not be tithed from one for the other, then with regard to wine and grain or grain and grain, which are subject to the prohibition of diverse kinds when planted with each other, is it not logical that they may not be tithed from one for the other?

³⁰ The Gemara challenges: But this derivation is problematic according to the opinion of Rabbi Yoshiya, who says that the verse: “You shall not sow your vineyard with diverse kinds” (Deuteronomy 22:9), means that one who sows diverse kinds is not liable by Torah law until he sows wheat and barley and a grape seed with a single hand motion. According to this opinion, the above a fortiori inference is not valid; consequently, how does he derive the halakha that one may not tithe grain for wine or grain for grain?

³¹ The Gemara answers that he derives it in this manner: And if wine and oil, which are not prohibited as diverse kinds with each other even by means of something else, i.e., even if one planted a different kind of grain seed with them, do not become prohibited, and yet they may not be tithed from one for the other, then with regard to wine and grain or grain and grain, which are prohibited as diverse kinds with something else, i.e., if they are planted with another type of seed, is it not logical that they may not be tithed from one for the other?

³² The Gemara asks: It can be derived in this manner that one may not separate teruma or tithes from wine for grain or vice versa; but from where do we derive the prohibition against separating teruma or tithes from two species in general that are not grain, e.g., lentils and beans, one for the other? The Gemara answers that the obligation to separate tithes from these other species, which are not mentioned in the Torah, applies by rabbinic law, and concerning all ordinances that the Sages instituted, they instituted them parallel to Torah law. Therefore, just as by Torah law two species may not be tithed from one for the other, so too, those mixtures that are prohibited by rabbinic law may not be tithed one for another.

³³ Rava bar Rav Ḥanan said to Abaye: If that is so, then with regard to animal tithe, where it is not written in the Torah: And all the tithe of the herd or the tithe of the flock, with the word “tithe” mentioned twice, once in reference to the herd and once in reference to the flock, but rather the verse states: “And all the tithe of the herd or the flock, whatever passes under the rod, the tenth shall be sacred to the Lord” (Leviticus 27:32),

³⁴ let them be tithed from one for the other. Abaye said to him that the verse states: “The tenth shall be sacred to the Lord” (Leviticus 27:32). This indicates that one must give the tenth animal from this, the flock, and give the tenth animal from that, the herd, with each counted and given separately. The

Gemara raises a difficulty: If so, sheep and goats should also have to be tithed separately. The Gemara answers that the verse states: “Or the flock,” which means that all the goats and sheep are one flock and may be tithed together.

³⁵ The Gemara raises a further difficulty: Here too, with regard to teruma and tithes, let us say that the term “grain” (Numbers 18:12) means that all the different types of grain are considered one grain, and may be tithed together. Abaye said in response that there it is different, as the verse states: “The first part of them” (Numbers 18:12), in the plural, which teaches that one must give the first part for each type of produce separately. And Rabbi Ile’a says likewise that “the first part of them” teaches that one must give the first part for each type of produce separately.

³⁶ Rava said that there is an alternative answer: Even without the term “the first part of them” there is also no difficulty, as you cannot say the term “grain” means that all the different types of grain are considered one grain. Rava explains: Granted, there, with regard to sheep and goats, we say that the term “or the flock” means that all goats and sheep are one flock. Because if it enters your mind that sheep and goats may also not be tithed one for the other, like the herd and the flock, let the verse write: And all the animal tithe, without distinguishing between herds and flocks.

³⁷ And if you would say that if the verse had written: All the animal tithe, I would say that the requirement to tithe animals applies even to undomesticated animals, this is not so. The reason is that one derives the halakha of the animal tithe from sacrificial animals, via a verbal analogy of the terms “under” and “under.” With regard to sacrificial animals it states: “When a bull, or a sheep, or a goat is brought forth, then it shall be seven days under its mother, but from the eighth day onward it may be accepted for an offering made by fire to the Lord” (Leviticus 22:27), and with regard to animal tithe it states: “And all the tithe of the herd or the flock, whatever passes under the rod, the tenth shall be sacred to the Lord” (Leviticus 27:32). It is derived through this verbal analogy that just as an undomesticated animal cannot be consecrated as an offering, so too, it cannot be tithed.

³⁸ Rava continues his explanation: And as one would not have thought that undomesticated animals are included in the animal tithe the verse could have stated: And all the animal tithe, and one would derive that one species may not be tithed for another by an a fortiori inference from new grain and old grain, as specified earlier: If the grain tithe may not be taken from the new grain for the old grain despite the fact that the prohibition of diverse kinds does not apply, all the more so with regard to different species of animal, which are prohibited as diverse kinds; the animal tithe may not be taken from one for another. If so, why do I need the verse to state: “The herds or the flock”? This teaches that herds of cattle and flocks of sheep or goats may not be tithed from one for the other, but sheep and goats, which are both called flocks, may be tithed from one for the other.

³⁹ Rava concludes: But here, in the case of grain, would it suffice if the Torah had not written: “Grain,” to exclude other types of foods from the obligation of tithes by Torah law? In other words, the term “grain” must be serving to exclude other types of food, as one cannot claim they could have been excluded in some other manner.

⁴⁰ Rav Huna, son of Rav Nahman, objects to this claim of Rava in which it is derived from the words “herd” and “flock” that cattle and sheep may not be tithed together. One can say instead that this teaches that one should intermingle the cattle in the herd with the sheep in the flock and tithe them all together. Mar Zutra, son of Rav Nahman, said to Rav Huna, son of Rav Nahman: Rava also accepts

the opinion of Abaye that the verse “The tenth shall be sacred to the Lord” teaches that cattle and sheep must be tithed separately, and therefore he does not entertain that derivation.

⁴¹ There are those who say that Rava said: Even without the verse “The tenth shall be sacred to the Lord” you also cannot say that a herd and a flock should be tithed from one for the other, as animal tithe is juxtaposed to grain tithe: Just as grain tithe may not be separated from one type of grain for another grain that is not its type, so too, animal tithe may not be separated from one type of animal for another species of animal that is not its type.

⁴² The Gemara asks: But isn’t it Rava himself who said that the term: “Year by year” (Deuteronomy 14:22), teaches that I have juxtaposed the two types of tithe with regard to the year in which they were born, teaching that one may not tithe old and new flocks together, but not with regard to another matter, i.e., there is no prohibition against tithing two types together? The Gemara answers: Rava retracted that first opinion, and maintains that the juxtaposition applies even to the tithing of two types together. And if you wish, say instead that one of those opinions was said by Rav Pappa, not by Rava. Since Rav Pappa was Rava’s closest student and took over as head of the academy after Rava’s death, his statements were occasionally mistaken for those of Rava himself.

⁴³ MISHNA: Animals subject to the obligation of animal tithe join together if the distance between them is no greater than the distance that a grazing animal can walk and still be tended by one shepherd. And how much is the distance that a grazing animal walks? It is sixteen mil. If the distance between these animals and those animals was thirty-two mil they do not join together. If he also had animals in the middle of that distance of thirty-two mil, he brings all three flocks to a pen and tithes them in the middle. Rabbi Meir says: The Jordan River divides between animals on two sides of the river with regard to animal tithe, even if the distance between them is minimal.

⁴⁴ GEMARA: The mishna teaches that animals join together for the purposes of tithing if the distance between them is no greater than the distance a grazing animal can walk and still be tended by one shepherd. The Gemara asks: From where are these matters derived? What is the source that this is the maximum distance at which they can be tithed together?

⁴⁵ Rabba bar Sheila said that the verse states: “So says the Lord of hosts: Yet again shall there be in this place, which is desolate, without man and without animal, and in all its cities, a habitation of shepherds causing their flocks to lie down. In the cities of the hill country, in the cities of the lowland, and in the cities of the south, and in the land of Benjamin, and in the places about Jerusalem, and in the cities of Judah, the flock shall again pass under the hands of him who counts them, says the Lord” (Jeremiah 33:12–13). It is derived from here that animals that can pass under the hands of one shepherd are called one flock and can be counted together for the animal tithe. And the Sages have an accepted tradition that the eye of the shepherd can see up to a distance of sixteen mil.

⁴⁶ § The mishna teaches that if the distance between these animals and those animals was thirty-two mil they do not join together. The Gemara infers: It is only if the distance between them is thirty-two mil that they do not join together, from which it can be inferred that if the distance between them is less than this they do join together. But the mishna earlier teaches: Sixteen mil, which indicates: And no more. The Gemara answers: One cannot infer that if the distance is less than thirty-two mil the animals join together. The mishna mentions thirty-two mil only because it wants to teach in the latter

clause: If he also had animals in the middle of that distance of thirty-two mil, he brings them all to a pen and tithes them in the middle.

⁴⁷ The Gemara asks: And how many animals must he have on the two sides and in the middle in order to tithe them as one group? Rav says: Five from here and five from there and five in the middle. The reason is that these five in the middle are fit to combine with the animals here and are likewise fit to combine with the animals there, to amount to a total of ten, to which the obligation of animal tithe applies. For this reason all three flocks are considered as one flock.

⁴⁸ And Shmuel says: Even if there are five from here and five from there and only one in the middle they may be tithed together. The reason is that we see the shepherd as one who stands here in the middle and we apply the verse: “Who counts them” (Jeremiah 33:13), to him. Since he can see and count both sides from his vantage point in the middle, they are all considered one flock.

⁴⁹ The Gemara raises an objection to the opinion of Rav from a baraita: If one had five sheep in the village of Ḥananya and five sheep in the village of Otnai, which is a distance of thirty-two mil from the village of Ḥananya, they do not combine, unless he also has one sheep between them, in Tzipori. This is apparently a conclusive refutation of the opinion of Rav that there must be at least five sheep in the middle.

⁵⁰ Shmuel interpreted the baraita in accordance with the opinion of Rav. The baraita does not mean he had five sheep on either side, but rather it is referring to a case where he had nine sheep from here and nine sheep from there and one in the middle. This case is different, as that one sheep in the middle is fit to combine with the animals here and is fit to combine with the animals there, to constitute a total of ten animals on either side, to which the obligation applies.

⁵¹ Rav Pappa says: And according to the opinion of Shmuel that one animal in the middle is sufficient to combine the two groups on either side of it, even if the shepherd himself is in the middle without any sheep, he combines the two flocks on either side. And even if only the implements of the shepherd are in the middle, they combine the two flocks on either side into one flock. Since the shepherd must go there to collect his implements it is considered as though he is already there and therefore the two flocks are combined.

⁵² Rav Ashi raises a dilemma: What is the halakha in a case where the dog of the shepherd is in the middle? Does it combine the two flocks into one or not? Since the shepherd can call the dog and it comes, perhaps it does not combine the two flocks, as the shepherd himself has no need to go to the middle, so the dog is not like the implements of the shepherd. Or perhaps, because sometimes the dog does not come when the shepherd calls it, and in such cases the shepherd himself must go and bring it, it does combine the two flocks. The Gemara states that the dilemma shall stand unresolved.

⁵³ § The mishna teaches that Rabbi Meir says: The Jordan River divides between animals on two sides of the river with regard to animal tithe, even if the distance between them is minimal. Rabbi Ami says: They taught that the Jordan River serves as a partition only when there is no bridge there, but if there is a bridge there, the bridge combines the two flocks into one for the purposes of tithing.

⁵⁴ The Gemara notes: Apparently, the Jordan River serves as a partition because the flock on one side is not close and is unable to join the flock on the other side due to the river between them. The Gemara raises an objection from a baraita: If one had sheep on both sides of the Jordan River, here and there; or if the flocks were in two counties [avtilaot], e.g., Namer and Namori, even if they were

under the control of the same ruler, the flocks do not combine, even if there is no river between them and they are less than thirty-two mil apart. And needless to say, if one flock is outside of Eretz Yisrael and the other is inside Eretz Yisrael, they do not combine.

⁵⁵ The Gemara clarifies its objection: But the partition between outside of Eretz Yisrael and inside Eretz Yisrael is like a place that has a bridge, as the two areas are not necessarily separated by water. And yet the baraita teaches that they do not combine.

⁵⁶ Rather, the Gemara retracts its previous explanation. Rabbi Ḥiyya bar Abba says that Rabbi Yoḥanan says: This is the reason for the opinion of Rabbi Meir: As the verse states: “And the Jordan was to be its border on the east side. This was the inheritance of the children of Benjamin, by its borders round about, according to their families” (Joshua 18:20). Here, the verse renders the Jordan River as a border in and of itself.

⁵⁷ The Gemara raises a difficulty: But if that is so, should one say that the demarcation of the land allotted to each tribe has the status of a border? Consider the verse: “And the border was drawn and turned about on the west side southward, from the mountain that lies before Beit Horon southward; and its goings out were at Kiriath Ba’al, which is Kiriath Jearim, a city of the children of Judah; this was the west side” (Joshua 18:14). And consider the verse: “And the border went up to the side of Jericho on the north, and went up through the hill country westward; and its goings out were at the wilderness of Beit Aven” (Joshua 18:12). Here also, the verse apparently renders each of these places a border by itself. If so, flocks on either side should not combine for purposes of tithing.

⁵⁸ The Gemara answers: There, with regard to the demarcation of each inheritance, it is different, as the verse states: “And the border shall go down to the Jordan, and its goings out shall be at the Dead Sea; this shall be your land according to its borders round about” (Numbers 34:12). This teaches that all of Eretz Yisrael is considered to be within one border, notwithstanding the demarcations of each inheritance within.

⁵⁹ The Gemara raises a further difficulty: If so, the Jordan River also should not be considered a border with regard to animal tithes. The Gemara explains that the verse states: “This shall be your land,” which is referring to those parts of land that are connected, but not to areas separated by the Jordan River, which is not land but water.

⁶⁰ The Gemara asks: Granted, according to Rabbi Ḥiyya bar Abba, who maintains that the ruling of Rabbi Meir is a Torah edict, this is the reason that the tanna teaches: The Jordan River divides between animals on two sides of the river with regard to animal tithe. But according to Rabbi Ami, who holds that the Jordan River serves as a partition because the animals are unable to cross from one side to the other, let Rabbi Meir teach his principle with regard to all rivers that cannot be crossed. They should all divide flocks with regard to animal tithe. The Gemara comments: This is difficult.

⁶¹ The Gemara suggests: Let us say that the question of whether or not the Jordan River is part of Eretz Yisrael is the subject of a dispute between tanna'im, as it is taught in a baraita: The verse states: “Speak to the children of Israel, and say to them: When you pass over the Jordan into the land of Canaan” (Numbers 35:10). The term “into the land” indicates that the land of Canaan is considered part of Eretz Yisrael, but the Jordan River itself is not considered part of the land of Canaan; this is the statement of Rabbi Yehuda ben Beteira.

⁶² Rabbi Shimon ben Yoḥai says: The verse states with regard to the portions of the tribes of Reuben, Gad, and half of Manasseh: “The two tribes and the half tribe have received their inheritance beyond the Jordan at Jericho eastward, toward the sunrise” (Numbers 34:15). Just as Jericho is part of the land of Canaan, so too, the Jordan River is part of the land of Canaan.

⁶³ § Rabba bar bar Ḥana says that Rabbi Yoḥanan says: The river is called Jordan only from Beit Jericho and below, i.e., to the south. The Gemara asks: With regard to what halakha is this statement relevant? If we say it is relevant for one who takes a vow, e.g., that water from the Jordan River is forbidden to him, this cannot be so, as there is a principle with regard to vows that one must follow the ordinary language of people. The meaning of a vow is interpreted in accordance with the manner in which the words are used in common speech. And therefore, anywhere that most people call the river by the name Jordan, it is prohibited for him to drink from it, regardless of whether it is north or south of Beit Jericho. Rather, the Gemara explains that Rabbi Yoḥanan’s statement is relevant for animal tithe.

⁶⁴ According to the opinion of Rabbi Meir the Jordan River acts as a partition only south of Beit Jericho, but north of that point it is not a partition. The Gemara notes: That is also taught in a baraita: The Jordan River issues forth from the Cave of Pamyas and flows via the Sea of Sivkhi, i.e., Lake Hula, and via the Sea of Tiberias, i.e., the Sea of Galilee, and via the Sea of Sodom, i.e., the Dead Sea, and continues and falls down to the Great Sea. But it is called Jordan only from Beit Jericho and below, i.e., to the south.

⁶⁵ Rabbi Ḥiyya bar Abba says that Rabbi Yoḥanan says: Why is the river called Jordan? Because it descends [yored] from the city of Dan. Rabbi Abba said to Rav Ashi: You learned that the Jordan River emerges from the territory of Dan from there, i.e., from its name. We learn it from here: “And the border of the children of Dan went out from them; and the children of Dan went up and fought against Leshem, and took it, and smote it with the edge of the sword, and possessed it, and dwelt there, and called Leshem: Dan, after the name of Dan their father” (Joshua 19:47). And Rabbi Yitzḥak says that this Leshem is a city that was known in the talmudic period as Pamyas. And it is taught in a baraita that the Jordan River emerges from the Cave of Pamyas.

⁶⁶ Rav Kahana says: The source of the Jordan River is from the Cave of Pamyas. Therefore, in a case where one says: I will not drink water from the Cave of Pamyas, it is prohibited for him to drink water from the entire Jordan River.

⁶⁷ Rav Kahana also states: The source of blood is the liver. The halakhic ramification of this observation is in accordance with a statement of Rabbi Yitzḥak, as Rabbi Yitzḥak says: A liver that dissolved, i.e., a decomposed liver from a corpse, imparts ritual impurity if it has the volume of a quarter-log, which is the minimum amount of blood that imparts ritual impurity.

⁶⁸ Rav Kahana also states: The source of all the water in the world is the Euphrates River. The halakhic ramification of this is in accordance with a statement of Rav Yehuda, as Rav Yehuda says that Rav says: With regard to one who takes a vow rendering the waters of the Euphrates River forbidden to him, it is prohibited for him to drink from any water in the world.

⁶⁹ The Gemara asks: What are the circumstances in which it is prohibited to drink from any water in the world? If we say this is a case where he says: I will not drink from the water of the Euphrates River, it is only the waters of the Euphrates River that he may not drink, whereas he may drink water from another river, since one follows the ordinary language of people.

⁷⁰ Rather, it is referring to a case where he says: I will not drink from any water that comes from the Euphrates River. It is prohibited for him to drink any water at all, as Rav Yehuda says that Rav says: All the rivers are below, i.e., they receive their waters from, three rivers: The Pishon, the Gihon, and the Tigris (see Genesis 2:11–14). And these three rivers are below and receive their waters from the Euphrates River. The Gemara asks: But there are

⁷¹ springs that are higher in the mountains than the Euphrates; how can their water come from the Euphrates? Rav Mesharshiyya said: These are ladders of the Euphrates, i.e., the waters of the Euphrates seep through the ground and are drawn upward to emerge from these springs.

⁷² The Gemara asks: But isn't it written: "And a river went out of Eden to water the garden; and from there it was separated, and became four heads...And the name of the third river is Tigris; that is the one that goes toward the east of Ashur. And the fourth river is the Euphrates" (Genesis 2:10, 14)? This indicates that the Euphrates, which is mentioned last, is the least of the four rivers, not the source of the other three.

⁷³ Rav Naḥman bar Yitzḥak said, and some say it was Rav Aḥa bar Ya'akov who said: It is the Euphrates that the verse mentions initially as the river that went out of Eden, which divided into all the other rivers. After the other three branched out from it, the Euphrates continued to flow.

⁷⁴ It is taught in a baraita that Rabbi Meir says: Yuval is the name of the Euphrates River where it emerges from Eden, as it is stated: "For he shall be as a tree planted by the waters, and that spreads out its roots by the river [yuval], and shall not see when heat comes, but its foliage shall be luxuriant; and shall not be anxious in the year of drought, neither shall cease from yielding fruit" (Jeremiah 17:8). And why is it named Euphrates [perat]? Because its waters are fruitful [parim] and multiply without the need for rainfall.

⁷⁵ The Gemara adds that this supports the opinion of Shmuel, as Shmuel says: The river is blessed from its riverbed; the additional water in the river is not from rainfall but rather from subterranean sources. And this statement disagrees with the opinion of Rav, as Rav Ami says that Rav says: When rain falls in the West, Eretz Yisrael, the great witness attesting to that fact is the Euphrates, as the water flow in the Euphrates increases after the rainy season.

⁷⁶ The Gemara relates that Shmuel's father fashioned a ritual bath for his daughters during the days of Nisan, and placed mats in the Euphrates River during the days of Tishrei when his daughters immersed in the river. He fashioned a ritual bath during the days of Nisan, because he holds in accordance with the opinion of Rav, as Rav Ami says that Rav says: When rain falls in the West, the great witness attesting to that fact is the Euphrates. Shmuel's father was concerned that perhaps the rainwater and snow water that fell and accumulated in the river would exceed the amount of naturally flowing spring water that originated in the river's sources, and the flowing rainwater would be the majority. Rainwater purifies only when it is collected; it does not purify when it is flowing. Therefore, Shmuel's father fashioned ritual baths of standing water for his daughters.

⁷⁷ And he placed mats during the days of Tishrei, when his daughters immersed in the river itself, to give them privacy. During Tishrei the waters of the Euphrates do not come from rainwater; rather, the waters are from the river itself, and therefore immersion is valid even when that water is flowing.

⁷⁸ The Gemara notes: And this statement of Shmuel's, that the additional water in the Euphrates is not from rainfall but from subterranean sources, disagrees with another ruling that he himself issued.

As Shmuel says: Waters purify when flowing, i.e., when they are not collected into a ritual bath, only in the Euphrates during the days of Tishrei. Since rain does not fall in the summer, only after the summer, in Tishrei, is it clear that the water one is immersing in is in fact river water.

⁷⁹ MISHNA: One who purchases an animal or has an animal that was given to him as a gift is exempt from separating animal tithe.

⁸⁰ GEMARA: The Gemara asks: From where is this matter derived? Rav Kahana says that the verse states: “You shall not delay to offer of the fullness of your harvest, and of the outflow of your presses. The firstborn of your sons you shall give to Me. So you shall do with your oxen, and with your sheep: Seven days it shall be with its mother; on the eighth day you shall give it to Me” (Exodus 22:28–29).

⁸¹ Just as the redemption of your firstborn son does not apply to a child who was purchased or received as a gift, i.e., the mitzva applies only to one’s own son, so too, the mitzva of separating tithe from your flock and your herd does not apply to animals that were purchased or received as a gift.

⁸² The Gemara raises a difficulty: But this verse, which juxtaposes the firstborn son to an animal, is written with regard to redemption of a firstborn, not with regard to animal tithe. The Gemara explains that the verse states: “So you shall do with your oxen, and with your sheep: Seven days it shall be with its mother; on the eighth day you shall give it to Me” (Exodus 22:29). If this is not needed for the matter of firstborn animals, which do not require any action to sanctify them as the animal is already consecrated when it leaves the womb, apply it to the matter of animal tithe, where an animal is sanctified only when the owner counts it as the tenth animal.

⁸³ The Gemara suggests: But instead one can say to apply this phrase: “So you shall do,” to the matter of a sin offering and a guilt offering rather than animal tithe, i.e., one should derive that these offerings are sanctified only if they originally belonged to the individual who is attempting to sanctify them, not if they are purchased or received as a gift. The Gemara explains that one expounds the phrase as referring to animal tithe because that case is similar to the case of: Your son. Just as your son does not come to be redeemed to atone for a sin, so too, the phrase: Your sheep and your oxen, discussed in the verse, is referring to animal tithe, which does not come to the Temple to atone for a sin. Sin offerings and guilt offerings are brought only if one commits a sin.

⁸⁴ The Gemara suggests: But instead one can say to apply this phrase to the matter of a burnt offering and a peace offering, which can be brought even if one has not sinned, like the animal tithe. The Gemara explains that one expounds the phrase as referring to animal tithe because that case is similar to the case of: Your son. Just as your son cannot come in the form of a vow or a gift, so too, the phrase: Your sheep and your oxen, discussed in the verse, is referring to animal tithe, which cannot be brought as a vow or as a gift. It is not referring to a burnt offering or a peace offering, both of which can be brought as a vow or as a gift.

⁸⁵ The Gemara suggests: But one can say instead that one should apply this phrase to the matter of a burnt offering of appearance, which one brings when he ascends to Jerusalem on one of the three pilgrimage Festivals. This offering is not brought for a sin, nor as a vow or a gift, as it is obligatory. The Gemara explains that one expounds the phrase as referring to animal tithe because that case is similar to the case of: Your son. Just as your son does not have a fixed time of year to be redeemed, but is redeemed after the thirtieth day from his birth, so too: Your oxen and your sheep, discussed in

the verse, is referring to animal tithe, which does not have a fixed time to be brought. By contrast, the burnt offering of appearance is brought only on the three pilgrimage Festivals.

⁸⁶ The Gemara asks: If the halakha of the tithing of a purchased animal is derived from the juxtaposition to the mitzva of redemption of a firstborn son, then all the halakhot of one should apply to the other: Just as your firstborn son cannot be purchased at all, under any circumstances, so too, your oxen and your sheep should not be subject to animal tithe if they are purchased at all. If so, why does Rabbi Asi say that Rabbi Yoḥanan says: If one purchased ten animal fetuses while they were still in their mothers' wombs and the animals were born once he already owned them, they all enter the pen to be tithed? If the halakha is derived from a firstborn son, there should be no concept of tithe in the case of purchased animals.

⁸⁷ Rava said in response that the verse states: "So you shall do with your oxen, and with your sheep: Seven days it shall be with its mother; on the eighth day you shall give it to Me." The verse excludes purchased animals from animal tithe only at the time of doing, i.e., from the time the animals are fit to be sacrificed in the Temple, not while they are still in their mothers' wombs, as at that time they are as yet unfit to be sacrificed on the altar.

⁸⁸ The Gemara discusses the matter itself, to cite the relevant discussion in full. Rabbi Asi says that Rabbi Yoḥanan says: If one purchased ten animal fetuses while they were still in their mothers' wombs and the animals were born once he already owned them, they all enter the pen to be tithed. The Gemara asks: But didn't we learn in the mishna: One who purchases an animal or has an animal that was given to him as a gift is exempt from animal tithe? If so, why isn't the owner of these fetuses also exempt from animal tithe?

⁸⁹ Rabbi Elazar said: I saw Rabbi Yoḥanan in a dream, which is a sign that I am saying a proper matter in explaining his opinion. The verse states: "So you shall do" (Exodus 22:29); the verse excludes purchased animals from animal tithe only at the time of doing, i.e., from the time the animals are fit to be sacrificed in the Temple. Rabbi Shimon ben Elyakim raised an objection to Rabbi Elazar from a baraita: The exemption of a purchased animal applies even to an animal whose time has not yet arrived, i.e., before it is eight days old and fit to be sacrificed in the Temple. By the same token, the exemption should also apply to a fetus, despite the fact that it is not yet fit to be sacrificed.

⁹⁰ Rabbi Elazar said to Rabbi Shimon ben Elyakim: This baraita is not a tannaitic source that can be relied upon, as it is not accurate. And if you say this baraita is a tannaitic source that can be relied upon, it is only in accordance with the opinion of Rabbi Shimon ben Yehuda in the name of Rabbi Shimon, who says that an animal whose time has not yet arrived also enters the pen to be tithed, and in this regard it is like a firstborn animal. Just as a firstborn animal is sanctified before its time arrives to be sacrificed, but is sacrificed after its time, i.e., after it is at least eight days old, so too, an animal whose time has not yet arrived enters the pen to be tithed, and if it comes out as the tenth animal, it is sanctified before its time for sacrifice has arrived but is sacrificed only after its time, i.e., after it is at least eight days old.

⁹¹ A tanna taught a baraita in the presence of Rav: Which is the type of animal set aside as payment to a prostitute, about which the Sages said (see 57a) that it enters the pen to be tithed? Any animal that he gave to her as payment and subsequently purchased back from her. The tanna asked: But

doesn't it become disqualified from the status of animal tithe as a purchased animal, as he purchased it back from the prostitute?

⁹² The Gemara answers that this statement escaped that tanna: As Rabbi Asi says that Rabbi Yoḥanan says: If one purchased ten animal fetuses while they were still in their mothers' wombs they all enter the pen to be tithed. Accordingly, the baraita can be understood as referring to an animal that was given to a prostitute as payment and purchased back from her while it was still inside its mother's womb.

⁹³ The Gemara asks: But if that is the meaning of the baraita, why is it necessary to purchase the animal back from the prostitute for it to be subject to animal tithe? Let her tithe it herself, as it is not prohibited as payment to a prostitute, since it was in the womb when he gave it to her. The Gemara answers that the baraita is referring to a gentile prostitute, to whom the mitzva of tithing animals does not apply.

⁹⁴ The Gemara challenges: But let the baraita establish this case, of an animal set aside as payment to a prostitute that nevertheless enters the pen to be tithed, as a case involving a Jewish prostitute, and let it be referring to a case where she tithes it herself. The Gemara explains that this baraita teaches us that an animal given as payment to a Jewish prostitute does not have the halakhic status of payment to a prostitute, and is not prohibited for sacrifice.

⁹⁵ The Gemara adds that this is in accordance with the opinion of Abaye, as Abaye says: An animal given to a gentile prostitute is considered to be payment to a prostitute, which is prohibited for sacrifice on the altar. And a priest who engages in intercourse with a gentile prostitute is not flogged due to the prohibition of: "A widow, or one divorced, or a profaned woman, or a prostitute, these shall he not take, but a virgin of his own people shall he take to wife. And he shall not profane his seed among his people, for I am the Lord who sanctifies him" (Leviticus 21:14–15). Conversely, an animal given to a Jewish prostitute is not considered payment to a prostitute and it is permitted to sacrifice it. But a priest who engages in intercourse with a Jewish prostitute is flogged due to the prohibition of: "And he shall not profane his seed among his people, for I am the Lord who sanctifies him."

⁹⁶ The Gemara clarifies Abaye's opinion. An animal given to a gentile prostitute is considered payment to a prostitute, which is prohibited for sacrifice on the altar, as Abaye derives a verbal analogy from the word "abomination" stated with regard to payment to a prostitute: "You shall not bring the payment of a prostitute, or the price of a dog, into the House of the Lord your God for any vow, for both of these are an abomination to the Lord your God" (Deuteronomy 23:19), and the word "abomination" stated in the verses discussing those with whom relations are forbidden: "For whosoever shall do any of these abominations, the souls that do them shall be cut off from among their people" (Leviticus 18:29).

⁹⁷ The Gemara elaborates: Just as the verses discussing those with whom relations are forbidden are referring specifically to those women upon whom betrothal does not take effect, so too, the prostitute referred to in the verse is one upon whom betrothal does not take effect, i.e., a gentile prostitute.

⁹⁸ Abaye further stated: And a priest who engages in intercourse with her is not flogged due to the prohibition of: "And he shall not profane his seed among his people, for I am the Lord who sanctifies him." The Gemara explains: The reason is that the Merciful One states that he should not profane his

seed, i.e., his children, and any children born from this gentile prostitute are not considered to be his seed, as the children of a gentile mother are gentiles.

⁹⁹ MISHNA: With regard to brothers and partners, i.e., brothers who are partners in the inheritance of their father, when they are obligated to add the premium [bakalbon] to their annual half-shekel payment to the Temple they are exempt from animal tithe. Conversely, those whose halakhic status is like that of sons who are supported by their father and are obligated to separate animal tithe are exempt from adding the premium.

¹⁰⁰ The mishna clarifies: If the brothers acquired the animals through inheritance from the property in the possession of their father's house they are obligated in animal tithe; but if not, they are exempt. How so? If they divided the inheritance between them and then reentered a partnership, they are obligated to add the premium and are exempt from animal tithe.

¹⁰¹ GEMARA: The Sages taught in a baraita: The verse states: "That you shall set apart for the Lord all that opens the womb; every firstborn male that emerges from an animal that shall be yours belongs to the Lord" (Exodus 13:12). This teaches that the obligation of animal tithe applies only to an animal that belongs to you, i.e., to one owner, but not to an animal owned by partners. One might have thought that the obligation of the tithe does not apply to the animal even if brothers acquired the animals through inheritance from the property in the possession of their father's house. Therefore, the verse states: "Shall be," to include animals acquired through inheritance in the obligation of animal tithe.

¹⁰² The Gemara asks: But this verse is not referring to animal tithe; rather, it is written with regard to firstborn animals. The Gemara answers: If it is not needed for the matter of firstborn animals, as the mitzva of sanctifying a firstborn animal does apply in a case of partnership, as it is written, in the plural form: "And you shall bring there your burnt offerings, and your offerings, and your tithes, and the offering of your hand, and your vows, and your gift offerings, and the firstborn of your herd and of your flock" (Deuteronomy 12:6), apply the verse to the matter of animal tithe, teaching that it does not apply to an animal owned by partners.

¹⁰³ § The mishna teaches: If the brothers divided the inheritance between them and then reentered a partnership, they are obligated to add the premium and are exempt from animal tithe. Rabbi Yirmeya says: There are times when they are obligated both in this, the premium, and in that, animal tithe. And there are times when they are exempt both from this and from that. Furthermore, there are times when they are obligated to add the premium and are exempt from animal tithe; and finally, there are times when they are obligated in animal tithe and are exempt from having to add the premium.

¹⁰⁴ The Gemara elaborates: The guiding principle is that partners are exempt from animal tithe but obligated to pay the premium, whereas in the case of individual ownership one is obligated in the animal tithe but exempt from paying the premium. Therefore, the case where they are obligated both in this, the premium, and in that, animal tithe, is when they divided the money they inherited from their father but did not divide the animals they inherited. The case where they are exempt both from this and from that is when they divided the animals but did not divide the money.

¹⁰⁵ The case where they are obligated to pay the premium and are exempt from animal tithe is when they divided up both this and that, the money and the animals, from the estate of their deceased father. Afterward they reestablished a partnership and are therefore partners in the normal sense,

rather than co-owners of the original inherited estate, and partners are obligated to pay the premium and are exempt from the animal tithe.

¹⁰⁶ Finally, the case where they are obligated in the animal tithe and are exempt from paying the premium involves brothers who have not divided this or that, the money and the animals of their father's estate, between them at all. It is therefore considered as though their father is still the sole owner of the estate and is contributing the shekel for the pair of them. Since the estate is under individual ownership, the animal tithe must be separated from the livestock.

¹⁰⁷ The Gemara asks: Isn't it obvious? What is the novelty of Rabbi Yirmeya's statement? The Gemara answers: It was necessary for Rabbi Yirmeya to teach the case where they divided the animals but did not divide the money. It might enter your mind to say that since they divided the animals they have thereby revealed their intent to divide the entire estate. Consequently, the estate stands to be divided, and they should be obligated to pay the premium. Therefore, Rabbi Yirmeya teaches us that they are exempt from paying the premium until they have actually divided the money.

¹⁰⁸ § Rav Anan says: The Sages taught this halakha only in a case where they divided kids for goats and goats for kids, i.e., when the two brothers inherited both kids and goats, but one took all the goats and the other all the kids. Since each originally inherited both goats and kids, this division is tantamount to one brother trading his goats for the other's kids. When they again become partners, they are considered like strangers who join together. Consequently, they are exempt from the animal tithe.

¹⁰⁹ But if they divided kids for kids and goats for goats, so that each takes some of both types, in the normal manner, one can say that this, i.e., the group of animals that each brother takes, is considered his share to which he is entitled from the outset, and no transaction between them has occurred. Consequently, when they reestablish the partnership the estate reverts to its original status as a single entity, and they are therefore obligated to separate animal tithe.

¹¹⁰ And Rav Nahman says: Even if they divided the estate in the manner of kids for kids and goats for goats, we do not say that this, the group of animals taken by each brother, is considered his share to which he is entitled from the outset. Therefore, if they reestablish a partnership they are considered like partners and are exempt from separating animal tithe.

¹¹¹ The Gemara notes that this matter is also the subject of a dispute between other amora'im. And Rabbi Elazar says: The Sages taught this halakha only when they divided nine large goats for ten kids, and ten kids for nine large ones. Since the nine large goats are worth the same as ten kids, this division is tantamount to one brother trading his large goats for the other's kids. When they again become partners they are considered as strangers who join together, and therefore they are exempt from the animal tithe.

¹¹² But if they divided nine large goats for nine large goats and ten kids for ten kids, so that each takes some of both types, one can say that this, the group of animals taken by each brother, is considered his share to which he is entitled from the outset, and no transaction between them has occurred. Consequently, when they reestablish the partnership the estate reverts to its original status as a single entity, which means they are obligated to separate animal tithe.

¹¹³ And Rabbi Yoḥanan says: Even if they divided the estate in the manner of nine large goats for nine large goats and ten kids for ten kids, one does not say that this, the group of animals taken by

each brother, is considered his share to which he is entitled from the outset. Therefore, if they reestablish a partnership they are considered as partners and are exempt from separating animal tithe.

¹¹⁴ And Rabbi Yoḥanan follows his established line of reasoning in this regard. As Rav Asi says that Rabbi Yoḥanan says: Brothers who divided real estate received as an inheritance are considered purchasers who have purchased from each other, and as purchasers of land they must return the portions to each other in the Jubilee Year, at which point they may redistribute the property. This demonstrates that Rabbi Yoḥanan does not hold that it is retroactively established that each brother's portion was designated for him upon their father's death. Rather, it is considered as though all the land was joint property until the brothers traded or bought their respective portions from each other.

¹¹⁵ The Gemara notes: And both statements of Rabbi Yoḥanan are necessary. As, if he had taught this halakha to us only here, with regard to animal tithe, one might have thought that it is in this case that Rabbi Yoḥanan says each one has not received his own portion. This is because the case must be similar to the case of your firstborn son, in accordance with the juxtaposition between the two cases. Just as your firstborn son is redeemed only if it is clear to you that he is your son, not if he is purchased from another, so too, your cattle and your sheep are subject to animal tithe only if it is clear to you, i.e., if there is no aspect of acquisition at all. But in the case of a field, one might think it is only with regard to a field that is sold that the Merciful One states that the purchaser should return it in the Jubilee Year, whereas a field that is an inheritance or a gift need not be returned.

¹¹⁶ And if Rabbi Yoḥanan had taught us only the halakha that a field inherited by two brothers must be returned in the Jubilee Year, one might have thought that Rabbi Yoḥanan was uncertain and therefore ruled to be stringent. If so, he would rule stringently with regard to animal tithe as well, deeming the brothers liable. Alternatively, one might think Rabbi Yoḥanan rules in this manner with regard to returning fields in the Jubilee Year only because the field must return to how it was in the beginning. But here, in the case of animal tithe, where there is no requirement to return matters to their initial state, one might say that the brothers are not considered to be purchasers, but rather each received the animals that were retroactively designated for him and they are therefore obligated in animal tithe. For this reason it is necessary for Rabbi Yoḥanan to teach both cases.

¹¹⁷ The Gemara raises an objection from a baraita against the opinion that there is retroactive designation of the animals: And similarly in the case of two partners who divided their common property, and one took ten lambs and the other one took nine lambs and a dog, sacrificing any of the ten lambs taken in exchange for the dog is prohibited. This is because they are considered "the price of a dog," as it states in the Torah (Deuteronomy 23:19), since they were given in exchange for it. Nevertheless, the nine lambs that were taken with the dog are permitted for sacrifice. The Gemara explains the objection: And if you say that there is retroactive designation, why are all ten lambs prohibited? Let him select one of the lambs to correspond to the dog and take it away, and all the rest of these lambs should be permitted.

¹¹⁸ Rav Ashi said: If this is referring to a case where they are all equal in value to each other, indeed one may consider only one of the lambs as corresponding to the dog. Here, we are dealing with a case where they are not all equal in value to each other, but the value of this dog is one and a small amount more than the value of each one of the ten lambs. Therefore, one cannot set aside a single lamb in exchange for the dog, and consequently one draws this extra small amount, i.e., the

additional value of the dog, and divides it between all of the other nine lambs. As a result, all ten lambs are prohibited, since part of the price of a dog is included in each of them.

¹¹⁹ MISHNA: All cattle, sheep, and goats enter the pen to be tithed, except for an animal crossbred from diverse kinds, e.g., a hybrid of a goat and a sheep; a tereifa; an animal born by caesarean section; one whose time has not yet arrived, i.e., that is younger than eight days old, which is when animals become eligible for sacrifice; and an orphan. And what is an orphan? It is any animal whose mother died or was slaughtered while giving birth to it and thereafter completed giving birth to it. Rabbi Yehoshua says: Even if its mother was slaughtered but its hide exists at birth, i.e., if the mother's hide is present after the birth, this is not an orphan.

¹²⁰ GEMARA: The Gemara asks: From where are these matters, i.e., the fact that those animals are not included in the animal tithe, derived? The Gemara answers: As the Sages taught in a baraita that discusses offerings in general: "When a bull or a sheep or a goat is born, then it shall be seven days under its mother, but from the eighth day onward it may be accepted for an offering made by fire to the Lord" (Leviticus 22:27). The phrase "a bull or a sheep" serves to exclude an animal born from diverse kinds; "or a goat" serves to exclude an animal that resembles another, e.g., a sheep that is the offspring of two sheep but which looks like a goat, or vice versa; "when...is born" serves to exclude an animal born by caesarean section; "then it shall be seven days" serves to exclude an animal whose time has not yet arrived; "under its mother" serves to exclude an orphan.

¹²¹ The baraita continues: From where is it derived that these halakhot also apply to animal tithe? Rabbi Yishmael, son of Rabbi Yoḥanan ben Beroka, says it is learned by a verbal analogy from the term "under." It is stated here, with regard to animal tithe: "Whatever passes under the rod" (Leviticus 27:32), and it is stated there, with regard to all offerings: "Under its mother" (Leviticus 22:27). Just as there, in the case of all offerings, the verse serves to exclude all these categories, so too here, with regard to animal tithe, the verse serves to exclude all these categories. And just as here, with regard to animal tithe, the verse serves to exclude a tereifa, as the verse states: "Whatever passes under the rod," and a tereifa is unable to pass unaided, so too there, with regard to all offerings, the verse serves to exclude a tereifa.

¹²² § The Gemara asks: What does the mishna's expansive term: All, serve to include? The Gemara answers that it serves to include this halakha that the Sages taught in a baraita: With regard to an animal that copulated with a person, or an animal that was the object of bestiality, or an animal that was set aside for idol worship, or one that was worshipped as a deity, or one that was given as payment to a prostitute or as the price of a dog, or a tumtum, i.e., an animal whose sexual organs are indeterminate, or a hermaphrodite, i.e., an animal displaying sexual organs of both sexes, all of these enter the pen to be tithed despite the fact that they are disqualified from being brought as offerings. Rabbi Shimon ben Yehuda says in the name of Rabbi Shimon: A tumtum and a hermaphrodite do not enter the pen to be tithed.

¹²³ The Gemara raises a difficulty: But as for the tanna of our mishna, if he derives the verbal analogy of: "Under" (Leviticus 27:32), and: "Under" (Leviticus 22:27), from the verse referring to sacrificial animals, then these types listed in the baraita should also not enter the pen to be tithed, as they are all disqualified from being sacrificed. And if he does not derive the verbal analogy from sacrificial animals, from where does he derive the exemption of these categories listed in the mishna, e.g., one whose time has not yet arrived and an orphan?

¹²⁴ The Gemara answers: Actually, the tanna does derive the verbal analogy, but these categories listed in the baraita are included by the Merciful One in the animal tithe. As it is written with regard to those animals that may not be brought as offerings: “Neither from the hand of a foreigner shall you offer the bread of your God of any of these, because their corruption is in them, there is a blemish in them” (Leviticus 22:25). This verse indicates that corruption is considered a blemish, and the school of Rabbi Yishmael taught: Anywhere that the term: Corruption, is stated, it is a reference to nothing other than a matter of licentiousness and idol worship.

¹²⁵ The baraita supports this claim: Corruption is a reference to a matter of licentiousness, as it is written with regard to the generation of the flood: “And God saw the earth, and behold, it was corrupt; for all flesh had corrupted their way upon the earth” (Genesis 6:12). And corruption is also a reference to idol worship, as it is written: “Lest you deal corruptly, and make you a graven image, the form of any figure, the likeness of male or female” (Deuteronomy 4:16).

¹²⁶ And the juxtaposition of the word “corruption” with the word “blemish” in Leviticus 22:25 teaches that in any case where a blemish disqualifies an animal, a matter of licentiousness or a matter of idol worship also disqualifies it. And in a case where a blemish does not disqualify an animal, a matter of licentiousness or a matter of idol worship also does not disqualify it. And with regard to this animal tithe, since a blemish on an animal does not disqualify it, as it is written: “He shall not inquire whether it be good or bad, neither shall he change it” (Leviticus 27:33), a matter of licentiousness or a matter of idol worship also does not disqualify it.

¹²⁷ The Gemara further explains that the categories listed in the baraita are either matters of licentiousness or matters of idol worship. An animal that copulated with a person and an animal that was the object of bestiality are both a matter of licentiousness. An animal that was set aside for idol worship and one that was worshipped are cases of idol worship. And an animal that was given as payment to a prostitute is a matter of licentiousness, and an animal used as the price of a dog is juxtaposed to an animal that was given as payment to a prostitute (see Deuteronomy 23:19).

¹²⁸ Finally, with regard to an animal that is a tumtum or a hermaphrodite, the tanna holds that it is uncertain whether it is male or female, not a creature unto itself, and therefore a tumtum is also subject to the tithe.

¹²⁹ The baraita states that Rabbi Shimon ben Yehuda says in the name of Rabbi Shimon: A tumtum and a hermaphrodite do not enter the pen to be tithed. The Gemara explains: He holds that the case of an animal that is a tumtum or a hermaphrodite involves an uncertainty, and the Merciful One excluded cases of uncertainty with regard to sacrificial animals. Only a definite male or a definite female is fit to be sacrificed on the altar, but not a tumtum or a hermaphrodite. Consequently, with regard to animal tithe too, they do not enter the pen to be tithed, as he derives the verbal analogy of “under” and “under” from sacrificial animals.

¹³⁰ The Sages taught in a baraita: All animals enter the pen to be tithed except for an animal crossbred from diverse kinds, e.g., a hybrid of a goat and a sheep, and a tereifa; this is the statement of Rabbi Elazar, son of Rabbi Yehuda, of the village of Bartota, who said it in the name of Rabbi Yehoshua. Rabbi Akiva said: I heard from Rabbi Yehoshua that an animal born by caesarean section and an animal whose time has not yet arrived, i.e., that is less than eight days old, and an orphan animal, are also excluded from animal tithe.

¹³¹ The Gemara asks: And the first tanna of the baraita, what does he maintain? If he derives the verbal analogy of “under” and “under” from sacrificial animals, then these categories listed by Rabbi Akiva should also not enter the pen to be tithed. And if he does not derive the verbal analogy, granted, he rules that a tereifa does not enter the pen to be tithed, as it is written: “Whatever passes under the rod” (Leviticus 27:32), which excludes a tereifa, as it does not pass under the rod due to its physical state. But from where does he derive that an animal crossbred from diverse kinds does not enter the pen to be tithed?

¹³² The Gemara answers: Actually, he does derive the verbal analogy of “under” and “under,” and therefore he excludes a tereifa and diverse kinds from the animal tithe. But with regard to an animal born by caesarean section

¹³³ he holds in accordance with the opinion of Rabbi Shimon, who says that a human child born by caesarean section is a full-fledged offspring and renders its mother ritually impure with the impurity of childbirth. Likewise, with regard to an animal born by caesarean section, he holds the birth was a proper birth and the animal may be brought as an offering, and therefore it also enters the pen to be tithed. And this is not in accordance with the opinion of Rabbi Yoḥanan, who holds that Rabbi Shimon concedes that an animal born by caesarean section is disqualified from being brought as an offering (see Nidda 40a).

¹³⁴ And with regard to an animal whose time has not yet arrived, this tanna holds in accordance with the opinion of Rabbi Shimon ben Yehuda, who maintains that the obligation of animal tithe applies to such an animal. As for an orphan animal, he is referring to a case where the mother’s hide exists at birth, i.e., the mother’s hide is present after the birth, and therefore the animal is not considered an orphan. And Rabbi Yehoshua, whose opinion this tanna follows, conforms to his standard line of reasoning, as he says: Even if its mother was slaughtered but its hide exists at birth, i.e., if the mother’s hide is present after the birth, this is not an orphan.

¹³⁵ Rabbi Yishmael ben Satriel, from a place called Arkat Leveina, testified before Rabbi Yehuda HaNasi: In our locale, if an animal dies while giving birth they flay the dead mother’s skin and clothe the living newborn animal with it for protection. Rabbi Yehuda HaNasi said: This testimony of yours reveals the reason for the ruling of the mishna that if the hide of the mother still exists the offspring is not considered to be an orphan; the hide serves as a substitute for the mother.

¹³⁶ Rabbi Yishmael ben Satriel also testified before Rabbi Yehuda HaNasi: The lettuce in our locale has 600,000 leaves in its omasum, i.e., in its core. Rabbi Yishmael ben Satriel further testified before Rabbi Yehuda HaNasi: Once one cedar tree fell in our locale, and it was so wide that sixteen wagons passed over its back, meaning the width of its trunk, as one, i.e., side by side.

¹³⁷ Rabbi Yishmael ben Satriel also testified before Rabbi Yehuda HaNasi: Once an egg of the bird called bar yokhani fell, and the contents of the egg drowned sixty cities and broke three hundred cedar trees. The Gemara asks: And does the bar yokhani bird throw its eggs to the ground? But isn’t it written: “The kenaf renanim bird rejoices, but are her wings and feathers those of the stork? For she leaves her eggs on the earth, and warms them in dust” (Job 39:13–14)? The Sages understood that kenaf renanim is another name for the bar yokhani bird. If so, how could its egg fall if it lays its eggs on the ground? Rav Ashi said in explanation: That egg was unfertilized, and since it would never hatch the bird threw it to the ground.

¹³⁸ MISHNA: There are three times during the year designated for gathering the animals that were born since the last date for animal tithe: Adjacent to Passover, and adjacent to Shavuot, and adjacent to Sukkot. And those are the gathering times for animal tithe; this is the statement of Rabbi Akiva.

¹³⁹ Ben Azzai says the dates are: On the twenty-ninth of Adar, on the first of Sivan, and on the twenty-ninth of Av. Rabbi Elazar and Rabbi Shimon say that the dates are: On the first of Nisan, on the first of Sivan, and on the twenty-ninth of Elul. And why did Rabbi Elazar and Rabbi Shimon say the twenty-ninth of Elul, and why did they not say the first of Tishrei? It is due to the fact that the first of Tishrei is the festival of Rosh HaShana, and one cannot tithe on a Festival. Consequently, they brought it earlier, to the twenty-ninth of Elul.

¹⁴⁰ Rabbi Meir says: The beginning of the new year for animal tithe is on the first of Elul. Ben Azzai says: The animals born in Elul are tithed by themselves, due to the uncertainty as to whether the halakha is in accordance with the opinion of Rabbi Meir, i.e., that the new year begins on the first of Elul, or in accordance with the opinion of Rabbi Elazar and Rabbi Shimon, which would mean that the new year begins on the first of Tishrei.

¹⁴¹ According to the opinion of Rabbi Elazar and Rabbi Shimon, with regard to all animals that are born from the first of Tishrei until the twenty-ninth of Elul, those animals join to be tithed together. If five were born before Rosh HaShana and five after Rosh HaShana, those animals do not join to be tithed together. If five were born before a time designated for gathering and five after that time designated for gathering, those animals join to be tithed together. If so, why were three times stated for gathering the animals for animal tithe? The reason is that until the time designated for gathering arrives it is permitted to sell and slaughter the animals. Once the time designated for gathering arrives one may not slaughter those animals before tithing them; but if he slaughtered an animal without tithing it he is exempt.

¹⁴² GEMARA: The mishna teaches that there are three times during the year designated for gathering the animals born since the last date for animal tithe. The Gemara asks: What is different about these dates, i.e., why are there specifically three times designated in the year? Rabba bar Sheila said: There are three times in order to collect the animals born early in winter, and the animals born later in spring, and the animals born in the summer.

¹⁴³ The Gemara asks: And what is different about these three times, i.e., before Passover, Shavuot, and Sukkot, that they are chosen? Rabbi Tanḥum, son of Rav Ḥiyya, of the village of Akko, says:

¹⁴⁴ The reason is so that animals will be readily available to those ascending to Jerusalem for the pilgrimage Festivals. The animals are tithed shortly before each of the Festivals so that their owners will refrain from selling or killing them until those times, when they gather them together to set aside the animal tithe. As a result, there are plenty of non-sacred animals ready to be sold, for food or offerings, to those on their way to Jerusalem.

¹⁴⁵ And even though we learned in the mishna: Until the time designated for gathering arrives, it is permitted to sell and slaughter the animals, which means that there is no obligation to keep the animals until those dates and there is no concern that the owners will sell the animals before tithing them. This is because a person prefers to perform a mitzva with his money, by separating the animal tithe, and only afterward sell or eat those animals.

¹⁴⁶ The Gemara asks: And why does the tanna call the time designated for gathering animal tithe goren, which literally means threshing floor? The Gemara explains that it is due to the fact that the arrival of this time renders the halakhic status of new animals like that of untithed produce gathered on a threshing floor, as from the time that produce is gathered on the threshing floor one becomes obligated to tithe it. Likewise, from this stage onward it is prohibited to slaughter the new animals until they have been tithed.

¹⁴⁷ The mishna states that according to Rabbi Akiva the times for tithing animals are adjacent to Passover, Shavuot, and Sukkot. The Gemara asks: And how much is adjacent [peras]? Rabbi Yosei, son of Rabbi Yehuda, explained that the term adjacent means not less than fifteen days.

¹⁴⁸ The Gemara asks: From where is this inferred? Rabbi Abbahu said that the term peros means half. The Gemara inquires: Half of what? The Gemara answers: Half of the time during which one must learn the halakhot of Passover, and this is like that which is taught in a baraita: One asks about and teaches the halakhot of Passover for thirty days before Passover. Rabban Shimon ben Gamliel says: One begins studying those halakhot two weeks before the Festival.

¹⁴⁹ § The mishna states that ben Azzai says the times are on the twenty-ninth of Adar, on the first of Sivan, and on the twenty-ninth of Av. The Gemara asks: With regard to what principle do Rabbi Akiva, who says fifteen days before Passover, and ben Azzai, who refers to the twenty-ninth of Adar, disagree? The Gemara answers: Rabbi Akiva holds that the month of Adar that immediately precedes Nisan is sometimes a full month of thirty days and sometimes a defective month of only twenty-nine days. Therefore, sometimes the fifteenth day before Passover occurs on the thirtieth of Adar and sometimes it occurs on the twenty-ninth of Adar. Due to that reason Rabbi Akiva does not fix a time by date, but simply states fifteen days before Passover. And ben Azzai holds that the Adar that immediately precedes Nisan is always defective. Therefore, he fixes a time in the calendar that the animals must be tithed, which is on the twenty-ninth of Adar.

¹⁵⁰ With regard to the fact that ben Azzai does not require fifteen days before Shavuot but maintains that the animals must be tithed on the first of Sivan, the reason is that since there are not so many animals born between the previous time of tithing and this one, if you say that the owner should tithe earlier, then before the pilgrimage Festival arrives all the animals will already be gone, their sales having been completed. If so, there will be no animals remaining for those coming to Jerusalem for Shavuot.

¹⁵¹ The mishna teaches that ben Azzai says the last gathering time is on the twenty-ninth of Av, rather than fifteen days before Sukkot. The Gemara notes that ben Azzai conforms to his standard line of reasoning, as he said: The animals born in Elul are tithed by themselves, because it is uncertain whether the new year for animal tithes begins on the first of Tishrei or the first of Elul. Consequently, he sets the time for animal tithe before the beginning of Elul to avoid the possibility of tithing animals born in one year with animals born in the next year.

¹⁵² The Gemara challenges: But if so, let him require that one tithe the animals on the thirtieth day of Av, which is the last day before Elul begins. The Gemara explains: Sometimes the month of Av is defective, i.e., it has only twenty-nine days, and therefore the thirtieth day after the start of Av is the first day of Elul. And we are required to implement a distinction between the new animals born in Elul and the old animals born in Av, which is considered to be the previous year.

¹⁵³ § The mishna teaches that Rabbi Elazar and Rabbi Shimon say that the times are on the first of Nisan, on the first of Sivan, and on the twenty-ninth of Elul. The Gemara explains with regard to the first date: On the first of Nisan, this is in accordance with the opinion of Rabban Shimon ben Gamliel, who says one begins studying and teaching the halakhot of Passover two weeks before the Festival. And Rabbi Elazar and Rabbi Shimon hold that the second time for animal tithe is on the first of Sivan, and this is as we said with regard to the opinion of ben Azzai, so that there will be enough animals born since the previous time.

¹⁵⁴ Finally, they hold that the third time for animal tithe is on the twenty-ninth of Elul, since Rabbi Elazar and Rabbi Shimon conform to their standard line of reasoning, as they say: On the first of Tishrei is the new year for animal tithe. All animals born prior to that date belong to the previous year for tithe and are tithed as a single unit, whereas those born after that date belong to the next year for tithe, and therefore there is a distinction drawn between the new animals and the old.

¹⁵⁵ § The mishna teaches: And why did Rabbi Elazar and Rabbi Shimon say the twenty-ninth of Elul and why did they not say the first of Tishrei? It is due to the fact that the first of Tishrei is the festival of Rosh HaShana and one cannot tithe on a Festival; consequently, they brought it earlier, to the twenty-ninth of Elul. The Gemara raises a difficulty: But let the mishna derive it from the fact that we require a distinction between the new animals born in Tishrei and the old animals born in Elul, which is considered to be the previous year.

¹⁵⁶ The Gemara answers: The mishna states one reason and adds another. One reason is that we require a distinction between the new animals and the old animals. And another reason is because it is the festival of Rosh HaShana and one cannot tithe on a Festival, due to the sakreta, a lead-based red paint for marking every tenth animal, as explained on 58b. It is prohibited to apply paint on a Festival.

¹⁵⁷ § The mishna teaches that Rabbi Meir says: The beginning of the new year for animal tithe is on the first of Elul. Ben Azzai says: The animals born in Elul are tithed by themselves, due to the uncertainty as to whether the halakha is in accordance with the opinion of Rabbi Meir or in accordance with the opinion of Rabbi Elazar and Rabbi Shimon. The Gemara notes that it is taught in a baraita that ben Azzai said: Since these Rabbis, Rabbi Elazar and Rabbi Shimon, say this, that the first of Tishrei is the beginning of the new year for animal tithe, and those, i.e., Rabbi Meir, say that the first of Elul is the beginning of the new year for animal tithe, the animals born in Elul are tithed by themselves.

¹⁵⁸ The Gemara raises a difficulty: But let ben Azzai see whose opinion is more reasonable, and decide accordingly. And if you would say that it is not possible for him to establish their reasoning, that is difficult: But it is taught in a baraita that ben Azzai says: All the Sages of Israel appear to me to be as unimpressive in their intellect as garlic peel, except for this bald one, i.e., Rabbi Akiva.

¹⁵⁹ Rabbi Yoḥanan says that ben Azzai was unable to establish their reasoning in this particular case, as they said their opinions by tradition, from a chain of transmission stretching back to Haggai, Zechariah, and Malachi, the last of the prophets. Each Sage claimed his tradition concerning their ruling was the correct one. Since this dispute is based on tradition, it cannot be resolved by logical reasoning.

¹⁶⁰ It is taught in a baraita: In what manner did ben Azzai say that animals born in Elul are tithed by themselves? For example, if five animals were born in Av and five were born in Elul, they do not

combine to make ten animals that require tithing. Likewise, if five were born in Elul and five in Tishrei, they do not combine. But if five were born in Tishrei and five were born in the following Av, they do combine.

¹⁶¹ The Gemara asks: This is obvious; what is the novelty of the ruling of the baraita? The Gemara answers: This ruling is necessary lest you say that just as years separate between animals that may be tithed together, so too, the designated times for gathering and tithing the animals separate between those animals born before and after each one of them. If so, animals born in Tishrei and those born in the following Av would not combine. Therefore, the baraita teaches us that these designated times do not prevent animals born before and after them from being tithed together.

¹⁶² This is as we learned in the mishna: If five were born before Rosh HaShana and five after Rosh HaShana, those animals do not combine to be tithed; if five were born before the time designated for gathering and five after the time designated for gathering, those animals combine to be tithed.

¹⁶³ Rava says: According to the statement of ben Azzai, if five animals were born in Av and five animals were born in Elul and five animals were born in Tishrei, the owner gathers them all in a pen to be tithed,

¹⁶⁴ and he takes one of the animals born in Elul as the tithe, and the remainder are exempt, whichever way you look at it. Rava explains: If the new year for animal tithe is on the first of Elul, then the animals born in Elul and Tishrei combine to form a total of ten, and the animals born in Av are exempt, as they are from the previous year and there are less than ten of them. And if the new year is on the first of Tishrei, the animals born in Av and Elul combine to form a total of ten, whereas the animals born in Tishrei are exempt.

¹⁶⁵ The Gemara raises a difficulty with regard to the opinion of Rava: What are you saying? Why are the five animals born in Tishrei exempt? Let them combine with animals at another time of gathering to form a total of ten. Rather, what is the reason one is not required to tithe these five animals born in Tishrei? It is because the Merciful One states: “And all the tithe of the herd or the flock, whatever passes under the rod, the tenth shall be sacred to the Lord” (Leviticus 27:32), from which it is derived that a definite tenth must be tithed, and not an uncertain tenth, i.e., an animal that is not definitely the tenth. If the first of Elul is the new year, then the five born in Tishrei would have combined with the five of Elul and are exempt. Therefore, the obligation in this case is uncertain.

¹⁶⁶ Rava said he takes one of the animals born in Elul as the tithe. The Gemara asks: Isn't it obvious that he must take one of those animals, as those are the only ones concerning which the obligation is definite? The Gemara answers: It is necessary for Rava to specify this lest you say the Sages should decree that one should not even take one of the animals born in Elul as a tithe, as perhaps he might come to take from those that were born in Av or Tishrei by mistake. Therefore, Rava teaches us that the Sages are not concerned about this error.

¹⁶⁷ MISHNA: In what manner does one tithe the animals? He gathers them in a pen and provides them with a small, i.e., narrow, opening, so that two animals will not be able to emerge together. And he counts the animals as they emerge: One, two, three, four, five, six, seven, eight, nine; and he paints the animal that emerges tenth with red paint and declares: This is tithe. Even if he did not paint it with red paint, or if he did not count the animals with a rod in accordance with the verse: “Whatever passes under the rod, the tenth shall be sacred to the Lord” (Leviticus 27:32), or if he

counted the animals when they were prone or standing in place and did not make them pass through a narrow opening, these animals are tithed after the fact.

¹⁶⁸ But if he had one hundred animals and he took ten as tithe, or if he had ten animals and he simply took one as tithe, that is not tithe, as he did not count them one by one until reaching ten. Rabbi Yosei, son of Rabbi Yehuda, says: In that case too, it is tithe. If before the owner completed tithing his animals, one of those already counted jumped back into the pen among the animals that had not yet been counted, all those in the pen are exempt from being tithed, as each of them might be the animal that was already counted. If one of those animals that had been tithed, i.e., designated as the tenth, jumped back into the pen among the animals that had not yet been counted, creating uncertainty with regard to all the animals there which was the animal tithe, all the animals must graze until they become unfit for sacrifice, and each of them may be eaten in its blemished state by its owner once it develops a blemish.

¹⁶⁹ GEMARA: The Sages taught in a baraita: In what manner does one tithe his animals? He gathers them in a pen and provides them with a small, i.e., narrow, opening so that two animals will not be able to emerge together. The mothers of those animals stand outside, and the newborn animals to be tithed are inside the pen. And the mothers bleat and the young ones emerge toward their mothers.

¹⁷⁰ The Gemara asks: But why is it performed this way? Let the owner simply make them emerge from the pen by pushing them. The Gemara answers that it is written: “Whatever passes under the rod, the tenth shall be sacred to the Lord” (Leviticus 27:32). This means that the animal must pass under the rod of its own volition, and not that one will cause it to pass by pushing it out of the pen.

¹⁷¹ The Gemara asks: But why not simply throw the animals a vegetable outside the pen, and they will go out toward it to eat it? Rav Huna said: The use of the mothers is a rabbinic decree due to a purchased animal and due to an orphan, i.e., a baby animal whose mother died before it was born. Neither of these animals is subject to tithing. Since neither a purchased animal nor an orphaned animal will have its mother outside calling to it, these animals will remain in the pen and will not be tithed accidentally.

¹⁷² The Sages taught in a baraita: “Whatever passes under the rod, the tenth shall be sacred to the Lord” (Leviticus 27:32); this teaches that all animals may be sanctified as animal tithe, excluding a tereifa, as on account of its physical state it does not pass under the rod. The phrase “under the rod” teaches that it is a mitzva to count them with a rod. If one did not count them with a rod, or he counted them when they were prone or standing, from where is it derived that the tenth animal is nevertheless sanctified? The verse states: “The tenth shall be sacred,” indicating that the tenth animal is sacred in any case, even if it was not tithed correctly.

¹⁷³ The baraita continues: And I have derived only that an animal that one explicitly called by the name of the tenth one is the animal tithe. From where do I derive that the tenth animal is sanctified even if one did not explicitly call it the tenth one? The verse states: “Shall be sacred.” This teaches that it shall be sacred in any case, even if it was not called the tenth. One might have thought with regard to one who had one hundred animals and simply took ten of them without counting them, or one who had ten animals and took one of them without counting, one might have thought that they should be considered tithed. Therefore, the verse states: “The tenth,” and this animal that he removed is not the tenth, as he did not count the animals. Rabbi Yosei, son of Rabbi Yehuda, says: Even if he simply removed one animal from ten without counting, that animal is tithe.

¹⁷⁴ The Gemara asks: What is the reason of Rabbi Yosei, son of Rabbi Yehuda? The Gemara answers: He holds in accordance with the opinion of Abba Elazar ben Gomel. As it is taught in a baraita that Abba Elazar ben Gomel says with regard to the verse: “And your teruma shall be reckoned to you as though it were the grain of the threshing floor” (Numbers 18:27), that in using the plural form of the term “your,” the verse speaks about two terumot. One is standard teruma, i.e. the grain of the threshing floor, and the other one is teruma of the tithe. The verse equates these two terumot.

¹⁷⁵ Abba Elazar ben Gomel explains: Just as standard teruma is taken by estimate, as there is no requirement for the amount separated to be measured precisely, and it can be taken by thought, as one is not required to physically separate it before consuming the remaining produce,

¹⁷⁶ so too, teruma of the tithe may be taken by estimate and by thought. And this ruling of Abba Elazar ben Gomel’s also applies to tithes of the grain, because the Merciful One calls tithe “teruma,” as it is written: “For the tithe of the children of Israel, which they set apart as teruma for the Lord, I have given to the Levites for an inheritance” (Numbers 18:24). And animal tithe is juxtaposed to grain tithe, as is derived from the verse: “You shall tithe a tithe” (Deuteronomy 14:22; see 53b). Just as grain tithe is separated by estimate and by thought, so too, animal tithe is separated by estimate and by thought. For this reason, Rabbi Yosei, son of Rabbi Yehuda, maintains that even with regard to an animal that was not counted, if it was separated as tithe the separation is valid.

¹⁷⁷ Rava says: If one counted nine animals and the tenth animal remains in the pen, it is sacred as the animal tithe of its own accord, even if it does not leave the pen and was not counted. The Gemara asks: From where does Rava derive this halakha? If we say he derives it from that which is taught in the aforementioned baraita, this is problematic. The Gemara cites the baraita again: And I have derived only that an animal that one explicitly called by the name of the tenth one is the animal tithe. From where do I derive that the tenth animal is sanctified even if one did not explicitly call it the tenth one? The verse states: “The tenth shall be sacred,” i.e., it shall be sacred in any case, even if it was not called the tenth. The suggestion is that Rava understands from here that the tenth is sacred even if it was not counted, provided there was a counting. Consequently, it makes no difference whether or not the owner called it the tenth or left it in the pen.

¹⁷⁸ The Gemara rejects this suggestion: But perhaps this baraita is referring specifically to a case where he did not call that animal the tenth, but he did call it sanctified. Rather, the Gemara suggests that Rava derives it from that which is taught in a baraita: If one erred and called the ninth animal the tenth, and the tenth animal emerged from the pen but the owner did not speak, the ninth animal is not sanctified and is not brought as an offering. But since it was called the tenth, it may be eaten only once it develops a blemish. And the tenth animal is the animal tithe. It is possible that Rava maintains that just as the tenth is sacred in this case, when the owner remained silent, the same applies if he left it in the pen.

¹⁷⁹ The Gemara rejects this suggestion as well: But perhaps it is different there, as the tenth animal was selected when it emerged from the pen, despite the fact that it was not counted verbally. Alternatively, the reason it is sanctified is that he pointed at it as it emerged, although he did not explicitly say that it was the tenth animal. Conversely, in a case where it remained in the pen perhaps it does not have any sanctity at all.

¹⁸⁰ Rather, the Gemara suggests that Rava derives his halakha from that which is taught in a baraita: If one erred and called the ninth animal the tenth, and the tenth animal died in the pen, the ninth animal may be eaten only once it develops a blemish, and all the other animals are exempt from having to be tithed again. The Gemara clarifies this ruling: What is the reason that all the other animals are exempt? Is it not because the tenth animal is sanctified of its own accord, even without emerging from the pen?

¹⁸¹ The Gemara rejects this suggestion as well: But perhaps the other animals are exempt because they were counted in a tally that is fit to reach ten. As doesn't Rava say: A tally fit to reach ten exempts from the obligation of tithe? If one began counting lambs for the purpose of tithing and at that stage the group was fit to be tithed, but ultimately he was unable to separate the tithe, e.g., if one of the animals died and there were only nine left, those that were counted while the tally was fit to reach ten are exempt from being tithed. Moreover, the owner is not required to include them in the tithe on the following occasion.

¹⁸² Rather, the Gemara suggests that Rava derives his halakha from that which is taught in a baraita: If one erred and called the ninth animal the tenth, and the tenth animal remained in the pen, the ninth animal may be eaten only once it develops a blemish, and the tenth animal is the animal tithe. The tenth animal has sanctity even though it has not left the pen. The Gemara asks: But isn't it taught in a baraita that in such a case the ninth animal is non-sacred?

¹⁸³ A tanna taught before Rav Sheshet: In accordance with whose opinion is this? It is in accordance with the opinion of Rabbi Shimon ben Yehuda, as it is taught in a baraita that Rabbi Shimon ben Yehuda says in the name of Rabbi Shimon:

¹⁸⁴ Even the ninth that was accidentally designated as the tenth is not sanctified and may be eaten before it develops a blemish, unless the name of the tenth is removed from the tenth animal, i.e., if the owner erred also in that he called the tenth animal the ninth. And logical reasoning leads to this conclusion.

¹⁸⁵ The Gemara explains the logical reasoning: The halakha is that if one designated the ninth animal as the tenth, and the tenth as the tenth, and the eleventh as the tenth, then the eleventh is not consecrated. This is because in any situation where the name of the tenth was not removed from the tenth animal, the eleventh, which was called the tenth, is not consecrated. And if the eleventh animal, which becomes sanctified to be sacrificed as a peace offering, as stated in the mishna on 60a, is sanctified only if the name of the tenth is removed from the tenth animal, then with regard to the ninth animal, which does not become sanctified to be sacrificed but is eaten once it develops a blemish, is it not logical that if the name of the tenth is removed from the actual tenth animal, then yes, the ninth animal has sanctity and may be eaten only once it develops a blemish, but if not, then it is not sanctified at all and may be eaten even without a blemish?

¹⁸⁶ The Gemara rejects this logical derivation: That claim itself provides support for the contrary opinion. With regard to the eleventh animal, which becomes sanctified with a stringent sanctity to be sacrificed as a peace offering, if the name of the tenth is removed from the actual tenth animal, then yes, the eleventh becomes sanctified, but if the designation of being the tenth is not removed from the tenth, then the eleventh does not become sanctified. But with regard to the ninth animal, which does not become sanctified with the stringent sanctity to be sacrificed, one can say that even though

the name of the tenth animal is not removed from the tenth animal, nevertheless the ninth becomes sanctified.

¹⁸⁷ Alternatively, there is another distinction between the two cases. With regard to the eleventh animal, which is sanctified only after the tenth animal has been selected, as it has emerged from the pen, one can claim that if the name of the tenth is removed from the tenth animal, then yes, the eleventh becomes sanctified, but if the name of the tenth is not removed from the tenth animal, the eleventh does not become sanctified.

¹⁸⁸ But with regard to the ninth animal, which becomes sanctified at a time when the tenth animal has not yet been selected, as the tenth animal has not yet left the pen, if the owner accidentally designated that ninth animal as the tenth it becomes sanctified, and in such a case this is the halakha even though the name of the tenth animal is not removed from the actual tenth animal. The Gemara adds that there is nothing more to add to that explanation, and the opinion of Rabbi Shimon ben Yehuda in the name of Rabbi Shimon is rejected.

¹⁸⁹ Rava says: A tally fit to reach ten exempts the animals that have been counted from being tithed. The Gemara asks: From where does Rava derive this halakha? If we say he derives it from that which we learned in the mishna, this is problematic. The Gemara cites the relevant statement of the mishna: If before one completed tithing his animals, one of those counted jumped back into the pen among the animals that were not yet counted, all those in the pen are exempt from being tithed, as each of them could be the animal that was already counted. The Gemara clarifies: With regard to this halakha concerning which the counted animals themselves are exempt, is it not because they were counted with a tally fit to reach ten?

¹⁹⁰ The Gemara rejects this suggestion: But perhaps this is referring to a case where the tenth animal also came out of the pen, and the owner tithed it on behalf of the others that were counted. If so, they are not exempt simply because they were counted with a tally fit to reach ten but because they were actually tithed.

¹⁹¹ The Gemara counters: You cannot say that the mishna is addressing a situation where one of the animals for which tithe had already been separated jumped back in, as the latter clause of the mishna teaches: If one of those animals that had been tithed jumped back into the pen among the animals that were not yet counted. This indicates that in the situation described in the first clause the animals had been counted but not yet tithed.

¹⁹² The Gemara rejects this claim: But perhaps, what is the meaning of the term: Animals that had been tithed? This is referring specifically to the tenth animal, which is the actual tithe. And accordingly, the language of the mishna is also precise, as it teaches: All the animals must graze until they become unfit for sacrifice, and thereafter they may be eaten in their blemished state by their owner. Concerning animal tithe, this halakha applies specifically to the tenth animal when it reentered the pen, and not to the other nine. Therefore, the Gemara has not yet found a source for Rava's halakha.

¹⁹³ Rather, Rava says the verse states: "Whatever passes under the rod, the tenth shall be sacred to the Lord" (Leviticus 27:32). This indicates that only an animal that will pass under the rod must be tithed, but not an animal that has already passed under the rod. Rava elaborates: What is the meaning of: An animal that has already passed? If it means that one has separated tithe for it, is it necessary for a verse to state this? Of course an animal that has been tithed does not need to be tithed again.

Rather, is it not referring to a case where the animals have become exempt through a tally fit to reach ten? Conclude from this that a tally fit to reach ten renders an animal exempt from being tithed.

¹⁹⁴ It is taught in a baraita in accordance with the opinion of Rava: In a case where one had ten lambs and he brought them into the pen and counted five, and then one of them died, if one of those animals that had been counted died, he continues to count and completes the tithe for them. But if one of the animals that had not been counted died, those animals that had been counted are exempt, and those animals that had not been counted combine with animals born later, to be tithed in another designated time of gathering.

¹⁹⁵ § And Rava says: In a case where one had fourteen lambs and brought them into the pen, and six of the lambs emerged first, through this opening on one side of the pen, and four lambs emerged afterward through that opening on the other side of the pen, and four lambs remained there, if those four that remained came out by the opening through which the six lambs emerged, he takes the last one of them as animal tithe. And the remainder, i.e., the four that emerged through the other opening, combine with animals born later, to be tithed in another designated time of gathering.

¹⁹⁶ But if not, i.e., if the last four remained in the pen or came out through the same opening through which the other four lambs emerged, then the six that emerged first are exempt from animal tithe, as they were part of a tally fit to reach ten; and the four that came out next, from the other opening, and the last four, combine with animals born later, to be tithed in another designated time of gathering.

¹⁹⁷ Rava continues: In a case where four of the fourteen lambs emerged first, through this opening on one side of the pen, and six lambs came out afterward through that other opening, and four lambs remained there, if those four that remained come out by the opening through which the six lambs emerged, the owner takes the last one of them as animal tithe, and the remainder, i.e., the four that went out of the other opening, are exempt, as they were part of a tally fit to reach ten. But if not, i.e., if the last four emerge via the same opening as the first four, the four that came out first and the six that emerged through the other opening are exempt, as there were enough lambs left to complete the ten when all these left. And the four that went out last combine with animals born later, to be tithed in another designated time of gathering.

¹⁹⁸ Rava continues: In a case where four of the fourteen lambs emerged first, through this opening, and four lambs came out afterward through that other opening, and six lambs remained there, if those six that remained come out through any one opening, he takes one of them as animal tithe, and the remainder, i.e., the four that went out of the other opening, are exempt, as they were part of a tally fit to reach ten. But if not, i.e., if the six remain in the pen, the four sheep that emerged on this side and the four that came out on that side are exempt. And the six that remain combine with animals born later, to be tithed in another designated time of gathering.

¹⁹⁹ The Gemara asks: What is Rava teaching us? Is he teaching that any animal that comes out of the pen as part of a tally fit to reach ten is exempt? But didn't Rava say that already once? The Gemara answers: Rava's statement is necessary, lest you say that only if the animals emerge as part of a tally that is definitely fit to reach ten do we say they are exempt. But if they come out as part of a tally with regard to which it is uncertain whether it is fit to reach ten, such as in this case where the remaining animals are fit to come out here and are fit to come out there, and therefore the first animals might not be part of a counting that will reach ten, we do not say they are exempt. Therefore, Rava teaches us that even a tally that is uncertain to reach ten exempts the animals from tithe.

²⁰⁰ § And Rava says: If one had fifteen lambs, he may not say: I will separate ten and bring them into the pen, and I will take one of them as animal tithe, and the rest will be exempt. Rather, he must bring them all into the pen, and remove ten of them by causing them to emerge from the opening, and take one of them, i.e., the one that emerges tenth, as animal tithe. And the remainder combine with animals born later, to be tithed in another designated time of gathering. This is also taught in a baraita: If one had fifteen lambs,

²⁰¹ he may not say: I will separate ten and bring them into the pen, and I will take one of them as animal tithe, and the rest will be exempt. Rather, he must bring them all into the pen and remove ten of them by causing them to emerge from the opening, and take one of them, the tenth one, as animal tithe. And the remainder combine with animals born later, to be tithed in another designated time of gathering.

²⁰² The Gemara asks: But isn't it taught in a baraita that if one has nineteen lambs he may not say: I will separate ten and bring them into the pen, and I will take one of them as animal tithe and the rest will be exempt; rather, he must bring them all into the pen and remove ten of them by causing them to emerge from the opening, and take one of them, the tenth one, and the remainder are exempt? According to this baraita, the remainder are not combined with animals born later.

²⁰³ Rav Huna bar Seḥora interpreted the baraita before Rava at the time of the Festival discourse: We are dealing with a pen that has two openings. And nine of the lambs emerged through this opening and nine of them went out through that opening, and this last one remaining in the pen is fit to come out here or to come out there. Therefore, all the lambs emerged as part of a tally fit to reach ten.

²⁰⁴ The Gemara challenges: But let him teach instead that the baraita is referring to a case where he counted nine, and when the tenth lamb arrived to be counted he called it number one and began counting again from the start. In such a case he designated only the nineteenth lamb that emerged as number ten, and therefore all the other lambs are exempt. The Gemara explains that Rav Huna bar Seḥora holds that the tenth animal to come out of the pen is sanctified of its own accord, even if it was designated as number one.

²⁰⁵ The Gemara challenges: But let him teach instead that the baraita is referring to a case of a designated time for gathering the animals, and that the pen has only one opening, but he counted them pair by pair, i.e., he called the first pair number one, the second pair number two, and so on. In this manner, the nineteenth lamb would be designated as number ten and thereby exempt the others. The Gemara explains that Rav Huna bar Seḥora holds that the tenth according to the number of animals is sanctified, regardless of how he counts them. Accordingly, one of the fifth pair would be the tithed animal, and the remaining nine would not be considered part of a tally fit to reach ten.

²⁰⁶ Rav Naḥman bar Yitzḥak said with regard to this incident: The mother of Rav Huna bar Seḥora merited to give birth to such a son, who explained the halakha before Rava at the time of the Festival discourse in accordance with Rava's own halakha.

²⁰⁷ MISHNA: If two animals emerged as one, one counts them as twos, i.e., as though they came out one after the other. If he mistakenly counted two of the animals at the beginning or in the middle of the ten as one, and then continued his count, the ninth and the tenth are flawed, as he called the tenth: Ninth, and he called the eleventh: Tenth.

²⁰⁸ If he mistakenly called the ninth: Tenth, and the tenth: Ninth, and the eleventh: Tenth, the three of them are sacred, although each has a different halakhic status. The ninth is eaten in its blemished state; and the tenth is animal tithe, which is sacrificed in the Temple and eaten by its owner; and the eleventh is sacrificed as a peace offering, from which the breast and the thigh are given to the priest. And the eleventh renders a non-sacred animal that is exchanged for the peace offering consecrated as a substitute and he sacrifices it as a peace offering; this is the statement of Rabbi Meir.

²⁰⁹ Rabbi Yehuda said: The eleventh animal itself, which he called tenth, is a substitute for animal tithe, and does a substitute render another animal a substitute? Everyone agrees that a substitute is created only in exchange for an originally consecrated animal. The Sages said in the name of Rabbi Meir: The eleventh animal is not considered a substitute for the animal tithe, since if it were a substitute it would not be sacrificed, as the substitute for an animal tithe is not sacrificed. If one called the ninth animal: Tenth, and the tenth: Tenth, and the eleventh: Tenth, the eleventh is not consecrated. This is the principle: In any situation where the name of the tenth was not removed from the tenth animal, the eleventh that was called the tenth is not consecrated.

²¹⁰ GEMARA: Rabbi Yoḥanan says: If one counted the animals pair by pair, i.e., he called the first pair: One, and the second pair: Two, and so on, or if one counted them hundred [kinteran] by hundred, the tenth according to his number is sanctified.

²¹¹ The Gemara asks: When Rabbi Yoḥanan says that the tenth is sanctified according to his number, what does he mean? Rav Mari says: It is sanctified according to his counting, i.e., all the animals in whichever pair or group he calls: Ten, are sanctified, e.g., the tenth pair, which consists of the nineteenth and twentieth animals. Rav Kahana says: It is sanctified according to the number of animals, regardless of how he designates them.

²¹² The Gemara cites support for Rav Mari's opinion. We learned in the mishna: If two animals emerged as one, one counts them as twos. If he mistakenly counted a pair of animals in the middle as one and continued his count, the ninth and the tenth are flawed, as he called the tenth: Ninth, and the eleventh: Tenth.

²¹³ Granted, according to the one who says: It is sanctified according to his counting, i.e., Rav Mari, it is due to that reason that the ninth and the tenth are flawed, because the number by which one designates them is significant, and he called the tenth animal the ninth, and the eleventh he designated as tenth. But according to the one who says that the animal is sanctified according to the number of animals regardless of how the owner designates each one, i.e., Rav Kahana, why are they flawed? It should be considered as though he called the ninth animal the ninth, and the tenth animal he called: Tenth.

²¹⁴ The Gemara answers that according to Rav Kahana, Rabbi Yoḥanan could have said to you: When I said the designation goes according to the animal I was referring only to a case where he intended to take out the animals pair by pair, and he did not err. In such a case his designation is nullified and the animals are sanctified in accordance with the order they left the pen. But with regard to a case where the animal emerged by itself and the owner miscounted I did not say the designation goes according to the number of the animal, as the Torah explicitly includes a case where the sanctification follows a mistaken designation (see 60b).

²¹⁵ The Gemara suggests: Come and hear another proof from a baraita: If one counted them backward, i.e., ten, nine, eight, and so on, the tenth animal in the numbering, which he designated as

number one, is sanctified. Granted, according to the one who says that the tithe is sanctified according to the number of animals regardless of how he designates each animal, i.e., Rav Kahana, this works out well, as the tenth animal is sanctified. But according to the one who says it is sanctified according to his counting, i.e., Rav Mari, why is the tenth animal sanctified? After all, he called the tenth animal number one.

²¹⁶ Rava said: The tenth animal is sanctified according to Rav Mari because it has been counted as number ten in Persian counting, as they call the tenth one in their language by the term one, i.e., they count only in units of ten, and call these units: One. Therefore, in this case there is no contradiction between the designation and the number of the animal.

²¹⁷ § The mishna teaches: If he mistakenly called the ninth: Tenth, and the tenth: Ninth, and the eleventh: Tenth, all three are sacred, although each has a different halakhic status. The Gemara cites a relevant baraita: The Sages taught: From where is it derived that if one mistakenly called the ninth animal: Tenth, and the tenth animal: Ninth, and the eleventh animal: Tenth, that all three of them are sanctified?

²¹⁸ The verse states: “And all the tithe of the herd or the flock, whatever passes under the rod, the tenth shall be sacred to the Lord” (Leviticus 27:32). This indicates that the tenth animal that passes under the rod is imbued with sanctity, in addition to any animal that the owner designates as the tenth. One might have thought that I include even the eighth animal or the twelfth animal, if they were mistakenly designated as the tenth.

²¹⁹ You said in response that since the tenth animal is sanctified and the animal that he designated by mistake as the tenth is sanctified, their statuses should be compared: Just as the tenth animal is sanctified only with an animal that was close to the number ten, i.e., it itself was the tenth, so too, an animal that was designated by mistake is sanctified only if it is close to the number ten, i.e., if it is the ninth or eleventh, but not if it is the eighth or the twelfth.

²²⁰ The mishna teaches that if one mistakenly designated the ninth and the eleventh animals as the tenth they are both sanctified. The Gemara raises a difficulty: But isn't it taught in a baraita that just as the tenth animal itself is unique, i.e., it is only one, so too, an animal that was designated by mistake is unique, i.e., only one additional animal receives the sanctity, but not both the ninth and the eleventh?

²²¹ The Gemara answers that a tanna taught before Rabbi Yoḥanan: In accordance with whose opinion is this baraita? It is in accordance with the opinion of Rabbi Elazar, son of Rabbi Shimon, as it is taught in a baraita that Rabbi Elazar, son of Rabbi Shimon, says: The eleventh animal is never sanctified unless the owner is silent when the ninth animal leaves the pen, i.e., he does not designate it as the tenth, and he subsequently calls the tenth animal the ninth and the eleventh animal the tenth. But if he had already designated the ninth animal as the tenth, the eleventh cannot become sanctified.

²²² The Gemara further explains that Rabbi Elazar, son of Rabbi Shimon, holds in accordance with the opinion of Rabbi Yehuda, who says: When the owner makes a mistake in designating animal tithe, e.g., if one designates the ninth animal as the tenth, the designated animal has the status of a substitute animal. And Rabbi Elazar also holds in accordance with the opinion of his father, Rabbi Shimon, who says: One cannot effect substitution on one animal by substituting it for a specific offering, and again effect substitution, on another animal, by substituting it for the same offering, and if one attempts to do so the second animal does not become consecrated. Therefore, if one mistakenly

called the ninth animal the tenth, that ninth animal has sanctity; but if he also calls the eleventh animal the tenth, this designation has no effect.

²²³ § Rava says: If two animals emerged from the pen together as the ninth, and he called them both the ninth, then the tenth, i.e., the tithe, and a non-sacred animal are considered intermingled with each other. Rava elaborates: The tenth is sanctified of its own accord, despite the fact that he called it the ninth. And the animal that came out ninth is non-sacred, as it came out ninth and he called it the ninth. Since there is no way to determine which animal is which, neither of them can be brought as an offering, and they must both be left to graze until they develop a blemish.

²²⁴ If two animals emerged from the pen together as the ninth, and he called them both the tenth, then the tenth, i.e., the tithe, and the ninth animal, which he designated as the tenth, are intermingled with each other. What is the reason? He called both of them the tenth. The tenth has the sanctity of the tithe while the ninth was designated as the tenth, and therefore may not be eaten until it develops a blemish. Since there is no way to determine which animal is which, neither can be sacrificed, but they must both be left to graze until they develop a blemish.

²²⁵ If two animals emerged from the pen together as the tenth, and he called them both the tenth, then the tenth, and the eleventh animal, which he designated as the tenth, are intermingled with each other. If he called them both the eleventh, the tenth and a non-sacred animal are intermingled with each other.

²²⁶ The Gemara asks: Why do I need this additional case? This reasoning for the halakha in the case where the animals emerged together as the tenth is identical to that of the first case, where the animals emerged together as the ninth. The Gemara answers: This latter clause teaches us that in every case where two animals emerge as one they are both sanctified, and this is the halakha even though the name of the tenth was not removed from the tenth animal. This situation is not included in the principle of the mishna: In any situation where the name of the tenth was not removed from the tenth animal, the eleventh that was called tenth is not consecrated.

²²⁷ The Gemara relates that Rav Kahana sat and recited this halakha. Rav Ashi said to Rav Kahana: But the name of the tenth has not been removed from it. And didn't we learn in the mishna that this is the principle: In any situation where the name of the tenth was not removed from the tenth animal, the eleventh that was called tenth is not consecrated? Rav Kahana replied to Rav Ashi: This statement, that the designation of tenth must be removed, applies only when the animals leave the pen one after the other. But if two animals emerge from the pen at the same time, and he simultaneously designated the tenth and eleventh as tithe, both of them are sanctified.

²²⁸ The Gemara raises a difficulty: How can the mishna be explained as referring only to a case where the animals left the pen one after the other? After all, the mishna teaches explicitly: If one called the ninth animal: Tenth, and the tenth: Tenth, and the eleventh: Tenth, the eleventh is not consecrated. This is the principle: In any situation where the name of the tenth was not removed from the tenth animal, the eleventh that was called tenth is not consecrated. What does the phrase: This is the principle, serve to include? Does it not serve to include a case where the tenth and eleventh animals leave the pen at the same time? And if so, it is teaching that in such a case the eleventh animal is not sanctified.

²²⁹ Rav Kahana would answer: No; it serves not to include that case, but to include a situation where the tenth animal emerged from the pen and the owner did not speak at all, and when the eleventh

animal came out he designated it as the tenth. Therefore, the eleventh animal is not sanctified, as he did not remove the name of the tenth from the tenth animal. But if the tenth and eleventh animals came out at the same time, and he designated them both as the tenth, they are both sanctified.

²³⁰ The Gemara adds that this must be the case, because if you do not say this explanation of the mishna there is a problem with that which is taught in a baraita: If two animals emerged from the pen together as the tenth, and one did not come out before the other, and he called them both the tenth, the tenth and eleventh animals are intermingled with each other. One is sacred with the sanctity of the animal tithe while the other is a peace offering, but there is no way to determine which animal is which. The Gemara explains the problem here: How can this baraita be reconciled with the mishna? He did not remove the name of the tenth from the tenth animal. Rather, is it not due to the fact that we say: In any case where two animals come out of the pen at the same time both of them are sanctified?

²³¹ Rav Ashi would rebut this claim: If it is due to that reason there is no conclusive argument. Here we are dealing with a case where one of the two animals came out before the other and brought its head out from the pen, and the owner called that animal the eleventh, and afterward it became intermingled with the other animals, and the last two animals came out together, and he called them both the tenth animal. In such a case both animals are sanctified, as the name of the tenth was removed from the tenth animal when he mistakenly called it the eleventh animal.

²³² The Gemara raises a difficulty with regard to this explanation: How can one interpret the baraita as referring to a case where one animal put its head out before the other? But isn't it taught explicitly in the baraita: And one did not come out before the other? The Gemara answers: What does the baraita mean when it states: And one did not come out before the other? It means that it did not come out completely, but returned and became intermingled with the other animals.

²³³ The Gemara asks: And in accordance with whose opinion is this baraita taught? It is not taught in accordance with the opinion of Rabbi Yehuda HaNasi. As, if it reflects the opinion of Rabbi Yehuda HaNasi there is a difficulty. Doesn't Rabbi Yehuda HaNasi say: If one called the tenth animal the eleventh, it is not considered a removal of the name of the tenth from the tenth animal?

²³⁴ The Gemara answers: You may even say that the baraita is in accordance with the opinion of Rabbi Yehuda HaNasi, as when Rabbi Yehuda HaNasi said his statement he was referring only to a case where the owner has many animals to tithe. The reason is that we say that when he said: *Aḥad asar*, eleventh, his intention was to say: *Ḥad issura*, one group of ten, i.e., that this tenth animal completes one set of ten animals, not that it is the eleventh. Here it is referring to a situation where he does not have many animals to tithe, and therefore he could not have been speaking of more than one set of ten, in which case Rabbi Yehuda HaNasi agrees that calling it the eleventh removes its status as the tenth.

²³⁵ The Gemara asks: To what statement of Rabbi Yehuda HaNasi is the Gemara referring? As it is taught in a baraita: If one called the tenth animal the eleventh and the eleventh animal the tenth, the eleventh animal is not sanctified; this is the statement of Rabbi Yehuda HaNasi. Rabbi Yosei, son of Rabbi Yehuda, says: The eleventh animal is sanctified. Rabbi Yehuda HaNasi said a principle: As long as the name of the tenth has not been removed from the tenth animal, the eleventh animal is not sanctified. To clarify why the eleventh animal is not sanctified according to Rabbi Yehuda HaNasi even though the name of the tenth was removed from the tenth animal when it was called the

eleventh, Rava said: Here we are dealing with a case where he has many animals, and the reason is that we say that when he said: Aḥad asar, his intention was to say: Ḥad issura.

²³⁶ § The Gemara returns to the earlier discussion. The baraita teaches: If two animals emerged from the pen together as the tenth, and one did not come out before the other, and he called them both the tenth, the tenth and eleventh animals are intermingled with each other. The Gemara notes that there is apparently a dispute between tanna'im as to how these animals must be treated. One tanna taught that both animals must be left to graze until they develop a blemish, and then they may be eaten by the owner. And one tanna taught that both animals must be sacrificed. And it is taught in another baraita that both animals must die.

²³⁷ The Gemara resolves the apparent contradiction. It is not difficult: This ruling, of the tanna who taught that both animals must be left to graze until they develop a blemish, is in accordance with the opinion of the Rabbis, who say: One may not bring sacrificial animals to a situation where the time in which they may be eaten is decreased, thereby increasing the likelihood of disqualification. If both animals were to be sacrificed they would have to be eaten in accordance with the stringencies of both the animal tithe offering and the peace offering. They would have to be eaten within two days, like a peace offering, while the breast and the thigh would be given to the priests, as in the case of an animal tithe offering. Since only priests may eat those portions it is possible that they would be unable to eat them within the permitted time, and the remaining meat would become disqualified.

²³⁸ And the ruling of this tanna, who teaches: Both animals must be sacrificed, is in accordance with the opinion of Rabbi Shimon, who says that one may bring sacrificial animals to a situation where the likelihood of disqualification is increased.

²³⁹ And the ruling of this tanna, who teaches: Both animals must die, is in accordance with the opinion of Rabbi Yehuda, who says: When the owner makes a mistake in designating animal tithe, e.g., if one designates the ninth animal as the tenth, the designated animal has the status of a substitute animal. And Rabbi Yehuda holds that a substitute for an animal tithe must be left to die. Since it is uncertain which animal is the eleventh, both are left to die.

²⁴⁰ The Gemara asks: And does Rabbi Yehuda hold that a substitute for an animal tithe must die? But didn't we learn in the mishna: The Sages said in the name of Rabbi Meir, in response to the statement of Rabbi Yehuda: The eleventh animal is not considered a substitute for the animal tithe, since if it were a substitute it would not be sacrificed, as the substitute for an animal tithe is not sacrificed? By inference, Rabbi Yehuda holds that the eleventh animal is sacrificed, and not put to death, despite the fact that it has the status of a substitute animal.

²⁴¹ The Gemara continues: And if you would say that Rabbi Meir is saying his statement according to what he himself holds, and therefore nothing can be inferred from his comment with regard to the opinion of Rabbi Yehuda, that cannot be so; but isn't it taught in a baraita: The difference between the eleventh animal mistakenly designated as animal tithe and a peace offering is only that this, the peace offering, renders a substitute sanctified to the extent that it can be sacrificed, but that, the eleventh animal mistakenly designated as animal tithe, does not render its substitute sanctified to be sacrificed; this is the statement of Rabbi Yehuda? The Gemara infers: It is stated only that the eleventh animal mistakenly designated as tithe does not render its substitute sanctified with enough sanctity to be sacrificed, which indicates the eleventh animal itself is sacrificed and not put to death.

²⁴² And furthermore, there is a source that indicates that Rabbi Yehuda holds that a mistakenly designated animal tithe is sacrificed, as it is taught in a baraita in the Sifra: “And if his offering be a sacrifice of peace offerings: If he sacrifice of the herd, whether male or female, he shall sacrifice it without blemish before the Lord” (Leviticus 3:1). This serves to include the eleventh animal mistakenly designated as tithe; it must be sacrificed as a peace offering.

²⁴³ One might have thought that I include even the ninth animal mistakenly designated as the tithe. You say in rejection of this suggestion: But does consecration sanctify a substitute before the original animal is sanctified, or does it sanctify only after the original animal is sanctified? You must say that it sanctifies only after the original animal is sanctified. If so, only the eleventh animal is sacrificed as a peace offering, but not the ninth.

²⁴⁴ And who is the author of the unattributed statement in the Sifra? It is Rabbi Yehuda. And the baraita is teaching that the verse: “If he sacrifice of the herd, whether male or female, he shall sacrifice it without blemish before the Lord,” serves to include the eleventh animal mistakenly designated as tithe, i.e., to teach that it must be sacrificed as a peace offering. Evidently, Rabbi Yehuda does not hold that the eleventh animal mistakenly designated as tithe must die.

²⁴⁵ If so, in accordance with whose opinion is the baraita that rules that in a case where two animals emerged together as the tenth, and the owner called them both the tenth, they must both die? It cannot be in accordance with the opinion of Rabbi Yehuda. Rather, Rabbi Shimon, son of Rabbi Abba, interpreted that baraita before Rabbi Yohanan: We are dealing with animal tithe in the present time, and the animals must die due to concern that a mishap might occur, as one might shear them or put them to work, or eat them before they develop a blemish.

²⁴⁶ The Gemara asks: If so, why is the baraita referring specifically to a case where two animals left the pen at the same time? The same would hold true even with regard to one animal designated as tithe, as it cannot be sacrificed nowadays. The Gemara answers: The tanna is speaking utilizing the style of: It is not necessary. It is not necessary to teach that in a case where one animal was designated as tithe it must die, as there is no major financial loss. But in a case where two animals were designated as tithe, since the loss is great one might think he should leave them until they develop a blemish, and then eat them. Therefore, the tanna teaches us that even in a case where two animals were designated as tithe, both must die.

²⁴⁷ It was stated: In the case of one who says to his agent: Go and separate animal tithe on my behalf, Rav Pappi says in the name of Rava: If he called the ninth animal the tenth, it is sanctified and may not be eaten until it has developed a blemish. The owner is not particular about this error, as the animal is not rendered entirely prohibited. But if he designated the eleventh animal as the tenth it is not sanctified as a peace offering, as the owner would not tolerate losing the animal entirely. And Rav Pappa disagrees and says: Even if the agent called the ninth animal the tenth it is not sanctified, as the owner who sent him can say to him: I sent you to act for my benefit and not to my detriment. The authority to serve as an agent does not extend to a case where he acts to the detriment of the one who designated him.

²⁴⁸ The Gemara asks: And in what manner is the case of animal tithe different from that which we learned in a mishna (Terumat 4:4): With regard to one who says to his agent: Go and separate teruma, the agent separates teruma in accordance with the intention of the homeowner. He must separate the amount that he assumes the owner would want to give, as there is no fixed measure that

one must set aside as teruma. A generous person gives as much as one-fortieth of his produce as teruma, while a stingy person can give one-sixtieth.

²⁴⁹ The mishna continues: If he does not know the intention of the homeowner he separates an intermediate measure, i.e., one-fiftieth of the produce. If he subtracted ten from the denominator and separated one-fortieth of the produce, or added ten to the denominator and separated one-sixtieth, his teruma is considered teruma. In this case too, the owner should also be able to say he did not send the agent to act to his detriment, and therefore the act of separating teruma should not take effect.

²⁵⁰ The Sages say in answer: There, with regard to teruma, since there are those who separate teruma generously and there are those who separate teruma sparingly, the agent can say: I estimated that you were one such as this, i.e., either generous or stingy. But here, with regard to animal tithe, it is a mistake, and therefore the owner can say: I did not want you to make a mistake.