

# X.

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## BAVLI HULLIN CHAPTER TEN

### FOLIOS 130A-135A

#### 10:1

- A. [130a] [The requirement to give to the priests] the shoulder, the two cheeks, and the maw (Deu. 18: 3) applies (1) in the Land and outside of the Land, (2) in the time of the Temple and not in the time of the Temple, (3) to unconsecrated beasts, but not to consecrated beasts.
- B. For it [the contrary to A3] might have appeared logical: Now, if unconsecrated animals, which are not liable for the breast and thigh [which are taken from peace offerings for the priests, (Lev. 7:31)], are liable for the [priestly] gifts [of the shoulder, cheeks, and maw], Holy Things, which are liable for the breast and thigh, logically should be liable to the priestly gifts.
- C. Scripture therefore states, “And I have given them to Aaron the priest and to his sons as a due for ever” (Lev. 7:34) —
- D. he has a right [in consecrated beasts] only to that which is explicitly stated [namely, the breast and thigh].

#### 10:2

- A. All Holy Things in which a permanent blemish occurred before they were sanctified, and which were redeemed,
- B. (1) are liable to the law of the firstling and for priestly gifts,
- C. (2) and they go forth for unconsecrated purposes, to be sheared and to be used for labor,
- D. (3) and their offspring and their milk are permitted after they are redeemed,
- E. (4) and he who slaughters them outside of the sanctuary is free [of liability to punishment],
- F. (5) and they are not subject to the law of the substitute,
- G. (6) and if they died, they [the carcasses] are redeemed,
- H. except for the firstling and tithe.
- I. All [Holy Things] in which a permanent blemish occurred after they were sanctified or in which a transient blemish occurred before they were

sanctified, and afterward a permanent blemish appeared in them, and which were redeemed

- J. (1) are free of the law of the firstling and of the priestly gifts,
- K. (2) and they do not go forth for unconsecrated purposes, to be sheared and to be used for labor,
- L. (3) and their offspring and their milk are prohibited after they are redeemed,
- M. (4) and he who slaughters them outside is liable [Aqiba, M. Zeb. 9:3],
- N. (5) and they are subject to the law of the substitute,
- O. (6) and if they died, they are to be buried.

- I.1** A. *The basis [for the rule of A3] is that the Torah wrote, “[And I have given] them [to Aaron the priest and to his sons as a due for ever]” (Lev. 7:34). Lo, if not for this, would I have reasoned that Holy Things are liable to the priestly gifts [as Mishnah proposes in B]?*
- B. One could have objected [to Mishnah’s reasoning as follows:] Now, unconsecrated animals are liable to the law of the firstling [and are liable for the priestly gifts. This implies no logical conclusion regarding priestly gifts from Holy Things, which are not liable to the law of the firstling].
  - C. You may derive the conclusion from the law regarding male animals. Now, male animals [are not liable to the law of the firstling, and are liable for priestly gifts. This implies it is logical that Holy Things, though not liable to the law of the firstling, are liable for priestly gifts].
  - D. [One could have objected to Mishnah’s reasoning as follows:] Take the case of he-goats. Now, he-goats enter the pen to be tithed [and are liable for the priestly gifts. This implies no logical conclusion regarding priestly gifts from Holy Things, which do not enter the pen to be tithed].
  - E. [One could have objected to Mishnah’s reasoning as follows:] Take the case of old he-goats. Now, old he-goats already entered the pen to be tithed [and are liable for the priestly gifts. This implies no logical conclusion regarding priestly gifts from Holy Things, which do not enter the pen to be tithed].
  - F. [One could have objected to Mishnah’s reasoning as follows:] Take the case of an animal that was purchased or orphaned. Now, regarding an animal that was purchased or orphaned, others of its kind enter the pen to be tithed [and are liable for the priestly gifts. This implies no logical conclusion regarding priestly gifts from Holy Things, which do not enter the pen to be tithed].
  - G. But if you state the matter [to answer this last objection] that others of its own kind [enter the pen to be tithed], then regarding Holy Things, others of their own kind enter the pen to be tithed. [Accordingly, Mishnah needs to cite the verse to prove the matter.]
  - H. But now let us argue [in the other direction]: Unconsecrated beasts should be liable for the breast and the thigh [like Holy Things] based on a logical inference a fortiori. Now, if Holy Things which are not liable to the priestly gifts, are liable for the breast and thigh, unconsecrated animals, which are liable to the priestly gifts, logically should be liable for the breast and thigh.
  - I. Scripture says, “And this shall be the priests’ due [from the people, from those offering a sacrifice, whether it be ox or sheep: They shall give to the priest the

shoulder and the two cheeks and the stomach (= maw)]” (Deu. 18: 3). “*This*” — yes. *Anything else* — no.

- J. *But the basis [for the rule] is that the Torah wrote, “This.” Lo, if not for this, would I have reasoned that unconsecrated animals are liable for the breast and thigh?*
- K. *But lo, is it not necessary to wave them [the breast and thigh]? How could one wave them [the breast and thigh of an unconsecrated animal?] If [he waves them] outside [the Temple, this would contradict the verse], as it is written, “[He shall bring with his own hands the offerings by fire to the Lord; he shall bring the fat with the breast, that the breast may be waved as a wave offering] before the Lord” (Lev. 7:30).*
- L. **[130b]** *If [he waves them] inside [the Temple], he is bringing unconsecrated things into the court. Accordingly, it is impossible [to wave the breast and thigh of an unconsecrated animal].*
- M. *Why then do I need the word “This”?*
- N. *To subsume the rule of R. Hisda. For said R. Hisda, “One who damages the priestly gifts, or one who ate them, is free of liability to pay.”*
- I.2 A.** *Reverting to the body of the foregoing: Said R. Hisda, “One who damages the priestly gifts, or one who ate them, is free of liability to pay.”*
- B. *What is the basis for this rule? If you prefer, it is because it is written, “This” [limiting the liability to the objects themselves]. And if you prefer, it is because this is a case of a monetary claim for which there is no claimant. [No specific priest has a claim to the gifts.]*
- C. *They raised an objection: “And this shall be the priests’ due [from the people, from those offering a sacrifice, whether it be ox or sheep: they shall give to the priest the shoulder and the two cheeks and the stomach]” (Deu. 18: 3). This teaches us that the priestly gifts are [obtained by a priest] through a legal claim. To what legal claim does this statement pertain? Is it not the claim to obtain payment through the court?*
- D. *No, it pertains to the court’s jurisdiction to govern their distribution. And this is in accord with the rule of R. Samuel bar Nahmani. For said Samuel bar Nahmani, said R. Yohanan, “On what basis do we say that they do not give gifts to a priest who is an am ha’ares? As it says, “And he commanded the people who lived in Jerusalem to give the portion due to the priests and the Levites, that they might give themselves to the law of the Lord” (2Ch. 31: 4). All those who “give themselves to the law of the Lord” have a portion. All those who do not “give themselves to the law of the Lord” do not have a portion.*
- E. *Come and take note: R. Judah b. Betera says, “As a due” (Lev. 7:34) — this teaches us that the gifts are governed by a legal claim. You might infer that the breast and thigh are also governed by a legal claim. It comes to teach us, “This.” To what legal claim does this statement pertain? Is it not to the court’s jurisdiction to govern their distribution? But do we not know this already regarding the breast and thigh? [And the same would pertain to the gifts.]*
- F. *Rather does it not then [pertain to] the claim to obtain payment [of the gifts] through the court?*

- G. *In that case, what are we dealing with? Where they were already in the possession [of the priest and the original owner stole them back]. But if they were already in his possession, then what needs to be said? [The law is clear concerning such a case.]*
- H. *[It must be that] they came into his possession unseparated [from the unconsecrated parts of the animal]. And this Tannaite authority reasoned in accord with the view that, Gifts that were not [physically] separated are treated [as pertains to legal claims] as if they were separated.*
- I. *Come and take note: “A householder who was traveling from place to place and needs to collect gleanings, forgotten sheaves, **peah**, or poor man’s tithe, let him collect [what he needs]. And when he returns to his home, he should repay [the amount of produce he took as a poor person, for he never actually was poor],” the words of R. Eliezer [M. **Peah 5:4 A-D**].*
- J. Said R. Hisda, “An act of piety was taught here [and not a matter pertaining to a valid legal claim].”
- K. *Said Raba, “It was taught on Tannaite authority that, **he should repay**, and you say, ‘An act of piety was taught here.’ And furthermore from the words of R. Eliezer shall we arise and raise an objection?*
- L. *“Rather, consider the latter text of the Mishnah: **But sages say, ‘[He need repay nothing, because in fact] he was a poor person when [he collected produce designated for the poor] [M. **Peah 5:4 E**].’** The reason [he does not pay] is because he was a poor person. Lo if he was a rich person, he must pay. Why is that? Let him be [covered by this rule]: “One who damages the priestly gifts, or one who ate them, is free of liability to pay [I.3 A].”*
- M. Said R. Hisda, “An act of piety was taught here [and not a matter pertaining to a valid legal claim].”
- N. *Come and take note: On what basis does a householder who ate from his unseparated produce, or a Levite who ate from his unseparated tithes [from which heave-offering had not been taken], on what basis do we say that he is free from repayment [to the priests]? It comes to teach, “The priests shall not profane the holy things of the people of Israel, which they offer to the Lord” (Lev. 22:15). You [the priests] have them from the time he separated [the heave-offering] and thereafter. Lo, from the time he separated and thereafter, from then on he must pay [if he consumes it]. Why is that? Let him be [covered by this rule]: “One who damages the priestly gifts, or one who ate them, [is free of liability to pay] [I.3 A].”*
- O. *Here too [131a] [it must be that] they came into his possession unseparated [from the unconsecrated produce]. And this Tannaite authority reasoned in accord with the view that, Gifts that were not [physically] separated are treated [as pertains to legal claims] as if they were separated [cf. I.4 E].*
- P. *Come and take note: Lo, if the royal administration seized a person’s grain in the granary, if it was on account of a debt that he owed, he has to tithe the grain [this is then a kind of sale], but if it was on the count of a missed installment payment, he is exempt from having to tithe [cf. b. Git. 44a].*

- Q. *That case is different because he profits [from the transaction. His debt is paid. Hence he must separate tithe.]*
- R. *Come and take note: [If] he said, “Sell me the intestines of the cow [= the maw],” and the priests’ dues were in them, he gives them to the priest, and does not deduct their value from [what he pays] him. [If] he purchased it from him by weight, he gives them to the priest, and he does deduct their value [from what he pays] him [M. Hul. 10:3 H-I]. Why is that? Let him be [covered by this rule]: “One who damages the priestly gifts, or one who ate them, [is free of liability to pay, I.3 A].”*
- S. *That case is different. For the items are still physically present.*
- T. *Come and take note: There are nine holdings of the priest: Heave-offering, and heave-offering of tithes, and dough-offering, and the first shearings, and the gifts, and demai, and first fruits, and the principal and the added fifth. Is it not that on this basis one may make a claim for them in court?*
- U. *No, it is on this basis that we have that which is taught on Tannaite authority in the Mishnah: Why have sages said, “The firstfruits are like the property of the priest [M. Bik. 2:1]?” Because [the priest] may use them to purchase slaves, real estate, or an unclean animal [M. M.S. 1:7], and a creditor may extract them in [payment for the priest’s debt], and the [ex]-wife [of a priest may take them in payment of the alimony which is specified] in her marriage contract, just as [they may take] a Torah scroll [in payment] [M. Bik. 3:12 A-E].*
- V. *A certain Levite used to grab priestly gifts for himself. They went and told Rab. He said to them, “It does not suffice that we do not take these from him. Now he goes out and grabs them for himself.”*
- W. *And [what is the view on this matter of] Rab? If they [i.e., Levites] are subsumed in the category of “People” [the verse is: “And this shall be the priests’ due from the people, from those offering a sacrifice, whether it be ox or sheep: they shall give to the priest the shoulder and the two cheeks and the stomach” (Deu. 18:3)] we should surely take [the gifts] from them. And if they are not subsumed in the category “People” then the Torah has freed them from the liability [to give the gifts]. He was in doubt as to whether or not they are subsumed in the category “People.” [Since there is doubt as to the law, Rab freed them from liability.]*
- X. *R. Pappa sat [in session] and stated this tradition [concerning Rab’s doubt on this matter]. R. Idi bar Abin raised an objection to R. Pappa [based on this text]: [There are] four gifts [that must be designated for the poor] from [the produce of] a vineyard: separated grapes, forgotten sheaves, *peah*, and defective clusters. [There are] three [gifts that must be designated for the poor] from [a field of] grain: gleanings, forgotten sheaves, and *peah*. [There are] two [gifts that must be designated for the poor] from [the fruit of] a tree: forgotten sheaves, and *peah*. None of these [gifts to the poor] may [be given to a specific poor person] as a favor. Even a poor Israelite — they take [any] produce [given to him as a favor] from his hand. Poorman’s tithe that is distributed in the house may [be given to a specific poor person] as a*

favor. Even a poor Israelite — they take [any] produce [given to him as a favor] from his hand. **But any other gifts, [that are designated for] the priesthood, such as the shoulder, the two cheeks, and the stomach of a sacrificial animal [that are given to the Levites as simple gifts], may [be given to a specific Levite or priest] as a favor. And the householder may give them to whichever priest he wishes. They may not take a priestly [gift] from a priest [to whom it has been given as a favor] to give it to another, nor a Levitical [gift] from a Levite [to whom it has been given as a favor] to give it to another [T. [Peah 2:13](#)].**

Y. [There are] **four gifts [that must be designated for the poor] from [the produce of] a vineyard: separated grapes, forgotten sheaves, *peah*, and defective clusters.** *As it is written*, “And you shall not strip your vineyard bare, neither shall you gather the fallen grapes of your vineyard; [you shall leave them for the poor and for the sojourner: I am the Lord your God]” (Lev. 19:10). *And it is written*, “When you gather the grapes of your vineyard, you shall not glean it afterward; it shall be for the sojourner, the fatherless, and the widow” (Deu. 24:21).

Z. Said R. Levi, “‘Afterward’ — this refers to [the obligation in a vineyard to leave] forgotten sheaves.”

AA. [The basis in scripture for liability to] *peah* [in a vineyard] is derived from the common use of the word “afterward” [here in this verse and in the verse concerning] olives: “When you beat your olive trees, you shall not go over the boughs afterward [‘*hryk*]; [it shall be for the sojourner, the fatherless, and the widow” (Deu. 24:20).

BB. And the House of R. Ishmael taught: “[‘You shall not go over the boughs’ teaches us] that you shall not take the majesty from it.” [This is a play on the Hebrew words *tp ’r*, *tp ’rtw*].

CC. [There are] **three [gifts that must be designated for the poor] from [a field of] grain: gleanings, forgotten sheaves, [\[131b\]](#) and *peah*.** *As it is written*, “And when you reap the harvest of your land, you shall not reap your field to its very border, nor shall you gather the gleanings after your harvest; [you shall leave them for the poor and for the stranger: I am the Lord your God]” (Lev. 23:22). *And it is written*, “When you reap your harvest in your field, and have forgotten a sheaf in the field, you shall not go back to get it; [it shall be for the sojourner, the fatherless, and the widow; that the Lord your God may bless you in all the work of your hands]” (Deu. 24:19).

DD. [There are] **two [gifts that must be designated for the poor] from [the fruit of] a tree: forgotten sheaves, and *peah*.** *As it is written*, “When you beat your olive trees, you shall not go over the boughs afterward [‘*hryk*]; [it shall be for the sojourner, the fatherless, and the widow]” (Deu. 24:20).

- EE. *And the House of R. Ishmael taught: “[‘You shall not go over the boughs’ teaches us] that you shall not take the majesty from it.” [This is a play on the Hebrew words *tp ’r*, *tp ’rtw*].*
- FF. “Afterward” — this [teaches that the rule of] forgotten sheaves [applies here].
- GG. **None of these [gifts to the poor] may [be given to a specific poor person] as a favor.** *What is the basis for this rule? Because concerning these it is written in terms of leaving them [passively for the poor, not giving them actively to a specific person for some benefit].*
- HH. **Even a poor Israelite — they take [any] produce [given to him as a favor] from his hand.** *As it is written, “Nor shall you gather the gleanings after your harvest; you shall leave them for the poor and for the stranger: [I am the Lord your God]” (Lev. 23:22). This informs the poor person concerning his own [produce he received as a favor that they may take it away].*
- II. **Poorman’s tithe that is distributed in the house may [be given to a specific poor person] as a favor.** *What is the basis for this rule? Because concerning this it is written in terms of giving them [actively to the poor].*
- JJ. **Even a poor Israelite — they take [any] produce [given to him as a favor] from his hand.** *For said R. Ilai, “We derive this rule from the common use of the phrase ‘for the stranger [= sojourner, gr]’ [in Lev. 23:22 and Deu. 26:12: “When you have finished paying all the tithe of your produce in the third year, which is the year of tithing, giving it to the Levite, the sojourner, the fatherless, and the widow, that they may eat within your towns and be filled” (Deu. 26:12)]. Just as we find there that the poor person is informed [of his obligations] concerning his own [produce], so too here, the poor person is informed [of his obligations] concerning his own produce.*
- KK. **But any other gifts, [that are designated for] the priesthood, such as the shoulder, the two cheeks, and the stomach of a sacrificial animal [that are given to the Levites as simple gifts, may be given to a specific Levite or priest as a favor. And the householder may give them to whichever priest he wishes.] They may not take a priestly [gift] from a priest [to whom it has been given as a favor] to give it to another, nor a Levitical [gift] from a Levite [to whom it has been given as a favor] to give it to another.** *Lo, [this implies that] they may take it from a Levite to give it to a priest. It seems [logical to conclude on this basis] that they are subsumed in the category “People” [in contradiction to the statement at C above].*
- LL. [We may respond to this objection by pointing out that the text states] **such as the shoulder** [meaning] not specifically the shoulder. *And what is it [that the text refers to]? First tithes.*



- MM. [But do not] first tithes belong to the Levite [alone]?
- NN. The present rule accords with the view of R. Eleazar b. Azariah. *As it was taught on Tannaite authority*: “Heave-offering goes to the priest and first tithe to the Levite,” the words of R. Aqiba. R. Eleazar b. Azariah says, “[First tithe goes] even to the priest.”
- OO. *Say what?* For said R. Eleazar b. Azariah, “Even to the priest.” Did he say, “To the priest and not to the Levite”?
- PP. *Yes. After Ezra penalized them [for not returning from the exile].*
- QQ. *Say what? Ezra penalized them, so we do not give them [first tithes]. Does that imply that we may take [tithes] away from them? [Accordingly this interpretation must be rejected.]*
- RR. [Alternatively, we may respond to the objection at Q by pointing out that the text states] **such as the shoulder** [meaning] not specifically the shoulder. *And what is it [that the text refers to]? The [gift of the] first fleece.*
- SS. *Come and take note*: This is the general rule: anything that is holy, such as heave-offering, and heave-offering of tithes, and dough-offering, **they take [any] produce [given to him as a favor]** from their hands. And anything that is not holy, **such as the shoulder, the two cheeks, and the stomach of a sacrificial animal [that are given to the Levites as simple gifts, may be given to a specific Levite or priest as a favor. And the householder may give them to whichever priest he wishes.]** They may **not take** it from their hands.
- TT. [The text states] **such as the shoulder** [meaning] not specifically the shoulder. *And what is it [that the text refers to]? First tithes. And this is after Ezra penalized [the Levites].*
- UU. *Come and take note*: **He who slaughters for a priest or for a gentile — it is free [of requirement to give the priestly dues] [M. 10:3 E]**. Lo [this implies that if he slaughters] for a Levite or for an Israelite, he is liable.
- VV. No, *it does not make sense to maintain that* if he slaughters for a Levite or for an Israelite, he is liable. *Rather it makes sense to maintain that* if he slaughters for an Israelite he is liable. But for a Levite, what is the rule? He is free [of the requirement].
- WW. If this is the case, let it teach, He who slaughters for a Levite or for a gentile — it is free [of the requirement]. *And furthermore, lo it was taught on Tannaite authority*, **He who slaughters for a priest or for a gentile — it is free [of requirement to give the priestly dues] [M. 10:3 E]**. Lo [this implies that if he slaughters] for a Levite or for an Israelite, he is liable.
- XX. *The question raised concerning the view of Rab is a decisive question.*
- YY. *Rab can say to you [by way of response], “This [issue in dispute] is [analogous to] a dispute between Tannaite authorities.” As it was taught on Tannaite authority*: “He shall make atonement for the sanctuary” (Lev. 16:33), this refers to the inner sanctum. “And he shall make atonement for the tent of meeting,” this refers to the sanctuary. “And for the altar,” this means what it says. “And he shall make atonement,” this



refers to the courtyards. “For the priests,” this means what it says. “And for all the people of the assembly,” this refers to the Israelites. “And he shall make atonement,” this refers also to the Levites.

ZZ. *And there is another Tannaite teaching: “And he shall make atonement,” this refers also to the slaves. Is it not the case that they dispute regarding this principle? One master reasons in accord with the view that they are subsumed under the category “People.” And the other master reasons in accord with the view that they are not subsumed under the category “People.”*

AAA. *And [what is the view of] Rab? If he reasons in accord with one Tannaite authority, let him state the matter. And if he reasons in accord with the other Tannaite authority, let him state the matter. [It must be that] he was in doubt whether [to reason in accord with the view] of the one or of the other.*

BBB. *Meremar expounded: The law follows in accord with the view of Rab [here] and the law follows in accord with the view of R. Hisda [above, I.5 F].*

**I.3 A.** *Ulla used to give his gifts to a priest-girl [who was married to an Israelite]. Raba raised an objection to Ulla: **The meal-offering of a priest-girl is eaten, the meal-offering of a priest is not eaten [M. Sotah 3:6 D].** And if you say that “priest” means even a priest-girl, lo is it not written, “And every meal-offering of a priest shall be wholly burned, it shall not be eaten” (Lev. 6:23)?*

B. *He said to him, “Rabbi, [132a] let me turn it back on you. Aaron and his sons are specified in the passage [excluding thereby the daughter of a priest: “And the rest of it Aaron and his sons shall eat; it shall be eaten unleavened in a holy place; in the court of the tent of meeting they shall eat it” (Lev. 6:16). “This is the offering which Aaron and his sons shall offer to the Lord on the day when he is anointed: a tenth of an ephah of fine flour as a regular cereal offering, half of it in the morning and half in the evening” (Lev. 6:20). In other instances, mention of a priest subsumes the daughter of a priest.]*

C. *The House of R. Ishmael taught: [“And this shall be the priests’ due from the people, from those offering a sacrifice, whether it be ox or sheep: they shall give to the priest the shoulder and the two cheeks and the stomach” (Deu. 18: 3).] “The priest” — [means] not the priest-girl. We may derive [the rule that applies in a verse where his sons are] not specified from [the rule that applies in the verse where his sons are] stated explicitly.*

D. *The House of R. Eliezer B. Jacob taught: “The priest” — [means] even the priest-girl. [The passage at Deu. 18:3 states “priest” twice] and this is an exclusion followed by another exclusion. [And the principle is that] an exclusion [to a rule] followed by another exclusion only comes to include [something in the rule, i.e., the priest-girl].*

E. *R. Kahana ate [priestly dues] on account of his wife [who was a priest-girl]. R. Yemar ate on account of his wife. R. Idi bar Abin ate on account of his wife.*

F. *Said Rabina, said to me Meremar, “The law follows in accord with the view of Rab . And the law follows in accord with the view of R. Hisda. And the law follows in accord with Ulla. And the law follows in accord with R. Ada bar Ahava [that] a Levite-girl that give birth to a son is free from the obligation to pay five selas [to a priest to redeem him, cf. b. Bekhorot 47a].”*

**I.4 A.** *Our rabbis taught: [The requirement to give to the priest] the shoulder, the two cheeks, and the maw [M. Hul. 10:1 A] applies to hybrid beasts and to the koy. R. Eleazar [b.’s text has Eliezer] says, “To the hybrid beast born of ewe and the goat it does apply. To that of the koy — he who lays claim against his fellow must bring proof [of the validity of his claim]” [T. Hul. 9:1].*

B. *What is the case? We hold the rule that with regard to the matter of covering the blood and gifts [to the priest] we find [that the obligation applies for a koy] only in the case of a deer that mated with a [female] goat. For both in accord with the view of the rabbis and of R. Eliezer there is a doubt about whether or not we take into account the seed of the sire. And they dispute over whether or not we say the specification that it be a sheep [to be liable to the prohibition means] that [an animal that is] partly a sheep [is included].*

C. *One master reasons in accord with the view that the specification that it be a sheep [to be liable to the prohibition means] we do say that [an animal that is] partly a sheep [is included]. And the other master reasons in accord with the view that the specification that it be a sheep [to be liable to the prohibition means] we do not say that [an animal that is] partly a sheep [is included] [See b. Hul. 80a].*

D. *It makes perfect sense according to the view of R. Eliezer who says that it be exempt [from the obligation to give the gifts] to say that he reasons in accord with the view that the specification that it be a sheep [to be liable to the prohibition means] we do not say that [an animal that is] partly a sheep [is included].*

E. *But in accord with the view of the rabbis [it does not make sense]. Suppose that they reason in accord with the view that the specification that it be a sheep [to be liable to the prohibition means] we do say that [an animal that is] partly a sheep [is included]. The [priest] may take half [of the gifts that derive from the sheep]. And regarding the other half, let us say to him [the priest] that he should bring evidence that we do not take account of the seed of the sire and take [the gifts].*

F. *Said R. Huna bar Hiyya, “What does it mean ‘liable’? It also means to say just ‘liable’ to half the gifts.”*

G. *R. Zira raised an objection: A koy — there are ways in which it is like a wild animal, and there are ways in which it is like a domesticated animal; and there are ways in which it is like both a domesticated animal and a wild animal; [and there are ways it is like neither a domesticated animal nor a wild animal] [cf. M. Bik. 2:8-9]. How so? Its fat is forbidden [for consumption] as [is] the fat of a domesticated animal (Lev. 7:25)[M. Bik. 2:10 B]. And its blood must be covered up like the blood of a wild animal [M. Bik. 2:9 A](Lev. 17:13, M. Hul. 6:1ff.) The ways that it is like [both] domesticated and wild animals: its blood and sinew of the hip are prohibited, like those of [both] a domesticated and wild animals. And [it is like a domesticated*

animal since] it is subject to [the gifts to the priest] of the shoulder, cheeks and stomach. R. Eliezer exempts [it from the gifts to the priest] [M. Bik. 2:10 E-F]. [So Zira objects] *if we maintain the view [of sages according to Hiyya at II.1 E above], it should have stated [in M.], “It is subject to half” [the gifts to the priests]*.

H. [We may respond to Zira that] *since it taught the rule regarding forbidden fat [in M. Bik. 2:10A] and blood, where it could not teach that half [the fat is prohibited and] half [the fat is permitted], therefore it did not teach that [it is subject to] half [the gifts to the priests]*.

**I.5 A.** *When Rabin came [from the Land of Israel] he said in the name of R. Yohanan, “A koy in accord with the view of the rabbis is subject completely to the gifts [to the priests].”*

B. *As it was taught on Tannaite authority: [“And this shall be the priests’ due from the people, from those offering a sacrifice, whether it be ox or whether it be sheep: they shall give to the priest the shoulder and the two cheeks and the stomach” (Deu. 18: 3) — it should have stated] “ox”. What does it come to teach us [by stating] “whether it be ox”? It includes the case of the hybrid. [It should have stated] “sheep”. What does it come to teach us [by stating] “whether it be sheep”? It includes the case of the koy.*

C. *And [in accord with the view of] R. Eliezer why do I need to state this [extra language] “whether it be”?*

D. *He reasons that we need it to separate [ox and sheep in the verse so that one does not think that only when one offers both is one liable to the gifts to the priests].*

E. *And [in accord with the view of] the rabbis on what basis do we separate [ox and sheep in the verse]?*

F. *We derive it from [the language], “from those offering a sacrifice.”*

G. *And R. Eliezer, what does he do with this [language], “from those offering a sacrifice”?*

H. *He reasons that we need [the language in the verse] in accord with the view of Raba. For said Raba, “The claim [of the priests for gifts] must be brought against the butcher who slaughters the animal.”*

### 10:3

A. **A [blemished] firstling which was mixed up among a hundred [other unconsecrated beasts] —**

B. **When a hundred [people, in addition to the owner of the firstling] slaughter all [one hundred and one] of them,**

C. **they render all of them free [of priestly dues].**

D. **[If] one slaughters all of them, they free one for him.**

E. **He who slaughters for a priest or for a gentile — it is free [of requirement to give the priestly dues].**

F. **And one who is a partner with them has to give some indication [that the animal is exempt from the priestly dues].**

- G. And if [the priest or gentile who sold the beast to an Israelite] said, “[The beast is sold] except for the priestly gifts,” he [the one who slaughters (D)] is free of the priestly gifts.
- H. [If] he said, “Sell me the intestines of the cow [= the maw],” and the priests’ dues were in them, he gives them to the priest, and does not deduct their value from [what he pays] him.
- I. [If] he purchased it from him by weight, he gives them to the priest, and he does deduct their value [from what he pays] him.

**I.1 A.** [Referring to the rule of A-C exempting all the mixed animals from liability to priestly dues] *why is this the case? Let the priest come and argue [that he has a right to the gifts] from both sides of the question. Let him maintain, “If this one is a firstling, then it is entirely mine. And if it is not a firstling, then give me my gifts from it.”*

B. **[132b]** Said R. Oshaia, “[The case is where the firstling] had already come into the possession of a priest. And he had sold it to an Israelite after it became blemished.” [The priest cannot maintain both sides of the question in this case.]

**II.1 A.** **He who slaughters for a priest or for a gentile — it is free [of requirement to give the priestly dues] [M. 10:3 E].** *Let it teach:* A priest or a gentile are free of [the requirement to give] priestly dues.

B. *Said Raba, “This informs us that the claim [of the priests for gifts] must be brought against the butcher who slaughters the animal.”*

C. *Raba interpreted [the verse as follows]: [“And this shall be the priests’ due from the people, from those offering a sacrifice, whether it be ox or sheep: they shall give to the priest the shoulder and the two cheeks and the stomach” (Deu. 18: 3)] — “from the people” — and not from the priests; “from those offering a sacrifice” — [based on this language] you may state, “Even if the butcher who slaughters is a priest, he is subsumed [under the obligation to give gifts provided he slaughters for a non-priest].”*

**II.2 A.** *The host of R. Tabla was a priest and was strapped for funds. He came before R. Tabla [for business advice]. He said to him, “Go form a partnership with an Israelite butcher. For since this will free them from [liability to] gifts [to the priest [for all the animals that they slaughter] they will [be willing] to form a partnership with you.”*

B. *R. Nahman declared them [the host and his partner] liable [to the priestly gifts]. He [the host] said to him [Nahman], “But lo, R. Tabla freed us [from this obligation.” He [Nahman] said to him, “Go remove [the priestly dues and give them to the priests]. And if you do not, I will remove R. Tabla from your ear.”*

C. *R. Tabla went and appealed the matter to R. Nahman. He [Tabla] said to him, “On what basis did the master do this?”*

D. *He said to him, “When R. Aha bar Hanina came from the South [he said], ‘Said R. Joshua b. Levi, “The Elders of the South said that a priest who is a butcher — for two or three weeks [we grant that] he is free from [the obligation to give] gifts [to the priest]. After that, he is liable [to the priestly gifts].”’”*

E. *He [Tabla] said to him, “Then let the master act in accord with the opinion of R. Aha bar Hanina [and grant an exemption of two or three weeks].”*

F. *He [Nahman] said to him, "This concern [of the Elders of the South] applies where [the priest-butcher] did not establish a business [but slaughtered only on an ad hoc basis]. But here [in the case before us] lo, he established a business [and therefore he cannot receive any exemption]."*

**II.3** A. *Said R. Hisda, "Any priest who does not separate priestly gifts will be under the ban [of excommunication] of the God of Israel."*

B. *Said Rabbah bar R. Shila, "These butchers of Husal have been under the ban of R. Hisda for twenty-two years."*

C. *What is the legal implication of this statement? If you say that [it means] they no longer need to enforce the ban, lo [this is contradicted by an explicit rule] taught on Tannaite authority: Under what circumstances [do they no longer enforce a ban]? Where it involves [a case where a person violated] a prohibition. But [where it was issued because a person failed to fulfill] a commandment, such as a case where they instructed a person to build a sukkah, and he does not do it; or where they instructed a person to [take hold of] a lulab, and he does not do it; or where they instructed a person to put fringes [on his garment], and he does not do it. [In all these cases] they may administer lashes to him until he dies. [Accordingly, they should not suspend the ban on the butcher.]*

D. *Rather [it does not mean that after this time they lift the ban on the butchers of Husal. But it means that] they may penalize them without further warning.*

E. *This accords with [the action of] Raba who penalized [a butcher by confiscating his] meat, and [with the action of] R. Nahman bar Isaac who penalized [a butcher by confiscating] his mantle.*

**II.4** A. *And said R. Hisda, "[One may distribute the gifts to the priests as follows]: the shoulder to one priest, the maw to another priest, the cheeks to two other priests."*

B. *Is that so? But lo, when R. Isaac bar Joseph came [from Israel] he said, "In the West they [hold the view that you even may] divide each bone between two priests." [They explained] that pertains only to an ox [where all the portions are larger].*

C. *Said Rabbah bar bar Hannah, said R. Yohanan, "It is prohibited to eat from an animal from which the gifts have not been taken."*

D. *And said Rabbah bar bar Hannah, said R. Yohanan, "Anyone who eats from an animal from which the gifts have not been taken, it is as if he eats *tebel* [i.e., produce from which tithes and heave-offering have not been separated]."*

E. *And the law does not follow in accord with his view.*

**II.5** A. *Said R. Hisda, "The priestly gifts are eaten only roasted and only with mustard."*

B. *What is the basis for this view?*

C. *Scripture says, "[Then the Lord said to Aaron, 'And behold, I have given you whatever is kept of the offerings made to me, all the consecrated things of the people of Israel;] I have given them to you as a portion, [and to your sons as a perpetual due]'" (Num. 18: 8). [The language used implies that it be a sign of] greatness, that he eat it like the kings eat it [i.e., roasted and with mustard].*



- D. And said R. Hisda, “There are twenty-four gifts to the priests. Any priest who is not knowledgeable in them, does not receive any gifts.”
- E. *But this is not an authoritative statement. For it was taught on Tannaite authority: R. Simeon says, “Any priest who does not accept all the rites of the priesthood, does not have a share with the priests.”* As it says, “He among the sons of Aaron who offers the blood of the peace offerings and the fat shall have the right thigh for a portion” (Lev. 7:33). I [explicitly] learn from this [verse] only these [rites of sprinkling the blood and offering the fat]. Whence do we include [in the disqualification] the fifteen rites [of the priests] such as pouring [the oil on the fine flour of the meal-offering (Lev. 2: 1)], and mixing [the oil with the flour (Lev. 2: 4)], and breaking into pieces, and seasoning with salt, and waving [of certain kinds of meal-offerings (cf. M. [Men. 5:5-6](#))] and bringing them near (Lev. 2: 8), and taking the fistful [of the meal-offerings (Lev. 2: 2)], and burning [of the offerings], and pinching off [the necks of the bird-offerings (Lev. 1:15, 5: 8)], [\[133a\]](#) and receiving [the blood of the sacrificial victims (2Ch. 29:22)], and sprinkling [the blood of sacrificial victims on the altar (Lev. 1: 5)], and making the suspected adulteress drink [the bitter waters (Num. 5:12 ff.)], and breaking the heifer’s neck (Deu. 21), and purifying the leper (Lev. 14), and raising the hands [to bless the people] both inside and outside [the Temple] (Lev. 9:22, Num. 6:22 ff.)?
- F. It comes to teach, “Among the sons of Aaron.” [This implies that he is excluded from] any rite that is performed by the sons of Aaron [[T. Demai 2:6-7](#)].
- G. And [it states] **any priest who does not accept [the rites], does not have a share with the priests.** The implication is that [this applies only to a priest] who does not accept [a rite]. Lo, if he accepted it, even if he was not knowledgeable in it, [he has a share with the priests, contrary to Hisda].

**II.6 A.** Said R. Abba, said R. Huna, said Rab, “The veins of the cheek are prohibited [on account of the blood that they contain]. And to any priest who does not know how to remove them, they do not give to him [the cheek] as a gift.”

- B. *But this is not so [that the veins are prohibited]. For if they roast [the cheek, then the blood] drains out. And if they cook it in a pot, if he first cuts it and salts it, [the blood] drains out.*

**II.7 A.** Said Raba, “R. Joseph tested us [with this question]: *A priest who grabbed priestly gifts — is he showing his esteem for the commandment or is he making a mockery of the commandment?*” And we answered [the question as follows]: [It says,] “They shall give [to the priest the shoulder and the two cheeks and the stomach]” (Deu. 18: 3) — [it does not say that] he should take them himself. [Accordingly, if he does grab them, he is making a mockery of the commandment.]

- B. Said Abbaye, “At first I used to grab the priestly gifts. I reasoned that I was showing my esteem for the commandment. After I heard [the teaching], ‘They shall give’ [it does not say that] he should take them himself, I no longer grabbed the priestly gifts. I used to say to others, ‘Bring them to me.’ After I heard this that was taught on Tannaite authority, ‘[Yet his sons did not walk in his ways, but turned aside after gain;] they took bribes [and perverted justice]’ (1Sa. 8: 3). R.

Meir said, ‘The sons of Samuel [took bribes] by asking for their portions [of the priestly gifts].’ *[After hearing this teaching] I no longer said to others [to bring them to me]. I reasoned that if they brought them to me, I would accept them. After I heard this that was taught on Tannaite authority, ‘Modest people draw back their hands but the greedy ones took their portion,’ I no longer said that if they brought them to me, I would accept them. Except on the eve of the Day of Atonement [I would take them] to assert myself as a priest.”*

C. *But [to assert himself as a priest] could he not raise his hands [in synagogue to bless the people]?*

D. *He never had the opportunity to do that.*

**II.8** A. *Said R. Joseph, “A priest, in whose neighborhood there is a rabbinic scholar who is strapped for funds [and the priest wants to help him], he may assign to him priestly gifts, even if he did not yet receive them, as long as he is recognized among the priests and Levites.”*

B. *Raba and R. Saфра came to the house of Mar Yohana the son of R. Hanna bar Ada, and some say [that they came to] the house of Mar Yohana the son of R. Hama bar Bizna, and he made for them a one-third [grown] calf.*

C. *Said Raba to the servant, “Assign the gifts to me since I wish to eat the tongue [roasted] with mustard.” He assigned them to him. Raba ate it and R. Saфра did not eat it.*

D. *R. Saфра dreamed [that night that he heard] the recitation of the verse, “He who sings songs to a heavy heart is like one who takes off a garment on a cold day, and like vinegar on a wound” (Pro. 25:20).*

E. *He went before R. Joseph [for an interpretation of the dream].*

F. *He said to him, “Perhaps it is because I violated the tradition of the master [A, above] that I heard this [in my dream].”*

G. *He said to him, “What I said pertains to a third party [who assigns another’s gifts]. But a servant may assign them even against the person’s will. And what I said pertains to one who was in need [of material assistance]. Lo you were not in need of assistance. [Accordingly, you did not violate my tradition.]”*

H. *Rather why then did he hear this [verse in his dream]? It reflected on [the actions of] Raba [who did not understand the teaching of R. Joseph]. Then why did Raba not hear it [in his own dream]? Raba was subject to rebuke [at the time and could not receive reports in his dreams].*

I. *Said Abbayye to R. Dimi, “To what [situation] does scripture obviously refer [in Pro. 25:20 above]?”*

J. *He said to him, “[It refers to one] who teaches a student who is not suitable.”*

K. *For said R. Judah, said Rab, “One who teaches a student who is not suitable, descends into Hell. As it says, ‘Utter darkness is laid up for his treasures; a fire not blown upon will devour him; what is left (sryd) in his tent will be consumed’ (Job. 20:26).”*

L. *“What is left (sryd)” — this can only refer to a disciple of the sages. As it says, “And among the survivors (srydym) shall be those whom the Lord calls” (Joe. 2:32 RSV).*



- M. Said R. Zira, said Rab, “One who teaches a student who is not suitable, is like one who casts a stone before Mercury [i.e., performs an act of worship to an idol]. As it says, ‘Like one who binds the stone in the sling is he who gives honor to a fool’ (Pro. 26: 8). *And it is written*, ‘It is not fitting for a fool to live in luxury, much less for a slave to rule over princes’ (Pro. 19:10).

**III.1 A. And one who is a partner with them has to give some indication [that the animal is exempt from the priestly dues] [M. 10:3 F].** And even if [he is a partner with] a gentile [he must give some indication].

- B. *And they raised a contradiction [from T.]: One who is a partner with a priest must give some indication. One who is partner with a gentile, or [one who is partner in] a Holy Thing that became invalid, does not have to give some indication. [And a partner of priests who are invalid for consecrated purposes does not have to make a mark] [T. 9:5 D-F].*
- C. **[133b]** *In that case what are we dealing with? That the gentile was sitting next to the weighing scales [i.e., the butcher’s kiosk, and it is obvious that he is a partner].*
- D. *Likewise [why not say] regarding the priest, that he was sitting next to the weighing scales [and that it was obvious that he was a partner]? Why then does he have to give some indication? Because people may say he is [sitting there because he is] buying meat [from the butcher].*
- E. *If this is the case, [concerning] the gentile [that is sitting next to the kiosk], they may say that he is buying meat.*
- F. *In that case what are we dealing with? That the gentile was sitting next to the cash box [i.e., the butcher’s kiosk, and it is obvious that he is a partner].*
- G. *Likewise [why not say] regarding the priest, that he was sitting next to the cash box [and that it was obvious that he was a partner]? Why then does he have to give some indication? Because people may say he [the priest] is [sitting there because the butcher] trusted him.*
- H. *If this is the case, [concerning] the gentile [that is sitting next to the kiosk], they may say that he [the butcher] trusted him. [But this is not the case because we have a principle that] there is no trust among gentiles.*
- I. *If you prefer, another possibility [we may explain this on the basis of the principle that] the ordinary gentile speaks up [when he does business. Thus people should be able to tell if he is a partner.]*

**III.2 A. Said the master, [One who is a partner with a priest must give some indication. One who is partner with a gentile, or one who is partner in] a Holy Thing that became invalid, does not have to give some indication [T. 9:5 D-F].** *It seems logical to conclude] that the matter [of its status] is readily evident [because it is not sold in the same manner as unconsecrated meat].*

- B. *But lo, we taught on Tannaite authority in the Mishnah [that it is sold the same way as ordinary meat]: All invalidated Holy Things [after they have been redeemed] are sold in the marketplace, and are slaughtered in the marketplace, and are weighed by the *litra* [M. Bekh. 5:1 A-C].*

- C. *R. Ada bar Ahava resolved [this contradiction] before R. Pappa [by explaining that our text in T. refers only to Holy Things] that are sold from one's house [such as the firstling and the tithe of cattle].*

- III.3 A.** Said R. Huna, “[If the priest was] a partner in the head [of the animal], then it is exempt from the gift of the cheeks. If he was a partner in the foreleg, then it is exempt from the gift of the shoulder. If he is a partner in the entrails, then it is exempt from the gift of the stomach.”
- B. And Hiyya bar Rab said, “Even [if the priest was] a partner in only one of these [parts of the animal], it is exempt from all [the gifts].”
- C. *They raised an objection [to the view of Hiyya]: ([If] a priest said to him, “It is entirely yours, but the foreleg is mine,” even if one among a hundred are in the foreleg, it is exempt from the gifts of the shoulder. [If] he said, “The whole shoulder is yours, and the head is mine,” even one among a hundred, it is exempt from the gift of the cheek. [If he said], “The whole cheek is yours, and the intestines are mine,” even if one in a hundred are among the intestines, it is exempt from the requirement to give the maw [T. 9:6].)* [If a priest said], “The head is mine and all the rest is yours” or “One-hundredth part of the head [is mine],” it is exempt [from the gift of the cheeks]. [If a priest said], “The foreleg is mine and all the rest is yours” or “One-hundredth part of the foreleg [is mine],” it is exempt [from the gift of the shoulder]. [If a priest said], “The entrails are mine and all the rest is yours” or “One-hundredth part of the entrails [are mine],” it is exempt [from the gift of the stomach]. *Is it not the case that this means [in each case respectively] that it is exempt from the gift of the cheeks but liable to the rest of them; that it is exempt from the gift of the shoulder, but liable to the rest of them; that it is exempt from the gift of the stomach, but liable to the rest of them?*
- D. *No. It means he is exempt from all of them.*
- E. *It was taught further on Tannaite authority [more specifically]:* [If a priest said], “The head is mine and all the rest is yours” or “One-hundredth part of the head [is mine],” it is exempt from the gift of the cheeks and liable to the rest of them.
- F. *The question raised concerning the view of Hiyya is a decisive question.*
- G. *Said R. Hisda, “Lo a Tannaite teaching misdirected Hiyya bar Rab.” For it was taught on Tannaite authority: Twenty-four gifts for the priesthood were given to Aaron and his sons, and all of them were granted through a generalization (Num. 18: 8) followed by a particularization (Num. 18:9-18) followed by a generalization (Num. 18:19), and ‘a covenant of salt’ (Num. 18:8-19), so that if one carries them out, it is as though he has carried out the entirety of the generalization, particularization, and generalization, covering all sacrifices that comprise the covenant of salt; and to violate them is to violate the entirety of the generalization, particularization, and generalization, covering all sacrifices that comprise the covenant of salt. These are they: ten to be eaten inside the Temple, four in Jerusalem, ten within the borders of the Land of Israel. Ten to be eaten in the precincts of the Temple: a sin offering of an animal, sin offering of a bird, guilt offering for a known sin, guilt offering for a sin that is subject to doubt, peace offering of the community, log of oil in the case of a person afflicted with the skin ailment, residue of the*

wave offering, two loaves, show bread, and residue of meal offerings. The four to be eaten in Jerusalem: the firstling, first of the first fruits, portions separated from the thank offering for the priesthood and the ram of the Nazirite, and the hides of most Holy Things. The ten to be eaten within the borders of the Land of Israel: food designated as priestly rations [heave-offering], the priestly rations taken up from the tithe, dough offering, first fleece, portions of the unconsecrated animals assigned to the priesthood, the beast that serves for the redemption of the first born son, the beast that serves for the redemption of the firstling of an ass, a field of possession, a field that has been devoted, and what has been handed over in restitution for a robbery committed against a proselyte [T. Hal. 2:1ff.]. He [Hiyya] reasoned in accord with the view that since all the gifts were reckoned as one item [on the list in T. Hal.], that they are treated as one [with regard to determining whether one is liable to them]. And this is not so. Is it the case that **portions separated from the thank offering for the priesthood and the ram of the Nazirite are reckoned as one item because they are treated as one [with regard to the law]**?

- H. Rather [it is the case that] because they were similar articles, they were reckoned as one item. Here too [regarding the gifts for the priest] because they were similar articles, they were reckoned as one item [on the list]. [Accordingly Hiyya should have derived no proof from this source.]

**III.4 A.** They posed a question: [If a priest said to an Israelite], “The head is yours and all the rest is mine” [i.e., the reverse of the case in C above], *what is the law [regarding the liability to give the cheeks to the priest]? Do we consider the legal status the [part of the animal where the] liability [rests]? And the [part of the animal where the] liability [rests] belongs to an Israelite [and hence he is liable to give the cheeks to the priest]? Or perhaps we consider the legal status of the major part of the animal. And the major part of the animal belongs to the priest [so he would not be liable to give the cheeks to the priest].*

- B. Come and take note: **A priest and a gentile who gave their beast to an Israelite** — it is free [of the first of the fleece]. He who purchases the [first] fleece of a gentile — **it is free of the first of the fleece. This rule is more strict for the [shoulder and] two cheeks and maw than for the first of the fleece [T. 10:2].** We derive from this that we consider the legal status of the [part of the animal where the] liability [rests]. We derive this [conclusion].

**IV.1 A.** And if [the priest or gentile who sold the beast to an Israelite] said, “[The beast is sold] except for the priestly gifts,” he [the one who slaughters (D)] is free of the priestly gifts [M. 10:3 G]:

- B. **[134a]** And they raised by way of contradiction [to M.]: [If a priest who sells the beast to an Israelite said that he sells it] on the condition that the gifts are mine, [the Israelite] may give them to any priest that he chooses.
- C. Do you raise a contradiction from [a case where he stated] “on the condition” to [a case where he stated] “except for”? [They are different conditional modalities.] [The stipulation,] “Except for” leaves out a portion [from the transaction]. [The stipulation,] “On the condition” does not leave out [any portion from the transaction].

- D. *And they raised by way of contradiction: [If a priest who sells the beast to an Israelite said that he sells it] on the condition that the gifts are mine, the gifts are his.*
- E. *[The two Tannaite traditions disputed in regard to this principle: One master reasoned in accord with the view that “on the condition” leaves out [a portion from the transaction]. And the other master reasoned in accord with the view that “on the condition” does not leave out [a portion from the transaction].*

**V.1 A.** **[If] he said, “Sell me the intestines of the cow [= the maw],” and the priests’ dues were in them, he gives them to the priest, and does not deduct their value from [what he pays] him. [If] he purchased it from him by weight, he gives them to the priest, and he does deduct their value [from what he pays] him [M. 10:3 H-I].**

- B. *And said Rab, “The latter ruling pertains to a case in which the purchaser weighed it for himself, but if the butcher weighed it for him, then the priest would sue the butcher” [note: here there was no renunciation of title].*
- C. *And R. Assi said, “Even if the butcher weighed it for him, the priest would sue the purchaser.”*
- D. *Let us say they differ on the statement made by R. Hisda. For said R. Hisda, “If one stole something and, before the owner had despaired of getting it back, [at which point the thief acquires title to the object,] someone else came along and ate up what he stole, the owner has the choice of collecting the payment from the one or the other.” [Cf. b. B.Q. 115a.]*
- E. *[Does this mean that] one master [Rab] holds in accord with the view of R. Hisda, and the other master [R. Assi] does not hold in accord with the view of R. Hisda?*
- F. *No. They all hold in accord with the view of R. Hisda. And here [they dispute with regard to the principle of whether] priestly gifts can be stolen. One master [Rab] holds in accord with the view that priestly gifts can be stolen [so you must sue the butcher who stole them]. And the other master [R. Assi] holds in accord with the view that priestly gifts cannot be stolen [so you must sue the purchaser who has them].*
- G. *There are those who taught this matter as an independent text: Rab holds in accord with the view that priestly gifts can be stolen [so you must sue the butcher who stole them]. And R. Assi holds in accord with the view that priestly gifts cannot be stolen [so you must sue the purchaser who has them].*

### 10:4A-C

- A. **A convert who converted and had a cow — [if] it was slaughtered before he converted, it is free of priestly dues.**
- B. **[If it was slaughtered] after he converted, it is liable.**
- C. **[If it is a matter of] doubt, it is free of liability, for he who makes a claim against his fellow bears the burden of proof.**

**I.1 A.** *When R. Dimi came [from the land of Israel] he said, “R. Simeon b. Laqish posed this contradiction to R. Yohanan: Our Mishnah teaches [at C] that a matter of*

**doubt is free of liability.** *It seems [logical to conclude in accord with the rule that] a matter of doubt is resolved in accord with the more lenient position. But by way of contradiction: [As regards] anthills in the midst of a standing [crop] — lo, [grain which falls into them] belongs to the householder, [for produce does not become subject to the law of gleanings until after the harvest]. After the harvesters [have gone through the field], the [grain at the] tops [of the anthills, which fell after the harvest, belongs] to the poor, while the [grain at the] bottoms [of the anthills, which probably fell before the harvest,] belongs to the householder. R. Meir says, “All [grain which falls into anthills after the harvesters have gone through the field belongs] to the poor, for produce which might be [subject to the law of] gleanings [produce which might have fallen after the harvest] is [deemed in fact to be subject to the law of] gleanings” [M. **Peah 4:11**]. [Accordingly, a matter of doubt is resolved in accord with the more stringent view.]”*

- B. *He [Yohanan] said to him, “Don’t bother me [with your contradiction]. For I learned that this was a minority view [of one obscure teacher who cited a tradition from Meir]. For it was taught on Tannaite authority: R. Judah b. Agra said in the name of R. Meir, “Produce which might have fallen after the harvest is deemed in fact to be subject to the law of gleanings; a sheaf which might have been forgotten after the harvest is deemed in fact to be subject to the law of the forgotten sheaf; produce which might be *peah* is deemed in fact to be subject to the law of *peah*.”*
- C. *He [Resh Laqish] said to him, “Even if you attribute this to the most unreliable and eccentric source in the world, lo it states a valid basis for its rule.”*
- D. *For said R. Simeon b. Laqish, “Why was it written, ‘Give justice to the weak and fatherless; [maintain the right of the afflicted and the destitute]’ (Psa. 82: 3)? What does it mean to ‘give justice’? If you maintain that in judgments [you must be partial to the weak], lo it was written, ‘Nor shall you be partial to a poor man in his suit’ (Exod. 23: 3). Rather it means that you should do justice on your own and give him [benefit].*
- E. *Said Raba, “Here [in the case of the doubt with regard to the priestly gifts from an animal belonging to a gentile who converted], the cow is subject to the presumption that it is free from liability. [However,] the grain standing in a field is subject to the presumption that it is liable [to the agricultural precepts].”*
- F. *Said to him Abbaye, “Lo [we have the following in the Mishnah]: **A convert who converted [to Judaism] and had dough in his possession [at the time he converted], [if the dough] was prepared before he converted, it is exempt [from dough offering]. But [if it was prepared] after he converted, it is subject [to dough offering]. And if it is uncertain [whether the dough was prepared before or after he converted], it is subject [to dough offering] [M. Hal. 3:6 A-D].”***
- G. *He said to him, “[In] a case of doubt with regard to prohibitions, we are stringent. [In] a case of doubt with regard to monetary claims, we are lenient.” [b. Ket. 73b: Raba said, “The Tannaite framer of our Mishnah-paragraph is in doubt, so he took the lenient rule in property, and the strict rule in matters of prohibition affecting personal status.”]*



H. For said R. Hisda, and so too taught R. Hiyya, “Eight cases of doubt were stated with regard to a convert. In four he incurs liability. And in four he is freed of liability. Regarding [cases of doubt for] the sacrifice of his wife [after she gives birth], and dough-offering [as above, M. Hal. 3:6], and a firstling of an unclean animal, and a firstling of a clean animal [i.e., where there is doubt whether either was born after he converted and needs to be redeemed], for these he incurs liability. [134b] For first shearings, and the priestly gifts, and the redemption of a first-born son, and the redemption of a firstling of an ass [where there is doubt whether he converted after the obligation would have taken effect in each case], for these he is free of any liability [and the priest must prove his claim to collect it].”

I. *When Rabin came [from the Land of Israel] he said, “He [Resh Laqish] raised a contradiction concerning [one rule for] grain standing in a field, [from another rule for] grain standing in a field.”* [He did not raise any contradiction to the rules of liability for priestly gifts, contrary to A-C above.]

**I.2 A.** *Levi planted in Kishor and there were no poor people to collect the gleanings.*

B. *He came before R. Sheshet [for a ruling as to whether he could collect them himself].*

C. *He said to him, “[Scripture says,] ‘You shall leave them for the poor and for the sojourner: I am the Lord your God’ (Lev. 19:10) — not for ravens and bats.”*

D. *They posed a question:* They do not have to bring heave-offering [to a priest] neither from the granary to the city, nor from the wilderness to the settlement. But if there is no priest thereabouts, he must hire a beast and bring it in [to hold it for a priest] on account of [the need to prevent] the destruction of heave-offering. [Likewise they should bring in the gleanings and hold them for a poor person.]

E. *[This is not a valid objection.] Heave-offering is different [from gleanings with regard to the law]. For it renders [all the grain forbidden] as a mixture [until it is separated]. And it is not adequate if he does not separate it.*

F. *And [another objection —] it was taught on Tannaite authority:* In a place where they were accustomed to cook a calf to eat with its skin, one should not skin the shoulder [before giving the gift to the priest]. [In a place where they were accustomed] to skin the head, one should not skin the cheek [before giving it to the priest]. And if there is no priest thereabouts [to take the gifts], they may estimate their value [and hold the money for the priest] and eat them on account of the need to avoid causing loss to the priest. [Likewise they should bring in the gleanings and hold them for a poor person.]

G. *[This is not a valid objection.] Gifts to the priest are different [from gleanings with regard to the law]. For it is written concerning them that they should be given [to the priest, Deu. 18:3]. And now as long as you come to this point, it is written also concerning heave-offering that it should be given [to the priest, Num. 18:12].*

H. [But is this not a spurious argument? It repeats the phrase, “you shall leave them for the poor and for the sojourner,” regarding gleanings, Lev. 19:10 and 23:22.] *Why then do we need to teach an extra time, “you shall leave them”? In accord with what was taught on Tannaite authority:* He who declares his vineyard to be

ownerless and then gets up early in the morning and harvests the grapes is liable to leave for the poor the grapes that fall to the ground, the puny bunches, the forgotten ones, and the corner of the field, but is exempt from having to designate tithes [b. B.Q. 28a].

- I.3 A.** *There was a sack of gold dinars that came to the study hall [as a gift]. R. Ammi went ahead and took possession of them [as a priest]. Now how could he do this? Lo, is it not written, “They shall give [to the priest the shoulder and the two cheeks and the stomach]” (Deu. 18: 3), and not that he should take it himself. R. Ammi also must have taken them on behalf of the poor.*
- B. *And if you prefer, another possibility: [Ammi was an important person.] And the rule for an important person is different. As it was taught on Tannaite authority: “The priest who is chief among his brethren, [upon whose head the anointing oil is poured, and who has been consecrated to wear the garments, shall not let the hair of his head hang loose, nor rend his clothes]” (Lev. 21:10) — he must be chief among his brethren in beauty, wisdom and wealth. Others say, “Whence that if he does not have these, his brethren raise them up for him? It comes to teach, ‘The priest who is chief among his brethren.’ Make him great from what belongs to his brethren”[cf. T. **Kippurim 1:6A-B**]. [Based on this, R. Ammi acted properly.]*

### 10:4 D-J

- D. **What is the shoulder?**
- E. **From the joint to the shoulder socket of the foreleg.**
- F. **And that pertains also to the Nazirite (Num. 6:19).**
- G. **And the corresponding part in the hind leg is the thigh.**
- H. **R. Judah says, “The thigh is from the joint to the fleshy part of the hind leg.”**
- I. **What is the cheek?**
- J. **From the joint of the jaw to the knob of the windpipe [the tip of the thyroid cartilage, the whole lower jaw and the tongue].**
- I.1 A.** *Our rabbis taught on Tannaite authority: “The shoulder” (Deu. 18: 3) — **this is the right shoulder. You say it is the right shoulder. But perhaps it is only the left one [T. **9:12 A-B**]? It comes to teach, “The shoulder.”***
- B. *What is the reasoning of this deduction?*
- C. *It is in accord with what Raba said, “The thigh” [“Therefore to this day the Israelites do not eat the sinew of the thigh, because he touched the hollow of Jacob’s thigh on the sinew of the hip” (Gen. 32:32)] refers to the right thigh. Here too “the shoulder” refers to the right shoulder. [Cf. T. **9:12 D: Since thigh is a gift to the priest, and the shoulder is a gift to the priest, just the thigh applies only to the right one, so the shoulder should apply only to the right one.**]*
- D. *“And the two cheeks” (Deu. 18: 3) — what additional rule does it come to encompass?*
- E. *It adds that we include in the category the wool that is on the head of sheep and the hair that is on the beard of goats.*
- F. *“And the stomach” (Deu. 18: 3) — what additional rule does it come to encompass?*



- G. *It adds that we include in the category the fat that is attached to the stomach and the fat that is inside the stomach.*
- H. For said R. Joshua [T.: R. Judah], **“The priests behaved in a generous spirit and would give it to the owner” [T. 9:11 H].**
- I. *The basis for this was that it was their custom to do so. Lo, if it was not their custom [by law] it belongs to him [the priest].*

- I.2** A. The imaginative interpreters used to say [these gifts are given to the priest on account of the zealous act of Phineas the priest and symbolize aspects of it as follows]: “The shoulder” symbolizes the hand [of Phineas]. And so it states, “Taking a spear in his hand, [he went after the man of Israel into the inner room, and pierced both of them, the man of Israel and the woman, through her stomach. Thus the plague was stayed from the people of Israel]” (Num. 25: 7-8). [For our purposes: He used his right hand to pierce, proving that it means the right shoulder (Rashi).]
- B. “And the cheeks” symbolize the prayer [of Phineas]. And so it states, “Then Phineas stood up and interposed, [and the plague was stayed]” (Psa. 106:30).
  - C. “And the stomach” symbolizes its literal counterpart [in the story relating to Phineas]. And so it states, “[And pierced...] the woman through her stomach” (Num. 25: 7).
  - D. *And a Tannaite authority derived it [that it means the right shoulder] from this: “And the right thigh [you shall give to the priest an offering from the sacrifice of your peace offerings]” (Lev. 7:32). From this I would derive only that it is the right thigh [that one must give from a peace offering]. Whence do we derive that [one must give to the priest the right] shoulder of consecrated animals? [“And the priest shall take the shoulder of the ram, when it is boiled, and one unleavened cake out of the basket, and one unleavened wafer, and shall put them upon the hands of the Nazirite, after he has shaven the hair of his consecration” (Num. 6:19).] It comes to teach, “An offering” (Lev. 7:32). Whence do we derive that [one must give to the priest the right] shoulder [i.e., the priestly gift] of unconsecrated animals? It comes to teach, “You shall give” (Lev. 7:32).*

- II.1** A. **What is the cheek? From the joint of the jaw to the knob of the windpipe [the tip of the thyroid cartilage, the whole lower jaw and the tongue] [M. 10:4 I-J].**
- B. *But lo it was taught on Tannaite authority: **What is the cheek? One removes it from the place at which the animal is slaughtered, and the whole place where the animal is slaughtered with it [T. 9:11 D-E].***
  - C. *This is not a contradiction. [We may explain that] this one [view in M. represents the opinion of] the rabbis. And this one [view in T. represents the opinion of] R. Hanina b. Antigonus. For it was taught on Tannaite authority: **[If] it slants downwards [that is, if one let the knife slide beyond the space prescribed for cutting, so that the windpipe was cut at or below the point where the thyroid cartilage narrows (b. Hul. 19a)], it is invalid. Testified R. Hanina b. Antigonus, [T. has: R. Hanania b. Antigonus declares] that if it slants downward, it is valid [T. 1:10 B-C, b. Hul. 18b].***

- D. *If you prefer, another explanation is that both [views in M. and T. represent the opinions] of the rabbis. And what then does **with it** mean? It means [that the place where the animal is slaughtered remains] with the animal [and does not go along with the cheek].*