

## Mishna - Mas. Bikkurim Chapter 1

MISHNAH 1. SOME THERE ARE WHO BRING BIKKURIM<sup>1</sup> AND RECITE [THE DECLARATION];<sup>2</sup> OTHERS WHO MAY ONLY BRING THEM, BUT DO NOT MAKE RECITAL; AND SOME THERE ARE WHO MAY NOT EVEN BRING THEM AT ALL. THESE MAY NOT BRING THEM: HE WHO PLANTS [A TREE] ON HIS OWN SOIL, BUT SINKS<sup>3</sup> [A SHOOT] SO THAT [IT] GROWS IN THE TERRITORY BELONGING TO AN INDIVIDUAL<sup>4</sup> OR TO THE PUBLIC; AND LIKEWISE IF ONE SINKS [A SHOOT] IN ANOTHER'S PRIVATE PROPERTY OR IN PUBLIC PROPERTY, SO THAT IT GROWS ON HIS OWN PROPERTY:<sup>4</sup> OR, IF ONE PLANTS [A TREE] ON HIS OWN [PROPERTY] AND SINKS IT SO THAT IT STILL GROWS ON HIS OWN PROPERTY, BUT THERE IS A PRIVATE OR PUBLIC ROAD BETWEEN, SUCH A ONE MAY NOT BRING BIKKURIM.<sup>5</sup> R. JUDAH SAYS, SUCH A ONE HAS TO BRING BIKKURIM.<sup>6</sup>

MISHNAH 2. FOR WHAT REASON MAY HE NOT BRING THEM? BECAUSE IT IS SAID, 'THE FIRST-FRUITS OF THY LAND', MEANING THAT THOU MAYEST NOT BRING THEM UNLESS ALL THE PRODUCE [COMES] FROM THY LAND. TENANTS,<sup>7</sup> LESSEES,<sup>8</sup> OR OCCUPIERS OF CONFISCATED PROPERTY,<sup>9</sup> OR A ROBBER MAY NOT BRING THEM FOR THE SAME REASON, BECAUSE IT SAYS, 'THE FIRST-FRUITS OF THY LAND'.

MISHNAH 3. BIKKURIM ARE BROUGHT ONLY FROM SEVEN KINDS,<sup>10</sup> BUT NONE [MAY BE BROUGHT] FROM DATES GROWN ON HILLS, OR FROM VALLEY-FRUITS,<sup>11</sup> OR FROM OLIVES THAT ARE NOT OF THE CHOICE KIND. BIKKURIM ARE NOT TO BE BROUGHT BEFORE PENTECOST.<sup>12</sup> THE MEN OF MT. ZEBOIM<sup>13</sup> BROUGHT THEIR BIKKURIM BEFORE PENTECOST,<sup>14</sup> BUT THEY WERE NOT ACCEPTED BECAUSE OF WHAT IS WRITTEN IN THE TORAH: 'AND THE FEAST OF HARVEST, THE FIRST-FRUITS OF THY LABOURS, WHICH THOU SOWEST IN THE FIELD'.<sup>15</sup>

MISHNAH 4. THESE BRING [BIKKURIM] BUT DO NOT MAKE THE RECITAL: THE PROSELYTE, SINCE HE CANNOT SAY: WHICH THE LORD HATH SWORN TO OUR FATHERS, TO GIVE UNTO US'.<sup>16</sup> IF HIS MOTHER WAS AN ISRAELITE, THEN HE BOTH BRINGS BIKKURIM AND RECITES THE DECLARATION.<sup>17</sup> WHEN HE PRAYS PRIVATELY, HE SHALL SAY: 'O GOD OF THE FATHERS OF ISRAEL'; BUT WHEN HE IS IN THE SYNAGOGUE, HE SHOULD SAY: 'THE GOD OF YOUR FATHERS'. BUT IF HIS MOTHER WAS AN ISRAELITE WOMAN, HE SAYS: 'THE GOD OF OUR FATHERS'.<sup>17</sup>

MISHNAH 5. R. ELIEZER B. JACOB SAYS: A WOMAN WHO IS A DAUGHTER OF A PROSELYTE MAY NOT MARRY A PRIEST UNLESS HER MOTHER WAS HERSELF AN ISRAELITE WOMAN. [THIS LAW APPLIES EQUALLY TO THE OFFSPRING] WHETHER OF PROSELYTES OR FREED SLAVES, EVEN TO TEN GENERATIONS, UNLESS THEIR MOTHER IS AN ISRAELITE. A GUARDIAN,<sup>18</sup> AN AGENT, A SLAVE, A WOMAN,<sup>19</sup> ONE OF DOUBTFUL SEX, OR A HERMAPHRODITE<sup>20</sup> BRING THE BIKKURIM, BUT DO NOT RECITE, SINCE THEY CANNOT SAY: 'WHICH THOU, O GOD, HAST GIVEN UNTO ME'.<sup>21</sup>

MISHNAH 6. HE WHO BUYS TWO TREES [THAT HAD GROWN] IN PROPERTY BELONGING TO HIS FELLOW BRINGS BIKKURIM BUT IS NOT TO MAKE THE RECITAL.<sup>22</sup> R. MEIR SAYS: HE ALSO MAKES THE RECITAL.<sup>23</sup> IF THE WELL DRIED UP,<sup>24</sup> OR THE TREE WAS CUT DOWN,<sup>25</sup> HE BRINGS BUT DOES NOT RECITE. R. JUDAH SAYS: HE BRINGS AND RECITES.<sup>26</sup> FROM PENTECOST TILL SUKKOTH<sup>27</sup> ONE MAY BRING [BIKKURIM] AND MAKE THE RECITAL; FROM SUKKOTH TILL HANUKAH,<sup>28</sup> ONE MAY BRING, BUT DOES NOT MAKE THE RECITAL. R. JUDAH B. BATHYRA SAYS: ONE MAY BRING AND ALSO MAKE THE RECITAL.

MISHNAH 7. IF A MAN SET ASIDE HIS BIKKURIM AND SOLD [AFTERWARDS] HIS FIELD, HE BRINGS THEM BUT DOES NOT MAKE THE RECITAL;<sup>29</sup> WHEREAS THE OTHER [WHO BOUGHT THE FIELD] MAY NOT BRING [BIKKURIM] OF THE SAME SPECIES,<sup>30</sup> BUT HE BRINGS THEM OF ANOTHER KIND AND MAKES THE RECITAL. R. JUDAH SAYS: HE MAY ALSO BRING FIRST-FRUITS OF THE SAME KIND AND MAKE THE RECITAL.

MISHNAH 8. IF ONE SET ASIDE [HIS BIKKURIM] AND THEY WERE PLUNDERED, OR ROTTED WERE STOLEN OR LOST, OR CONTRACTED UNCLEANNESS, HE MUST BRING OTHERS IN THEIR STEAD,<sup>31</sup> BUT DOES NOT MAKE THE RECITAL. THESE OTHERS ARE NOT SUBJECT TO THE LAW OF THE [ADDED] FIFTH.<sup>32</sup> IF THEY CONTRACTED UNCLEANNESS WHILE IN THE TEMPLE COURT, HE MUST SCATTER THEM<sup>33</sup> AND DOES NOT MAKE THE RECITAL.

MISHNAH 9. WHENCE DO WE INFER THAT A MAN IS RESPONSIBLE FOR THEM UNTIL HE BRINGS THEM INTO THE TEMPLE MOUNT? BECAUSE IT SAYS: 'THE FIRST OF THE FIRST-FRUITS OF THY LAND SHALT THOU BRING INTO THE HOUSE OF THE LORD THY GOD',<sup>34</sup> THIS TEACHES THAT HE IS RESPONSIBLE UNTIL HE BRINGS THEM INTO THE TEMPLE MOUNT. IF HE BROUGHT [BIKKURIM] OF ONE KIND AND MADE THE RECITAL AND THEN BROUGHT OF ANOTHER KIND, HE MAKES NO [SECOND] RECITAL.<sup>35</sup>

MISHNAH 10. THESE BRING AND MAKE THE RECITAL: [ONE WHO BRINGS BIKKURIM] FROM PENTECOST TO SUKKOTH, FRUITS OF THE SEVEN SPECIES, AND THOSE GROWN ON THE MOUNTAINS,<sup>36</sup> OR DATES GROWN IN THE VALLEYS,<sup>37</sup> OIL-OLIVES<sup>38</sup> [AND PRODUCE] FROM TRANSJORDANIA.<sup>39</sup> R. JOSE THE GALILEAN SAYS: ONE MAY NOT BRING [BIKKURIM] FROM TRANSJORDANIA, SINCE THAT IS NOT 'A LAND FLOWING WITH MILK AND HONEY'.

MISHNAH 11. IF ONE BOUGHT THREE TREES IN THE FIELD OF HIS FELLOW, HE BRINGS [BIKKURIM] AND MAKES THE RECITAL.<sup>40</sup> R. MEIR SAYS: EVEN [IF HE BOUGHT] ONLY TWO.<sup>41</sup> IF HE BOUGHT ONE TREE WITH ITS SOIL, HE BRINGS [BIKKURIM] AND MAKES THE RECITAL. R. JUDAH SAYS, ALSO TENANTS AND LESSEES<sup>42</sup> BRING AND RECITE.<sup>43</sup>

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(1) Deut. XXVI, 1-11.

(2) Ibid. 5-11.

(3) By bending the shoot-into the ground so that it springs forth as an independent plant.

(4) The sine qua non of bikkurim is that the fruit had to be grown in soil indisputably that of the owner, v. next Mishnah.

(5) The reason being that some of the fruit of both his fields derive their nature from soil belonging to another.

(6) Agreeing with the view of B.B. 60a, which permits a cavity to be dug under public property provided that the surface still remains firm enough to bear a waggon loaded with stones traversing across it. Accordingly, the fruit grown in such wise is still sufficiently his own to warrant bikkurim. R. Judah. however, only claims his view in the case of a public foot-path, and even then no recital is to be made. In the case of a private foot-path, he concurs that the products cannot be deemed his own.

(7) Heb. אַרְיִסִין , labourers who receive a certain share of the produce in lieu of their work for the owner.

(8) Heb. חֲכוּרוֹת , labourers who, irrespective of the yield of the crops, pay the landlord a certain rent in kind.

(9) Heb. מְקַרְיָקִין , probably of Greek origin. Lat. sicarius. The allusion is no doubt to the Hadrianic persecutions following the Bar Cochba wars (132-135 C.E.) when the Romans confiscated the property of the Jews killed or taken captive in the wars. The produce of such confiscated property, afterwards re-acquired by other Jews, was exempt from the law of Bikkurim, v. Git. (Sonc. ed.) p. 252, n. 2.

- (10) For which Palestine was renowned, namely wheat, barley, grapes, figs, pomegranates, olive-oil and date-honey; cf. Deut. VIII, 8.
- (11) Fruit grown in valleys (except dates) were not of the choice kind.
- (12) Azereth, the closing festival, Pentecost. Shabuoth being the closing festival to Passover, on this festival two wheaten loaves of new corn were offered in the Temple, and these sanctioned the use of new produce in the Temple. Lev. XXIII, 17.
- (13) Neh. XI, 34.
- (14) V. Hal. IV, 10.
- (15) Ex. XXIII, 16.
- (16) Deut. XXVI, 3. Proselytes did not receive any portion in the division of the land under Joshua. Maim. contends contrary to this Mishnah, that since Eretz Israel was given to Abraham, who was also the father of proselytes (Gen. XVII, 4), even the latter can conscientiously declare 'to our fathers' in the recital, and in his prayers 'God of our fathers'.
- (17) In Jewish Law the child always assumes the religious status of the mother.
- (18) An administrator of the property of orphans appointed either by the Beth din or the family of the orphan during his minority.
- (19) But if she has a husband, he may bring and recite for her.
- (20) A person of double sex.
- (21) Because the Land was not divided among women. Num. XXVI, 54 implies that only 'men', i.e., such whose sex was not the subject of doubt, were the inheritors.
- (22) Since it is doubtful whether in such a case the purchaser also acquires the soil beneath the trees, whereas the avowal is conditional on the fact that the soil that had borne the fruits was his own. Two trees are stressed, because had the number been more, the declaration could be made; for with such a purchase, the purchaser acquires the soil under the trees too.
- (23) Contending that even in the case of two trees, the soil beneath them becomes also the property of the purchaser.
- (24) From which the tree receives its vitality.
- (25) Prior to the offering of the first-fruits.
- (26) Since the soil is still there.
- (27) Lit., 'the festival', par excellence.
- (28) This is the Maccabean festival commemorating the victory of Judas Maccabeus over the Greco-Syrians on Kislev 25th, 165 B.C.E. (I Macc. IV, 45 ff).
- (29) Since the land is no longer his.
- (30) Since the first-fruits of this field had already been set aside.
- (31) For only the choicest fruits could be brought; cf. Mal. I, 8.
- (32) V. Lev. XXII, 14.
- (33) The fruit is thrown out and the basket given to the officiating priest, v. infra III, 8. The fruit need not be substituted, as responsibility for their safety ceases with their entry into Temple precincts.
- (34) Ex. XXIII, 19.
- (35) Even R. Judah (v. supra 7) concurs that two recitals cannot be made by the same man even over two kinds of produce.
- (36) These are choicer than those grown in the valley.
- (37) Such dates are of superior brand and contain more honey than those grown on the mountains.
- (38) Being the choicest of this kind.
- (39) So Bert. Cf. the view of R. Jose the Galilean.
- (40) Because in this case the soil beneath them and round about them also passes into the hands of the purchaser. V. B.B. 82a and b.
- (41) V. previous note.
- (42) Cf. supra I, 2.
- (43) The reference is such as descend from a family that have for long had this particular field farmed out to them; cf. I, 2.

## **Mishna - Mas. Bikkurim Chapter 2**

MISHNAH 1 . FOR TERUMAH AND BIKKURIM ONE IS LIABLE TO DEATH<sup>1</sup> AND THE [ADDITIONAL] FIFTH;<sup>2</sup> AND THEY ARE FORBIDDEN TO NON-PRIESTS<sup>3</sup> AND ACCOUNTED AS THE PROPERTY OF THE PRIEST;<sup>4</sup> THEY ARE NEUTRALIZED IN A HUNDRED AND ONE PARTS,<sup>5</sup> REQUIRE THE WASHING OF HANDS,<sup>6</sup> AND [AWAITING] TILL SUNSET.<sup>7</sup> THESE [LAWS] APPLY ONLY TO TERUMAH AND BIKKURIM, WHICH IS NOT SO IN THE CASE OF TITHE.<sup>8</sup>

MISHNAH 2. THERE ARE [LAWS] WHICH APPLY TO SECOND TITHE AND BIKKURIM BUT NOT TO TERUMAH: FOR [SECOND] TITHE AND BIKKURIM REQUIRE TO BE BROUGHT TO [THE APPOINTED] PLACE;<sup>9</sup> THEY REQUIRE CONFESSION;<sup>10</sup> AND ARE FORBIDDEN TO AN ONAN<sup>11</sup> (BUT R. SIMEON PERMITS [BIKKURIM TO AN ONAN]);<sup>12</sup> AND THEY ARE SUBJECT TO [THE LAW OF] REMOVAL<sup>13</sup> (BUT R. SIMEON EXEMPTS [BIKKURIM FROM REMOVAL]).<sup>14</sup> AND THE SLIGHTEST ADMIXTURE OF THEM [WITH COMMON PRODUCE OF A LIKE KIND] RENDERS IT FORBIDDEN TO BE CONSUMED [AS COMMON FOOD] IN JERUSALEM;<sup>15</sup> AND SO IS WHAT GROWS FROM THEM FORBIDDEN TO BE CONSUMED IN JERUSALEM EVEN BY NON-PRIESTS OR BY CATTLE,<sup>16</sup> BUT R. SIMEON PERMITS THEM.<sup>17</sup> THESE ARE [THE LAWS] WHICH APPLY TO [SECOND] TITHE AND BIKKURIM, WHICH IS NOT THE CASE WITH TERUMAH.

MISHNAH 3. THERE ARE [LAWS] WHICH APPLY TO TERUMAH AND TITHE BUT NOT TO BIKKURIM; TERUMAH AND THE [SECOND] TITHE RENDER FORBIDDEN [THE CONTENTS OF] THE THRESHING-FLOOR,<sup>18</sup> AND HAVE THEIR QUANTITY [PRESCRIBED].<sup>19</sup> AND APPLY TO ALL PRODUCE BOTH DURING AND AFTER TEMPLE TIMES,<sup>20</sup> AND [TO PRODUCE GROWN] BY TENANTS, LESSEES, HOLDERS OF CONFISCATED PROPERTY AND ROBBERS.<sup>21</sup> THESE ARE [THE LAWS] WHICH APPLY TO TERUMAH AND TITHE, WHICH IS NOT THE CASE WITH BIKKURIM.<sup>22</sup>

MISHNAH 4. AND THERE ARE [LAWS] APPLYING TO BIKKURIM WHICH DO NOT [APPLY] TO TERUMAH AND TITHE; FOR BIKKURIM CAN BECOME ACQUIRED WHILE STILL ATTACHED [TO THE SOIL].<sup>23</sup> AND A MAN MAY MAKE HIS ENTIRE FIELD AS BIKKURIM; HE IS RESPONSIBLE FOR THEM,<sup>24</sup> AND THEY REQUIRE AN OFFERING,<sup>25</sup> SINGING,<sup>26</sup> WAVING AND THE PASSING OF THE NIGHT IN JERUSALEM.<sup>27</sup>

MISHNAH 5. THE TERUMAH OF THE TITHE IS LIKE TO BIKKURIM IN TWO INSTANCES, AND LIKE TO TERUMAH IN TWO OTHERS. IT MAY BE TAKEN FROM CLEAN PRODUCE FOR THAT WHICH IS UNCLEAR,<sup>28</sup> AND FROM SUCH PRODUCE THAT IS NOT IN CLOSE PROXIMITY LIKE BIKKURIM.<sup>29</sup> AND IT RENDERS THE CONTENTS OF THE THRESHING-FLOOR FORBIDDEN,<sup>30</sup> AND HAS A PRESCRIBED AMOUNT LIKE TERUMAH.<sup>31</sup>

MISHNAH 6. THE ETHROG<sup>32</sup> IS IN THREE THINGS LIKE TO AN [ORDINARY] TREE, AND IN ONE THING LIKE TO A VEGETABLE.<sup>33</sup> IT IS LIKE TO A TREE IN RESPECT OF 'ORLAH,<sup>34</sup> FOURTH YEAR PLANTINGS,<sup>35</sup> AND [THE LAW OF] THE SEVENTH YEAR,<sup>36</sup> AND LIKE TO A VEGETABLE IN ONE THING IN THAT ITS TITHING SEASON COMMENCES WITH THE SEASON OF ITS GATHERING.<sup>37</sup> SO R. GAMALIEL; BUT R. ELIEZER SAYS, [THE CITRON] IS LIKE A TREE IN ALL THINGS.

MISHNAH 7. THE BLOOD OF A HUMAN BEING<sup>38</sup> IS LIKE TO THE BLOOD OF ANIMALS IN THAT IT RENDERS SEEDS SUSCEPTIBLE [TO LEVITICAL IMPURITY]<sup>39</sup> AND [LIKE TO] THE BLOOD OF A REPTILE, NO CULPABILITY IS INCURRED ON ACCOUNT THEREOF.<sup>40</sup>

MISHNAH 8. A KOY<sup>41</sup> IS IN SOME WAYS LIKE TO A BEAST OF CHASE; IN SOME WAYS IT IS MORE LIKE TO CATTLE; AND AGAIN IN SOME WAYS IT IS LIKE TO BOTH A BEAST OF CHASE AND CATTLE, AND IN SOME THINGS IS NEITHER LIKE TO A BEAST OF CHASE NOR CATTLE.

MISHNAH 9. WHEREIN IS IT LIKE TO A BEAST OF CHASE? ITS BLOOD MUST BE COVERED LIKE THE BLOOD OF A BEAST OF CHASE.<sup>42</sup> IT MAY NOT BE SLAUGHTERED ON A FESTIVAL; IF IT IS SLAUGHTERED, ITS BLOOD IS NOT TO BE COVERED.<sup>43</sup> ITS FAT CONVEYS CARRION UNCLEANNES<sup>44</sup> LIKE A BEAST OF CHASE, BUT ITS UNCLEANNES IS ALSO A MATTER OF DOUBT. NOR CAN ONE REDEEM WITH IT THE FIRST-BORN OF AN ASS.<sup>45</sup>

MISHNAH 10. AND WHEREIN DOES IT RESEMBLE CATTLE? ITS FAT IS PROHIBITED LIKE THE FAT OF CATTLE,<sup>46</sup> BUT ONE DOES NOT INCUR ON ACCOUNT THEREOF THE PENALTY OF KARETH;<sup>47</sup> IT MAY NOT BE BOUGHT WITH THE REDEMPTION MONEY OF THE SECOND TITHE<sup>48</sup> TO BE EATEN IN JERUSALEM; IT IS SUBJECT TO [THE PRIEST'S DUE OF] THE SHOULDER, THE TWO CHEEKS AND THE MAW.<sup>49</sup> R. ELIEZER EXEMPTS IT [FROM THESE DUES] BECAUSE UPON HIM WHO WISHES TO EXACT AUGHT OF HIS NEIGHBOUR IT DEVOLVES TO BRING PROOF [OF HIS CLAIM].<sup>50</sup>

MISHNAH 11. AND WHEREIN IS IT NEITHER LIKE TO CATTLE NOR TO BEAST OF CHASE? IT IS FORBIDDEN ON ACCOUNT OF [THE LAW OF] KIL'AYIM<sup>51</sup> [TO YOKE IT] WITH EITHER A BEAST OF CHASE OR CATTLE, AND IF ONE ASSIGNED TO HIS SON HIS BEAST OF CHASE AND<sup>52</sup> HIS CATTLE HE HAS NOT [THEREBY] ASSIGNED THE KOY. IF ONE SAYS, I WILL BECOME A NAZIRITE IF THIS IS A BEAST OF CHASE OR [‘IF THIS IS] A CATTLE’, HE BECOMES A NAZIRITE.<sup>53</sup> IN ALL OTHER WAYS IT IS LIKE BOTH ANIMALS OF CHASE AND CATTLE: IT REQUIRES SLAUGHTERING LIKE THEM BOTH,<sup>54</sup> IT CAN CONVEY CARRION UNCLEANNES,<sup>55</sup> AND TO IT APPLIES THE LAW RELATING TO A LIMB OF A LIVING BEING — LIKE TO THEM BOTH.<sup>56</sup>

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(1) If eaten by ‘a stranger’; Lev. XXII, 9. First-fruits are also designated as heave-offering.

(2) V. Lev. XXII, 14.

(3) This is implied to the previous ruling, but is mentioned here to contrast it with tithes.

(4) In that he can employ them as kiddushin (v. Glos.) for betrothing a woman.

(5) If one se'ah of terumah or bikkurim fell into one hundred se'ahs of ordinary produce, numbering one hundred and one in all, any one se'ah may be taken out and given to the priest; the rest is free for common use. V. Ter. I, 7.

(6) He who wishes to eat them must first wash his hands, as according to the laws of levitical purity, unwashed hands which are of second degree uncleanness, cause in terumah uncleanness in the third grade.

(7) According to Lev. XXII, 6ff, a priest who had become unclean had to immerse himself and await sunset before he could eat terumah.

(8) The reference is to Second Tithe. It may be eaten by non-priests; it cannot be used for kiddushin (v. Kid. 52b); It is neutralized in a majority; it may be eaten with unwashed hands; it can be eaten after immersion even before sunset.

(9) Jerusalem; v. Deut. XIV, 22ff and XXVI, 2ff.

(10) V. Deut. XXVI, 10 (bikkurim); ibid. 13 (tithe).

(11) V. Glos. Cf. Deut. XXVI, 14.

(12) Since bikkurim are designated terumah, which is permitted to an onan.

(13) V. Deut. XXVI, 12ff and M. Sh. V, 6.

(14) He compares bikkurim to terumah which is not removed but given to the priests; v. M. Sh. ibid.

(15) I.e., if the admixture occurred after they had been brought into Jerusalem, since the whole mixture can be eaten without any extra trouble in Jerusalem respectively as second tithe or bikkurim; if, however, the admixture took place before they had been brought to Jerusalem, it is neutralized in one hundred and one parts, since otherwise it would mean taking up the whole of the mixture to Jerusalem.

- (16) I.e., the character of the bikkurim and second tithe is extended alike to the whole mixture referred to as well as to what grows from them, not only in that these must not be consumed outside Jerusalem but also in that they are forbidden even in Jerusalem to non-priests and cattle.
- (17) With reference to what grows from them.
- (18) Whereas fruit may be eaten even before the bikkurim were delivered in the Temple Mount, the produce of the threshing-floor could not be eaten prior to the actual taking of terumah and tithes; cf. Ma'as. I, 5.
- (19) Whereas no quantity was fixed for first-fruits, that for terumah has been fixed for the ordinary man as one-fiftieth of his produce. The generous man could bring one-fortieth, and the niggardly even one-sixtieth.
- (20) First-fruits were brought only during Temple times, being conditional on the existence of an altar; v. Deut. XXVI, 4. Hence no altar, no offering.
- (21) V. supra I, 2 notes.
- (22) V. p. 395, n. 10.
- (23) They can be designated as such while still unplucked. V. infra III, 2.
- (24) Until they are brought to the Mount. If lost on the way, bikkurim had to be replaced; cf. supra I, 9.
- (25) The peace-offering had to be brought on all joyous occasions; v. infra III, 3.
- (26) V. infra III, 4.
- (27) Derived from Deut. XVI, 7.
- (28) Not permissible in the case of terumah.
- (29) Since terumah required proximity it was not permissible to have clean and unclean together, lest the latter defile the former. V. Ter. II, 1.
- (30) Prior to the separation of the terumah of the tithe.
- (31) One-tenth of what the Levite receives from the Israelite.
- (32) The citron used with the festive wreath in Tabernacles; Lev. XXIII, 40.
- (33) Because both grow by means of artificial irrigation as well as rain.
- (34) V. Glos.
- (35) V. 'Orlah I, 7.
- (36) Lev. XXV, 2-7. 20. In respect of these three things the citron is assimilated to trees in that the years are determined by the time of the formation of the fruit, unlike vegetables, where they are determined by the time of their gathering.
- (37) Unlike lotus where it is determined by the time of the formation of the fruits or leaves.
- (38) Lit., 'two-legged creature'.
- (39) V. lev. XI, 34-38; Maksh. VI, 4. Blood is likened to water in Deut. XII, 16.
- (40) The blood of animals is forbidden in Lev. VII, 26, but no prohibitions as blood attaches to the blood of a reptile.
- (41) A kind of bearded deer or antelope. The Talmud is undecided whether it belongs to the genus of cattle or beasts of chase.
- (42) Lev. XVII, 13.
- (43) Since a doubt exists regarding koy whether it is in the category of a beast if chase the blood of which is to be covered, or in the category of cattle the blood of which is exempt, it may not be slaughtered perchance it is a cattle and the covering of the blood would involve handling earth unnecessarily on the festival, and if it is slaughtered the blood is not covered up, v. Bez. 8a.
- (44) Lev. VII, 24. Only the fat of a clean animal that died of itself was deemed clean; that of a beast of chase was regarded as carrion.
- (45) Ex. XXXIV, 20. Only a lamb could be used for the purpose.
- (46) The heleb (v. Glos.) of the ox, lamb or goat was prohibited, v. Lev. VII, 23.
- (47) V. Glos. Since it may be in the category of a beast of chase.
- (48) As a peace-offering on account of its dubious origin. A wild beast was barred from the category of sacrifices.
- (49) The portions due to the priest from the slaughtered ox or sheep; Deut. XVIII, 3.
- (50) Since the owner of the koy could retort to the priest: 'Cite evidence that it is of the cattle genus and the dues are yours'.
- (51) Lev. XIX, 19; Deut. XXII, 10.
- (52) Aliter: 'or'.
- (53) The rigidity of this law is evidenced by the fact that the vow becomes valid even in the case of doubt regarding its efficacy.

(54) To render it permissible for food.

(55) V. Lev. XI, 8.

(56) Cf. Hul. 101b.

### **Mishna - Mas. Bikkurim Chapter 3**

MISHNAH 1. HOW WERE THE BIKKURIM SET ASIDE? A MAN GOES DOWN INTO HIS FIELD, HE SEES A FIG THAT RIPENED,<sup>1</sup> OR A CLUSTER OF GRAPES THAT RIPENED, OR A POMEGRANATE THAT RIPENED, HE TIES A REED-ROPE AROUND IT AND SAYS: LET THESE BE BIKKURIM'.<sup>2</sup> R. SIMEON SAYS: NOTWITHSTANDING THIS HE MUST AGAIN DESIGNATE THEM AS BIKKURIM AFTER THEY HAVE BEEN PLUCKED FROM THE SOIL.

MISHNAH 2. HOW WERE THE BIKKURIM TAKEN UP [TO JERUSALEM]? ALL [THE INHABITANTS OF] THE CITIES THAT CONSTITUTED THE MA'AMAD<sup>3</sup> ASSEMBLED IN THE CITY OF THE MA'AMAD,<sup>4</sup> AND SPENT THE NIGHT IN THE OPEN PLACE THEREOF WITHOUT ENTERING ANY OF THE HOUSES.<sup>5</sup> EARLY IN THE MORNING THE OFFICER<sup>6</sup> SAID: 'LET US ARISE AND GO UP TO ZION, INTO THE HOUSE OF THE LORD OUR GOD'.<sup>7</sup>

MISHNAH 3. THOSE WHO LIVED NEAR<sup>8</sup> BROUGHT FRESH FIGS AND GRAPES, BUT THOSE FROM A DISTANCE BROUGHT DRIED FIGS AND RAISINS.<sup>9</sup> AN OX WITH HORNS BEDECKED WITH GOLD AND WITH AN OLIVE-CROWN ON ITS HEAD<sup>10</sup> LED THE WAY.<sup>11</sup> THE FLUTE WAS PLAYED BEFORE THEM<sup>12</sup> UNTIL THEY WERE NIGH TO JERUSALEM; AND WHEN THEY ARRIVED CLOSE TO JERUSALEM THEY SENT MESSENGERS IN ADVANCE,<sup>13</sup> AND ORNAMENTALLY ARRAYED THEIR BIKKURIM.<sup>14</sup> THE GOVERNORS AND CHIEFS AND TREASURERS [OF THE TEMPLE]<sup>15</sup> WENT OUT TO MEET THEM. ACCORDING TO THE RANK OF THE ENTRANTS<sup>16</sup> USED THEY TO GO FORTH. ALL THE SKILLED ARTISANS OF JERUSALEM WOULD STAND UP BEFORE THEM AND GREET THEM:<sup>17</sup> 'BRETHREN, MEN OF SUCH AND SUCH A PLACE, WE ARE DELIGHTED TO WELCOME YOU'.<sup>18</sup>

MISHNAH 4. THE FLUTE WAS PLAYING BEFORE THEM TILL THEY REACHED THE TEMPLE MOUNT; AND WHEN THEY REACHED THE TEMPLE MOUNT EVEN KING AGRIPPA WOULD TAKE THE BASKET AND PLACE IT ON HIS SHOULDER<sup>19</sup> AND WALK AS FAR AS THE TEMPLE COURT. AT THE APPROACH TO THE COURT, THE LEVITES WOULD SING THE SONG: 'I WILL EXTOL THEE, O LORD, FOR THOU HAST RAISED ME UP, AND HAST NOT SUFFERED MINE ENEMIES TO REJOICE OVER ME'.<sup>20</sup>

MISHNAH 5. THE TURTLE-DOVES [TIED TO] THE BASKET<sup>21</sup> WERE [OFFERED UP AS] BURNT-OFFERINGS, BUT THAT WHICH THEY HELD IN THEIR HANDS<sup>22</sup> THEY PRESENTED TO THE PRIESTS.

MISHNAH 6. WHILE THE BASKET WAS YET ON HIS SHOULDER HE WOULD RECITE FROM: 'I PROFESS THIS DAY UNTO THE LORD THY GOD',<sup>23</sup> UNTIL THE COMPLETION OF THE PASSAGE.<sup>24</sup> R. JUDAH SAID: TILL [HE HAD REACHED] 'A WANDERING ARAMEAN WAS MY FATHER'.<sup>25</sup> HAVING REACHED THESE WORDS, HE TOOK THE BASKET OFF HIS SHOULDER AND HELD IT BY ITS EDGE;<sup>26</sup> AND THE PRIEST PLACED HIS HAND BENEATH IT AND WAVED IT, HE<sup>27</sup> THEN RECITED FROM 'A WANDERING ARAMEAN WAS MY FATHER' UNTIL HE COMPLETED THE ENTIRE PASSAGE. HE WOULD THEN DEPOSIT THE BASKET BY THE SIDE OF THE ALTAR,<sup>28</sup> PROSTRATE HIMSELF, AND DEPART.

MISHNAH 7. ORIGINALLY ALL WHO KNEW HOW TO RECITE WOULD RECITE

WHILST THOSE UNABLE TO DO SO WOULD REPEAT IT;<sup>29</sup> BUT WHEN THEY REFRAINED FROM BRINGING,<sup>30</sup> IT WAS DECIDED THAT BOTH THOSE WHO COULD AND THOSE WHO COULD NOT [RECITE] SHOULD REPEAT THE WORDS.

MISHNAH 8. THE RICH BROUGHT THEIR BIKKURIM IN BASKETS OVERLAID WITH SILVER OR GOLD, WHILST THE POOR USED WICKER-BASKETS OF PEELED WILLOW-BRANCHES, AND THEY<sup>31</sup> USED TO GIVE BOTH THE BASKETS AND THE BIKKURIM TO THE PRIEST.

MISHNAH 9. R. SIMEON B. NANOS SAID: THE BIKKURIM MAY BE BEDECKED [WITH PRODUCE] OTHER THAN THE SEVEN SPECIES,<sup>32</sup> BUT R. AKIBA SAYS: THEY COULD ONLY BE BEDECKED WITH PRODUCE OF THE SEVEN KINDS.<sup>33</sup>

MISHNAH 10. R. SIMEON SAYS: THERE ARE THREE ELEMENTS IN BIKKURIM: THE BIKKURIM,<sup>34</sup> THE ADDITIONS<sup>35</sup> TO THE BIKKURIM, AND THE ORNAMENTATIONS OF THE BIKKURIM.<sup>36</sup> THE ADDITIONS TO THE BIKKURIM HAD TO BE OF A LIKE KIND, BUT THE ORNAMENTAL FRUIT OF THE BIKKURIM COULD ALSO BE OF ANOTHER KIND.<sup>37</sup> THE ADDITIONS TO THE BIKKURIM COULD ONLY BE EATEN IN LEVITICAL PURITY, AND WERE EXEMPT FROM [THE LAW OF] DEMAI,<sup>38</sup> BUT THE FRUITS USED FOR ORNAMENTATIONS OF THE BIKKURIM WERE SUBJECT TO [THE LAW OF] DEMAI.

MISHNAH 11. WHEN DID [THE SAGES] DEEM THE ADDITIONS TO THE BIKKURIM IN THE SAME RANK AS THE BIKKURIM [THEMSELVES]? WHEN THEY COME FROM THE LAND [OF ISRAEL]; BUT IF THEY DO NOT COME FROM THE LAND,<sup>39</sup> THEY WERE NOT TO BE REGARDED AS THE BIKKURIM [THEMSELVES].

MISHNAH 12. IN WHAT RESPECT DID THEY RULE THAT THE BIKKURIM WERE THE [EXCLUSIVE] PROPERTY OF THE PRIEST? IN THAT HE CAN PURCHASE THEREWITH SLAVES AND IMMOVABLE PROPERTY AND UNCLEAN CATTLE, AND A CREDITOR [OF HIS] MAY TAKE THEM FOR HIS DEBT, AND HIS WIFE FOR HER KETHUBAH<sup>40</sup> — AS MAY BE DONE ALSO WITH A SCROLL OF THE LAW.<sup>41</sup> R. JUDAH SAYS: THE BIKKURIM MAY BE GIVEN ONLY TO [A PRIEST THAT IS] AN ASSOCIATE]<sup>42</sup> AND AS A FAVOUR;<sup>43</sup> AND THE SAGES SAY: THEY ARE GIVEN TO THE MEN OF THE Mishmar,<sup>44</sup> AND THEY DIVIDE THEM AMONG THEMSELVES AS [THEY DO] WITH ALL OTHER CONSECRATED OBJECTS.<sup>45</sup>

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(1) Though the vine is enumerated first in Deut. VIII, 8, yet the fig is the first to ripen; cf. Cant. II, 13. The fruits had to be fully ripe when they were brought (Deut. XXVI, 10) but not necessarily at the time of their designation.

(2) This exempts him from further specification at the time of cutting.

(3) Lit., 'place of standing'. The name of a group of Israelite representatives from outlying districts, corresponding to the twenty-four courses of priests (Mishmaroth), each ma'amad serving a week in turn. Some would go to the Temple to witness the sacrificial offerings, whilst others would assemble in their home town to conduct prayers during the day corresponding to the fixed time when the sacrifices were brought in the Temple. V. Ta'an. 26a.

(4) Where the leader resided; the idea being to form one united and impressive procession. The principle governing Jewish ceremonial being that majesty resides with a throng of worshippers.

(5) Lest impurity be contracted through contact with the dead.

(6) The head of the Ma'amad.

(7) Jer. XXXI, 6. They also recited various Psalms as they wended their way to the Temple Mount (Bert.). According to the T. Y. the fifteen Songs of Degrees (Pss. CXX — CXXXIV) were recited.

(8) Jerusalem.

(9) For fresh fruit would rot on the way.

(10) The olive-tree supplies the richest leaves, and served as a token of the kinds of fruit brought as Bikkurim



- (11) This ox afterwards served as the peace-offering.
- (12) Lit. , 'was struck', referring to the tapping of the tips of the fingers on the little openings of the flute.
- (13) To herald their coming.
- (14) Fresh figs would be placed as the top layer of a basket containing dried ones, and raisins would be covered by fresh grapes; whilst the choicest of the fruit would be placed on top of a basket containing only fresh fruits.
- (15) Cf. Shek. V, I. The 'governors' were the heads of the priests, and the 'chiefs' were the leaders of the Levites.
- (16) The size of the welcoming delegation would vary with the size of the procession.
- (17) A craftsman at his work was exempt from the command of rising before a scholar, but in order to manifest his love for the precept, he was to rise before the Bikkurim procession.
- (18) Lit, 'you have come in peace'.
- (19) For the priest had to receive it from his hand; Deut. XXVI, 4.
- (20) Ps. XXX, 2.
- (21) They were suspended from the sides of the basket so as not to soil the fruit.
- (22) I.e., the bikkurim. Maim. refers them to pigeons.
- (23) Deut. XXVI, 3.
- (24) Ibid.
- (25) Ibid. 5.
- (26) Whilst the priest officiated (Bert.).
- (27) The Israelite.
- (28) In the S.W. corner.
- (29) After the priest. The declaration had to be made in Hebrew. v. Sot. VII, 3.
- (30) Abashed at this public avowal of their ignorance in reading Hebrew.
- (31) I.e., the poor; the rich retained their valuable baskets (Bert ). This gave rise to the saying, 'poverty drags after the poor' (v. B.K. 92a). Though the poor would thereby be abashed, yet it was considered prudent to encourage the rich to bring valuable baskets out of respect for God's house.
- (32) Deut. VIII,8. R. Simeon maintained that they could be ornamented with citrons and quinces, or fruits imported from abroad.
- (33) That grew in Palestine.
- (34) The actual first-fruits.
- (35) The fruit added at the time of plucking to the first ripened figs or cluster of grapes.
- (36) The choice fruit placed on top and around the basket.
- (37) Even such fruit not enumerated in Deut. VIII, 8 could be used.
- (38) V. Glos. If the priest accepts them from the hands of an 'am ha-arez.
- (39) From Transjordan. Cf. supra I, 10 where we learn that produce from Transjordan could be offered up as Bikkurim.
- (40) Marriage settlement, v. Glos.
- (41) Others explain: One may also buy with the Bikkurim a Scroll of the Law.
- (42) One who undertook to be conscientious in observing the laws appertaining especially to cleanness and impurity. V. Glos. s.v. haber.
- (43) The priest must not sell it. T. Y. refers it to owners who are at liberty to give it to any haber.
- (44) The men on duty in the Temple be they associates or not. V. Glos.
- (45) Including things dedicated to the Temple for various uses; since they are brought to the Temple, the priests will take care not to eat them in impurity.

## **Mishna - Mas. Bikkurim Chapter 4**

MISHNAH 1. THE HERMAPHRODITE<sup>1</sup> IS IN SOME THINGS LIKE TO MEN, AND IN OTHER THINGS LIKE TO WOMEN. IN OTHER THINGS AGAIN HE IS LIKE TO MEN AND TO WOMEN, AND IN OTHERS HE IS LIKE NEITHER MEN NOR WOMEN.

MISHNAH 2. WHEREIN IS HE LIKE TO MEN? HE CONTAMINATES WITH THE SEMINAL FLUX<sup>2</sup> LIKE MEN, AND HE DRESSES LIKE MEN;<sup>3</sup> HE CAN TAKE A WIFE BUT

NOT BE TAKEN AS A WIFE LIKE MEN.<sup>4</sup> AT HIS BIRTH HIS MOTHER MUST COUNT THE BLOOD OF PURIFICATION LIKE MEN,<sup>5</sup> AND HE MUST NOT BE ALONE IN THE COMPANY OF WOMEN LIKE MEN.<sup>6</sup> HE IS NOT MAINTAINED WITH THE DAUGHTERS LIKE MEN,<sup>7</sup> AND MAY NOT TRANSGRESS THE LAW OF: 'YE SHALL NOT ROUND',<sup>8</sup> AND 'THOU SHALT NOT DEFILE FOR THE DEAD'<sup>9</sup> LIKE MEN; AND HE MUST PERFORM ALL THE COMMANDS OF THE TORAH<sup>10</sup> LIKE MEN.

MISHNAH 3. AND WHEREIN IS HE LIKE WOMEN? IN THAT HE CONTAMINATES WITH HIS MENSTRUAL FLOW LIKE WOMEN;<sup>11</sup> AND HE MUST NOT BE ALONE IN THE COMPANY OF MEN LIKE WOMEN; AND DOES NOT SHARE [THE INHERITANCE] WITH THE SONS LIKE WOMEN<sup>12</sup> AND CANNOT EAT OF MOST HOLY SACRIFICES LIKE WOMEN.<sup>13</sup> AT HIS BIRTH HIS MOTHER REMAINS UNCLEAN ON ACCOUNT OF THE BLOOD OF HER IMPURITY;<sup>14</sup> AND LIKE WOMEN, TOO, HE IS DISQUALIFIED FROM ACTING AS A WITNESS. IF HE HAD BECOME THE VICTIM OF ILLICIT INTERCOURSE, HE IS DISQUALIFIED FROM THE PARTAKING OF TERUMAH LIKE WOMEN.<sup>15</sup>

MISHNAH 4. WHEREIN IS HE COMPARED TO BOTH MEN AND WOMEN? GUILT IS INCURRED FOR SMILING OR CURSING HIM<sup>16</sup> AS IN THE CASE OF MEN AND WOMEN, AND HE WHO UNWITTINGLY SLAYS HIM MUST GO INTO EXILE;<sup>17</sup> AND IF OF SET PURPOSE, THEN [THE SLAYER] RECEIVES THE DEATH PENALTY.<sup>18</sup> HIS MOTHER MUST [AT HIS BIRTH] BRING AN OFFERING AS FOR MEN AND WOMEN, AND LIKE MEN AND WOMEN HE MAY PARTAKE OF THE SACRED GIFTS<sup>19</sup> OF THE BORDER,<sup>20</sup> AND MAY INHERIT ANY INHERITANCE<sup>21</sup> LIKE MEN AND WOMEN.

MISHNAH 5. AND WHEREIN IS HE LIKENED NEITHER TO MEN NOR WOMEN? BECAUSE OF HIS UNCLEAN ISSUE<sup>22</sup> TERUMAH IS NOT TO BE BURNT, NEITHER IS ANY PENALTY INCURRED BY HIM ON ENTERING THE TEMPLE IN AN UNCLEAN STATE.<sup>23</sup> HE MUST NOT BE SOLD AS A HEBREW SLAVE, UNLIKE MEN OR WOMEN,<sup>24</sup> AND HE CANNOT BE EVALUATED, UNLIKE MEN OR WOMEN.<sup>25</sup> IF ONE SAYS: 'I WILL BECOME A NAZIRITE, IF HE IS NEITHER A MAN NOR A WOMAN', THEN HE BECOMES A NAZIRITE. R. JOSE SAYS: THE HERMAPHRODITE IS A CREATURE BY ITSELF, AND THE SAGES COULD NOT DECIDE ABOUT HIM. BUT THIS IS NOT SO WITH ONE OF DOUBTFUL SEX, FOR SUCH A ONE IS, AT TIMES, A MAN AND AT OTHERS, A WOMAN.

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(1) This chapter is entirely irrelevant to this tractate, yet included in all printed editions. Derived from the Tosef. of Bikkurim and develops the subject of the hermaphrodite; supra I, 5. The text is in disorder and receives various expansions in different editions. The text adopted here is of the Stettin edition 1862.

(2) Lit., 'the white'; Lev. XV. 2; Zab. II. 1.

(3) He must not don woman's dress, lest he be a man.

(4) This would be regarded as sodomy.

(5) Lev. XII, 1 ff.

(6) Cf. Kid. IV, 12.

(7) In the event of little property having been left, the hermaphrodite is thrust by the daughters among the males, who must seek maintenance elsewhere; B.B. IX, 1-2.

(8) Lev. XIX, 27.

(9) V. Lev. XXI, 1.

(10) Even those occasioned by time from which women are exempt.

(11) Lit., 'the red'; Lev. XV, 19ff.

(12) When much property was left the sons inherited and the daughters received maintenance B.B. IX, 1

(13) I.e., of sin- and meal-offerings; for of these the Bible says (Lev. VI, 22) that only those who are definitely males may eat.

(14) For two weeks, Lev. XII, 5.

- (15) A male, in such circumstances, would not have been disqualified, but the hermaphrodite is here treated as a woman; Bek. VII, 7.
- (16) Ex. XXI, 15, 17.
- (17) Ibid. 13.
- (18) Ibid 14.
- (19) I.e., holy food that could be eaten, e.g., terumah.
- (20) Even outside 'the border', Jerusalem. Keth. 24b; Shek. VII, 3.
- (21) If there be no other heir. We do not allow the argument lest he be a creature apart from all others to interfere with his rights of inheritance.
- (22) Cf. Zab. II, 1; Nid. 28b.
- (23) Because the penalty was only imposed upon those whose sex was not a matter of doubt.
- (24) V. Ex. XXI. 2, 7.
- (25) V. Lev. XXVII, 2ff.