The Priestly Gift of Mishnah

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CHAPTER ELEVEN

The topic of the chapter is the proper preparation and use of heave-offering by the priest. This forms a logical conclusion to the tractate as a whole, for it details the rules for the final disposition of the priestly gift. The central point of the chapter is that produce in the status of heave-offering may not go to waste. It must, rather, fully be used for the purpose for which it was designated, the benefit of the priest. This principle is expressed and developed in the chapter's three segments, M. 11:1-3, M. 11:4-7 and M. 11:8-10. While these units are of diverse literary forms, they are closely related in substance. Each explains how we are to be certain that heave-offering is used such that none goes to waste. They constitute, moreover, a fine piece of redactional organization. Their larger progression of ideas is from discussion of food, to refuse from food, and finally to what is not deemed food.

M. 11:1-3 opens the chapter with a statement of the theory governing all that follows. Produce in the status of heave-offering must be prepared in the manner customary for unconsecrated produce of its same type. This is to assure that all portions of the produce which normally are eaten in fact are made available for consumption by the priest. If the produce were processed in some manner other than the normal (e.g., if what usually is eaten fresh were pressed for juice) edible portions of the produce (e.g., the skin) would be left to waste. Such processing therefore is forbidden.

The next logical step is at M. 11:4-7, which refer to produce that has food value but, nevertheless, normally is not eaten. Olive pits, for instance, are not customarily used as food. They are, however, edible, inasmuch as the priest may suck on them for their juice. The problem is to determine whether or not such produce is to be deemed food, such that it has the consecrated status of heave-offering and must be eaten by the priest. According to M., this is determined on the basis of the priest's own attitude towards the produce. That which he considers worthy as food retains the consecrated status of heave-offering. What he does not desire to eat is deemed inedible and therefore no longer to have that status. This is an important application of the notion, basic throughout Tractate Terumot, that man's own intention
determines the status of consecration of produce.

M. 11:8-10 carry forward M. 11:4-7's discussion by referring to produce of an ambiguous nature. The produce is unclean, and therefore may not be eaten by the priest, or simply is not desirable to him as food. Unlike at M. 11:4-7, however, here the produce has some alternative use, e.g., as fodder for animals (M. 11:9), or for kindling in lamps (M. 11:10). Since this produce is not usable as food, the stipulation that heave-offering be eaten by the priest is relaxed. In order to prevent the heave-offering's being wasted, it is put to its other purposes. What is essential, simply, is that the consecrated offering be used to benefit the priest. That is, it must be used to feed his cattle or light his way. The delineation of acceptable uses of heave-offering other than for human consumption is a major aspect of T.'s extended discussion of this chapter. Its theory, however, remains exactly the same as that of M.

Attributions to Eliezer and Joshua at M. 11:2 set the basic principle of this chapter in Yavnean times. Its development and exemplification, however, take place at Usha, as the other attributed materials in the chapter indicate. In M. attributions are to Judah (M. 11:1), and to Yose, Simeon, Meir and Judah (M. 11:10). The picture offered by T. is no different. Important attributions are to Eliezer b. R. Simeon (T. 9:6b), Simeon b. Gamaliel (T. 9:17), Dosa' and Jacob (T. 10:2), Meir (T. 10:12) and Eliezer b. Jacob (T. 10:13).

11:1

I. A. They may not put cakes of pressed figs or dried figs [in the status of heave-offering] in fish-brine [in order to flavor that brine],

B. since this ruins them [i.e., the figs, for use as food].

C. But they may put wine [in the status of heave-offering] in brine.

II. D. And (seven MSS. lack: ω) they may not perfume oil [in the status of heave-offering, for it may not thereafter be eaten].

E. But they may make wine [in the status of heave-offering] into honied-wine (Danby for γυνωμλύν; see Jastrow, p. 52, s.v. 'γυνωμλύν).

III. F. They may not boil wine in the status of heave-offering,
G. since this diminishes its quantity.
H. R. Judah permits [one to cook wine],
I. for this improves it [i.e., the flavor of the wine].

M. 11:1 (C+E: see T. Dem. 1:24,
T. Sheb. 6:5; D: see M. M.S. 2:1;
H-I: y. Sheb. 8:2, y. Ter. 2:5)

The point of this pericope is that food in the status of
heave-offering must be eaten by the priest, and therefore may not
be processed in a way that renders it unavailable for consumption
(A-B, D, F-G). This point is made in the contrast between rules
which apply to figs (A) and oil (D), and those which apply to wine
(C, E). F-G+H-I, as we shall see, is cognate, appended here to
create what is in all events a poorly balanced triplet. The
specifics of the pericope's laws are as follows. Fish brine is
consumed as a food. Figs are added to the brine in order to
flavor it. Since, as B states, such figs are not thereafter
eaten, the priest may not use for this purpose figs in the status
of heave-offering. Wine, however, may be added to the brine, in
order to sweeten it (b. A.Z. 38b). Unlike the figs, the wine
later is drunk along with the brine. The same point is made at
D-E. Once oil has been perfumed, it is used as an ointment, but
is not eaten. Wine which is mixed with honey (E) still is con­
sumed by the priest (as a medicine, b. Shab. 140a; cf., y. Shab.
14:14 and T. Ter. 9:7).

The theory of F-G is parallel to, and carries forward, that
which has preceded. It claims that the volume of consecrated wine
may in no way be diminished. Food in the status of heave-offering
would thereby be lost. Judah, H-I, disagrees, applying his prin­
ciple familiar from M. 2:4. He holds that the priest should eat
as heave-offering produce of the highest possible quality. It
therefore is irrelevant to Judah that in its preparation some of
the consecrated wine will evaporate. This simply is part of the
process through which the wine is prepared for consumption by a
priest.

B. [As regards] wine in the status of heave-offering
which fell into [unconsecrated] brine--
[the mixture] is forbidden to non-priests [see M. 11:1C].
C. R. Eliezer b. R. Simeon (E reads: Simeon b. R.
Eliezer) permits it to non-priests.

T. 9:6b (T. Sheb. 6:5, see y. Ter.
11:1, y. A.Z. 2:6)
At issue is whether or not being mixed with brine ruins wine. If it does, then wine in the status of heave-offering which is mixed with brine would be deemed to lose its consecrated status, no longer falling into the category of wine. The anonymous rule of B claims that the wine is not ruined by the brine. It therefore retains its consecrated status and, moreover, imparts that status to the brine which it flavors. This is in line with M. 11:1C, which holds that wine in the status of heave-offering may be mixed with brine. Eliezer b. R. Simeon, C, disagrees with B, and thus should reject M. 11:1C. He holds that the brine spoils the wine (see b. A.Z. 38b). It no longer may be considered heave-offering, and, therefore, the mixture of which it is a part retains an unconsecrated status.

A. One may put a cake of pressed figs or dried figs [in the status of heave-offering] in fish-brine in the same way that he adds spices [cf., M. 11:1A-B].

B. He may not press them in order to squeeze out [their] juices.

C. In [the case of] spices [in the status of heave-offering] this is permitted,

D. since this is their normal use (ml'ktn).

E. He ties up [in a bundle] spices [in the status of heave-offering] and puts them in a dish [which is cooking]--

F. if they are left without flavor (b'v r'mn), they are [thereafter] permitted [for consumption as unconsecrated food].

G. But if not, they [remain] forbidden [as heave-offering].


I. But if he made wine [in the status of heave-offering] into an unguent, or oil [in the status of heave-offering] into spiced-oil,

J. [the priest] may anoint [himself] with the oil,

K. but he may not anoint [himself] with wine or vinegar.

L. For [as regards] oil--its normal use (dpkw) is for anointing.

M. [As to] wine and vinegar--their normal use is not for anointing.

T. 9:7 (T. Sheb. 5:6-8; E-M: T. M.S. 2:2-3)
T. supplements M. 11:1 in two parts, A-B+C-G and H-M. Both of them make the same point, emphasizing the principle which is central in M. This is that produce in the status of heave-offering must be used in its normal fashion as a food. This being the case, A-B claims that the priest may use figs in the status of heave-offering to flavor fish brine. This is so if he does so in a way which will not spoil them for his later consumption. T. thus carries forward M. 11:1A-B, which knows of no way that figs in the status of heave-offering may be added to brine. C-G, likewise, advances M.'s theory. Since spices normally are used to flavor foods, but are not eaten, even if they are in the status of heave-offering, they may be used for that purpose. It follows (F) that they lose their consecrated status, and may be discarded, when they no longer serve this usual purpose.

H-M states explicitly the basis for M. 11:1's rule. Wine and oil in the status of heave-offering should be used in their normal manner, as foods. As at A-B, T. now adds a point unknown to M. If, contrary to the law, oil in the status of heave-offering is perfumed, T. states that it may be used as an ointment. This is so (L) because this is a normal way in which oil is used. The point is cognate to the one which T. makes as regards spices in the status of heave-offering, C-D. This same thinking does not apply to wine or vinegar, D, since these things are not normally used as ointments, M.

11:2

A. [As regards any of the following which have the status of heave-offering:] (1) honey made from dates, (2) wine made from apples, (3) vinegar made from winter grapes ( Stanton or (4) any other fruit juice in the status of heave-offering--

B. R. Eliezer obligates [a non-priest who unintentionally drinks any of these] to [payment of] the principal and [added] fifth.

C. But R. Joshua exempts.

D. And R. Eliezer declares [that these things render foods susceptible to] unclean[ness], under the law of liquids ( mawm magh).

E. Said R. Joshua, "Sages did not number seven liquids [which render food susceptible to uncleanness] as do those who count spices [i.e., imprecisely].

F. "Rather, they said, 'Seven [kinds of] liquids
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[render foods susceptible to] unclean[ness], but all other liquids are clean [i.e., do not render foods susceptible to uncleanness]."

M. 11:2 (A-C: b. Ber. 38a, b. Hul. 120b; F: see M. Mak. 6:4)

We know from M. Chapter Six that a non-priest who unintentionally eats heave-offering must replace that heave-offering and give the priest an additional fifth of the heave-offering's quantity. This is a penalty for misusing sanctified produce. The issue disputed by Eliezer and Joshua, A-L, is whether or not a non-priest who unintentionally eats heave-offering which was improperly processed as fruit juice is obligated to this same restitution. Objectively, the juice was made from a priestly gift and therefore has a sanctified status.³ This being the case, Eliezer holds that the individual is liable to the usual restitution. This is just as we would expect on the basis of Eliezer's position in M. Chapter Eight. Joshua, C, likewise is consistent with his position in that chapter. He takes into account extenuating circumstances. Although the fruit juice was made from heave-offering, it should not have been. The non-priest therefore could not have known that it was heave-offering, and had no reason to suspect that in drinking it he was doing anything improper.⁷ It follows for Joshua that he is exempt from the penalty.⁸ As before, Joshua holds that the status of an act is determined by the perception of the actor, not by the objective situation.

D-F is redacted here because, like A-C, it consists of a dispute between Eliezer and Joshua on the topic of fruit juice. It is however distinct in issue from A-C and from the concerns of this tractate in general.⁹ D-F depends on the law of Lev. 11:34, 38, which states that only foods which have been moistened are susceptible to uncleanness. M. Makh. 6:4, in turn, lists seven specific liquids which render foods susceptible to uncleanness. Eliezer apparently holds that these seven kinds typify larger categories of liquids (cf., M. Makh. 6:5). He therefore claims that even though fruit juices are not included in the list, they render foods susceptible to uncleanness. Joshua's view is clear. Only the specific liquids listed at M. Makh. 6:4 render foods susceptible to uncleanness. Fruit juices are not among those listed.

A. [As regards] honey made from dates--

B. R. Eliezer declares it liable to [the removal of] tithes.

D. "But R. Eliezer used to say ('omer hyh) that one may not eat of the honey unless he had tithed the dates [from which the honey was made].

E. "R. Eliezer agrees that if he tithed the dates here (kn = k'n; see Jastrow, s.v., k'n, p. 606, Lieberman, TK, I, p. 456, and Epstein, Mabo', p. 1236) [i.e., in the Land of Israel] and turned them into honey in Apamaea, that [the honey] is permitted [for consumption, without further tithing]."

F. [As regards] honey made from dates--

G. R. Eliezer declares [that it renders foods susceptible to] unclean[ness], under the law of liquids [= M. 10:2D].

H. Said R. Nathan, "R. Eliezer agrees that this does not render [food susceptible] to unclean[ness] under the law of liquids.

I. "Concerning what did they disagree?

J. "Concerning [the case] in which one put water in it.

K. "For R. Eliezer declares [that it renders foods susceptible to unclean[ness] under the law of liquids.

L. "But sages say, 'They rule in accordance with which is in the majority, [honey or water].'"

T. 9:8 (y. Ter. 11:2; G-L: see T. Mak. 1:7)

The contribution of each of T.'s two parts (A-B+C-D and F-L) is the comment of Nathan. This refines Eliezer's position such that Eliezer is made to agree with the view in M. held by Joshua. A-B, first, emphasizes Eliezer's notion that honey made from dates is deemed to be an agricultural produce in the status of the original dates. Like all produce, the honey therefore is liable to the separation of tithes, and, it follows, may take on the status of heave-offering. At C-E+D Nathan restates Eliezer's opinion, in fact reversing it (MB). He claims that Eliezer holds that the honey is not an agricultural product which may (C) or needs to (E) be tithed in its own right. This being the case, honey will not normally have the status of heave-offering, for only dates are to be tithed. This is Joshua's position.

Again at G-L Nathan brings Eliezer into line with the view taken by Joshua in M. 11:2. Nathan states that Eliezer agrees that honey is not a liquid which renders food susceptible to
uncleanness, Joshua's position at M. 11:2E-F. Nathan then re-
states the dispute of M. in terms of whether or not honey which is
mixed with water has the status of that water (K). The dispute
is clear as given at K-L, with the opinion we would expect to be
given to Joshua held instead of sages. This shift, along with the
fact that this same dispute appears at T. Mak. 1:7 between Meir
and sages, makes it likely that Nathan's comment reports an
Ushan pericope, recast to mitigate the essential difference be-
tween the position of Eliezer and that considered normative in
later times (e.g., at M. Ed. 7:2).

M. 11:3
I. A. [Regarding produce in the status of heave-offering
or second tithe:] they may not make (1) dates into honey, nor
(2) apples into wine, nor (3) winter grapes into vinegar, nor
(4) [as regards] all other fruits may they alter their natural
condition if they are in the status of heave-offering or
second tithe,
II. C. They do not receive the forty stripes for [drinking
liquids made from produce which is] from the first three
years of growth of a vineyard or orchard (Orib; Lev. 19:23),
D. except for [drinking] that which is produced from
olives or grapes.
III. E. And they may not bring first fruits in the form of
liquids,
F. except for that which is produced from olives or
grapes.
IV. G. And no [fruit juice] imparts [susceptibility to] un-
cleanness under the law of liquids,
H. except for that [liquid] which is produced from
olives or grapes.
V. I. And they may offer no [liquid] at the altar,
J. except for that [liquid] which is produced from
olives or grapes.

M. 11:3 (I: b. Pes. 24b; I-J:
  b. Hul. 120b)

At A-B the pericope depends on and carries forward the prin-
ciple of M. 11:1, that produce in the status of heave-offering must
be eaten by the priest. Its particular question is the form in
which produce is to be eaten, whether fresh (A), or, in the case
of olives and grapes, processed (B). The problem for
interpretation is to determine why a distinction is made between olives and grapes and all other produce. As T. will make clear, the basis for this distinction is the form in which each type of produce customarily is eaten. Those things listed at A normally are eaten in their fresh state, and therefore, if in the status of heave-offering, must be consumed in that form. This is not the case for olives and grapes, which M. itself refers to as being made into wine and oil (cf., e.g., M. 1:8-9). If they have the status of heave-offering, they therefore may be processed into wine and oil. The larger consideration, it would follow, is that of M. 11:1, that food in the status of heave-offering not go to waste. If produce which normally is eaten fresh is processed, then parts of the produce which usually are eaten (e.g., the skin) will be left to waste. For this reason, if such produce is in the status of heave-offering, it may not be processed. This consideration does not apply in the case of olives and grapes, which usually are pressed for oil and wine. Those parts of the produce which are left after pressing (e.g., grape skins) are not normally deemed the food of the grape or olive, and therefore, even if in the status of heave-offering, need not be eaten by the priest.

While the four rules at C-D, E-F, G-H and I-J all are formally similar to A-B, only the first two derive from the same reasoning which is operative at A-B. This indicates the unit was probably originally a triplet, A-B, C-D and E-F. G-H and I-J were added for reasons of form and completeness. The point at C-D and E-F is that first fruits and produce deriving from a vineyard or orchard in its first three years of growth, like heave-offering, are sanctified. For this reason they should be left in the form in which produce of their type normally is eaten. C-D's particular consideration is whether or not an individual is deemed culpable for eating consecrated produce which was improperly processed. This is the same issue as is disputed by Joshua and Eliezer for the case of heave-offering, M. 11:2. The anonymous rule here has the position of Joshua, that the individual is not culpable. Eliezer, we recall, holds that the individual is culpable, even though the produce has been misprocessed.

G-H and I-J are separate. G-H goes over the ground of M. 11:2D-F. Again, the anonymous rule here is in the position of Joshua at M. 11:2, that fruit juices do not impart susceptibility to uncleanness. Eliezer, M. 11:2D, holds that they do. I-J simply refers to the fact that the only liquids used on the altar are
oil, in which cereal offerings are fried (see, e.g., Lev. 2:1-16), and wine, given as a drink offering (e.g., Ex. 29:40).

A. "[As regards] olives in the status of heave-offering--
B. "[if they are] clean, let them be made into oil.
C. "[If they are] unclean, let them not be made into oil.
D. "[As regards] grapes [in the status of heave-offering]--
E. "whether they are unclean or clean, let them not be made [into wine]"--the words of R. Meir.
I. F. R. Jacob says (delete following E and ed. princ.: in his name), "R. Eliezer concedes to R. Joshua in [the case of] clean olives, that they should be made [into oil].
G. "Concerning what did they disagree?
H. "Concerning [the case of] unclean olives.
I. "For R. Eliezer says, 'Let them not be made [into oil],'"
J. "and R. Joshua says, 'Let them be made [into oil],'
K. "'and clean grapes should be made [into wine], and unclean grapes should not be made [into wine].'"
II. L. Said R. Judah, "R. Joshua concedes to R. Eliezer concerning [the case of] clean olives and clean grapes, that they should be made [into oil and wine].
M. "Concerning what did they disagree?
N. "Concerning unclean [olives and grapes].
O. "For R. Eliezer says, 'They should not be made [into oil and wine],'"
P. "and R. Joshua says, 'They should be made [into oil and wine].'"
III. Q. Said Rabbi, "R. Eliezer and R. Joshua did not agree concerning clean olives, that they should be made [into oil], and concerning unclean grapes, that they should not be made [into wine].
R. "Concerning what did they disagree?
S. "Concerning unclean olives and clean grapes.
T. "For R. Eliezer says, 'They should not be made [into oil and wine],'"
U. (Ed. princ. lacks:) "and R. Joshua says, 'They should be made [into oil and wine].'"

T. 9:9 (y. Ter. 11:3)
T. exposes a grey-area in the law of M. 11:3. The problem is what we are to do in a case in which the processing required for grapes and olives in the status of heave-offering will leave the wine or oil in a state of uncleanness. In this state it may not be eaten by a priest. (We recall that the unclean olives and grapes themselves may be eaten by the priest, for individually they are of too small a quantity to render the priest unclean.)

At issue is whether, in such a case, we apply the rule that heave-offering should be processed as produce of its type normally is, or the one which states that heave-offering must be eaten. This question generates four sets of rules, that of Meir, A-D, and three Ushan versions of an Eliezer-Joshua dispute, F-K, L-P and Q-U. Since interpretation of the pericope requires a clear statement of the areas of agreement and disagreement among the various authorities and versions, I offer the following chart. "+" stands for "may be made into wine or oil," and "-" indicates "may not be made."

<table>
<thead>
<tr>
<th></th>
<th>Meir (A-D)</th>
<th>Jacob (F-K)</th>
<th>Judah (L-P)</th>
<th>Rabbi (Q-U)</th>
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<tr>
<td>clean olives</td>
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<tr>
<td>unclean olives</td>
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<td>unclean grapes</td>
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Seen in this form, it is clear that there is in fact only a small range of disagreement as to the correct dispute between Eliezer and Joshua. All three Ushan renditions report the same version of the dispute for cases concerning clean and unclean olives. Eliezer and Joshua agree that clean olives in the status of heave-offering should be made into oil. The reason is as given in M., that olives normally are consumed in the form of oil. Joshua holds that unclean olives likewise should be made into oil, for this is the processing they normally undergo. Eliezer, to the contrary, holds that the priest's eating the produce is central. He therefore requires that the unclean olives be left in their unprocessed form. This same position is taken by Meir.

When we turn to the question of grapes in the status of heave-offering, matters are only slightly more complicated. We would
expect that clean grapes in the status of heave-offering should be made into wine, just as M. states. Only Rabbi's Eliezer, paralleled by Meir, disagrees with this. I assume that these authorities hold that grapes are normally consumed, or are more valuable, in their unprocessed form (HY), contrary to what M. holds. As regards unclean grapes, all of the versions have Eliezer remain consistent with his view concerning unclean olives. The unclean grapes are not to be processed, for obvious reasons. Meir agrees. Regarding Joshua, only Judah has him remain consistent with his position on unclean olives. He says that the unclean grapes should be processed into wine, even though the priest will not be able to drink that wine. As before, his view is that proper processing of the heave-offering is central. For this case, Jacob and Rabbi have Joshua revert to the position of Eliezer, that the grapes should not be processed. It is likely that the reason for this shift is that the unclean wine will go completely to waste. In this way it is unlike unclean oil in the status of heave-offering, which may be used to kindle the priest's lamp (M. 11:10). Jacob and Rabbi thus attribute to Joshua the basic position of Eliezer, that the rule for processing is not invoked in a case in which, as a result, the priest will not be able to use the heave-offering. In doing so, however, they destroy the consistency of Joshua's position, indicated in Judah's version of matters.

11:4-5

A. The stems of [fresh] figs, dried figs, pods (klysym)\(^{14}\) and carobs in the status of heave-offering are forbidden [for consumption] by non-priests.

M. 11:4 (see T. 5:6P-R)

B. [As regards] the pits (gr\(^{a}\)yny) of produce in the status of heave-offering--

C. when he [i.e., the priest] keeps them (mkn\(\circ\)n), they are forbidden [for consumption by non-priests].

D. But if he throws them out, they are permitted.

E. And so [in the case of] the bones of Holy Things (qd\(\circ\)ym) [i.e., animal offerings]--

F. when he keeps them, they are forbidden [to non-priests].

G. But if he throws them out, they are permitted.

H. Coarse bran (Jastrow, p. 751, for m\(\circ\)ren) [from grain in the status of heave-offering] is permitted [for consumption by non-priests].
I. Fine bran (swbyn; Jastrow, p. 360: bran-flour) from fresh [wheat in the status of heave-offering] is forbidden [to non-priests].

J. But [fine bran] from old [wheat in the status of heave-offering] is permitted.

K. (Follow O^2, Pa, L, S and K which lack: And) [The priest] may treat heave-offering just as he treats unconsecrated produce [i.e., he may throw out the parts he does not normally eat].

L. One who prepares fine flour (malt) [from wheat in the status of heave-offering], deriving a qab or two from each as'ah [of wheat], may not destroy the residue [which is edible].

M. Rather, he places it in a concealed place.

M. 11:5

The several rules of the two pericopae express a single thesis. This is that only food can have the status of heave-offering; what is not food cannot. This being the case, those parts of produce in the status of heave-offering which normally are not eaten are not deemed consecrated as a priestly gift. They need not be consumed by the priest and, in fact, are permitted for consumption by a non-priest who wishes to eat them. In light of this fact, the problem of the two pericopae is to establish criteria for determining what is food, such that if it is heave-offering, it must be eaten by a priest. Two distinct notions are presented. A, H-J and L-M use an objective standard of what is edible and what is not. B-C+D, its gloss at E-F+G, and K, to the contrary, offer cases in which the priest's own attitude towards the heave-offering is determinative. The claim is that what he deems to be food is to be treated as such and therefore retains the status of heave-offering (C). What he does not consider food, indicated by the fact that he throws it out, is deemed inedible, and so not to have the status of heave-offering (D). Since A-J is formally unitary we need not expect that these two distinct notions necessarily are contradictory. As we shall see, rather, they simply are applied in specific cases involving different types of produce. Each type has its own particular characteristics and, accordingly, its own rule.

The stems of produce in the status of heave-offering (A) are forbidden to non-priests because a small portion of food remains attached to them when the stem is broken off of the piece of
produce (Maimonides, TYY). This same criterion, that a small quantity of food remains with the waste, is operative at H+I-J and M-N. Bran, H-J, is the husk of wheat, left over in the production of flour. Large kernels of bran ("coarse bran," H) will have been completely emptied of flour-meal, and so are permitted to non-priests. This is not always the case for fine bran, in which small amounts of edible flour may adhere, making the husks available for use as food. In the case of fine bran we therefore distinguish between fresh, moist wheat, in the husks of which flour-meal is likely to have remained, and drier wheat, the husks of which will easily have emptied of all edible produce. The former contains food and is forbidden to non-priests; the latter is permitted.

The consideration at L-M is the same. In processing flour of high quality, much edible grain is left as waste. The priest need not eat this grain, for it is waste. Since it actually is edible, however, it may not be consumed by non-priests. It must, therefore, be hidden away (N).

This brings us to B-D+E-G and the question of why the items mentioned there are subject to a different rule from that which governs other types of food. In answer to this question it is notable, first, that pits, B, and bones, E, have in common a basic characteristic. Whereas they are not themselves edible, they may be used in the preparation of food, e.g., in making a broth or flavoring a stew. The status of these things thus is ambiguous, in that it is unclear whether or not they are to be deemed foods. It is this problem which interests M. and which generates the notion that the status of these things is determined in light of the attitude of the priest. If his actions indicate that he views the bones or pits as food, they are treated as such. It follows that they retain their consecrated status.

A. [Produce in the status of] heave-offering is permitted (ntnh) for (1) eating, (2) drinking and (3) anointing—

B. (1) to eat that which customarily (drkw) is eaten, (2) to drink that which customarily is drunk and (3) to anoint with that which customarily is used for anointing [=M. Sheb. 8:1, M. M.S. 2:1].

C. To eat that which customarily is eaten. How so?

D. They do not obligate him [i.e., the priest] to eat the peel (qnybh) of a vegetable [in the status of heave-offering], bread [in the status of heave-offering] which has
become mouldy, nor a dish [in the status of heave-offering] the appearance of which has changed.

E. R. Hanania the Chief of the Priests says, "Heave-offering which has become unfit for use as food for humans, but which a dog can eat, imparts uncleanness as a food, yet (ω) they burn it in its place [i.e., immediately, and need not wait for the time of removal; Lieberman, TK, I, p. 458]."

(2) F. To drink that which customarily is drunk. How so?

G. They do (Lieberman supplies with E and ed. princ.: not) obligate him [i.e., the priest] to drink a sauce of oil and garum (Jastrow, p. 84, for 'nygrwn) or of vinegar and garum (Jastrow, p. 64, for 'ksygrwn), or to drink wine along with its lees.

T. 9:10 (A-D, F-G: T. Sheb. 6:1-3; E: see b. Pes. 15b, 45b)

H. [A priest] who has a toothache may not rinse them [i.e., his teeth] in vinegar [in the status of heave-offering, as a cure (b. Shab. 111a)] and [then] spit it out.

I. But he may rinse and swallow.

J. He may dunk [his bread, in any of the liquids mentioned at G, H] and need not scruple [that he has improperly used a liquid in the status of heave-offering].

T. 9:11 (T. Sheb. 6:3; see M. Shab. 14:4; T. Shab. 12:9, b. Bes. 18b)

K. [A priest] who has a sore throat (Lieberman supplies khwsw with E and ed. princ.) may not lubricate it (Lieberman supplies y'nr'nw with E and ed. princ.) [by gargling] with oil [in the status of heave-offering].

L. But he may add much [oil] to a sauce of oil and garum (Lieberman supplies 'nygrwn with E and ed. princ.) and swallow.

T. 9:12 (T. Sheb. 6:3, T. Shab. 12:10, b. Ber. 36a)

(3) M. To anoint with that which customarily is used for anointing. How so?

N. A person [i.e., a priest] may put oil [in the status of heave-offering] on his wound,

O. so long as he does not take [the oil] with a rag or cloth patch [which will absorb some of the oil] in order to place it on his wound.

T. 9:13 (T. Sheb. 6:4, T. Shab. 9:12)
P. [A priest] who had a head ache or any [priest] on whose head there appeared (אָו) scabs may anoint with oil [in the status of heave-offering], but may not anoint with wine or vinegar [in that status].

Q. For [as regards] oil, its normal use is for anointing.
R. But [as regards] wine and vinegar, their normal use is not for anointing.


S. [As regards] wine in the status of heave-offering—
(1) they may not make it into an unguent ('intyt),
and (2) they may not make it into perfumed wine,
T. and (3) [the priest] may not place in his hand that which remains in the cup [after he drinks the wine],
U. (Delete with E and ed. princ.: and he may not take in his hand that which remains [in the cup])
V. and (4) a woman may not rinse her son in it.
W. Rabban Simeon b. Gamaliel says, "[As regards] wine in the status of heave-offering which became unclean [and so may not be drunk], or which was left uncovered [and may not be drunk, lest a snake deposited in it venom (M. 8:4)]—
"[the priest] may pour it out a bit at a time (שָׁפַק וָפָה) [in order to enjoy the smell],
X. "and he need not scruple [that heave-offering is being misused]."

T. 9:15 (S: see T. Ter. 9:7L-M;
V: see T. Shab. 12(13):13; W: see b. Pes. 20b, b. B.Q. 116a)

T.'s long construction is formally autonomous of M., placed here because, at A-B, it states the principle which is operative at M. 11:1-5. This is that the priest uses produce in the status of heave-offering in the manner which is normal for produce of its type. The three part exposition which follows elucidates in turn each of the three elements of A-B, as indicated in the translation. The considerations dealt with are (1) that the priest need not eat food which, were it in an unconsecrated state, would be discarded (C-E) or used, for example, as a dip (F-G); and (2) that the priest must actually consume heave-offering. He may not use it for gargling and then spit it out (H-K), or use it in some other way which causes some of consecrated produce to go to waste (M-O). P-X repeats what we already know from T. 9:7.¹⁷
A. [As regards] the pits of (1) olives, (2) dates and (3) carobs [in the status of heave-offering]—
   all of these (E lacks: kwlm), even though [the priest] does not keep them [for his own use], are forbidden [for consumption by non-priests].
B. But [regarding] all other pits [from produce in the status of heave-offering]—
C. [if the priest] keeps them, they are forbidden,
D. [and if he] does not keep them, they are permitted [= M. 11:5B-D, with minor variations].

T. 10:1 (see T. Uq. 2:10)

T.'s point is clear on the basis of what we already have seen in M. 11:5. The pits of olives, dates and carobs differ from those of other produce in that they normally are used as a food, e.g., are pressed for their juices.\(^{18}\) If they come from produce which is in the status of heave-offering, they therefore also have that status. This is not the case for pits of other produce (B-D). These generally are not used as foods.

A. [As regards] the husks (qlpy) of fava-beans or sesame-seeds [in the status of heave-offering]—
B. [if] they contain food, they are forbidden [to non-priests].
C. [If] they do not contain food, they are permitted.
D. [As regards] peels (qlpy) of musk-melons [in the status of heave-offering]—
E. even though they do not contain food [from the musk-melon], they are forbidden [since they may themselves be eaten (MB, HY)].
F. The peel of a citron ('trwg) [in the status of heave-offering] is forbidden.
G. The seeds of a citron [in the status of heave-offering] are permitted.
H. The insides (E lacks: m°y) of a citron [in the status of heave-offering] are forbidden,
I. since those with cravings (qy'wt; see Lieberman, TK, I, p. 464-5, and Jastrow, p. 1321, s.v. qhh) eat them.
J. [As regards] the rind (qlpy) of a watermelon and the insides [i.e., where the seeds are] of a watermelon and [other] refuse (qmwt) of vegetables in the status of heave-offering—
K. R. Dosa' permits to non-priests.
L. But sages prohibit.
M. R. Jacob says in his [i.e., Dosa's] name, "[If these are from] early fruits (ḥbkrwt) or late fruits (ṣyypwt), they are forbidden, [but if they are from] the middle of the summer, they are permitted."

N. The same restrictions which apply to the eating of [refuse of produce in the status of] heave-offering apply to untithed produce, (follow E in deleting: mōgar tbl), first tithe from which heave-offering [of the tithe] has not been separated and second tithe or produce dedicated [to the Temple] which have not been redeemed.

T. 10:2 (D-E: see T. Uq. 2:10)

O. Hollow kernels of wheat (nyswlwt) and decayed grain (rqbwnyt) in the status of heave-offering are forbidden [to non-priests, for they still may contain food].

P. [If] they turned to dust (so MB and HY for: ḥō ḥw 'bq) they are permitted [for they no longer are food].

T. 10:3

T. further exemplifies M.'s principle that only that which is edible has the status of heave-offering and must be eaten by a priest. Waste from produce in the status of heave-offering which normally is not eaten therefore is deemed unconsecrated and may be consumed by non-priests. N states that this same principle applies to produce in the status of other sanctified agricultural offerings and to untithed produce.

A. Fine bran from fresh [wheat in the status of heave-offering] is forbidden [to non-priests].

B. But [fine bran] from old [wheat in the status of heave-offering] is permitted [= M. 11:5I-J].

C. For how long (ʾād mty) is [fine bran from] fresh [wheat in the status of heave-offering] forbidden?

D. For as long as it is normal for people to thresh (ḥḥwt) at the threshing floors.

E. R. 'Aha says, "For thirty days [from the harvest]."

F. [As regards] fenugreek in the status of heave-offering with which a woman of priestly caste shampooed her hair (r'r'h) --

G. an Israelite-woman is not permitted to shampoo after her [with the same fenugreek].

H. But she [is permitted afterwards to] rub her hair against the [priestly woman's] hair.

A-E's supplement to M. 11:51-J is clear as stated. F-H is separate, offering a problem autonomous of M. 11:4-5, yet illustrating the same principle. Fenugreek normally is used as a shampoo and therefore may be used for this purpose, even if it has the status of heave-offering. As long as the fenugreek remains useful as a shampoo, it has the status of heave-offering and may not be enjoyed by the Israelite-woman (G). Once the fenugreek has been rinsed out of the priestly woman's hair, however, no prohibition applies. The law of H follows.

A. [As regards] pulse in the status of heave-offering—they do not make it into meal.
B. R. Simeon permits in the case of vetches [a type of pulse].

T. 10:5

At issue is the normal manner of preparation of legumes. A states that pulse in the status of heave-offering may not be ground, for this is not how such beans normally are eaten. Simeon, B, exempts vetches from A's rule.

11:6-8
A. [As to] a storage bin from which one emptied wheat in the status of heave-offering--
B. they do not obligate him to sit and pick up one at a time each kernel of wheat [which remains on the floor of the bin].
C. Rather, he may sweep [the bin] in his normal fashion, and [then] may put unconsecrated [wheat in the bin].

M. 11:6
D. And so [in the case of] a jug of oil [in the status of heave-offering] which was spilled--
E. they do not obligate him to sit and scoop [it] up with his hand (mtpht; Jastrow, p. 546).
F. Rather, he treats it as he treats unconsecrated [oil which spills; he may wipe it up with a rag, even though the rag will absorb some of the consecrated oil].

M. 11:7
G. One who pours [wine or oil in the status of heave-offering] from one jar to another and [allows] three [last] drops to drip [from the jar he is emptying] may [then] put unconsecrated [wine or oil] in that [jar, without further wiping it out].
H. If [after three drops had fallen] he placed [the jar] on its side and [more oil or wine] drained [from it]--
lo, this [wine or oil] is in the status of heave-offering.

I. And what quantity of heave-offering of the tithe [separated] from produce about which there is a doubt whether or not it previously was tithed (דמ"י) need one take to the priest?

J. One eighth of an eighth log [= 1/64 log; less than this quantity is deemed insignificant and need not be given to the priest].

M. 11:8 (G-H: see M. B.B. 5:8)

An individual may empty a vessel filled with heave-offering in the same way that he customarily empties a container of unconsecrated produce (A-C). He need not scruple about the small quantity of consecrated offering which remains in the bottom of the jar and goes to waste when other food is put in it. In the same way, D-F, one may clean up spilled heave-offering with a rag, which will absorb and thereby waste some of the consecrated oil. In each of these cases the small quantity of heave-offering which goes to waste may be ignored, just as it would be were it unconsecrated food. As at M. 11:3-5 the priest's obligation to eat produce in the status of heave-offering is determined by whether or not people normally consider that produce worthy as food. H's qualification is obvious. By collecting what otherwise would not be deemed significant as food, the individual indicates that he desires the produce. As at M. 11:5B-C, this act is determinative and, if it is in the status of heave-offering, the produce must be given to a priest.23

I-J is separate from the foregoing, referring to heave-offering of the tithe and not to heave-offering. It has been redacted here because, like A-H, its concern is the householder's obligation to give to a priest small quantities of consecrated food. Heave-offering of the tithe separated from the produce about which there is a doubt whether or not it previously was tithed may not have a consecrated status. This is because the produce from which it was separated may already once have been tithed. In such a case of doubt, insignificant quantities of heave-offering may be destroyed (T. 10:6J). They need not be given to a priest.24

A. What quantity of heave-offering of the tithe [separated] from produce about which there is a doubt whether or not it previously was tithed need one take to the priest?
One eighth of an eighth log [= M. 11:8I-J].

B. In what case does this apply?

C. [It applies] in the case of produce about which there is a doubt whether or not it previously was tithed.

D. But [as regards] produce which certainly is liable [to the separation of tithes] (wdyy), [in the case of] (read with E and ed. princ.:) any quantity [of heave-offering of the tithe, however small, it is forbidden [to destroy the offering; rather, it must be given to the priest].

E. To what case does this [A] apply?

F. [It applies] in the case of clean produce.

G. But in the case of unclean produce, no matter how much [heave-offering of the tithe is separated], it need not be given to the priest.

H. And so you rule ('wmr) in [the case of] the heave-offering of the tithe which is in all other produce [i.e., except wine and oil]--

I. if it is of this quantity [i.e., 1/64 log] you must give it to the priest.

J. But if it is not of this quantity, one throws it in the fire and burns it.

T. 10:6

T.'s qualification of M. 11:8I-J is in three distinct parts, B-D, E-G and H-J. Each of these clarifies M. by making explicit what previously was hardly subject to doubt.

B-D states that M. 11:8I-J's rule applies only to heave-offering of the tithe separated from produce which may already have been tithed. This is exactly what M. has said. If the heave-offering of the tithe is from produce which certainly never before was tithed, even if it is of insignificant quantity, it must be given to a priest. This is in accordance with the principle of M. 11:8H, that small quantities of consecrated produce which have been collected retain the status of a priestly gift.

F-G is standard. The householder need not give the priest doubtful heave-offering which the priest in all events may not eat, e.g., because it is unclean. This rule is applied no matter how large the quantity of such heave-offering.

H-J, finally, is perplexing. It claims that M. 11:8I-J refers only to some particular kind of produce (e.g., wine and oil, as I have interpolated following Lieberman). M. of course does not know this to be the case. Other than this shift, which I cannot explain, I-J simply repeats M.'s rule.
Mishnah Terumot

11:9

A. [As regards] vetches in the status of heave-offering—
B. [priests] may feed them to [their] cattle, animals or fowl.

C. An Israelite who hired a cow from a priest may feed it vetches in the status of heave-offering.
D. But a priest who hired a cow from an Israelite,
E. even though he is responsible for feeding it (m'swnwylyw),
F. may not feed it vetches in the status of heave-offering.

G. An Israelite who tended the cow of a priest in return for a share in the value of the animal may not feed it vetches in the status of heave-offering.
H. But a priest who tended the cow of an Israelite in return for a share in its value may feed it vetches in the status of heave-offering.

Vetches are a food of an ambiguous type. Since they may be eaten by humans, they are liable to the separation of heave-offering and tithes. More commonly, however, they are not eaten by people, but are used as fodder for cattle. In light of this customary usage, even if vetches have the status of heave-offering, they may be fed to the priest's animals (A-B). The animals, like the priest's wife and children, are considered part of the priestly household. This basic notion, stated at A-B, is the subject of the little essay at C+D-F and G+H. Each of these cases addresses the question of the conditions under which animals are deemed to be under priestly jurisdiction, such that they may eat heave-offering. C-F states explicitly that the criterion is priestly ownership. A priest, therefore, may not feed heave-offering to an Israelite-owned cow, even if he has hired that cow and is responsible for feeding it. An Israelite, however, may feed heave-offering to a priest's animal, just as he would give it to the priest himself. G-H complicates matters by introducing a case of joint ownership. One person owns the animal, while another cares for it in exchange for a share of the profit the mature animal will bring. In such a case an Israelite may not feed heave-offering to a cow owned by a priest. The Israelite himself ultimately will profit from that food, in the form of his share of the increased value of the animal. Under such terms, however, a priest may feed
heave-offering to an Israelite-owned animal. This is comparable to a case in which he feeds it to a creature of which he is part owner.

A. [As regards] the cow of an Israelite that bore a first-born [which belongs to the priest, Ex. 13:12]--

B. [the Israelite] may feed it (follow Lieberman in reading m'kylw for m'kylh) vetches in the status of heave-offering [if these are his to give, e.g., if he inherited them from his mother's father who was a priest; Lieberman].

C. Rabban Simeon b. Gamaliel says, "Not only is this the case (wl °wd). Rather, he may [even] take for it vetches [in the status of heave-offering which he separated from his own produce]."

D. A man [i.e., a priest] may place vetches in the status of heave-offering in his dove-cote and need not scruple [see M. 11:9B].

T. 10:7

The issue is whether or not a non-priest may feed to an animal which belongs to a priest heave-offering which he has separated from his own produce but which never has been given to a priest. One might argue that this heave-offering belongs to the priestly clan and therefore is not the non-priest's possession to give away, even to the priest's animal. This is the position of A-B. It holds that the householder may feed an animal belonging to a priest only heave-offering which is his rightful property. Simeon b. Gamaliel disagrees. He states that the non-priest may take vetches which he has separated from his own produce and give them to the priest's animal. It appears that Simeon's concern simply is that the consecrated produce is properly consumed. Whether or not it at any time is placed in the hands of a priest is irrelevant.

D is separate, yet like A-C clarifies M. 11:8. The priest may feed his doves vetches in the status of heave-offering, even though he does not benefit from work they perform or from using them as food. Like his other animals, they are deemed part of the priestly household.

A. A priest's slave who fled, or a priest's wife who rebelled [against him, and ran away], lo, these may eat heave-offering [under the assumption that the priest still is alive].
B. A man guilty of manslaughter should not go outside of the city of [his] refuge, in the assumption that the high priest still is alive.

T. 10:8 (T. Yeb. 9:2, T. Git. 2:12)

The same point is made twice. We maintain the prevailing status of the person who was left behind. In both cases we thus assume that the priest still is alive, as B states explicitly.

11:10

A. They kindle [unclean] oil [in the status of heave-offering] which is fit for burning in (1) synagogues (bty knsywt), (2) houses of study (bty mdrswt), (3) dark alleyways and (4) for sick people,

B. in the presence of a priest (brswt khn).

C. [As regards] the daughter of an Israelite who married a priest but is accustomed to visit (supply lbv with sixteen MSS. and versions; it is lacking in standard printed editions) her father--

D. her father may kindle [oil in the status of heave-offering] in her presence.

E. "They kindle [oil in the status of heave-offering] in a house in which there is a wedding feast, but not in a house of mourning"--the words of R. Judah.

F. R. Yose says, "[They do so] in a house of mourning, but not at a wedding feast."

G. R. Meir prohibits in either case.

H. R. Simeon permits in either case.

M. 11:10

Unclean oil in the status of heave-offering may not be eaten by the priest. In line with the laws of M. 11:2, 3 and 9, the oil may, therefore, be used for one of its other customary purposes, kindling in lamps. With this as its underlying assumption, the problem of 11:10 is to determine in what places the oil may be burned. This is a problem because not only the priest, but also non-priests who happen to be present, will enjoy the light. Since non-priests are restricted from benefitting from consecrated priestly gifts, we should expect that heave-offering-oil should not be kindled where such individuals are present. A-B and C-D make the single point that this is not the case. So long as the oil is used for its designated purpose, the benefit of the priest, it is irrelevant that non-priests also profit. That is, we take into account only the oil's intended purpose. Consequences which are
extraneous to that purpose may be ignored. As long as a priest is present, oil in the status of heave-offering may be kindled either in public (A), 29 or private (C) places. 30

E-H carries forward the question of where oil in the status of heave-offering may be burned. The four-party dispute eludes interpretation, since its own language offers no grounds for determining why the rule for a wedding feast should differ from that governing a house of mourning. A priest may be present in either place, and therefore it would seem that both locations should fall under the rule of A-B+C-D. 31

A. [As regards] a priest's cattle which were standing [in a barn] next to an Israelite's cattle,

B. and so the garments of a priest which were being woven near the garments of an Israelite--

C. lo, this one [i.e., the Israelite] may kindle on their account oil [in the status of heave-offering] which is fit for burning.

D. [As regards] an Israelite who was sitting in the shop of a priest--

E. lo, this [priest] may fill for him a lamp with oil [in the status of heave-offering] which is fit for burning,

F. [and the Israelite] may go up to the attic, or down to the cellar, in order to do what is needful to the priest, but not what is needful to the Israelite.

G. If [the Israelite] was a partner in the [ownership of] the store with him [i.e., the priest], this is permitted [i.e., the Israelite may use the heave-offering for his own needs, since this ultimately benefits the priest].

H. And so [in the case of] a priest who was dining (msb) in the home of an Israelite--

I. lo, this [priest] may kindle for him a lamp [filled] with oil [in the status of heave-offering] which is fit for burning.

J. Even though the priest [later] got up and left, they do not obligate him to put out the lamp, until it goes out by itself.

K. [As regards] an Israelite who entered the home of a priest to light his [i.e., the Israelite's] lamp and wished to leave [immediately thereafter]--

[the priest] dips a wick in oil [in the status of heave-offering] which is fit for burning for him.
L. (E lacks L-M). And so [in the case of] the daughter of an Israelite who entered [to visit] the daughter of a priest and wished to leave.

M. [The priest's daughter] dips a wick in oil [in the status of heave-offering] which is fit for burning for her.

N. [As regards] the daughter of a priest who had in her hand a lamp filled with oil [in the status of heave-offering] which was fit for burning, on the eve of the sabbath at the time of sunset--

lo, this one may add any [small] amount of unconsecrated oil to the lamp, and may kindle it [for the sabbath].


T.'s several rules all repeat the point made by M. 11:10. As long as the oil in the status of heave-offering is used to the benefit of the priest, it is irrelevant that non-priests likewise enjoy the light. What T. adds is that this principle applies even if the priest benefits from the oil in a most tangential way, e.g., in cases in which he is not present (A-C). He may even use the oil to light the lamp of a passer-by, thereby avoiding the use of unconsecrated oil which he would have had to purchase (K-M). The problem at N is that sanctified oil, like any holy thing, normally is not burned on the sabbath (y. Shab. 2:2, cited by Lieberman, TK, I, p. 471). To indicate that she does not intend to transgress this prohibition, but simply to light the lamp required for the sabbath, the priestly woman adds some unconsecrated oil to the heave-offering (Lieberman, ibid.).

A. A priest may anoint himself with oil in the status of heave-offering and [afterwards] bring an Israelite member of his household and roll [the Israelite] around on his [i.e., the priest's] back [so that the Israelite is anointed with the oil].

B. A priest may anoint himself with oil in the status of heave-offering and enter a bath house,

C. (supply with E: and) a non-priest need not refrain from rubbing against him (read with E: mōkw; V reads: mō̂hynw), even though he is anointed by the [oil on the priest's body].
D. A priest may not put oil in the status of heave-offering on a marble table in order to roll on it [and anoint himself].

E. Rabban Simeon b. Gamaliel permits.

T. 10:10 (D-E: T. Sheb. 6:9)

T. applies to cases in which the consecrated oil is used as an ointment. M.'s theory on the use of oil in the status of heave-offering for kindling. This theory is revealed in the contrast between the cases at A+B-C and that at D+E. As long as the oil first serves its purpose upon the body of the priest, it may be used to the benefit of non-priests (A-C). Any oil which does not serve the purpose of the priest, however, is forbidden to non-priests. For this reason the priest may not put consecrated oil on a marble table, D. Any oil which is not absorbed by his body will not have benefitted the priest, yet will be left for non-priests. Simeon b. Gamaliel, E, does not mind this. His theory is that the consecrated oil left on the table in all events has no further purpose to the priest, who cannot collect it and use it again. This is not a rejection of the principle of the pericope, but a qualification of its application.

A. [As to] oil in the status of heave-offering—
B. they do not anoint with it with unclean hands.
C. [But if] it fell on his [i.e., the priest's] skin, he may rub it in, even with unclean hands (E adds: and need not scruple).
D. [As regards] oil in the status of heave-offering—
E. they do not glaze (hám) an oven or stove with it.
F. And they do not soften (lit.: anoint) shoes or sandals with it.
G. [A priest] may not anoint his foot [with oil in the status of heave-offering] while (w) it is in a shoe.
H. He may not anoint his foot while it is in a sandal.
I. But he may anoint his foot and [then] put on a shoe,
J. [or] anoint his foot and [then] put on a sandal.
K. A priest may anoint himself with oil in the status of heave-offering and [then] roll around on a leather spread and need not scruple.


The priest may use oil in the status of heave-offering only
to anoint his own body, a customary use for oil (D-H; cf., T. 9:7). As at M. 11:10 and T. 10:11, the point here is that once the oil has served this purpose, it no longer need be treated as a consecrated priestly gift. The priest may thereafter do with it what previously had been forbidden, i.e., make it unclean (C), or use it to soften leather (G-K). Since D-E does not make this point, it must be seen as separate, interpolated because of the congruence to A-B of its topic and language. I assume that oil in the status of heave-offering may not be used for glazing because, unlike anointing, this is not an everyday use of oil.  

I. A. [As regards] the lees of wine in the status of heave-offering— 

B. the first and second times [the priest strains water through them, the resultant liquid] is forbidden [to non-priests].

C. But the third time, it is permitted.

D. R. Meir says, "The third time [the liquid is forbidden] if [the wine lees] imparted to it flavor."

II. E. [If the lees are in the status of] second tithe--

F. the first time [that someone strains water through them, the resultant liquid is] forbidden [i.e., has the status of second tithe].

G. But the second time, [the resultant liquid] is permitted [i.e., unconsecrated].

H. R. Meir says, "The second time, [the liquid is forbidden] if [the wine lees] imparted to it flavor."

III. I. And as regards [lees from wine which was] dedicated [to the Temple]--

J. the first, second and third times [that water is strained through them, the resultant liquid] is forbidden [i.e., dedicated to the Temple].

K. But the fourth time, it is permitted [i.e., unconsecrated].

L. R. Meir says, "The fourth time, [the liquid is forbidden] if [the lees] imparted to it flavor."

T. 10:12 (b. B.B. 97a)

M. Lees which derive from the wine of gentiles, which dried up, [still] are forbidden [to Israelites] for benefit.

N. [As regards] the chamber pot of a zab or a zabah--

O. the [water of the] first and second [washings of the pot] conveys uncleanness.
P. But the [water of the] third [rinsing] is clean.
Q. Under what circumstances?
R. When one put water in it [to rinse it].
S. But when one did not put water into it [but rinsed it with clean urine]--
T. even up to the tenth [rinsing]--
U. it conveys uncleanness.
V. R. Eliezer b. Jacob says, "The third, even though he did not put water into it, is clean."

T. 10:13 (T. Toh. 5:3; see b. A.Z. 34a)

W. They purchase and borrow urine from any source, and they do not take account of the possibility that it derives from menstruating women,

X. for the daughters of Israel are not suspected of collecting their urine when they are menstruating.

T. 10:14 (T. Toh. 5:3)

The pericopae explore an ambiguity arising from the law of M. 10:11. The problem is how we determine when produce in the status of heave-offering has served its intended purpose, such that it no longer has the consecrated status of a priestly gift (A-D). The difficulty in interpretation is to discern the theories which underlie the distinct approaches of A-C and Meir, D. In light of the redactional setting of the pericope, I assume that A-C takes into account the number of times which people ordinarily use a batch of lees to prepare a drink. For that same number of times, lees which have the status of heave-offering impart a consecrated status to the water with which they are mixed. After that number of times, they have fulfilled their usual purpose and so no longer have the status of heave-offering. Meir, on the other hand, applies the criterion of M. Chapter Ten. As long as the lees impart flavor to the water, they are useful as food and therefore impart to that water the status of heave-offering. E-H are formally parallel, carrying out A-D's same exercise for cases of second tithe and produce dedicated to the Temple. The differing number of uses for which the lees impart their own status to the liquid is on the basis of the relative sanctity of the different categories of lees. That which is dedicated to the Temple (i.e., Holy Things) is the most holy, followed by heave-offering (see M. Toh. 2:6) and, finally, second tithe.

Lees from the wine of gentiles, M, fall under the same restrictions as gentile-wine itself. Since the wine may have been
used for a libation to pagan gods, Israelites may not drink it. The same applies to a drink made from the lees.

P-V+W-X is redacted here for reasons of its form and underlying theory. Topically, however, it does not belong, its primary context being in T. Toh. Urine of a *sab* or *sabah* (i.e., an individual who has had a flux and is unclean) or a menstruant, is unclean, like the person from whom it derives. As at A-L, the consideration here is the number of times people ordinarily wash a bed-pan before they consider it clean. Water from washings prior to this number is deemed unclean, like the pot itself. Once the pot is considered clean, water with which it is rinsed likewise is clean.

**A.** They may not mix together grain and pulse in the status of heave-offering.

**B.** But they may mix together sesame-seeds and fava-beans ("vylym") or fava-beans and lentils,

**C.** or any kinds [of produce] which customarily are sifted (read with V: lykbr; E, ed. princ. read: lykbd) [before use, for the different kinds thus will be sifted apart].

**D.** Ever since Judaea was destroyed (Hastily may it be rebuilt!), they began to mix together different types of grain, and different types of pulse,

**E.** but not grain with pulse, nor pulse with grain.

T. 10:15

**F.** [As regards] a priest to whom they gave heave-offering [of produce of one kind] and he found in it produce of a different kind (*dbrym 'hrym*)--

**G.** lo, this [i.e., the other produce] is forbidden [i.e., assumed to be heave-offering],

**H.** since [householders] throw all [of the heave-offering they separate from various kinds of produce] into the storage room for heave-offering (byt *hdm*).

T. 10:16

T. carries forward M.'s principle that heave-offering is to be prepared only in ways in which produce of its type normally is cooked and eaten. D-E describes the way in which people usually prepare grain and pulse. It therefore provides the key to the interpretation of A-C. Since people do not customarily mix together grain and pulse, E, it is forbidden to do so if produce of these kinds has the status of heave-offering (A). B-C's point
simply is that such mixtures may be created if the produce ultim­ately will not be cooked together. This hardly is a major qualification of A's rule.

F-H is not dependent on A-E for meaning. It has been juxta­posed to that unit because it also deals with mixtures of differ­ent kinds of produce in the status of heave-offering. Its point is clear on the basis of its explanatory gloss, H.

A. They do not bring heave-offering from the threshing floor to the city [to be distributed to priests], nor from the wilderness to a settlement.

B. However, in a case in which a wild or domesticated animal would eat [the heave-offering were it left at the threshing floor for a priest to pick up], they ordained that the householder should bring it [to the city or settlement],

C. and receive from the priest payment [for his work],

D. to prevent (mpny) desecration of the name [of God, through the profanation of the heave-offering].

T. 10:17 (A-B: b. Hul. 134b; A-C: y. Dem. 1:2, see T. M. S. 3:12)

E. There are ten [categories of people] to whom they do not distribute [heave-offering] at the threshing floor, and these are they:

F. (1) deaf-mutes, (2) imbeciles, and (3) minors,

G. (4) people without sexual traits (twmtwm) and (5) hermaphrodites,

H. (6) wives [of priests] and (7) slaves [of priests],

I. (8) uncircumcised [priests] and (9) unclean [priests, neither of which categories are fit to eat heave-offering],

J. and (10) [priests] who marry women who are not fit for them [e.g., divorcees; such priests no longer are ac­corded the privileges of the priestly clan, M. Bek. 7:7].

K. But [as regards] all of them, [a householder] may give them heave-offering from within [the householder's] house,

L. except [in the case of] unclean [priests] and [priests] who marry women who are not fit for them.

T. 10:18 (b. Yeb. 99b)

T.'s final unit is on what individuals are fit to receive heave-offering and how the offering is distributed to them. While this topic has been ignored by M., it constitutes a fitting con­clusion to the tractate as a whole, paralleling at E-L M. 1:1's
list of individuals who may not separate heave-offering. The point at A-D is that the expense of transporting heave-offering to the priest is not incumbent upon the householder. His responsibility simply is to separate the priestly gift from his produce, thereby preparing that produce for his table. For this reason, priests normally receive their due at the threshing floor, where householders separate the heave-offering. Only if the offering is in danger of being eaten improperly need the householder transport it to the priest (B-D). The householder does this as a service to the priest, and therefore the priest must pay him for his labor.

E-J's list is a composite of types of individuals who, for different reasons, may not be given heave-offering at the threshing floor. The list falls into two major parts, people who are not fit to eat heave-offering (I-J) and individuals who, while fit, may not be given the priestly gift in public (F-H). This latter group consists of individuals who are either intellectually or physically imperfect (F-G), or who do not themselves have priestly status (H). Since it would appear improper to give such people heave-offering, it is forbidden to do so in public. These people are, however, fit to eat the priestly gift. The householder, therefore, may give it to them in the privacy of his own home, where appearances are not a consideration (K). The individuals at I-J may not eat heave-offering. They are either permanently unfit to serve as priests (e.g., are married to unfit women, or are uncircumcised), or are temporarily unfit (e.g., are unclean). A priest who has married an unfit woman no longer has the right to eat heave-offering, and therefore may not receive it, even in private. Unclean and uncircumcised priests, on the other hand, may feed their households with the priestly gift. Still, they are not given the offering in public. As before, this would appear a misdeed. An unclean priest, moreover, like the one who married an unfit woman, is not allowed to receive heave-offering in private (L). I assume (following b. Yeb. 99b) that the reason is that he is punished for his lack of care in following the rules of cleanness.