



kosher fish that swallowed a non-kosher fish, consumption of the non-kosher fish is prohibited due to the fact that the host fish is not the place of its development.

1:3 In the case of a female donkey that had not previously given birth and now gave birth to two male offspring, as there is no doubt that one of them is firstborn, its owner gives one lamb to the priest in redemption of that firstborn. If it gave birth to a male and a female and it is not known which was born first, he designates one lamb as firstborn in case the male was born first. Nevertheless, since it is merely a monetary debt to the priest, the burden of proof rests upon the claimant, in this case the priest. Due to that uncertainty, the priest can offer no proof and the owner keeps the lamb for himself. If an individual has two donkeys, and both of his two donkeys had not previously given birth and they now gave birth to two males, one each, the owner gives two lambs to the priest. If they together gave birth to a male and a female or to two males and a female, he gives one lamb to the priest, as one of the males is certainly a firstborn. If they together gave birth to two females and a male or to two males and two females, the priest receives nothing, as perhaps the two firstborn were females.

1:4 If one of his donkeys had previously given birth and one had not previously given birth and they now together gave birth to two males, the owner gives one lamb to the priest as redemption for the firstborn male. If they together gave birth to a male and a female he designates one lamb for himself, as it is uncertain whether or not the male was a firstborn and the burden of proof rests upon the claimant. From where is it derived that the firstborn of a donkey is redeemed with a lamb? It is derived from a verse, as it is stated: “And you shall redeem the firstborn of a donkey with a lamb [seh]” (Exodus 34:20). The owner may give a lamb either from sheep or from goats; from males or females, from older or younger animals, and from unblemished or blemished animals. If the priest returns the lamb to the owner, he may redeem firstborn donkeys with it many times. In a case where he designates a lamb due to uncertainty and keeps it for himself, it is his in every sense. Consequently, it enters the pen in order to be tithed with the other non-sacred animals (see Leviticus 27:32), and if it dies, one may derive benefit from its carcass.

1:5 One may not redeem a firstborn donkey, neither with a calf, nor with an undomesticated animal, nor with a slaughtered animal, nor with a tereifa, nor with a hybrid of a sheep and a goat, nor with a koy, which is an animal with regard to which it is uncertain whether it is domesticated or undomesticated. And Rabbi Eliezer deems it permitted to redeem a firstborn donkey with a hybrid of a sheep and a goat, because it is a lamb, i.e., that hybrid has the status of a lamb, but prohibits redeeming it with a koy, because its status is uncertain. If one gave the firstborn donkey to a priest, the priest may not keep it unless he first designates a lamb in its stead for redemption.

1:6 In the case of one who designates a lamb for the redemption of a firstborn donkey and the lamb dies, Rabbi Eliezer says: The owner bears financial responsibility and must give the priest another lamb in its place. This is like the case of the five sela for redemption of a firstborn son, where if the money is lost before one gives it to the priest, he must give the priest another five

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

1:7 If one did not wish to redeem the firstborn donkey, he breaks its neck from behind and buries it. The mitzva of redeeming the firstborn donkey takes precedence over the mitzva of breaking the neck, as it is stated: “If you will not redeem it, then you shall break its neck” (Exodus 13:13). The mishna proceeds to enumerate other mitzvot in which one option takes precedence over another. The mitzva of designating a Hebrew maidservant to be betrothed to her master takes precedence over the mitzva of redeeming the maidservant from her master with money, as it is stated: “If she does not please her master, who has not betrothed her to himself, then he shall let her be redeemed” (Exodus 21:8). The mitzva of levirate marriage takes precedence over the mitzva of halitza, which dissolves the levirate bond, as it is stated: “And if the man does not wish to take his brother’s wife” (Deuteronomy 25:7). The mishna adds: This was the case initially, when people would intend that their performance of levirate marriage be for the sake of the mitzva. But now that they do not intend that their performance of levirate marriage be for the sake of the mitzva, but rather for reasons such as the beauty of the yevama or for financial gain, the Sages said that the mitzva of halitza takes precedence over the mitzva of levirate marriage. With regard to a non-kosher animal that was consecrated to the Temple, the mitzva of redemption by the owner who consecrated it takes precedence over redemption by any other person, as it is stated: “And if it is of a non-kosher animal...and if it is not redeemed, it shall be sold according to your valuation” (Leviticus 27:27).

2:1 With regard to one who purchases the fetus of a cow that belongs to a gentile; one who sells the fetus of his cow to a gentile, even though one is not permitted to sell a large animal to a gentile; one who enters into a partnership with a gentile with regard to a cow or its fetus; one who receives a cow from a gentile to tend to it in exchange for partnership in its offspring; and one who gives his cow to a gentile in receivership, so that the gentile owns a share of the cow’s offspring; in all of these cases, one is exempt from the obligation of redeeming the firstborn offspring, as it is stated: “I sanctified to Me all the firstborn in Israel, both man and animal” (Numbers 3:13), indicating that the mitzva is incumbent upon the Jewish people, but not upon others. If the firstborn belongs even partially to a gentile, the sanctity of firstborn does not apply to it. The mishna continues: The priests and the Levites are obligated in the mitzva, i.e., their animals have firstborn sanctity, as they were not exempted from the mitzva of

the male firstborn of a kosher animal; rather, they were exempted only from redemption of the firstborn son and from the redemption of the firstborn donkey.

2:2 All sacrificial animals in which a permanent blemish preceded their consecration do not assume inherent sanctity and only their value is consecrated, and once they were redeemed, they are obligated in the mitzva of a firstborn, i.e., their offspring are subject to being counted a firstborn, and in the priestly gifts of the foreleg, the jaw, and the maw, and they can emerge from their sacred status and assume complete non-sacred status in order to be shorn and to be utilized for labor. And their offspring and their milk are permitted after their redemption. And one who slaughters them outside the Temple courtyard is exempt from karet, and those animals do not render an animal that was a substitute for them consecrated. And if these animals died before they were redeemed, they may be redeemed and fed to dogs, and they do not require burial, except for the firstborn and the animal tithing. With regard to these two types of offerings, even if they were blemished before they became consecrated they assume inherent sanctity, like other offerings that were consecrated and subsequently became blemished.

2:3 And all sacrificial animals whose consecration preceded their blemish, or who had a temporary blemish prior to their consecration and afterward developed a permanent blemish and they were redeemed, they are exempt from, i.e., their offspring are not counted, a firstborn, and from the gifts of the foreleg, the jaw, and the maw, and they do not completely emerge from their sacred status and assume non-sacred status in order to be shorn and to be utilized for labor. And their offspring, which were conceived prior to redemption, and their milk, are prohibited after their redemption. And one who slaughters them outside the Temple courtyard is liable to receive karet, and those animals render an animal that was a substitute for them consecrated. And if these animals died before they were redeemed, they may not be redeemed and fed to dogs; rather, they must be buried.

2:4 With regard to one who receives animals as part of a guaranteed investment from a gentile, i.e., the Jew receives the animals to raise them and commits to pay a fixed price at a later date even if they die or their value decreases, and the offspring born in the interim are divided between the gentile and the Jew, their direct offspring are exempt from the mitzva of the firstborn if they give birth to a male, but the offspring of their direct offspring are obligated in the mitzva of the firstborn if they gave birth to a male. If the Jew established their offspring in place of their mothers for collection in case the mothers die, the offspring of their direct offspring are exempt and the offspring of the offspring of their direct offspring are obligated. Rabban Shimon ben Gamliel says: Even until ten generations, the offspring are exempt, as they all serve as a guarantee for the gentile, because if he does not receive the fixed payment for the animal, he will collect his debt from any offspring born to it or its offspring.

2:5 A ewe that gave birth to a goat of sorts and a goat that gave birth to a ewe of sorts are exempt from the mitzva of the firstborn. And if the offspring has some of the characteristics of its mother, it is obligated in the mitzva of

firstborn.

2:6 In the case of a ewe that had not previously given birth, and it gave birth to two males and both their heads emerged as one, Rabbi Yosei HaGelili says: Both of them are given to the priest, as it is stated in the plural: “Every firstborn that you have of animals, the males shall be to the Lord” (Exodus 13:12). And the Rabbis say: It is impossible for two events to coincide precisely, i.e., their births were not at precisely the same time. Rather, one preceded the other, and therefore one of the males is given to the owner and one to the priest. Rabbi Tarfon says: The priest chooses the better of the two. Rabbi Akiva says: They assess the value of the lambs between them and the priest takes the leaner of the two, as will be explained in the Gemara. And with regard to the second lamb that remains in the possession of the owner, since he may not partake of it due to its uncertain status as a firstborn, it must graze until it becomes blemished, at which point he may slaughter and eat it. And when he slaughters the animal he is obligated to have the gifts of the priesthood taken from it, i.e., the gifts that one is required to give a priest from a non-sacred animal: The foreleg, the jaw, and the maw. And Rabbi Yosei deems him exempt from giving those gifts. If one of the two born together died, Rabbi Tarfon says: The priest and the owner divide the remaining lamb. Rabbi Akiva says: Since there is uncertainty to whom it belongs, it remains in the possession of the owner, as the burden of proof rests upon the claimant. If a male and a female offspring were born together, everyone agrees that the priest has nothing here.

2:7 If one's two ewes had not previously given birth and they gave birth to two males, both of them are given to the priest, as each is its mother's firstborn. If one gave birth to a male and the other to a female, the male is given to the priest, as it is its mother's firstborn. If they gave birth to two males and a female, one of the males is kept by him and one is given to the priest. Rabbi Tarfon says: The priest chooses the better of the two. Rabbi Akiva says: They assess the value of the lambs between them, and the priest takes the leaner of the two. And the second lamb must graze until it becomes blemished, at which point the owner may slaughter and eat it. And when the owner slaughters the animal, he is obligated to have gifts of the priesthood, i.e., the foreleg, the jaw, and the maw, taken from it. Rabbi Yosei deems him exempt from giving the gifts. If one of the two born together died, Rabbi Tarfon says: The priest and the owner divide the value of the remaining lamb. Rabbi Akiva says: Since there is uncertainty to whom it belongs, it remains in the possession of the owner, as the burden of proof rests upon the claimant. If they gave birth to two females and a male or to two males and two females, the priest has nothing here, as perhaps both ewes gave birth to females first.

2:8 If one of his ewes had previously given birth and one had not previously given birth, and they gave birth to two males, one of the males is kept by him and one is given to the priest. Rabbi Tarfon says: The priest chooses the better of the two. Rabbi Akiva says: They assess the value of the lambs between them and the priest takes the leaner of the two. And the second lamb must graze until it becomes blemished, at which point he may slaughter and eat it. And when he slaughters the animal he is obligated to have gifts of the priesthood

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

2:9 With regard to an animal born by caesarean section and the offspring that follows it, since there is uncertainty whether each is a firstborn, neither is given to the priest. Rabbi Tarfon says: Both of them must graze until they become unfit, and they may be eaten in their blemished state by their owner. Rabbi Akiva says: Neither of them is firstborn; the first because it is not the one that opens the womb (see Exodus 13:12), as this animal did not itself open the womb, and the second because the other one preceded it.

3:1 In the case of one who purchases a female animal from a gentile and does not know whether it had previously given birth or whether it had not previously given birth, and after the purchase the animal gave birth to a male, Rabbi Yishmael says: If the mother was a goat within its first year the male offspring certainly is given to the priest, as it definitely never gave birth previously. From that point forward, i.e., if the mother is older than that, its offspring's status as a firstborn is uncertain. If it was a ewe within its second year the male offspring certainly is given to the priest; from that point forward an offspring's status is uncertain. If it was a cow or a donkey within its third year the male offspring certainly is given to the priest; from that point forward the offspring's status is uncertain. Rabbi Akiva said to him: Were an animal exempted only by giving birth to an offspring and in no other manner the halakha would be in accordance with your statement. But the Sages said: An indication of the offspring in a small animal is a murky discharge from the womb, which indicates the animal had been pregnant, and therefore exempts subsequent births from the mitzva of the firstborn. The indication in a large animal is the emergence of an afterbirth, and the indication in a woman is a fetal sac or an afterbirth. Since these can be produced even within a year, it cannot be assumed that an animal in its first year is definitely subject to the mitzva of the firstborn. Rabbi Akiva continues: Rather, this is the principle: In any case where it is known that the animal had previously given birth, the priest has nothing here. And in any case where it is known that the animal had not previously given birth, that is given to the priest. And if it is uncertain, it may be eaten in its blemished state by the owner. Rabbi Eliezer ben Ya'akov says: In the case of a large animal that expelled a mass of congealed blood, that mass must be buried. The reason is that perhaps there was a male fetus there which was consecrated as a firstborn when it emerged, and the animal is exempt from having any future offspring counted a firstborn.

3:2 Rabban Shimon ben Gamliel says: In the case of one who purchases a nursing female animal from a gentile, he does not need to be concerned, i.e., take into account the possibility, that perhaps it was nursing the offspring of another animal. Rather, the buyer may assume it had previously given birth. In the case of one who enters amid his flock and sees mother animals that gave birth for the first time that were nursing, and also sees mother animals that gave birth not for the first time that were also nursing, he does not need to be concerned that perhaps the offspring of this animal came to that animal to be nursed, or that perhaps the offspring of that animal came to this animal to be nursed.

3:3 Rabbi Yosei ben HaMeshullam says: Since it is prohibited by Torah law to shear a firstborn, as it states: “And you shall not shear the firstborn of your flock” (Deuteronomy 15:19), one who is slaughtering a firstborn, and must clear hair or wool from the area of the neck in order to facilitate proper slaughter, clears space by uprooting the hair with a cleaver [bekofitz] from here and from there, on either side of the neck, although he thereby plucks out the hair. He may clear space in this manner provided that he does not move the plucked hair from its place; it must remain intermingled with the rest of the hair so it will appear that he did not shear the animal. And likewise, one plucks the hair to enable one of the Sages to examine the place of a blemish and thereby determine whether it is permitted to slaughter the firstborn outside the Temple.

3:4 With regard to the hair of a blemished firstborn animal that shed from the animal, and which one placed in a compartment for safekeeping, and thereafter he slaughtered the animal; given that after the animal dies he is permitted to derive benefit from the hair the animal had on its body when it died, what is the halakhic status of hair that shed from the animal while it was alive?

Akavya ben Mahalalel deems its use permitted, and the Rabbis deem its use prohibited; this is the statement of Rabbi Yehuda. Rabbi Yosei said to him: It was not with regard to that case that Akavya ben Mahalalel deemed use of the wool permitted. Rather, it was in the case of the hair of a blemished firstborn animal that shed from the animal which one placed in a compartment and thereafter the animal died. It was in that case that Akavya ben Mahalalel deems use of the wool permitted, and the Rabbis deem its use prohibited even after its death. With regard to wool that is dangling from a firstborn animal, i.e., which was not completely shed, that which appears to be part of the fleece is permitted when the animal is shorn after its death, and that which does not appear to be part of the fleece is prohibited.

4:1 Until when must an Israelite tend to and raise a firstborn animal before giving it to the priest? With regard to a small animal, e.g., a sheep or goat, it is thirty days, and with regard to a large animal, e.g., cattle, it is fifty days. Rabbi Yosei says: With regard to a small animal, it is three months. If the priest said to the owner within that period: Give it to me, that owner may not give it to him. And if it is a blemished firstborn and the priest said to him: Give it to me so I may eat it, it is permitted for the owner to give it to him. And at the time that the Temple is standing, if it is unblemished and the priest said to him: Give it to me and I will sacrifice it, it is permitted for the owner to give it to him. The firstborn animal is eaten year by year, i.e.,

within its first year, whether it is blemished or whether it is unblemished, as it is stated: “You shall eat it before the Lord your God year by year” (Deuteronomy 15:20).

4:2 If a blemish developed within its first year, it is permitted for the owner to maintain the animal for the entire twelve months. If a blemish developed after twelve months have passed, it is permitted for the owner to maintain the animal for only thirty days.

4:3 In the case of one who slaughters the firstborn animal and only then shows its blemish to an expert to determine whether it is a blemish, and it was established by the expert that it is in fact a blemish that renders its slaughter permitted, Rabbi Yehuda deems it permitted for a priest to derive benefit from the firstborn. Rabbi Meir says: Since it was slaughtered not according to the ruling of an expert, it is prohibited.

4:4 In a case involving one who is not an expert, and he examined the firstborn animal and it was slaughtered on the basis of his ruling, that animal must be buried, and the non-expert must pay compensation to the priest from his property. Apropos the previous mishna, which taught that a judge who was an expert for the court and who erred is exempt from payment, this mishna teaches: There was an incident involving a cow whose womb was removed, and when Rabbi Tarfon was consulted he ruled that it is an animal with a wound that will cause it to die within twelve months [tereifa], which is forbidden for consumption. And based on the ruling of Rabbi Tarfon, the questioner fed it to the dogs. And the incident came before the Sages of the court in Yavne, and they ruled that such an animal is permitted and is not a tereifa. And Theodosius [Todos] the doctor said: A cow or pig does not emerge from Alexandria of Egypt unless the residents sever its womb so that it will not give birth in the future. The breeds of cows and pigs in Alexandria were of exceptional quality and the people of Alexandria did not want them reproduced elsewhere. The fact that these animals lived long lives after their wombs were removed proves that the hysterectomy did not render them tereifot. Upon hearing this, Rabbi Tarfon said: Your donkey is gone, Tarfon, as he believed he was required to compensate the owner for the cow that he ruled to be a tereifa. Rabbi Akiva said to him: Rabbi Tarfon, you are an expert for the court, and any expert for the court is exempt from liability to pay.

4:5 In the case of an individual who takes payment to be one who examines firstborn animals to determine whether they are blemished, one may not slaughter the firstborn on the basis of his ruling, unless he was an expert like Ila in Yavne, whom the Sages in Yavne permitted to take a wage of four issar for issuing a ruling concerning a small animal and six issar for issuing a ruling concerning a large animal. They permitted this provided that he would be paid whether it turned out that the firstborn was unblemished or whether it was blemished.

4:6 In the case of one who takes his wages to judge cases, his rulings are void. In the case of one who takes wages to testify, his testimonies are void. With regard to one who takes wages to sprinkle the purification waters of the red heifer upon one who contracted impurity imparted by a corpse, and one who takes wages to sanctify those waters, the halakhic status of his water is that

of cave water, and the status of his ashes is that of mere burnt ashes.

Although taking actual wages is prohibited, if the one examining the firstborn, or the judge, or the witness, was a priest, and the one who requires his services rendered him impure and prevented him from partaking of his teruma, that person must provide the priest with food, drink, and oil for smearing on his body from his own non-sacred property. And likewise if the one examining the firstborn, or the judge, or the witness, was an elderly person, the one who requires his services transports him on a donkey. And in all these cases, although it is prohibited to take wages, the one who requires his services gives him his wages like the wages of a laborer, as he was unable to perform his usual labor that day.

4:7 In the case of one who is suspect with regard to firstborn animals of slaughtering them and selling their meat when it is prohibited to do so, one may neither purchase meat from him, including even deer meat, nor may one purchase from him hides that are not tanned. Rabbi Eliezer says: One may purchase hides of female animals from him, as the halakhot of firstborn animals are in effect only with regard to males. And one may not purchase bleached or dirty wool from him. But one may purchase spun thread from him, and all the more so may one purchase garments from him.

4:8 In the case of one who is suspect with regard to the Sabbatical Year, i.e., of sowing or engaging in commerce with Sabbatical-Year produce, one may not purchase flax from him, and this applies even to combed flax, in which much labor and exertion was invested. But one may purchase spun thread and woven fabric from such individuals.

4:9 In the case of one who is suspect with regard to selling teruma under the guise of non-sacred produce, one may not purchase even water and salt from him; this is the statement of Rabbi Yehuda. Rabbi Shimon says: One may not purchase from him any item that has relevance to teruma and tithes. However, one may purchase water and salt from him, as teruma and tithes do not apply to them.

4:10 One who is suspect with regard to the Sabbatical Year is not suspect with regard to tithes; and likewise, one who is suspect with regard to tithes is not suspect with regard to the Sabbatical Year. One who is suspect with regard to this, the Sabbatical Year, or with regard to that, tithes, is suspect with regard to selling ritually impure foods as though they were ritually pure items. But there are those who are suspect with regard to ritually pure items who are not suspect with regard to this, the Sabbatical Year, nor with regard to that, tithes. This is the principle with regard to these matters: Anyone who is suspect with regard to a specific matter may neither adjudicate cases nor testify in cases involving that matter.

5:1 With regard to all disqualified consecrated animals that were disqualified for sacrifice due to blemishes and were redeemed, all benefit accrued from their sale belongs to the Temple treasury. In order to ensure that the Temple treasury will not suffer a loss, these animals are sold in the butchers' market [ba'itliz] and slaughtered in the butchers' market, where the demand is great and the price is consequently higher. And their meat is weighed and sold by the litra, in the manner that non-sacred meat is sold. This is the halakha with regard to all consecrated animals except for the firstborn

offering and an animal tithing offering. When these become blemished and their slaughter is permitted, they are sold and slaughtered only in the owner's house and are not weighed; rather, they are sold by estimate. The reason is that all benefit accrued from their sale belongs to the owner, i.e., the priest in the case of the firstborn and the owner in the case of the animal tithing offering. It is not permitted to treat disqualified consecrated animals as one treats non-sacred animals merely to guarantee that the owner will receive the optimal price. This is in contrast to disqualified consecrated animals, where all benefit accrued from their sale belongs to the Temple treasury, and therefore the animal is sold in the market to ensure that the optimal price is received. And although the meat of the firstborn is not weighed and sold by the *litra*, nevertheless, if one has non-sacred meat weighing one hundred *dinars*, one may weigh one portion of non-sacred meat against one portion of the meat of the firstborn, because that is unlike the manner in which non-sacred meat is weighed.

5:2 Beit Shammai say: An Israelite cannot be counted with the priest to partake of a blemished firstborn. And Beit Hillel deem it permitted for him to partake of it, and they deem it permitted even for a gentile to partake of a blemished firstborn. With regard to a firstborn animal that was congested with excess blood, even if the animal will die if one does not let the excess blood, one may not let its blood, as this might cause a blemish, and it is prohibited to cause a blemish on consecrated animals. This is the statement of Rabbi Yehuda. And the Rabbis say: One may let the blood provided that he will not cause a blemish while doing so, and if he caused a blemish, the animal may not be slaughtered on account of that blemish. Since he was the cause of the blemish, he may not slaughter the animal until it develops a different, unrelated blemish. Rabbi Shimon says: One may let the blood even if he thereby causes a blemish in the animal.

5:3 In the case of one who slits [*hatzorem*] the ear of a firstborn offering, that person may never slaughter that animal. This is the statement of Rabbi Eliezer. And the Rabbis say: If another blemish later develops in the firstborn, he may slaughter the animal on account of that second blemish. There was an incident involving an old ram whose hair was long and dangling, because it was a firstborn offering. And one Roman quaestor [*kastor*] saw it and said to its owner: What is the status [*tivo*] of this animal that you allowed it to grow old and you did not slaughter it? They said to him: It is a firstborn offering, and therefore it may be slaughtered only if it has a blemish. The quaestor took a dagger [*pigom*] and slit its ear. And the incident came before the Sages for a ruling, and they deemed its slaughter permitted. And after the Sages deemed its slaughter permitted, the quaestor went and slit the ears of other firstborn offerings, but in these cases the Sages deemed their slaughter prohibited, despite the fact that they were now blemished. One time children were playing in the field and they tied the tails of lambs to each other, and the tail of one of them was severed, and it was a firstborn offering. And the incident came before the Sages for a ruling and they deemed its slaughter permitted. The people who saw that they deemed its slaughter permitted went and tied the tails of other firstborn offerings, and the Sages deemed their slaughter prohibited.

This is the principle: With regard to any blemish that is caused intentionally, the animal's slaughter is prohibited; if the blemish is caused unintentionally, the animal's slaughter is permitted.

5:4 If one's firstborn offering was pursuing him, and he kicked the animal and caused a blemish in it, he may slaughter the animal on account of that blemish. With regard to all the blemishes that are capable of being brought about by a person, Israelite shepherds are deemed credible to testify that the blemishes were not caused intentionally. But priest-shepherds are not deemed credible, as they are the beneficiaries if the firstborn is blemished. Rabban Shimon ben Gamliel says: A priest is deemed credible to testify about the firstborn of another, but is not deemed credible to testify about the firstborn belonging to him. Rabbi Meir says: A priest who is suspect about the matter of causing a blemish may neither adjudicate nor testify in cases involving that matter, even on behalf of another.

5:5 A priest is deemed credible to say: I showed this firstborn animal to an expert and he ruled that it is blemished. Everyone is deemed credible to testify about the blemishes of an animal tithe offering, even the owner who is the beneficiary of a ruling that it is blemished. With regard to a firstborn animal whose eye was blinded or whose foreleg was severed or whose hind leg was broken, all of which obviously render the animal permanently blemished, that animal may be slaughtered on the basis of the ruling of three regular Jews who attend the synagogue, and it does not require a ruling by one of the Sages. Rabbi Yosei disagrees and says: Even if there is a court of twenty-three Sages there, it may be slaughtered only on the basis of the ruling of an expert in judging blemishes.

5:6 In the case of one who slaughters a firstborn animal and sells its meat, and it was discovered that he did not initially show it to one of the Sages, the halakha is that it was actually prohibited to derive any benefit from the meat. In that case, what the buyers ate, they ate, and the Sages penalized the seller in that he must return the money to them, which they paid for the meat that they ate. And with regard to that which they did not eat, that meat must be buried, and he must return the money that they paid for the meat that they did not eat. And likewise, in the case of one who slaughters a cow and sells it, and it was discovered that it is a tereifa, what the buyers ate, they ate, and what they did not eat, they must return the meat to the seller, who may sell it to a gentile or feed it to the dogs, and he must return the money to the buyers. If the buyers sold it to gentiles or cast it to the dogs, they pay the seller the value of a tereifa, which is less than the value of kosher meat, and the seller refunds the balance to the buyers.

6:1 For these blemishes, one may slaughter the firstborn animal outside the Temple: If the firstborn's ear was damaged and lacking from the cartilage [hahashus], but not if the skin was damaged; and likewise, if the ear was split, although it is not lacking; or if the ear was pierced with a hole the size of a bitter vetch, which is a type of legume; or if it was an ear that is desiccated. What is a desiccated ear that is considered a blemish? It is any ear that if it is pierced it does not discharge a drop of blood. Rabbi Yosei ben HaMeshullam says: Desiccated means that the ear is so dry that it will

crumble if one touches it.

6:2 For these blemishes of the eye, one may slaughter the firstborn animal outside the Temple: The eyelid that was pierced, an eyelid that was damaged and is lacking, or an eyelid that was split; and likewise, one may slaughter a firstborn animal outside the Temple if there was in his eye a cataract, a tevallul, or a growth in the shape of a snail, a snake, or a berry that covers the pupil. What is a tevallul? It is a white thread that bisects the iris and enters the black pupil. If it is a black thread that bisects the iris and enters the white of the eye it is not a blemish.

6:3 Pale spots on the eye and tears streaming from the eye that are constant are blemishes that enable the slaughter of the firstborn. Which are the pale spots that are constant? They are any spots that persisted for eighty days. Rabbi Hananya ben Antigonus said: One examines it three times within eighty days. Only if the spots are found during all three examinations are they considered constant. And these are the constant tears, i.e., this is how it is known whether the blemish is temporary or permanent: In a case where the animal ate, for medicinal purposes, moist fodder and dry fodder from a field watered exclusively with rain, or if the animal ate moist fodder and dry fodder from an irrigated field, or even if the animal did not eat them together but ate the dry fodder and thereafter ate the moist fodder, and the condition of constant tears was not healed, it is not a blemish. It is not a blemish unless the animal eats the moist fodder and thereafter eats the dry fodder and is not thereby healed.

6:4 For these additional blemishes, one may slaughter a firstborn animal outside the Temple: Its nose that was pierced, or that was damaged and is lacking, or that was split. Likewise, its lip that was pierced, or that was damaged, or that was split is considered a blemish. The mishna lists additional blemishes that permit the slaughter of the firstborn: The external gums that were damaged and lacking or that were scratched, and likewise, the internal gums that were extracted. Rabbi Hanina ben Antigonus says: One does not examine from the double teeth, i.e., the large molars that appear like two teeth, and inward, and one does not examine even the place of the double teeth themselves. This is because even if they were extracted, it is a concealed blemish, and it does not permit the slaughter of the firstborn.

6:5 The mishna details additional blemishes that enable the slaughter of firstborn animals: If the pouch [hazoven] in which the genitals of the firstborn are concealed, or if the genitalia of a female sacrificial animal, were damaged and lacking; if the tail was damaged from the tailbone, but not if it was damaged from the joint, i.e., one of the joints between the vertebrae, because it heals; or in a case where the end of the tail is split, i.e., the skin and the flesh were removed and the bone remained exposed; or in a case where there is a full fingerbreadth of flesh between one joint and another joint; these are all blemishes.

6:6 The firstborn animal may be slaughtered if it has no testicles or if it has only one testicle. Rabbi Yishmael says: If the animal has two scrotal sacs, it can be assumed that it has two testicles; if the animal does not have two scrotal sacs, it can be assumed that it has only one testicle. Rabbi Akiva

says: The matter can be ascertained: One seats the animal on its rump and mashes the sac; if there is a testicle, ultimately it is going to emerge. There was an incident where one mashed the sac and the testicle did not emerge. Then, the animal was slaughtered and the testicle was discovered attached to the loins. And Rabbi Akiva permitted the consumption of its flesh, as the testicle had not previously emerged, and Rabbi Yohanan ben Nuri prohibited its consumption.

6:7 An animal with five legs, or one that has only three, or one whose hooves on its legs were closed like those of a donkey and not split, or the shahul, or the kasul may be slaughtered. What is a shahul? It is an animal with a thighbone that was dislocated. And what is a kasul? It is an animal whose build is asymmetrical in that one of its thighs is higher than the other.

6:8 Additional blemishes that permit the slaughter of the firstborn include those where the bone of its foreleg or the bone of its hind leg was broken, even though it is not conspicuous. With regard to these blemishes listed in this chapter, Ila, who was expert in blemishes of the firstborn, enumerated them in Yavne, and the Sages deferred to his expertise. And Ila added three additional blemishes, and the Sages said to him: We did not hear about those. Ila added: An animal whose eye is round like that of a person, or whose mouth is similar to that of a pig, or where most of the segment of its tongue corresponding to the segment that facilitates speech in the tongue of a person was removed. The court that followed them said with regard to each of those three blemishes: That is a blemish that enables the slaughter of the firstborn.

6:9 And there was an incident where the lower jaw of the firstborn protruded beyond the upper jaw, and Rabban Gamliel asked the Sages for a ruling, and they said: That is a blemish that enables the slaughter of the firstborn. With regard to the ear of the kid that was doubled and appeared like two ears, the Sages said: When the additional ear is one bone, i.e., it has its own cartilage, it is a blemish; when it does not have its own bone it is not a blemish. Rabbi Hananya ben Gamliel says: In the case of the tail of a kid that is similar to that of a pig or one that is so short that it does not have three joints, that is a blemish.

6:10 Rabbi Hanina ben Antigonus says that these are blemished animals: One that has a wart in its eyes; and one where the bone of its foreleg or hind leg was damaged; and one where the bone of its mouth, i.e., its jaw, was dislocated; and an animal with one of its eyes large and one small, or one of its ears large and one small where the difference in size is detectable by sight, but not if it is detectable only by being measured. Rabbi Yehuda says: An animal is blemished if with regard to its two testicles, one is as large as two of the other, but the Rabbis did not agree with his opinion.

6:11 In the case of the tail of a calf that does not reach the leg joint [la'arkov], the Sages said: It is a blemish, because all growth of calves is in this manner: As long as they grow, their tails are extended beneath the leg joint. Which is the leg joint about which the Sages spoke? Rabbi Hanina ben Antigonus says: They are referring to the leg joint that is in the middle of the thigh. For these blemishes enumerated in the previous mishnayot, one slaughters the firstborn outside the Temple and disqualified consecrated

animals may be redeemed on their account.

6:12 And these are the blemishes that one does not slaughter the firstborn due to them, neither in the Temple nor in the rest of the country: Pale spots on the eye and tears streaming from the eye that are not constant; and internal gums that were damaged but that were not extracted; and an animal with boils that are moist inside and out [garav]; and an animal with warts; and an animal with boils [hazazit]; and an old or sick animal, or one with a foul odor; and one with which a transgression was performed, e.g., it copulated with a person or was the object of bestiality; and one that killed a person. In these latter two cases, the act of bestiality or killing became known on the basis of the testimony of one witness or on the basis of the owner. And one does not slaughter a tumtum, whose sexual organs are concealed, and a hermaphrodite [ve'anderoginos], which has both male and female sexual organs, neither in the Temple nor in the rest of the country. Rabbi Shimon says: You have no blemish greater than that, and it may be slaughtered. And the Rabbis say: The halakhic status of a hermaphrodite is not that of a firstborn; rather, its halakhic status is that of a non-sacred animal that may be shorn and utilized for labor.

7:1 Concerning these blemishes which were taught with regard to an animal, whether they are permanent or transient, they also disqualify in the case of a person, i.e., they disqualify a priest from performing the Temple service. And in addition to those blemishes, there are other blemishes that apply only to a priest: One whose head is pointed, narrow above and wide below; and one whose head is turnip-like, wide above and narrow below; and one whose head is hammer-like, with his forehead protruding; and one whose head has an indentation; and one wherein the back of his head protrudes. And with regard to those with humped backs, Rabbi Yehuda deems them fit for service and the Rabbis deem them disqualified.

7:2 The kere'ah is disqualified from performing the Temple service. What is a kere'ah? It is anyone who does not have a row of hair encircling his head from ear to ear. If he has a row of hair from ear to ear, that person is fit for service. If a priest has no eyebrows, or if he has only one eyebrow, that is the gibben that is stated in the Torah in the list of blemished priests (see Leviticus 21:20). Rabbi Dosa says: A gibben is one whose eyebrows are so long that they lie flat and cover his eyes. Rabbi Hanina ben Antigonus says: A gibben is one who has two backs and two spines.

7:3 The harum is disqualified from performing the Temple service. What is a harum? It is one who can paint both of his eyes as one, with one brushstroke, because he has a sunken nose. If both of one's eyes are above or both of his eyes are below; or if one of his eyes is above and one of his eyes is below; or if both eyes are in the proper place but he sees both the room on the ground floor and the upper story as one, at the same time; and likewise those unable to look at the sun; and one whose eyes are different; and one whose eyes tear constantly, these are disqualified from performing the Temple service. And one whose eyelashes have fallen out is disqualified from performing the Temple service due to the appearance of a blemish. Unlike the others listed in this mishna, who are disqualified by Torah law, one with this condition is not

disqualified by Torah law. Rather, the Sages issued a decree prohibiting a priest with such a condition to perform the Temple service.

7:4 The mishna lists additional blemishes that disqualify a priest from performing the Temple service: If a priest's eyes are large like those of a calf or small like those of a goose; if his body is disproportionately large relative to his limbs or disproportionately small relative to his limbs; if his nose is disproportionately large relative to his limbs or disproportionately small relative to his limbs, he is disqualified. And the tzome and the tzome'a are also disqualified. What is a tzome'a? It is anyone whose ears are small. And what is the tzome? It is anyone whose ears are similar to a sponge.

7:5 If his upper lip protrudes beyond the lower lip or his lower lip protrudes beyond the upper lip, that is a blemish. And one whose teeth fell out is disqualified due to the appearance of a blemish. The mishna lists additional blemishes that disqualify a priest from performing the Temple service: One who has breasts so large that they sag like those of a woman; or if one's belly is swollen and protrudes; or if one's navel protrudes; or if one is an epileptic, even if he experiences seizures only once in a long while; or one who is afflicted with a melancholy temper; or one whose scrotum is unnaturally long; or one whose penis is unnaturally long is disqualified from performing the Temple service. If one has no testicles, or if he has only one testicle, that is the mero'ah ashekh that is stated in the Torah (see Leviticus 21:20) among the blemishes that disqualify a priest from Temple service. Rabbi Yishmael says: A mero'ah ashekh is anyone whose testicles were crushed. Rabbi Akiva says: It is anyone that has wind in his testicles, i.e., they are swollen. Rabbi Hanina ben Antigonus says: Mero'ah ashekh does not refer to the testicles; rather, the reference is to anyone whose appearance [marav] is especially dark [hashukhin].

7:6 The mishna lists additional blemishes that disqualify a priest from performing the Temple service: One whose legs are crooked and bend inward, causing him to knock his ankles or his knees into each other as he walks, and a ba'al happikim, and the ikkel. What is the ikkel? It is anyone who places his feet together and his knees do not knock into each other, i.e., he is bowlegged. A priest with a protuberance emerging alongside the thumb of his hand or the big toe of his foot, or one whose heel emerges and protrudes back from his foot, or one whose feet are wide like those of a goose are all disqualified from performing the Temple service. A priest whose fingers or toes are configured one upon the other, or one whose fingers or toes are attached, is likewise disqualified. But if they were attached from above the palm of the hand or the bottom of the foot only until the middle joint, he is fit. If they were attached below the joint, higher up on the finger or toe, and he cut to separate them, he is fit. In a case where there was an extra finger or toe on his hand or foot and he cut it, if that extra appendage contains a bone, the priest is disqualified even after it was cut, and if there is no bone the priest is fit. If there was an extra appendage on his hands and on his feet, six on each for a total of twenty-four, Rabbi Yehuda deems the priest fit and the Rabbis deem him disqualified. With regard to one who is ambidextrous and

has control of both of his hands, Rabbi Yehuda HaNasi deems the priest disqualified, as his halakhic status is like that of one who is left-handed, and the Rabbis deem him fit. Concerning the kushi, the gihor, the lavkan, the kipe'ah, the dwarf, the deaf-mute, the imbecile, the drunk, and those with ritually pure marks, their conditions disqualify a person from performing the Temple service and are valid, i.e., they do not disqualify with regard to being sacrificed, in the case of an animal. Rabban Shimon ben Gamliel says: An imbecile among animals is not optimal for sacrifice. Rabbi Elazar says: Even with regard to those with flesh or skin that hangs from their body, that blemish disqualifies in the case of a person and is valid in the case of an animal.

7:7 These flaws do not disqualify a person from performing the Temple service, but they do disqualify an animal from being sacrificed: An animal whose mother or offspring were slaughtered that day, as slaughtering it would violate the prohibition against slaughtering the animal itself and its offspring on the same day; a tereifa; one born by caesarean section; one with which a transgression of bestiality was performed; and one that killed a person. And a priest who marries women by a transgression, e.g., a divorcée or a woman who underwent halitza, is disqualified from performing the Temple service until he vows not to derive benefit from her. The vow ensures that he will divorce her promptly. And a priest who becomes impure through exposure to corpses is disqualified from performing the Temple service until he accepts upon himself a commitment that he will no longer become impure through exposure to corpses.

8:1 There is a son who is a firstborn with regard to inheritance but is not a firstborn with regard to the requirement of redemption from a priest. There is another who is a firstborn with regard to redemption from a priest but is not a firstborn with regard to inheritance. There is another who is a firstborn with regard to inheritance and with regard to redemption from a priest. And there is another who is not a firstborn at all, neither with regard to inheritance nor with regard to redemption from a priest. Which is the son who is a firstborn with regard to inheritance but is not a firstborn with regard to redemption from a priest? It is a son who came after miscarriage of an underdeveloped fetus, even where the head of the underdeveloped fetus emerged alive; or after a fully developed nine-month-old fetus whose head emerged dead. The same applies to a son born to a woman who had previously miscarried a fetus that had the appearance of a type of domesticated animal, undomesticated animal, or bird, as that is considered the opening of the womb. This is the statement of Rabbi Meir. And the Rabbis say: The son is not exempted from the requirement of redemption from a priest unless his birth follows the birth of an animal that takes the form of a person. In the case of a woman who miscarries a fetus in the form of a sandal fish or from whom an afterbirth or a gestational sac in which tissue developed emerged, or who delivered a fetus that emerged in pieces, the son who follows these is a firstborn with regard to inheritance but is not a firstborn with regard to redemption from a priest. In the case of a son born to one who did not have sons and he married a woman who had already given birth; or if he married a woman who gave birth when she was still a Canaanite maidservant and she was then emancipated; or one who gave birth when

she was still a gentile and she then converted, and when the maidservant or the gentile came to join the Jewish people she gave birth to a male, that son is a firstborn with regard to inheritance but is not a firstborn with regard to redemption from a priest. Rabbi Yosei HaGelili says: That son is a firstborn with regard to inheritance and with regard to redemption from a priest, as it is stated: "Whatever opens the womb among the children of Israel" (Exodus 13:2). This indicates that the halakhic status of a child born to the mother is not that of one who opens the womb unless it opens the womb of a woman from the Jewish people. In the case of one who had sons and married a woman who had not given birth; or if he married a woman who converted while she was pregnant, or a Canaanite maidservant who was emancipated while she was pregnant and she gave birth to a son, he is a firstborn with regard to redemption from a priest, as he opened his mother's womb, but he is not a firstborn with regard to inheritance, because he is not the firstborn of his father or because halakhically he has no father. And likewise, if an Israelite woman and the daughter or wife of a priest, neither of whom had given birth yet, or an Israelite woman and the daughter or wife of a Levite, or an Israelite woman and a woman who had already given birth, all women whose sons do not require redemption from the priest, gave birth in the same place and it is uncertain which son was born to which mother; and likewise a woman who did not wait three months after the death of her husband and she married and gave birth, and it is unknown whether the child was born after a pregnancy of nine months and is the son of the first husband, or whether he was born after a pregnancy of seven months and is the son of the latter husband, in all these cases the child is a firstborn with regard to redemption from a priest but is not a firstborn with regard to inheritance. Due to the uncertainty, he is unable to prove he is the firstborn of either father, and therefore he is not entitled to the double portion of the firstborn. Which is the offspring that is a firstborn both with regard to inheritance and with regard to redemption from a priest? In the case of a woman who miscarried a gestational sac full of water, or one full of blood, or one full of pieces of flesh; or one who miscarries a mass resembling a fish, or grasshoppers, or repugnant creatures, or creeping animals, or one who miscarries on the fortieth day after conception, the son who follows any of them is a firstborn with regard to inheritance and with regard to redemption from a priest.

8:2 In the case of a boy born by caesarean section and the son who follows him, both of them are not firstborn, neither with regard to inheritance nor with regard to redemption from a priest. Rabbi Shimon says: The first son is a firstborn with regard to inheritance if he is his father's first son, and the second son is a firstborn with regard to redemption from a priest for five sela coins, because he is the first to emerge from the womb and he emerged in the usual way.

8:3 With regard to one whose wife had not previously given birth and then gave birth to two males, i.e., twin males, and it is unknown which is the firstborn, he gives five sela coins to the priest after thirty days have passed. If one of them dies within thirty days of birth, before the obligation to redeem the firstborn takes effect, the father is exempt from the payment due to

uncertainty, as perhaps it was the firstborn who died. In a case where the father died and the sons are alive, Rabbi Meir says: If they gave the five sela coins to the priest before they divided their father's property between them, they gave it, and it remains in the possession of the priest. But if not, they are exempt from giving the redemption money to the priest. Rabbi Yehuda says: The obligation to redeem the firstborn already took effect on the property of the father; therefore, in either case the sons, his heirs, are required to pay the priest. If the wife gave birth to a male and a female and it is not known which was born first, the priest has nothing here, as it is possible that the female was born first.

8:4 With regard to two wives of one man, both of whom had not previously given birth, and they gave birth to two males, i.e., each bore one male, and the sons were intermingled, the father gives ten sela coins to the priest even if it is unknown which son was born first, because it is certain that each is firstborn of his mother. In a case where one of them dies within thirty days of birth, if he gave all ten sela coins to one priest, the priest must return five sela to him, because the father was not obligated to redeem the son who then died. And if he gave the redemption payment to two different priests, he cannot reclaim the money from the possession of either priest, as each could claim that the money that he received was for the living child. If one mother gave birth to a male and one gave birth to a female, or if between them they gave birth to two males and one female, and the children were intermingled, the father gives five sela coins to the priest: In the first case because the male might have preceded the female and in the second case because one of the males is certainly firstborn. If the children were two females and a male, or two males and two females, the priest has nothing here, as it is possible the female was born first to each mother. If one of his wives had previously given birth and one had not previously given birth and they gave birth to two males who became intermingled, the father gives five sela coins to the priest, as it is certain that one of them was born to the mother who had not yet given birth. If one of them dies within thirty days of birth the father is exempt from that payment, as it is possible that the one who died was born to the mother who had not yet given birth. In a case of intermingling where the father died and the sons are alive, Rabbi Meir says: If they gave the five sela coins to the priest before they divided their father's property between them, they gave it, and it remains in the possession of the priest. But if not, they are exempt from giving the redemption payment to the priest. Rabbi Yehuda says: The obligation to redeem the firstborn already took effect on the property of the father. If the wives gave birth to a male and a female the priest has nothing here, as perhaps the female was born to the mother who had not yet given birth.

8:5 With regard to two women who had not previously given birth, who were married to two different men, and they gave birth to two males and the sons were intermingled, this father gives five sela coins to a priest and that father gives five sela coins to a priest, as each is certainly firstborn to his mother. In a case where one of them dies within thirty days of birth, if the fathers gave all ten sela coins to one priest, the priest must return five sela coins to them. But if they gave the redemption payment to two different priests

they cannot reclaim the money from the possession of either priest, as each could claim that the money that he received was for the living child. If the women gave birth to a male and a female and the children became intermingled, the fathers are exempt, as each could claim that he is the father of the female, but the son is obligated to redeem himself, as he is certainly a firstborn. If two females and a male were born, or two females and two males, the priest has nothing here, as it is possible the female was born first to each mother.

8:6 If one woman had previously given birth and one had not previously given birth, and they were married to two men and they gave birth to two males, who then became intermingled, this one whose wife had not previously given birth gives five sela coins to the priest. If the women gave birth to a male and a female the priest has nothing here, as it is possible the female was born to the mother who had not yet given birth. If the firstborn son dies within thirty days of birth, although the father gave five sela to the priest, the priest must return it. If the firstborn son dies after thirty days have passed, even if the father did not give five sela coins to the priest he must give it then. If the firstborn dies on the thirtieth day, that day's halakhic status is like that of the day that preceded it, as the obligation takes effect only after thirty days have elapsed. Rabbi Akiva says: If the firstborn dies on the thirtieth day it is a case of uncertainty; therefore, if the father already gave the redemption payment to the priest he cannot take it back, but if he did not yet give payment he does not need to give it. If the father of the firstborn dies within thirty days of birth the presumptive status of the son is that he was not redeemed, until the son will bring proof that he was redeemed. If the father dies after thirty days have passed the presumptive status of the son is that he was redeemed, until people will tell him that he was not redeemed. If one had both himself to redeem and his son to redeem, his own redemption takes precedence over that of his son. Rabbi Yehuda says: The redemption of his son takes precedence, as the mitzva to redeem the father is incumbent upon his own father, and the mitzva to redeem his son is incumbent upon him.

8:7 The five sela coins of the redemption of the firstborn son, with regard to which it is written: "Five shekels of silver, after the shekel of the Sanctuary" (Numbers 18:16), are calculated using a Tyrian maneh. The silver content of the Tyrian coinage is significantly higher than that of provincial coinage, which is worth one-eighth its value. With regard to the thirty shekels paid to the owner of a Canaanite slave who is killed by an ox (see Exodus 21:32), and the fifty shekels paid by a rapist (see Deuteronomy 22:29) and by a seducer (see Exodus 22:16) of a young virgin woman, and the one hundred shekels paid by the defamer of his bride with the claim that she is not a virgin (see Deuteronomy 22:19), all of them, even those cases where the word shekel is not explicitly written, are paid in the shekel of the Sanctuary, whose value is twenty gera (see Numbers 18:16) and that is calculated using a Tyrian maneh. And all monetary obligations are redeemed, i.e., paid, with coins or with items of the equivalent value of money, except for the half-shekels that are donated to the Temple each year, which must be given specifically as coins.

8:8 One may not redeem his firstborn son, neither with Canaanite slaves, nor with promissory notes, nor with land, nor with consecrated items. If the father wrote a promissory note to the priest that he is obligated to give him five sela coins, the father is obligated to give them to him but his son is not redeemed. Therefore, if the priest wished to give back the five sela coins to him as a gift he is permitted to do so. With regard to one who designates five sela coins for redemption of his firstborn son and he lost the coins before he gave them to the priest, the father bears financial responsibility for their loss, as it is stated to Aaron the priest: “Everything that opens the womb in man and animal shall be yours”; and only afterward it says: “You shall redeem the firstborn of man” (Numbers 18:15). This indicates that only after the money shall be in the possession of the priest is the son redeemed.

8:9 The firstborn son takes a double portion, i.e., twice the portion taken by the other sons, when inheriting the property of the father, but he does not take twice the portion when inheriting the property of the mother. And neither does he take twice the portion in any enhancement of the value of the property after the death of the father, nor does he take twice the portion in property due the father, as he does in property the father possessed. And neither does a woman take these portions, i.e., any enhancement of the value of the property or the property due the husband, from her husband’s property for payment of her marriage contract upon her divorce or her husband’s death; nor do the daughters take this share of the property for their sustenance, to which they are entitled from their late father’s possessions. Nor does a man whose married brother died childless [yavam] receive these portions, even though he acquires his brother’s portion of their shared father’s inheritance after performing levirate marriage with his brother’s wife. The mishna summarizes: And all of them do not take a portion in any enhancement of the value of the property after the death of the owner, nor do they take a portion in property due the deceased, as they do in property in his possession.

8:10 And these are the people whose properties, unlike an ancestral field, do not return to their original owners in the Jubilee Year: The firstborn who inherited his father’s property by the right of primogeniture need not return the extra portion for redistribution among the brothers; and one who inherits his wife’s property need not return it to her family; and one who consummates the levirate marriage with the wife of his brother and gains the right to his brother’s property need not return it for redistribution among the brothers. And likewise, a gift of land need not be returned to the original owners in the Jubilee Year; this is the statement of Rabbi Meir. And the Rabbis say: The halakhic status of a gift is like that of a sale, and it must be returned.

Rabbi Elazar says: All these lands return in the Jubilee Year. Rabbi Yohanan ben Beroka says: Even one who inherits his wife’s property must return the land to the members of her father’s family and should deduct from them the monetary value of the land, as the Gemara will explain.

9:1 The mitzva of animal tithe is in effect both in Eretz Yisrael and outside of Eretz Yisrael, in the presence of, i.e., in the time of, the Temple and not in the presence of the Temple. It is in effect with regard to non-sacred animals but not with regard to sacrificial animals. And it is in effect with

regard to the herd and the flock, but they are not tithed from one for the other; and it is in effect with regard to sheep and goats, and they are tithed from one for the other. And it is in effect with regard to animals from the new flock and with regard to animals from the old flock, but they are not tithed from one for the other. As by right, it should be inferred: If in the case of animals from the new flock and the old flock, which do not carry the prohibition of mating diverse kinds when mated with each other because they are one species, are nevertheless not tithed from one for the other, then with regard to sheep and goats, which do carry the prohibition of mating diverse kinds when mated with each other, is it not right that they will not be tithed from one for the other? Therefore, the verse states: “And all the tithe of the herd or the flock, whatever passes under the rod, the tenth shall be sacred to the Lord” (Leviticus 27:32), indicating that with regard to animal tithe, all animals that are included in the term flock are one species.

9:2 Animals subject to the obligation of animal tithe join together if the distance between them is no greater than the distance that a grazing animal can walk and still be tended by one shepherd. And how much is the distance that a grazing animal walks? It is sixteen mil. If the distance between these animals and those animals was thirty-two mil they do not join together. If he also had animals in the middle of that distance of thirty-two mil, he brings all three flocks to a pen and tithes them in the middle. Rabbi Meir says: The Jordan River divides between animals on two sides of the river with regard to animal tithe, even if the distance between them is minimal.

9:3 One who purchases an animal or has an animal that was given to him as a gift is exempt from separating animal tithe. With regard to brothers and partners, i.e., brothers who are partners in the inheritance of their father, when they are obligated to add the premium [bakalbon] to their annual half-shekel payment to the Temple they are exempt from animal tithe. Conversely, those whose halakhic status is like that of sons who are supported by their father and are obligated to separate animal tithe are exempt from adding the premium. The mishna clarifies: If the brothers acquired the animals through inheritance from the property in the possession of their father’s house they are obligated in animal tithe; but if not, they are exempt. How so? If they divided the inheritance between them and then reentered a partnership, they are obligated to add the premium and are exempt from animal tithe.

9:4 All cattle, sheep, and goats enter the pen to be tithed, except for an animal crossbred from diverse kinds, e.g., a hybrid of a goat and a sheep; a tereifa; an animal born by caesarean section; one whose time has not yet arrived, i.e., that is younger than eight days old, which is when animals become eligible for sacrifice; and an orphan. And what is an orphan? It is any animal whose mother died or was slaughtered while giving birth to it and thereafter completed giving birth to it. Rabbi Yehoshua says: Even if its mother was slaughtered but its hide exists at birth, i.e., if the mother’s hide is present after the birth, this is not an orphan.

9:5 There are three times during the year designated for gathering the animals that were born since the last date for animal tithe: Adjacent to Passover, and adjacent to Shavuot, and adjacent to Sukkot. And those are the gathering times

for animal tithe; this is the statement of Rabbi Akiva. Ben Azzai says the dates are: On the twenty-ninth of Adar, on the first of Sivan, and on the twenty-ninth of Av. Rabbi Elazar and Rabbi Shimon say that the dates are: On the first of Nisan, on the first of Sivan, and on the twenty-ninth of Elul. And why did Rabbi Elazar and Rabbi Shimon say the twenty-ninth of Elul, and why did they not say the first of Tishrei? It is due to the fact that the first of Tishrei is the festival of Rosh HaShana, and one cannot tithe on a Festival. Consequently, they brought it earlier, to the twenty-ninth of Elul. Rabbi Meir says: The beginning of the new year for animal tithe is on the first of Elul. Ben Azzai says: The animals born in Elul are tithed by themselves, due to the uncertainty as to whether the halakha is in accordance with the opinion of Rabbi Meir, i.e., that the new year begins on the first of Elul, or in accordance with the opinion of Rabbi Elazar and Rabbi Shimon, which would mean that the new year begins on the first of Tishrei.

9:6 According to the opinion of Rabbi Elazar and Rabbi Shimon, with regard to all animals that are born from the first of Tishrei until the twenty-ninth of Elul, those animals join to be tithed together. If five were born before Rosh HaShana and five after Rosh HaShana, those animals do not join to be tithed together. If five were born before a time designated for gathering and five after that time designated for gathering, those animals join to be tithed together. If so, why were three times stated for gathering the animals for animal tithe? The reason is that until the time designated for gathering arrives it is permitted to sell and slaughter the animals. Once the time designated for gathering arrives one may not slaughter those animals before tithing them; but if he slaughtered an animal without tithing it he is exempt.

9:7 In what manner does one tithe the animals? He gathers them in a pen and provides them with a small, i.e., narrow, opening, so that two animals will not be able to emerge together. And he counts the animals as they emerge: One, two, three, four, five, six, seven, eight, nine; and he paints the animal that emerges tenth with red paint and declares: This is tithe. Even if he did not paint it with red paint, or if he did not count the animals with a rod in accordance with the verse: "Whatever passes under the rod, the tenth shall be sacred to the Lord" (Leviticus 27:32), or if he counted the animals when they were prone or standing in place and did not make them pass through a narrow opening, these animals are tithed after the fact. But if he had one hundred animals and he took ten as tithe, or if he had ten animals and he simply took one as tithe, that is not tithe, as he did not count them one by one until reaching ten. Rabbi Yosei, son of Rabbi Yehuda, says: In that case too, it is tithe. If before the owner completed tithing his animals, one of those already counted jumped back into the pen among the animals that had not yet been counted, all those in the pen are exempt from being tithed, as each of them might be the animal that was already counted. If one of those animals that had been tithed, i.e., designated as the tenth, jumped back into the pen among the animals that had not yet been counted, creating uncertainty with regard to all the animals there which was the animal tithe, all the animals must graze until they become unfit for sacrifice, and each of them may be eaten in its blemished state by its owner once it develops a blemish.

9:8 If two animals emerged as one, one counts them as twos, i.e., as though they came out one after the other. If he mistakenly counted two of the animals at the beginning or in the middle of the ten as one, and then continued his count, the ninth and the tenth are flawed, as he called the tenth: Ninth, and he called the eleventh: Tenth. If he mistakenly called the ninth: Tenth, and the tenth: Ninth, and the eleventh: Tenth, the three of them are sacred, although each has a different halakhic status. The ninth is eaten in its blemished state; and the tenth is animal tithe, which is sacrificed in the Temple and eaten by its owner; and the eleventh is sacrificed as a peace offering, from which the breast and the thigh are given to the priest. And the eleventh renders a non-sacred animal that is exchanged for the peace offering consecrated as a substitute and he sacrifices it as a peace offering; this is the statement of Rabbi Meir. Rabbi Yehuda said: The eleventh animal itself, which he called tenth, is a substitute for animal tithe, and does a substitute render another animal a substitute? Everyone agrees that a substitute is created only in exchange for an originally consecrated animal. The Sages said in the name of Rabbi Meir: The eleventh animal is not considered a substitute for the animal tithe, since if it were a substitute it would not be sacrificed, as the substitute for an animal tithe is not sacrificed. If one called the ninth animal: Tenth, and the tenth: Tenth, and the eleventh: Tenth, the eleventh is not consecrated. This is the principle: In any situation where the name of the tenth was not removed from the tenth animal, the eleventh that was called the tenth is not consecrated.