

# IV

## BAVLI TRACTATE BEKHOROT CHAPTER FOUR

### FOLIOS 26B-31A

4:1-2

- A. How long are Israelites liable to tend to the firstling [before handing it over to the priest]?
- B. In the case of a small beast, for thirty days.
- C. And in the case of a large beast, for fifty days.
- S. R. Yosé says, “In the case of a small one, three months.”
- E. [If] the priest said to him during this period, “Give it to me,” lo, this one does not give it to him.
- F. If it was blemished, [if] he said to him, “Give it to me that I might eat it,” it is permitted.
- G. And in the time of the Temple, if it was perfect, [if] he said to him, “Give it to me that I may offer it up,” it is permitted.
- H. The firstling is eaten within a year, whether it is unblemished or blemished,
- I. since it is said, “Before the Lord your God will you eat it year by year” (Deu. 15:20).

M. 4:1

- A. [If] a blemish appeared in it during its first year, it is permitted to keep it for the whole twelve months.

- B. [If a blemish appeared in it] after its first year, it is permitted to keep it only for thirty days.

M. 4:2

- I.1** A. *How on the basis of Scripture do we know [that Israelites are liable to tend to the firstling [before handing it over to the priest in the case of a small beast, for thirty days]]?*
- B. Said R. Kahana, “It is because Scripture said, ‘The firstborn of your sons you shall give to me; likewise you shall do with your sheep. You shall not delay to offer of the fullness of your harvest and of the outflow of your presses. Likewise you shall do with your oxen and with your sheep; seven days it shall be with its dam; on the eighth day you shall give it to me’” (Exo. 22:29-31). [Miller & Simon: just as in the case of a firstborn son redemption is necessary after thirty days, so in the case of a firstling of small cattle the Israelite must keep the animal for thirty days.]
- C. *And why not reverse this [and draw the analogy to “likewise you shall do with your oxen,” so that the firstling of large cattle have to be tended for only thirty days]]?*
- D. *It is reasonable to draw an analogy from the part of the first that is prior to the part of the consequent verse that is prior, and from the part of the verse that is posterior to the part of the verse that is posterior.*
- E. *To the contrary! Draw an analogy from what is near to what is near?*
- F. Rather, said Raba, “Scripture has said, ‘you shall do’ [‘Likewise you shall do with your oxen and with your sheep’]. It adds another mode of ‘doing,’ namely, in connection with ‘your oxen.’”
- G. *Then should I say that sixty days are required?*
- H. Scripture has handed you over only to sages [who interpret Scripture authoritatively; idle speculation is null].
- I.2.** A. *So too it has been taught on Tannaite authority:*
- B. “The firstborn of your sons you shall give to me; likewise you shall do with your sheep. [You shall not delay to offer of the fullness of your harvest and of the outflow of your presses. Likewise you shall do with your oxen and with your sheep; seven days it shall be with its dam; on the eighth day you shall give it to me]” (Exo. 22:29-31):
- C. Might I suppose that the same rule applies to “your oxen” [as to the first born of your sons, that is, the thirty-day-rule]?
- D. Scripture says, “likewise you shall do...” — adding another mode of “doing,” on connection with an ox, and, further, Scripture has handed you over only to sages.

- E. On the strength of this reading, sages have said: **How long are Israelites liable to tend to the firstling [before handing it over to the priest]? In the case of a small beast, for thirty days. And in the case of a large beast, for fifty days. R. Yosé says, “In the case of a small one, three months because it tending it is onerous” [T. Bekh. 3:1A-E].**
- F. *A Tannaite authority stated, “Because its teeth are small [and only after three months can it eat without the mother’s help.”*

**II.1 A. [If] the priest said to him during this period, “Give it to me,” lo, this one does not give it to him:**

- B. *What is the operative consideration?*
- C. Said R. Sheshet, “Because he appears to be [an avaricious] priest, who comes to help out at the harvest [so as to collect the priestly gifts, thus receiving the priestly dues in exchange for services, and that is forbidden; if the firstling is blemished and the priest asked for it, it is in the category of a gift].”

**II.2. A. Our rabbis have taught on Tannaite authority:**

- B. **Priests, Levites, and the poor who were helping out in the household of shepherds, at the threshing floors, or in the slaughter house — they do not give them heave-offering and tithes as wages. And if they gave heave offering and tithes as their wages, behold, these are deemed merely unconsecrated produce, as it is said, Scripture says, “You have corrupted the covenant of Levi, says the Lord of hosts” (Mal. 2: 8).**
- C. **And Scripture further says, “And you shall profane the holy things of the people of Israel that you not die” (Num. 18:32). The heave offering and tithes are already unconsecrated produce [retrospectively deemed never to have been consecrated produce].**
- D. *Why “and Scripture further says”?*
- E. *Might you suppose that there is no liability to death? Come and take note: “And you shall profane the holy things of the people of Israel that you not die” (Num. 18:32).*
- F. **[T. adds:] Additionally, sages have said, “Their heave-offering is not heave-offering, and their tithes are not tithes.”**
- E. **Moreover, sages wished to fine the owners of the produce, so that their produce requires the designation of heave-offering once more.**
- F. *But why did they not do so? Lest people designate the tithes from what is already exempt for what is yet liable. [Tosefta's version. continues: **And concerning***

them Scripture says, “Its heads give judgment for a bribe, its priests teach for hire, its prophets divine for money” (Mic. 3:11), therefore God brought upon them three punishments, corresponding to these three transgressions: “Therefore because of you shall Zion be plowed as a field; Jerusalem shall become a heap of ruins, and the mountain of the house a wooded height” (Mic. 3:12) [T. Dem. 5:20A-N].

- II.3.** A. And in all the cases just now noted, the owners [27A] enjoy the return of putting the other under obligation.
- B. How so?
- C. An Israelite who has designated a portion of his pile of gain as heave-offering [priestly rations], and another Israelite came upon him and said to him, “Here is a sela, and give what you have designated to my daughter’s son, who is a priest” — that arrangement is permitted.
- D. If it was an arrangement by which one priest approached the man in behalf of another priest, that is forbidden.
- E. *And what is the reason that the Tannaite framer of the passage does not make mention of the gifts that are owing to the priest [out of slaughtered animals, the shoulder and the maw as well]?*
- F. *He will say to you, “Heave-offering, which is sanctified in and of itself, since it cannot be redeemed, one will not come to make a mistake in dealing with it [for everyone knows that produce designated as heave offering cannot cease to be holy, and the priest who gets it will not treat it as unconsecrated food, but will preserve it in cultic cleanness], but these other items, since they represent consecration only as to their value, the priest who receives them may turn out to treated them as unconsecrated, supposing that the sanctification attaching to them is redeemed for the exchange of four zuz [a sela], and so he will turn out to treat them as unconsecrated.”*
- II.4.** A. Said Raba, “Produce designated as heave-offering that has grown abroad is not subject to the rule of the priest who helps out at the threshing floor.”
- B. *R. Hama handed it over to his attendant.*
- II.5.** A. Said Samuel, “Produce designated as heave-offering that has grown abroad is neutralized in a larger part of unconsecrated produce.”
- B. Rabbah would treat it as nullified in a mixture with a larger part of unconsecrated produce and would eat it when he was unclean.

C. *R. Huna b. R. Joshua, when he would have in hand wine that was designated as heave-offering produced abroad would mix two fourths of a log of unconsecrated wine with one fourth of a log of heave-offering, and then he would add another fourth of a log and remove one.*

**II.6.** A. And said Samuel, “Produce designated as heave-offering that has grown abroad — one may proceed to eat the produce and leave for the end the actual separation of the portion that is heave-offering.”

**II.7.** A. And said Samuel, “Produce designated as heave-offering that has grown abroad is forbidden only for someone the source of whose uncleanness is a bodily excretion.”

B. *And that ruling pertains only to eating it, but as to touching it, there is no objection even there.”*

**II.8.** A. Said Rabina, “Therefore a menstruating woman may cut off dough offering and a priest who is a minor may eat it.”

B. *If there is no priest who is a minor, she may take it on the point of the shovel and toss it into the oven; then she separates other dough-offering, so that the law requiring the separation of dough offering may not be forgotten; and a mature priest eats it.”*

**II.9.** A. *R. Nahman and R. Amram and Rami b. Hama were traveling on a ship. R. Amram went away to defecate. A woman came along and asked them, “Is it permitted that someone who has suffered corpse-uncleanness bathe and eat heave-offering that has been separated from produce outside of the Holy Land?”*

B. *Said R. Nahman to Rami b. Hama, [27B] “But these days is there a rite of sprinkling and so purifying people of corpse uncleanness anyhow?”*

C. *Said to him Rami b. Hama, “Shouldn’t we take account of the viewpoint of the elder?”*

D. *Meanwhile R. Amram came back. He said to them, “This is what Rab said, ‘Someone who has suffered corpse-uncleanness bathes and eats heave-offering that has been separated from produce outside of the Holy Land.’”*

E. *But the decided law does not accord with his view, for said Mar Zutra in the name of R. Sheshet, “One made unclean by a dead creeping thing immerses and may eat heave offering separated from produce grown outside of the Holy Land,” but the decided law does not accord with his view.*

- III.1 A. The firstling is eaten within a year, whether it is unblemished or blemished, since it is said, “Before the Lord your God will you eat it year by year” (Deu. 15:20):**
- B. *Since the Mishnah states, [If] a blemish appeared in it during its first year, it follows that we count according to the year from the birth of the beast* [Miller & Simon: so that if it was born in Nisan, he may keep it until the following Nisan; we do not consider that a new year for this purpose commences in Tishré].
- C. *What is the scriptural basis for this ruling?*
- D. Said R. Judah said Rab, “Said Scripture, ‘You shall eat it before the Lord your God year by year’ (Deu. 15:20) — now what is a year that enters another year? One must say, it is the year of the firstling [which extends through the New Year that commences in Tishré].”
- E. *The Tannaite authority of the household of Rab [stated], “‘year by year’ (Deu. 15:20) — means, one day in this year and one day in the next, which means that a firstling may be eaten over a period of two days and the intervening night [so if one slaughters it on the last day of its first year, he may eat the meat through the first day of the second year].”*
- F. *And how does the household of Rab know this [that the firstling’s year is counted from its birthdate]?*
- G. *They derive that fact from Holy Things [the age of which is reckoned by the year of their birth, not by the year beginning in Tishré].*
- H. *And as to Holy Things themselves, how do we know this?*
- I. Said R. Aha b. Jacob, “Said Scripture, ‘A lamb of its first year’ (Lev. 12: 6), — its first year, and not the year as reckoned from the creation of the world [in Tishré].”
- J. *And how does Rab derive the rule that a firstling may be eaten over a period of two days and the intervening night [so if one slaughters it on the last day of its first year, he may eat the meat through the first day of the second year]?*
- K. “And the flesh of them shall be yours as the breast that is waved and the right thigh” (Num. 18:18, speaking of a firstling — Scripture thus draws a comparison between the firstling and the breast that is waved and the right thigh of peace-offerings, indicating that, just as in that case, they may be eaten for two days and the intervening night, so here the beast may be eaten for two days and the intervening night.
- L. **[28A]** *And the other party?*

- M. *Were the proof to derive from that verse, one might suppose that it refers to the breast that is waved and the right thigh of a thanksgiving offering [which is eaten for only a day and a night].*
- N. *And the other party?*
- O. Scripture has said, "...shall be yours," thus adding another "be" in connection with the first born [meaning, it is eaten for two days and a night].
- P. *And the other party?*
- Q. *If the proof derived from that source, one might suppose that the purpose of the language, "...shall be yours," is to teach concerning a firstling that is blemished, that one gives it to the priest, for we do not find this explicitly stated in the whole of the Torah.*
- R. *And the other party?*
- S. Scripture has said, "And the flesh of them," meaning, unblemished as well as blemished, may be eaten.
- T. *And the other party?*
- U. "And the flesh of them" refers to the firstlings of all Israelites.

**IV.1 A. [If] a blemish appeared in it during its first year, it is permitted to keep it for the whole twelve months. [If a blemish appeared in it] after its first year, it is permitted to keep it only for thirty days:**

- B. *The question was raised: What is the sense of this passage? When it says, [If] a blemish appeared in it during its first year, it is permitted to keep it for the whole twelve months, does it mean, and an additional thirty days as well? Or perhaps the sense is, [If] a blemish appeared in it during its first year, it is permitted to keep it for the whole twelve months — but no longer, and [If a blemish appeared in it] after its first year, it is permitted to keep it only for thirty days?*
- C. *Come and take note, for it has been taught on Tannaite authority:*
- D. **At this time [after the destruction of the Temple] a firstling, so long as it is not fit to show to a sage [that is, before there is a blemish on it, to be shown to the sage for a decision on whether it is transient or permanent], may be kept two or three years. Once it is fit to be shown to a stage, if a blemish appeared on it during the first year, he may keep it the entire twelve months. If it was after its first year, he is not allowed to keep it even a single day, even a single hour. Truly, on grounds of restoring what is lost to the owner, rabbis have said that he is permitted to keep the animal for thirty days [T. Bekh. 3:2A-C]**

[So the thirty days to which the Mishnah refers apply to a blemish that appears in the first year.]

- E. *And still the question is to be raised: does this mean, thirty days after the first year [in that the blemish appeared after the first year (Miller & Simon)], or does it mean thirty days before its first year is over [in that the blemish appeared before the end of the first year, so the farmer keeps the animal for thirty days after the first year]?*
- F. *Come and take note: if a blemish appeared on the beast on the fifteenth day within its first year, we complete it for fifteen days after its first year [Miller & Simon: we give the animal thirty days from the time that the blemish appears on it, and if a blemish appeared after the year or a little while before the expiration of the year, we give it thirty days from the time of the blemish for the Israelite to keep it; we also infer that if the blemish appeared a month or three months in its first year, the Israelite waits until the end of its year].*
- G. *That proves the matter.*
- H. *It further supports the position of R. Eleazar, for R. Eleazar has said, "They assign to the animal thirty days from the moment at which the blemish appeared on the beast."*
- I. *There are those who say, said R. Eleazar, "How do we know in the case of a firstling that if a blemish appeared in its first year, we assign to it thirty days after its year? 'You shall eat it before the Lord your God year by year' (Deu. 15:20) [but not in the year in which its blemish has appeared]. Now what is the span of days that is reckoned as a year? You have to say it is thirty days."*
- J. *An objection was raised: if a blemish appeared on the beast on the fifteenth day within its first year, we complete it for fifteen days after its first year. That indicates, then, that we complete the thirty days, but we do not give it thirty full days after the first year, and that would appear to refute the position of R. Eleazar!*
- K. *It does indeed refute his position.*

I.1 begins in the conventional way, with the question of how on the basis of Scripture we know the rule of the Mishnah. No. 2 goes over the same ground. II.1 takes an alternative route, asking for the operative consideration for a given rule. No. 2 amplifies the explanation given in No. 1. No. 3 amplifies the foregoing: what gain may a householder enjoy from the portion of his crop designated for the priestly and Leviticus taxes? It is clear, at this point, that we have wandered from our initial problem, and the reason is that the framers have no access to the technical device of footnotes or appendices, so they have to keep



within their base-text all of the material that they wish to present. The composite commencing at No. 4 continues the topic introduced in the secondary development of our opening problem. This runs through Nos. 5, 6, 7, 8, 9. III.1 clarifies the law and then finds a scriptural basis for the imputed interpretation. IV:1 raises a problem of interpreting the language of the Mishnah.

#### 4:3-4:4A-C

- A. He who slaughters a firstling and [then] shows its blemish [to an expert] —
- B. R. Judah permits.
- C. R. Meir says, “Since it was slaughtered not at the authority of an expert,
- D. “it is prohibited.”

#### M. 4:4A-C

- A. He who was not an expert and examined the firstling, (and) which was slaughtered on his instructions —
- B. lo, this [firstling] is to be buried.
- C. And he [the amateur] pays from his own funds.

- I.1 A. Said Rabbah bar bar Hanah, “As to blemishes of withered spots in the eye, *all parties concur that the beast [permitted by an amateur] is forbidden, because these change. Where there is a disagreement, it concerns blemishes that affect the body, for R. Meir takes the view that we make a decree concerning blemishes affecting the body by reason of the withered spots in the eye, and R. Judah maintains that we do not make a decree concerning blemishes affecting the body by reason of the withered spots in the eye.*”
- B. *It has been taught along these same lines on Tannaite authority:*
- C. He who slaughters a firstling and then shows it to an expert —
- D. R. Judah says, “As to withered spots in the eye, the beast is forbidden, because they change; but as to blemishes in the body, the beast is permitted, because they do not change [after death].
- E. And R. Meir says, “All the same is the rule applying to both cases, the beast is forbidden, because they change after death” [cf. T. **Bekh. 3:6**].
- F. “because they change after death”! *Do you really think that those affecting the body change? Rather, “because of those blemishes that do change.”*
- G. *Said R. Nahman bar Isaac, [28B] “The Mishnah-paragraph at hand makes that very point, namely: R. Meir says, “Since it was slaughtered not at the*

**authority of an expert, it is prohibited.’ That yields the inference that this represents an extra-judicial sanction.”**

H. *It certainly does yield that inference.*

**I.2.** A. *The question was raised: is the sense of the statement, “because of those blemishes that do change,” to mean, all withered spots in the eye change, or some change and some don’t change?*

B. *What difference does it make?*

C. *The possibility of declaring witnesses to be refuted or not doing so [Miller & Simon: if one killed a firstling without previously consulting an expert, a permanent blemish being discovered now, and witnesses declare that the spots in the eye did not change and they were the same when the animal was alive]. If you maintain that all of them change, then such witnesses will be proven to be liars, but if you say that there are those that change and those that do not change, then we may rely upon such witnesses. So what is the rule?*

D. *Come and take note: Said Rabbah bar bar Hanah, “R. Josiah of Usha reported to me, ‘Come and I shall show you withered spots in the eye that can change.’”*

E. *Since he said to him, “Come and I shall show you withered spots in the eye that can change,” it follows that there are those that change and those that do not change.*

**II.1** A. **He who was not an expert and examined the firstling, (and) which was slaughtered on his instructions — lo, this [firstling] is to be buried. And he [the amateur] pays from his own funds:**

B. *May we say that the Tannaite framer has stated anonymously the position of R. Meir [so establishing his principle as law as well]?*

C. *Perhaps we deal with a case of withered spots in the eye, which then will accord with the position of all parties.*

**III.1** A. **And he [the amateur] pays from his own funds:**

B. *It was taught by a Tannaite authority: when he pays the priest, he pays a quarter of the loss, for a firstling of small cattle, and half of the loss, for a firstling of large cattle [half because the money may or may not be coming to the priest, as one may say the Israelite caused a complete loss, for an expert might have assigned the beast to a priest, but now it has to be buried; but perhaps there was no permanent blemish, and the expert would not have permitted it, but the firstling can have died without a blemish at all (Miller & Simon)].*

C. *What is the reason for this disparity?*

D. *Said R. Pappa, “The loss of the one is great, the loss in the other is small.”*

- E. *If so, then let him pay off in proportion to the loss!*
- F. Said R. Huna bar Manoah in the name of R. Aha bar Iqa, “It is a on account of the decree against raising small cattle [in the land of Israel] that they have intervened here [and diminished the return even to the priesthood].”  
 I.1 explains the foundations for the dispute in the Mishnah, clarifying and refining the issue. No. 2 extends the conception of No. 1. II.1 then investigates the authority behind an anonymous ruling. At stake is the upshot of the opening dispute. III.1 provides a detail to clarify the application of the Mishnah’s rule.

#### 4:4D-G

- D. [If] one [who was not an expert] judged a case, declaring the liable person to be free of liability, declaring the person free of liability to be liable, declaring what is clean to be unclean, declaring what is unclean to be clean —
- E. what he has done is done.
- F. And he pays from his own funds.
- G. But if he was an expert recognized by a court, he is free from the liability of paying.
- I.1 A. *May one say that the Tannaite author of the passage has stated anonymously the opinion of R. Meir, which is that we adjudicate liability for damage that one has caused only indirectly [here the judge by his words has caused damage to the defendant]?*
- B. Said R. Ilaa said Rab, “The present rule is deals with a case in which the judge himself intervened and did the deed himself.”
- C. *That makes sense* in the context of the judge who is guilty of **declaring the person free of liability to be liable**, for instance, in a case in which the judge himself intervened and did the deed himself. *But in what sort of a case would that explanation pertain, in which the judge is guilty of declaring the liable person to be free of liability?* If he said to him, “You are exempt,” he has not personally intervened in the transaction!
- D. Said Rabina, “For example, if the creditor took a pledge, and the judge took it from him.”

#### II.1 A. declaring what is clean to be unclean:

- B. for example, where he touched what was actually clean with a dead creeping thing.

#### III.1 A. declaring what is unclean to be clean:

- B. for example, where he mixed what was actually unclean with the [otherwise-clean] produce of the farmer.

Once again, we start by trying to show that the decided law accords with Meir's view, here too by claiming that an opinion stated by him is set forth, in principle, anonymously. That possibility is denied. II.1, III.1 follow the pattern of I.1.

#### 4:4H-M

- H. **There was the following case: the womb of a cow was removed. And R. Tarfon had it [the cow] fed to the dogs.**
- I. **The case came before sages, and they declared it permitted.**
- J. **Said Todos, the physician, "Neither a cow nor a pig leaves Alexandria without their ripping out its womb, so that it will not bear offspring."**
- K. **Said R. Tarfon, "There goes your ass, Tarfon."**
- L. **Said to him R. Aqiba, "Rabbi Tarfon, You are exempt, for you are an expert recognized by a court.**
- M. **"And any expert recognized by a court is free from the liability of paying."**
- I.1** A. *And why cannot he derive his ruling [that there is no need for compensation] from the fact that he has erred in a matter in which the Mishnah is explicit, and if one has erred in a matter in which the Mishnah is explicit, one can retract?*
- B. *What he had in mind was to give this reason and yet another. First of all, if one has erred in a matter in which the Mishnah is explicit, one can retract, and furthermore, you have made an error in sorting out various conflicting opinions, and you are an expert recognized by a court, and any expert recognized by a court is free from the liability of paying.*

The clarification here concerns the failure to allude to another well-established principle, a standard mode of Mishnah-exegesis in the Talmud.

#### 4:5

- A. **He who takes payments for examining firstlings —**
- B. **they do not slaughter upon his advice [a blemished firstling],**
- C. **unless he was an expert like [29A] Ila in Yavneh,**
- D. **whom sages permitted to receive four issars for [examining] a small beast, and six for a large one,**

**E. whether [he ruled it to be] unblemished or blemished.**

**I.1** A. *What is the difference [in the fees he was permitted to receive]?*

B. *Examining the large one is lots of bother, while examining the small one isn't.*

**II.1** A. **whether [he ruled it to be] unblemished or blemished:**

B. *Now we have no problem understanding that the expert gets paid when he declares the beast permanently blemished, since he permits use of the beast, but how come he is paid when he declares the firstling unblemished?*

C. *Otherwise he might become suspect and people might say that the animal that he called blemished is not blemished, and the reason he allows using it is so as to get paid.*

D. *If so, the same argument applies in the case of an unblemished beast, for people might say that it really was blemished, and the reason he declares it forbidden is that he thinks he might get himself a fee a second time around.*

E. *For one such examination rabbis ordained a payment, but they do not permit a payment to be made twice for examining the same firstling.*

I.1 provides a not-very-surprising and predictable gloss. II.1 asks for the premises of the Mishnah's rule, another familiar inquiry.

#### 4:6

**A. He who takes payment for judging —**

**B. his judgments are null.**

**C. [He who takes payment] for testifying —**

**D. his testimony is null.**

**E. [He who takes payment] to sprinkle [purification-water on one made unclean by a corpse] and to mix [ash of a red cow with water for the purpose of making purification-water] —**

**F. his water is cave-water, and his ash is hearth-ash.**

**G. If he was a priest, and [by examining the beast] he was made unclean for [eating] his heave-offering, one feeds him [ordinary food] and gives him to drink and anoints him.**

**H. And if he was an elder, one puts him up on an ass and gives him a wage in accord with that paid to a day-laborer.**

**I.1 A. [He who takes payment for judging — his judgments are null. [He who takes payment] for testifying — his testimony is null:]** *What is the scriptural basis for this rule?*

- B. Said R. Judah said Rab, “Said Scripture, ‘Behold I have taught you...’ (Deu. 4: 5) — just as I [give] at no fee, so you must do so at no fee.”
- C. *So too it has been taught on Tannaite authority:*
- D. “Behold I have taught you even as God commanded me...” (Deu. 4: 5) — just as I [give] at no fee, so you must at no fee.
- E. And how on the basis of Scripture do we know that if one has not found a teacher to teach for nothing, he must pay tuition?
- F. Scripture states, “Buy the truth” (Pro. 23:23).
- G. And how on the basis of Scripture do we know that one may not say, “Just as I have studied it only at the cost of tuition, so I shall teach it only for payment of tuition?”
- H. Scripture states, “...and do not tell it” (Pro. 23:23).

**II.1 A. [He who takes payment] to sprinkle [purification-water on one made unclean by a corpse] and to mix [ash of a red cow with water for the purpose of making purification-water] — his water is cave-water, and his ash is hearth-ash:**

- B. *And objection was raised:* He who betroths a woman through an exchange of purification-water or purification-ash, lo, this one is betrothed, even though he may be an Israelite [Miller & Simon: usually priests do these duties; so we see that one is permitted to take payment, for otherwise how could she be betrothed, if she receives nothing of value]?
- C. *Said Abbaye, “There is no contradiction.* The one case speaks of payment for bringing the ashes or drawing the water, while the rule of the Mishnah before us speaks of a fee paid for actually doing the sprinkling or making the mixture of ash and water [which may not be paid]. *A close reading of the Mishnah shows the same point, for it is stated here, to sprinkle purification-water on one made unclean by a corpse and to mix ash of a red cow with water for the purpose of making purification-water, while the language used there is, He who betroths a woman through an exchange of purification-water or purification-ash.”*

**III.1 A. If he was a priest, and [by examining the beast] he was made unclean for [eating], his heave-offering, one feeds him [ordinary food] and gives him to drink and anoints him:**

- B. *How could the priest himself go to such a place anyhow [since a priest is to protect his cultic cleanness in line with Lev. 21: 1]?*
- C. *He went to a field in which a grave has been ploughed up, which is unclean only on the authority of rabbis, for said R. Judah said Rab, "A man can blow away the bones in a field in which a grave has been ploughed up and go his way."*
- D. **[29B]** And R. Judah b. Ami said in the name of R. Judah, "A field in which a grave has been ploughed up that was then trodden down is deemed cultically clean."
- E. *Or, alternatively, reference here is made to other forms of uncleanness, concerning which a priest is not explicitly admonished one way or the other anyhow.*

**IV.1 A. And if he was an elder, one puts him up on an ass and gives him a wage in accord with that paid to a day-laborer**

- B. *A Tannaite authority stated: he is paid like an unemployed worker.*
- C. Said Abbaye, "Like an unemployed worker who has a particular skill."

I.1 begins in a familiar way. II.1 clarifies the issue of our Mishnah by contrasting it with a pertinent parallel and closely reading the language before us. III.1 answers a pressing question in Mishnah-interpretation, and IV.1 clarifies the language of the Mishnah-paragraph.

**4:7**

- A. He who is suspected [of breaking] the law of firstlings —**
- B. they do not purchase from him meat of gazelles or untanned hides.**
- C. R. Eliezer says, "They purchase from him the hide of a female."**
- D. And they do not purchase from him bleached wool or dirty [wool].**
- E. But they purchase from him spun wool and [wool made into] garments.**

**I.1 A. meat of gazelles: it might be exchanged for the meat of calves.**

- B. **untanned hides: but tanned ones may be purchased, how come?**
- C. *If there were any solid reason for supposing these derived from a firstling, one would not have gone to so much trouble, since he would have thought, "If the rabbis hear about me, they will make me give them up anyhow."*

**II.1 A. R. Eliezer says, "They purchase from him the hide of a female:"**

- B. *How come?*
- C. *It is easy to recognize.*
- D. *And then why does the initial Tannaite authority prohibit buying it?*

- E. If so, then perhaps in the case of a male, the farmer may cut off the male genital and say the mice ate it up.
- F. *And the other party?*
- G. *What the mice chew on is readily recognized.*

**III.1 A. And they do not purchase from him bleached wool or dirty [wool]:**

- B. *If not washed wool, why ask at all about dirty wool? [Obviously one cannot buy it].*
- C. *Rather, the sense is a single case: wool that has been washed free of its excrement.*

**IV.1 A. But they purchase from him spun wool and [wool made into] garments:**

- B. *If we may not buy spun wool, is there any question about clothing?*
- C. *What is the definition of garments? Felt spreadings [which were never spun and we have to be told a ruling concerning them (Miller & Simon)].*

I.1 explains the consideration important in the Mishnah. The same procedure of explaining the operative consideration is followed throughout at II.1, III.1, and IV.1 as well.

**4:8**

- A. He who is suspected [of transgressing] the Seventh Year —**
- B. they do not purchase from him flax,**
- C. and even if it is combed.**
- D. But they purchase from him spun flat and woven [flax].**

**I.1** A. *If one may buy spun wool, is there any question about woven?*

- B. *What is the meaning of woven? It means, twisted.*

The gloss follows a clear and established pattern.

**4:9**

- A. “He who is suspected of selling heave-offering as unconsecrated food —**
- B. “they do not purchase from him even water or salt,” the words of R. Judah.**
- C. R. Simeon says, “Whatever is subject to the rules of heave-offerings and tithes they do not purchase from him.”**

**I.1** A. *What does Whatever serve to encompass?*

- B. *It encompasses the innards of fish, in which olive oil is mixed up.*



- I.2.** A. *There was a butcher who was suspect of selling [30A] kidney fat for fat of ileum. Raba imposed the sanction of forbidden him to sell even nuts.*
- B. *Said R. Pappa to Raba, "In accord with whom is this decision made? Is it R. Judah? But if it is in accord with R. Judah, then **even water and salt he may not sell.**"*
- C. *[He replied,] "In point of fact it conforms to the principle of R. Simeon. We impose a sanction through the very thing that caused the offense. Young children are attracted by nuts, so he goes and misleads the children of butchers, winning them over by nuts. They bring him kidney fat, and he sells it as fat of ileum."*

The gloss is a familiar approach to the clarification of the Mishnah; it owes nothing to the Tosefta, of course, but it does follow a well-established pattern.

## 4:10

- A. **He who is suspected of [violating] the Seventh Year is not suspected on account of tithes.**
- B. **He who is suspected on account of tithes is not suspected on account of [violating] the Seventh Year.**
- C. **He who is suspected both in this regard and in that regard is suspected in regard to [observance of the law of] purities.**
- D. **And there is he who is suspected on account of [violating] the laws of purities but is not suspected either on this account or on that account.**
- E. **This is the general principle: Whoever is suspected on account of any matter does not make judgments nor testify concerning that matter.**
- I.1** A. *What is the operative consideration [for the rule, **He who is suspected of [violating] the Seventh Year is not suspected on account of tithes**]?*
- B. *Produce of the Sabbatical Year does not have to be eaten within the wall of Jerusalem. Since tithe has to be eaten within the wall of Jerusalem, it is subject to a more strict rule in that regard.*
- II.1** A. **He who is suspected on account of tithes is not suspected on account of [violating] the Seventh Year:**
- B. *What is the operative consideration?*
- C. *Tithe can be redeemed, but produce of the Seventh Year, once it falls under the prohibition affecting it, never can be released from that prohibition by redemption, and so is subject to a more severe rule.*

**III.1 A. He who is suspected both in this regard and in that regard is suspected in regard to [observance of the law of] purities:**

- B. *Since one is suspect as to the observance of laws of the Torah, all the more is one suspect as to observance of laws that derive only from the authority of rabbis.*

**IV.1 A. And there is he who is suspected on account of [violating] the laws of purities but is not suspected either on this account or on that account:**

- B. *What now is the operative consideration?*
- C. *While he is suspect of violating laws that derive only from the authority of rabbis, he is not suspect of violating laws that rest on the authority of the Torah.*
- D. *An objection was raised: If one is reliable to keep the laws of cultic cleanness, he is deemed reliable to observe the laws of the Seventh Year. Lo, if one is suspect of ignoring the one set of rules, he is suspect of ignoring the other!*
- E. Said R. Ilai, "The Mishnah speaks of a case in which we have seen a man acting in private, at home [so while he ignores the rules of cultic cleanness in private, in public he keeps the other laws]."
- F. *R. Yannai b. R. Ishmael said, "[The cited passage deals,] for example, with someone who was suspect as to both matters, and he came before rabbis and received an admonition in both regards, and then he went and made himself suspect as to one of them, and we maintain that, since he is suspect in regard to this, he is also suspect in regard to the other too."*

**V.1. A. [Supply: He who is suspected of violating the Seventh Year is not suspected on account of tithes:] Said Rabbah bar bar Hana said R. Yohanan, "This [he who is suspected of violating the Seventh Year is not suspected on account of tithes] represents the opinion of R. Aqiba, which has been given anonymously and therefore authoritatively, but sages say, "One who is suspect of violating the Seventh Year is suspect of violating the laws of tithes as well."**

- B. *Who are the sages before us?*
- C. *They are R. Judah, for in the locale of R. Judah people observed the laws of the Sabbatical Year very strictly.*
- D. *There was somebody who stigmatized his fellow, "Convert, son of a convert," to which the latter responded, "May such-and-so happen to me if I have ever eaten produce of the seventh year — the way you do!"*
- E. *There are those who say:*
- F. Said Rabbah bar bar Hana said R. Yohanan, "This [he who is suspected of violating the Seventh Year is not suspected on account of tithes] represents the

opinion of R. Aqiba, *which has been given anonymously and therefore authoritatively*, but sages say, “One who is suspect of violating the laws of tithes is suspect of violating the Seventh Year as well.”

G. *And who are sages here?* They are R. Meir, who has said, “One who is suspect of violating a single thing is suspect of violating the entirety of the Torah.”

**V.2.** A. *R. Jonah and R. Jeremiah, disciples of R. Zeira, and some say, R. Jonah and R. Zeira, disciples of R. Yohanan —*

B. one said, “Truly did sages say, ‘One who is suspect of violating the laws of the Seventh Year **[30B]** is suspect of violating the laws of tithing. And who are the sages under discussion? It is R. Judah.’”

C. and the other said, “One who is suspect of violating the laws of tithing is suspect of violating the laws of the Seventh Year. And who is sages? It is R. Meir.”

D. *For it has been taught on Tannaite authority:*

E. **A formerly neglectful person [‘am ha’ares] who undertook the obligation of a meticulous person [haber] but is suspect in regard to one item “is suspect with regard to all of them,” the words of R. Meir. And sages say, “He is suspect only with regard to that particular item” [T. Dem. 2:3A-D].**

F. **A proselyte who took upon himself all the obligations of the Torah and is suspect with regard to one item — even with regard to all of the obligations of the Torah — behold, he is classified as an apostate Israelite [T. Dem. 2:4A-C].**

G. *At issue would be if he betroths a woman. His betrothal would be valid.*

**V.3.** A. *Our rabbis have taught on Tannaite authority:*

B. **A formerly neglectful person who undertook to obey all the obligations of a haber except for one item — they do not accept him. A gentile-proselyte who took upon himself all the obligations of the Torah except for one item — they do not accept him.**

C. **R. Yosé b. R. Judah says, “Even if it be a minor item among the stipulations of the scribes” [T. Dem. 2:5].**

D. **And similarly, a Levite who took upon himself all the rites of the Levitical caste except for one item — they do not accept him. A priest who took upon himself all the rites of the priesthood except for one item — they do not accept him, as it is said, “He among the sons of Aaron who offers the blood of peace offerings and the fat shall have the right thigh for a portion” (Lev. 7:33) — the entire service that is transmitted to the sons of Aaron, and**

any priest who does not accept that obligation has no share in the priesthood [T. **Dem. 2:7, 2:6**].

E. *Our rabbis have taught on Tannaite authority:*

F. **He who comes to take upon himself the obligations of meticulous observance, if he had previously acted in private according to them, they accept him and afterwards instruct him, and if not, they instruct him immediately and afterwards accept him. R. Simeon b. Yohai says, “In either case they accept him and he learns as he goes along” [T. **Dem. 2:10A-D**].**

G. *Our rabbis have taught on Tannaite authority:*

H. **And they accept him first with regard to uncleanness of hands, and afterwards they accept him with regard to foodstuffs that require preparation in conditions of cultic cleanness. If he said, “I take upon myself only the obligations regarding hands,” they accept him. If he took upon himself the obligations regarding clean foodstuffs but did not take upon himself the obligation regarding hands, he also is not deemed trustworthy with respect to clean foodstuffs [T. **Dem. 2:11**].**

I. *Our rabbis have taught on Tannaite authority:*

J. **How long before they accept him? The House of Shammai say, “For liquids, thirty days; for clothing, twelve months.” And the House of Hillel say, “For both, twelve months” [T. **Dem. 2:12**].**

K. *If so, we have a case in which the House of Shammai take the more lenient position and the House of Hillel the more strict!*

L. **Rather, read: And the House of Hillel say, “For both, thirty days.”**

M. *Our rabbis have taught on Tannaite authority:*

N. **He who takes upon himself the obligations of a meticulous person must do so in the presence of three who already are classified as meticulous persons, but his sons and servants need not accept the same obligations in the presence of three of those persons. Rabban Simeon b. Gamaliel says, “His sons and householders are also required to accept the obligations in the presence of three already-certified meticulous persons, because the case of the meticulous person who accepts those obligations is not the same as the case of the son of such a person who accepts them” [T. **Dem. 2:14A-D**].**

O. *Our rabbis have taught on Tannaite authority:*

P. **He who comes to accept upon himself the rules of meticulous observance has to do so before three persons who are already classified as such. A sage and**

**one who is admitted into session in a court does not have to accept the obligations before three persons who are classified as meticulous persons, for he has already done so from the time that he went into the session. Abba Saul says, “Even a disciple of sages does not have to take upon himself formally and publicly to keep those laws, and others take upon themselves the obligations before such a person” [T. Dem. 2:13A-G].**

- Q. *Our rabbis have taught on Tannaite authority:*
- R. Said R. Yohanan, “It was in the time of the son of R. Hanina b. Antigonus that this Mishnah-rule was repeated.”
- S. *R. Judah and R. Yosé were in doubt as to a rule having to do with cultic cleanness. They sent rabbis to the son of R. Hanina b. Antigonus. They went and told him to examine the matter. They found him carrying food prepared in accord with the rules of cultic cleanness. He seated some of his own disciples with them, while he went to look into the question. They came and reported R. Judah and R. Yosé of this conduct toward them.*
- T. R. Judah said to them, “This one’s father treated disciples of sages in a humiliating way, so he too treats disciples of sages in a humiliating way.”
- U. Said to him R. Yosé, “The honor owing to the elder remains in place, but from the day that the Temple was destroyed, the priests have made it a habit of treating themselves as exceptional by not handing over to just anybody matters having to do with the cleanness of food.”
- V. *Our rabbis have taught on Tannaite authority:*
- W. In the case of a person classified as meticulous who died, his wife and children and householders — lo, they remain as they were assumed to have been, until they give reason to be suspected to the contrary.]
- X. And so too a courtyard in which people sell blue die — lo, it remains in the assumption that has always pertains to it, until its blue dye is treated as invalid.
- Y. *Our rabbis have taught on Tannaite authority:*
- Z. **The widow of a person who was not meticulous about the pertinent matters who married a person who was meticulous about such matters, and so too, the daughter of a person not meticulous about the law who was married to a person meticulous about the law, and so too the servant of a person not meticulous about the law who was sold to a person who was meticulous about the law — in all cases they have to accept upon themselves the obligations to keep the rules of meticulous observance of the law afresh. But the wife of a person meticulous about the law who then married a person not meticulous**

about the law, so too the daughter of such a person who married such a person, so too the slave of such a person who was sold to such a person — they do not have to undertake afresh to keep the laws of meticulous observance of the law. R. Meir says, “They do indeed have to accept upon themselves the obligations to keep the rules of meticulous observance of the law afresh.” R. Simeon b. Eleazar says in the name of R. Meir, “There was the case of a certain woman who was married to a person meticulous about the law, and she would affix for him the straps of his phylacteries on his hand. When she was married to a man who was not meticulous, she would knotted the customs seals for him” [T. **Dem. 2:16-17**].

- AA. **[31A]** *Our rabbis have taught on Tannaite authority:*
- BB. “And in the case of all of them who reneged [after having accepted those obligations] — they are never again accepted in the future,” the words of R. Meir. R. Judah says, “If they reneged in public, they accept them again; if this was done in secret, they do not accept them again.
- CC. There are those who say, if they reneged in secret, they may be accepted again, but if they did so in public, they may not be accepted again.
- DD. R. Simeon and R. Joshua b. Qorha say, “In either case they accept them again, as it is written, ‘Return, o faithless children’ (Jer. 3:14, 22) [T. **Dem. 2:9**].
- EE. R. Isaac of Kefar Akko said R. Yohanan said, “The decided law is in accord with that pair.”
- FF. *Our rabbis have taught on Tannaite authority:*
- GG. At first they would say, “A meticulous person who was made a tax-collector is removed from his status as a meticulous person. If he gave up the job, they still do not accept him back. Then they ruled, “If he gave up the job, lo, he is in the status of any other person.”
- V.4.** A. *R. Huna bar Hiyya was needed [by others, to instruct them on a point of law]. Rabbah and R. Joseph and four hundred pairs of rabbis went up to see him. When he heard they were coming, he wreathed four hundred stools for them. But they heard that he had become a tax-collector. They sent him a message that he should keep the job [since they would never speak to him again].*
- B. *He reverted to his former position and sent them word, “I have given up the job.”*
- C. *R. Joseph did not go to him; Rabbah did go to him. R. Joseph said, “You have learned on Tannaite authority, .If he gave up the job, they still do not accept him back.”*

D. *Rabbah said, "You have learned on Tannaite authority, Then they ruled, "If he gave up the job, lo, he is in the status of any other person.""*

**VI.1** A. [Supply:] **This is the general principle: Whoever is suspected on account of any matter does not make judgments nor testify concerning that matter:]**  
*Our rabbis have taught on Tannaite authority:*

B. [With reference to the Mishnah-statement, **All plagues does a man examine, except for his own plagues. R. Meir says, "Also not the plagues of his relatives."** All vows does a man release, except for his own vows. R. Judah says, "Also not the vows of his wife [so far as they apply to matters] between her and other people."] **All firstlings does a man examine, except for his own firstlings [M. Neg. 2:5A-D].** And a man may examine his own Holy Things and his own tithes and accept a question having to do with his foods prepared in a state of cultic cleanness."

C. A master has said, "**All firstlings does a man examine, except for his own firstlings:**"

D. *With what sort of case do we deal here? If we say that it is a case in which a single individual does the examination, is a single individual believed anyhow? So we must image that it is a group of three persons that do the examination.*

E. *But will three persons be suspect on this matter? Have we not learned, "If a woman made a declaration of refusal or performed a rite of removing the shoe before him, he may marry her, because he is part of a court [and we do not suspect the individual of permitting her only so that he can marry her]"?*

F. In point of fact, we deal with a single individual, and it is in accord with that which R. Hisda said R. Yohanan said, "It was a case in which an individual who was an expert did the judgment," *and so here too we deal with an individual who was an expert in the matter of blemishes affecting firstlings.*

G. And a man may examine his own Holy Things: *for if he wished, he could ask for them to be released;*

H. and his own tithes of his cattle: *for if he wished, he could declare all of them to be blemished [before tithing the herd, in that way releasing them all from holiness and so not having to eat them within the walls of Jerusalem]*

I. and accept a question having to do with his foods prepared in a state of cultic cleanness: *because the food can be eaten by him when he was himself in a state of cultic uncleanness.*

I.1 explains the autonomy of the opening item, II.1 of the next. The generative question of course is the same. III.1 follows suit. IV.1 carries forward the same thesis. V.1 reverts to the opening clause and shows us what is at stake. No. 2 goes over the same question with new materials. No. 3 then follows suit with Tosefta's sizable repertoire on this subject. No. 4 is a minor complement to the foregoing entry. V.1 proceeds to the last issue presented by the Mishnah and clarifies it nicely.