

NOTES

The stones of the altar, the Sanctuary, or the courtyards – אבני המזבח ההיכל והעזרות: The early commentaries explain that this is referring to stones that have become detached from these structures. When the stones are still in place, there is no prohibition against deriving benefit from them. One explanation as to why there is no prohibition against deriving benefit from the stones while they are attached invokes the principle that the Torah was not given to angels. In other words, it is unreasonable to instruct people not ever to lean on a wall or benefit from its shade (Rash Sirilio). Another explanation is that the prohibition of misuse of consecrated items does not apply to items that are attached to the ground (Talmid HaRashbash).

Other than within its year – אלא בתוך שנתו: The stones may not be purchased with the funds collected that year, as Rabbi Meir holds that those funds are reserved solely for purchasing communal offerings. Ideally, communal offerings are purchased with the funds from the collection of the Temple treasury chamber and not from the shekels that remain after that collection. The shekels that remain are covered for this very reason, as described in the mishna (9a). Nonetheless, if all the shekels from the collection of the chamber have been expended, the shekels that remain in the chamber after the collection may be used to purchase the communal offerings. Therefore, these funds are not used for anything else. However, the remaining shekels from the previous year may no longer be used to purchase offerings, and therefore they may be used to purchase other items necessary for the Temple, such as stones for the altar and the Sanctuary (Rash Sirilio).

HALAKHA

The table and the candelabrum and the altars – השלחן והמנורה והמזבחות: The golden candelabrum and all other sacred vessels in the Temple are funded from the left-over libations, in accordance with the opinion of Rabbi Yehuda Gudgadot (Rambam *Sefer Zemanim, Hilkhot Shekalim* 4:2).

והא תני אבני המזבח ההיכל והעזרות מועלין בהן. וכי יש מעילה בשירייהם? אלא כרבי מאיר דרבי מאיר אמר: מועלין בשירייהם.

אמר רבי חייה: כלום אמר רבי מאיר אלא בתוך שנתו, והכא חוץ לשנתו אכן קיימין.

אמר רבי חזקיה: תנא רבי יהודה גדגניות, השלחן, והמנורה, והמזבחות, והפרוכת – מעבבים את הקרבנות, דברי רבי מאיר. וחכמים אומרים: אין לך מעבב את הקרבן אלא הכיור והבן בלבד.

ולא בן אמר רבי אליעזר ורבי יוסי בן חנינה, תריהון אמרין: כל הן דכתביב "נכח" – מעבב, "צלע" – אינו מעבב.

ואמר רבי שמואל בר נחמן בשם רבי יונתן: ואפילו "צלע" מעבב. ואמר רבי אילא בשם

The Gemara asks: Wasn't it taught in a *baraita* that one who derives benefit from the stones of the altar, the Sanctuary, or the courtyards^N thereby misuses consecrated property? Therefore, if one does so unwittingly, he is liable to repay to the Temple treasury the value of the loss he caused or benefit he gained, in addition to a fine of one-fifth of that amount, and he must bring a guilt-offering. And is there misuse of consecrated property with regard to items purchased with the remains of the chamber? The Gemara answers: Rather, the *baraita* is in accordance with the opinion of Rabbi Meir, as Rabbi Meir says: One misuses consecrated property even if he derives benefit from items purchased with the remains of the chamber.

Rabbi Ḥiyya said in response to this suggestion: Did Rabbi Meir say this statement other than within its year?^N Even Rabbi Meir agrees that one violates the prohibition against misusing consecrated property by deriving benefit from the remains of the chamber only within the year for which those coins were donated. Since the funds could still be used for communal offerings if needed during that year, the prohibition applies. But here, we are dealing with funds that are outside the year of their collection, as the remains of the chamber were not used to purchase stones until after the year was over. Therefore, the *baraita* is not in accordance with Rabbi Meir, and the challenge to Rabbi Yehuda Gudgadot remains.

Having cited Rabbi Yehuda Gudgadot, referred to now as Rabbi Yehuda Gudganiyot, the Gemara cites another of his rulings. Rabbi Hizkiya said that Rabbi Yehuda Gudganiyot taught: If the table and the candelabrum and the altars^H and the curtain are incomplete or are not in their proper location, they prevent offerings from being brought; this is the statement of Rabbi Meir. The Rabbis say: The only items that prevent the offering from being brought are the water basin and the base alone, as the Temple rite may not be performed if the basin and its base are not in place.

However, didn't Rabbi Eliezer and Rabbi Yosei ben Ḥanina both say: Wherever it is written: Opposite, in describing the proper location for one of the sacred vessels, its absence prevents offerings from being brought. For example, with regard to the candelabrum, the verse states: "And the candelabrum opposite the table" (Exodus 26:35). Wherever the verse states: Side, the absence of the vessel does not prevent offerings from being brought. For example, with regard to the table, the verse states: "And you shall place the table on the south side" (Exodus 26:35).

And Rabbi Shmuel bar Naḥman said in the name of Rabbi Yonatan: Even absence of a vessel whose location is described with the side, prevents offerings from being brought. And Rabbi Ila said in the name of

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רבי שמואל בר נחמן: ואפילו "שימה" מעבב.

Rabbi Shmuel bar Naḥman: And even correct placement,^N is necessary for offerings to be valid. According to this view, if the candelabrum, either of the two altars, the table, the curtain, or the basin is invalid or not in its proper location, sacrificial offerings are not accepted. All of the *amora'im* cited here apparently disagree with the opinion of the Rabbis cited in the *baraita*, who maintain that the only vessels that invalidate offerings are the basin and its base.

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And even correct placement – ואפילו שימה: This term is used with regard to several vessels that are located inside the Sanctuary. With regard to the curtain, the verse states: "And he brought the Ark into the Tabernacle, and placed the veil of the screen" (Exodus 40:21). With regard to the candelabrum, it states: "He placed

the candelabrum" (Exodus 40:24). With regard to the golden altar it states: "He placed the golden altar" (Exodus 40:26). With regard to the altar of burnt-offerings, it states: "And he placed the altar of burnt-offering" (Exodus 40:29). With regard to the table it states: "You shall place the table" (Exodus 26:35).

Talent of gold – כִּכָּר זָהָב: The largest measurement in Scripture, primarily used with regard to metals and their monetary value. The word was also used as the name of a weight in other ancient Semitic languages. The Hebrew word *kikar* is probably related the round shape of the weight, as *kikar* is also the word for a loaf of bread, which were baked as round loaves. Scholars disagree about the modern equivalent of the talent, with estimates ranging from 33–50 kilograms. From the verses in Exodus (38:24–29) it can be derived that a talent was the equivalent of three thousand biblical shekels.

Shimon HaTzaddik – שִׁמְעוֹן הַצַּדִּיק: Shimon HaTzaddik, Shimon the Righteous, is the first Sage mentioned in the chain of tradition in tractate *Avot*. He is described there as one of the remnants of the Great Assembly. According to Josephus, his full name was Shimon ben Hūnyo ben Yadu'a.

Based upon the few facts mentioned about him, it seems that he was the High Priest at the beginning of the rule of the Greeks in Eretz Yisrael, and he is the one who greeted Alexander of Macedon upon his conquering the land. Some of his activities are recorded in Josephus' *Antiquities*, and some of his praises are mentioned in the book of Ben Sira, the author of which apparently knew him personally. This book also contains a description of Shimon HaTzaddik as he left the Sanctuary on Yom Kippur, which later served as the inspiration for the liturgical hymn recited on Yom Kippur called Appearance of the Priest [*Mareh Kohen*].

It is related that Shimon HaTzaddik rebuilt the ruins of Jerusalem and began to build the wall around the Temple. The Jerusalem Talmud contains many statements praising his righteousness. In tractate *Sota*, it is related that after his death the priests no longer blessed the people using the ineffable four-letter name of God, as the Sages did not deem the generation worthy.

Some believe that his grandson and perhaps another High Priest were also referred to as HaTzaddik.



Statue of Alexander the Great at the British Museum. Shimon HaTzaddik was the one to greet him in Eretz Yisrael.

Honor [silsul] – סִלְסוּל: Although this word is found in Scripture and used often in rabbinic literature, its meaning is not entirely clear. Some hold that it means raising up or exalting, as in the verse: "Extol her [*salseleha*], and she will exalt you" (Proverbs 4:8). It can also mean decoration and beautification, which can fit the above verse as well. It also denotes creating round objects or shapes, as in the word *sal*, a basket.

אָמַר רַבִּי חֲנִינָא: כָּאֵן בְּעִבּוּדוֹת שְׂבֻפְנִים כָּאֵן בְּעִבּוּדוֹת שְׂבַחֲוֹץ.

Rabbi Hanina says: There is no disagreement between these *amora'im* and the Rabbis. **Here**, the statements of the *amora'im* are with regard to the rites that are performed inside the Temple, such as bringing the incense, lighting the candelabrum, placing the shewbread on the table, and sprinkling blood on the curtain. The vessels located inside the Temple are essential for the validity of these rites. However, **here**, the statement of the Rabbis is with regard to the rites that are performed outside of the Sanctuary, i.e., in the courtyard, such as the sacrificing of most offerings. Only the absence of the basin or its base invalidates these rites.

אָמַר רַבִּי חֲנִינָא: שְׁחִיצִית גְּדוּלָה הִיְתֵהּ בְּבֵנֵי כְּהֻנִּים גְּדוּלִים, שְׂוִיתֵר מִשְׁשִׁים כְּכַרֵּי זָהָב הָיוּ מוֹצִיאִין בָּהּ. שְׁהִיָּה כְּבִשָּׂה שֶׁל פָּרָה עוֹמֵד, וְלֹא הִיָּה אֶחָד מֵהֶן מוֹצִיא פָּרָתוֹ בְּכַבְּשׁוֹ שֶׁל חֲבִירוֹ, אֲלֵא סוֹתֵרוֹ וּבוֹנֵה אוֹתוֹ מִשְׁלוֹ.

S We learned in the mishna that, according to Abba Shaul, the High Priests would pay for the ramp of the red heifer from their own funds. With regard to this issue, **Rabbi Hanina said: There was great haughtiness among the High Priests, as they would spend more than sixty talents of gold⁶ on it.** This expenditure was unnecessary, as the previous ramp of the heifer was still standing. **But not one of the High Priests would take out his heifer on his fellow's ramp. Rather, he would demolish it and build a new one from his own funds.**

הַתִּיב רַבִּי עוֹלָא קוֹמֵי רַבִּי מְנָא: וְהָאֵ תַנִּי: שְׂמֵעוֹן הַצַּדִּיק שְׁתֵּי פְרוֹת עָשָׂה, לֹא בְּכַבֵּשׁ שֶׁהוֹצִיא אֶת זוֹ הוֹצִיא אֶת זוֹ. אֵית לָךְ לְמִימַר שְׂמֵעוֹן הַצַּדִּיק שְׁחָץ הִיָּה? מֵאֵי כְּדוֹן – עַל שֵׁם מַעֲלָה הִיא בְּפָרָה, סִלְסוּל הִיא בְּפָרָה.

Rabbi Ulla raised an objection in the presence of Rabbi Mana: Wasn't it taught in a baraita that Shimon HaTzaddik⁷ performed the rites of two red heifers, and the ramp on which he took out this one he did not use again to take out that other one? Is it possible for you to say Shimon HaTzaddik was haughty? What, then, is the reason that he constructed a new ramp? It is due to a higher standard that was established with regard to the ceremony of the red heifer;⁸ it is due to a higher level of honor [silsul]⁹ accorded to the ceremony of the red heifer.

תַּנִּי: זִיזוּן וּכְתָלִים הָיוּ יוֹצִיאִין מִכָּאֵן וּמִכָּאֵן כְּדֵי שְׂלֵא יִצְיֵצוּ הַכְּהֻנִּים וַיִּטְמְאוּ.

It was taught in a baraita: Projections and walls would extend from the ramp from here and from there, i.e., on either side, in order that the priests would not peek¹⁰ out over the edge of the ramp and become ritually impure by leaning their bodies over a grave without any interposition.

"רַבִּי עֲקִיבָא אוֹמֵר אֵין מִשְׁתַּכְּרִין" כּו'. אֲלֵא אִם רָצָה יִהְיֶה הַהֶפְסֵד שֶׁלּוֹ וְהַשְּׂכָר לְהַקְדֵּשׁ – מוֹתֵר.

S We learned in the mishna that according to Rabbi Yishmael, the leftover remains of the chamber were used to purchase wine, oil, and fine flour. These items were sold to individuals who needed them for their private offerings, and the proceeds went to the Temple treasury. Whereas **Rabbi Akiva says: One may not generate profit by selling consecrated property or by using funds set aside for the poor.** The Gemara explains that Rabbi Akiva prohibited doing business with consecrated funds only when there was a risk of loss. **However, if the seller of the wine, oil, or fine flour wanted to agree that any loss from the subsequent sale of these items would be his, while any profit gained would go to the Temple treasury of consecrated property, it is permitted.** The potential profit or loss would result from fluctuations in the market price of these items.

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A higher standard that was established with regard to the ceremony of the red heifer – מַעֲלָה הִיא בְּפָרָה: The Talmud mentions thirteen ways in which the standards of purity that the Sages instituted with regard to the red heifer are more stringent than those that apply to sacrificial offerings. The reason the Sages were so stringent with regard to the red heifer is because of the one leniency, i.e., that it could be prepared by someone who immersed in a ritual bath in order to become pure, but was still considered impure until nightfall with regard to eating *teruma* and other sacred foods. In fact, the Sages would see to it that those involved in preparing the red heifer would become impure and would then immerse and prepare the red heifer before nightfall, in order to combat the opinion of the Sadducees, who claimed that such a person may not participate in the process until after nightfall.

Because of this leniency, however, the Sages were concerned

that people would take lightly the standards of purity necessary for the red heifer in other ways. Therefore, they instituted very high standards of purity, in order to emphasize how careful one must be in preparing the red heifer (see *Hagiga* 8b and Rashi there; *Yoma* 2a). Even the building of a new ramp for each red heifer, which did not protect against impurity better than the previous ramp, was undertaken in order to publicize the necessity of maintaining high standards of purity (*Talmid HaRashbash*; Rabbeinu Meshulam; Mahara Fulda).

כְּדֵי שְׂלֵא יִצְיֵצוּ – הַכְּהֻנִּים: Some explain that these projections were built so that the priests standing outside the ramp would not be able to peek into the ramp and in so doing touch the priests who were involved in the ritual of the red heifer and thereby render them ritually impure (*Korban HaEida*).

NOTES

If you want to agree that any loss will be yours and any profit will belong to both of you to share – אין בעית די ההפסדה – דידך ואגרה דתרויכון Due to the prohibition against usury, it is prohibited to accept full liability for losses incurred to another Jew's money while simultaneously agreeing to equally share the profits of an investment. This is because accepting full liability renders the transaction a loan, and therefore the profit that the investor receives is considered interest. In this case, however, since the agreement did not guarantee the investor any profit, it constitutes a form of usury that is prohibited by rabbinic law but not by Torah law. The Sages did not extend the rabbinic decree to cases involving orphans or the poor, in order to allow their money to earn greater profits. Similarly, the decree was not applied to the Temple treasury (Korban HaEida; Tiklin Hadatin, based on the Gemara in Bava Metzia 70a).

BACKGROUND

Se'a – סָאָה: A se'a is a measure of dry volume first mentioned in Genesis (18:6). It is used by the Sages as a point of reference for all measures. Every se'a contains six kav, which equals twenty-four log. Estimates of the modern equivalent of a se'a range from 7.2–14.4 ℓ.

LANGUAGE

Overfill [beirutzin] – בִּירוּצִין: The root of this word is brtz, similar to prtzt, as the letters beit and peh can sometimes be interchanged. It means breaking through a fence or a barrier. The overfill also broke free of its designated place.

כהדא, בר זמינא איתפקד גביה מדל דיתמין, אַתָּא ושאל לרבי מנא, אָמַר ליה: אין בעית די ההפסדה דידך ואגרה דתרויכון – שרי רבי חייא בר אדא איתפקד גביה מדל דיתמין, ועביד בן.

“מותר פירות” כו'. מתנתין רבי ישמעאל היא. דרבי חייא בר יוסף פתר מתנתא: מותר פירות – שָׁכַר לְהַקְדֵשׁ.

מותר נסכים – זו סָאָה רביעית.

רבי יוחנן פתר מתנתא: מותר פירות – זו סָאָה רביעית, מותר נסכים – לְבִירוּצִין.

ולית ליה לרבי חייא בר יוסף לְבִירוּצִין? אָמַר רבי חזקיה: מה דנפל לסָאָה רביעית נפל לְבִירוּצִין.

An example like this can be found in an incident involving bar Zemina. Funds belonging to orphans were deposited with him. He came and asked Rabbi Mana if he was permitted to invest these funds. Rabbi Mana said to him: If you want to agree that any loss will be yours and any profit will belong to both of you to share,^{NH} then it is permitted. Rabbi Hiyya bar Adda had funds belonging to orphans deposited with him and he did so; he accepted all losses and split the profits with the orphans.

It was taught in the mishna that according to Rabbi Yishmael, the leftover produce was used to purchase the repletion of the altar, i.e., burnt-offerings sacrificed at times when the altar was idle. This leftover produce discussed in the mishna is referring to the profits earned, in accordance with the opinion of Rabbi Yishmael cited earlier, as Rabbi Hiyya bar Yosef explained the mishna as follows: The leftover produce mentioned by Rabbi Yishmael is a reference to his earlier statement that the profits from the sales of wine, oil, and flour went to the Temple treasury of consecrated property.

Regarding the term leftover libations mentioned by Rabbi Akiva and Rabbi Hananya, the deputy High Priest, this is referring to the fourth se'a.^B If the treasurer of the Temple paid in advance for a year's worth of wine, oil, and flour, and the price of these goods later rose, the seller was required to provide the goods at the original, lower price. The treasury then sold these items at the higher price to individuals who needed them for offerings. For example, if the treasurer paid for flour at the price of four se'a for one sela, and the price then rose to three se'a for one sela, the seller would have to provide four se'a for one sela. This fourth se'a was sold, and the profit from this sale was given to the Temple.

Rabbi Yohanan explained the mishna as follows: The leftover produce, this is referring to the fourth se'a. The leftover libations, this is referring to the overfill [beirutzin]¹ of the substance when measured. When one sells a certain measure of wine, oil, or flour to the Temple treasury, he is required to fill the measuring vessel above the rim, so that he provides more than the exact measurement. However, when the Temple treasurer sells these products, he must be exact in the measurements. The difference between these two amounts is referred to in the mishna as the leftover libations.

The Gemara asks: And is Rabbi Hiyya bar Yosef not of the opinion that the Temple profits from the overfill? Why, then, does he omit any reference to it in his explanation of the mishna? Rabbi Hizkiya said: That which befalls the fourth se'a befalls the overfill^{1a} as well. Both fall under the same category of leftover libations.

HALAKHA

If you want to agree that any loss will be yours and any profit will belong to both of you to share – אין בעית די ההפסדה דידך ואגרה דתרויכון: If orphans inherited money from their father, the court does not need to appoint a custodian. Rather, it gives the money to a trustworthy person who invests the money and shares the profits with the orphans, but takes full responsibility for any losses incurred. If he does not own land, he may give gold pieces as security for the money. If there is no one to invest the money in this manner, the court uses the money to purchase a piece of property that is managed by a trustee. Funds are withdrawn a little bit at a time to support the orphans. However, some hold that the money is given to a trustee to manage from the beginning, just as land belonging to orphans is managed by a trustee (Rambam Sefer Mishpatim, Hilkhot Malve VeLoveh 4:14 and Hilkhot Nahalot 11:1; Shulhan Arukh, Hoshen Mishpat 290:8, and in the comment of the Rema).

It is prohibited to lend out the money of orphans to other Jews with a fixed interest rate, as that is considered usury by Torah law. However, it is permitted to lend out the money of orphans in a manner that constitutes usury only on a rabbinic level. Similarly, money designated for the poor, for the support of Torah study, or for a synagogue may be lent out in this manner. The custom is to be lenient although there are those who hold that one may not do so without the explicit consent of the court (Rambam Sefer Mishpatim, Hilkhot Malve VeLoveh 4:14 and Hilkhot Nahalot 11:1; Shulhan Arukh, Hoshen Mishpat 290:8 and Yoreh De'a 160:18 and Rema there).

Befalls the overfill – נפל לְבִירוּצִין: What did they do with the overfill? If there was another offering that required libations, they brought this overfill with it. If it was left overnight, it becomes disqualified. Otherwise, it is used to purchase the repletion of the altar (Rambam Sefer Avoda, Hilkhot Ma'aseh HaKorbanot 2:10).

על דעתיה דרבי חייה בר יוסף נחא. אין משתכרין בשל הקדש אף לא בשל עניים, לפיכך זה וזה לא היו מודין בפירות.

It works out well according to the opinion of Rabbi Ḥiyya bar Yosef, which maintains that the leftover produce was sold for profit by the Temple treasury: **One may not generate profit by selling consecrated property, and not even with funds set aside for the poor, and therefore the mishna concludes: Both this Sage and that Sage, Rabbi Akiva and Rabbi Ḥananya, did not agree with Rabbi Yishmael's opinion with regard to the leftover produce.**

על דעתיה דרבי יוחנן קשיא. והא תנינן: עמדו משלש – יספק מארבע. ותנינן: זה וזה לא היו מודים בפירות!

However, **in accordance with the opinion of Rabbi Yoḥanan**, which maintains that the leftover produce is referring to the profit gained from the fourth *se'a*, **it is difficult. Didn't we learn in a mishna that if the treasurer paid for a product at the price of four units per sela, and at the time it was delivered the price had risen and stood at three units per sela, the seller must still provide the produce at the original price of four^h units per sela**, leaving the Temple treasury with an extra unit from which to profit? Apparently, all agree that the treasury may profit in this manner. However, **we learned in the mishna that this Sage and that Sage, Rabbi Akiva and Rabbi Ḥananya, did not agree with Rabbi Yishmael's opinion with regard to the leftover produce.**

לא היו מודים בפירות בקיץ למזבח, אבל מודין היו בכלי שרת.

The Gemara answers: Everyone agrees that the fourth *se'a* may be sold on behalf of the Temple treasury. When the mishna says that Rabbi Akiva and Rabbi Ḥananya did not agree with regard to the leftover produce, it means that they **did not agree that the profits from the produce should be used for purchasing the repletion of the altar. However, they did agree that they may be used for purchasing sacred vessels.**

עד כדון בירוצי צבור, ואפילו בירוצי יחיד, ולא נמצאו כלי שרת באין משל יחיד?

It appears that all agree that profits from the overflow of the measures are used to purchase sacred vessels. The Gemara asks: **Until here**, it is reasonable to say that the **overflow from communal offerings is used to purchase sacred vessels. However, is it possible to say that the sacred vessels could be purchased even with the overflow of individual offerings? Wouldn't it turn out that the sacred vessels had come from an individual, which is not permitted?**

כהדיא דתנינן: אשה שעשתה כתונת לבנה – כשרה, ובלבד שתמסרנה לצבור.

The Gemara answers that it is **like that which we learned in a baraita**: In the case of a woman who made a tunic, one of the priestly vestments, **for her son to wear while he serves in the Temple, the tunic is valid.** However, since the priestly vestments must come from communal funds, the priest may only use his mother's tunic in the Temple **provided that she completely transfers ownership of the tunic to the community.** Similarly, if the owner donates the overflow to the public, it is permissible to use the profit to purchase sacred vessels.

עד כדון בירוצי לח ואפילו בירוצי יבש?

Until now, the discussion has concerned **liquid overflow**, e.g., wine or oil. Since the overflow was originally within the confines of the sacred vessel, it attained consecrated status. Is the same is true **even for dry overflow**, such as fine flour, in which the overflow was piled on top of the already full vessel? If the overflow was never actually within the confines of the vessel, is it consecrated?

כהדיא דתנינן תמן: הנסכים שקדשו בכלי ונמצא הזבח [פסול], אם יש שם זבח אחר – יקרבו עמו, ואם [לאו] – לנו, יופסלו בלינה.

The Gemara answers: The *halakha* is **in accordance with that which we learned in a mishna there (Menahot 79a)**: In the case of the libations, which include fine flour, **that were sanctified in a sacred vesselⁿ and, subsequently, the offering they were meant to accompany is found to be disqualified,^h if there is another offering there that requires libations, they may be sacrificed with it. And if not, and they are left overnight, they become disqualified by being left overnight.** Since the mishna in *Menahot* does not distinguish between liquid libations and fine flour, the Gemara understands that no distinction should be drawn with regard to the overflow; even dry overflow is consecrated and can be used for the purchase of sacred vessels.

If the price had risen and stood at three units per *sela*, the seller must still provide the produce at the original price of four – עמדו משלש יספק מארבע – The person appointed to oversee the libations would use the money from the collection of the Temple treasury chamber to purchase wine, oil, and fine flour. The Sages said that in a contract with the Temple treasury, if a seller agrees to sell his produce at a price of four units for a *sela*, even if the market price later rises to three units for a *sela*, he is required to provide the produce at the cheaper price. At the same time, if he agrees to sell three units for a *sela* and the price falls to four units for a *sela*, he must provide the produce at the current, cheaper price. The Temple treasury would then sell these items to people who needed them for their offerings. The profits from these sales were referred to as the leftover libations and were used for the repletion of the altar. Although the Sages said that consecrated objects should not be invested for profit, this ruling applies to selling produce in a manner that appears as though the Temple treasury is in need of raising funds. However, the purchase of libations was necessary in order for people to bring their offerings, and therefore it was permitted (Rambam *Sefer Avoda, Hilkhot Kelei HaMikdash* 7:9, and in the comment of the Ra'avad).

The libations that were sanctified in a vessel and the offering is found to be disqualified – הנסכים שקדשו בכלי ונמצא הזבח פסול: If libations are placed in a sacred vessel and the offering they are meant to accompany is found to be disqualified, they are not sanctified if the disqualification is due to improper slaughter. If the offering becomes disqualified at the time of receiving the blood or afterward, the libations are sanctified. If there is another offering that has been slaughtered, the libations can be brought with it. Otherwise, they are disqualified and must be burned.

This is the case with regard to communal offerings, as the court stipulates that the libations may be brought with any offering and not only with their original one. However, with regard to the libations of individual offerings, they are left overnight and then burned (Rambam *Sefer Avoda, Hilkhot Pesulei HaMukdashin* 12:6, and in the comment of the Ra'avad).

NOTES

The libations...that were sanctified in a sacred vessel – הנסכים שקדשו בכלי: In the commentary it is explained that this serves as a proof that the *halakha* for dry overflow is the same as for liquid overflow. This is the opinion of the Rash Sirilio, which is based on the version of the text presented here. Others understand the Gemara to be drawing the opposite conclusion: According to the mishna in *Menahot* only libations that were actually inside the sacred vessel are consecrated, and thus the overflow of flour is not considered to have been sanctified in a sacred vessel and cannot be used to buy sacred vessels (*Korban HaEida*).

The leftover incense – מותר הקטורת: Leftover incense was treated in the same manner as leftover animals that had been designated as daily offerings. When the month of Nisan arrived, they desacralized these items onto money that was to have been used to pay the wages of the artisans who worked in the Temple. That money was then used for the repletion of the altar, and the artisans took the leftover incense as their wages. The Temple treasury then bought back the incense from the artisans with funds from the new collection of the chamber. The incense could then be brought, as it had been purchased with the collection of the current year (Rambam *Sefer Zemanim, Hilkhot Shekalim* 4:12).

הלכה ג מתני' מותר הקטורת מה היה עושין בה? מפרישין ממנה שכר האומנין, ומחללין אותה על מעות האומנין, ונותנין אותה לאומנין בשכרן, וחוזרין ולוקחין אותה מתרומה חדשה [ואם בא חדש בזמנו – לוקחין אותה מתרומה חדשה] ואם לאו – מן הישנה.

HALAKHA 3 • MISHNA The leftover incense^{NH} from one year could not be used the following year, as it had been purchased with the shekels collected for the previous year. **What would be done with it^N** in order to make it usable? The Temple treasurers would set aside an amount of it equal to the value of the wages of the artisans^N who worked in the Temple. **They would then desacralize that incense by transferring its sanctity to the money owed to the artisans.** They would then give the incense to the artisans^N as their wages.^N Finally, they would return and buy back the incense from the artisans with funds from the new collection of shekels. **If the new funds come on time, i.e., by the beginning of Nisan, they purchase the incense with funds from the new collection of shekels. And if not, they may still purchase it from the old collection, and it is valid.**

גמ' ולא נמצא הקדש מתחיל על ההקדש?

GEMARA We learned in the mishna that the leftover incense was desacralized with money that the Temple treasury owed the artisans. The Gemara asks: **Isn't it found that this process involves consecrated property being desacralized with consecrated property?** The artisans were paid with money from the Temple treasury, which was also consecrated, yet consecrated property can be desacralized only by transferring its sanctity to unconsecrated property.

ביצד הוא עושה? אומר רבי שמעון בר ביסנא: מביא מעות ומחללן על הבגין.

The Gemara answers that the incense was desacralized with this money after the money itself had been desacralized. **How does the treasurer of the Temple appointed to this task do so? Rabbi Shimon bar Bisna said: He brings money from the treasury and desacralizes it onto the building that the artisans have constructed, which is not yet sanctified.**

NOTES

The leftover incense – מותר הקטורת: Rashi (*Shevuot* 10b) explains that there was leftover incense every year. Incense was set aside for each day of the year with the addition of three more portions from which the High Priest took a handful on Yom Kippur. As he took only a handful, there would be incense that remained leftover from those three portions. *Tosafot* point out that this explanation is not necessary, as 368 portions were prepared at the beginning of the year: A portion for each of the 365 days of the solar year, with three remaining portions for the High Priest on Yom Kippur. Since, the solar year is eleven days longer than the lunar year, in regular years there were always at least eleven portions that went unused. Additionally, when a priest with small hands sacrificed the handful of incense, some would be leftover.

What would be done with it – מה היה עושין בה: The incense had to be brought from the new collection each year. Therefore, a procedure was necessary by which to reacquire the remaining incense with the new shekels.

The Temple treasurers would set aside an amount of it equal to the value of the wages of the artisans, etc. – מפרישין ממנה שכר האומנין וכו': There are several opinions with regard to the method of desacralization. According to Rashi (*Shevuot* 10b), the Temple treasurers took money from the collection of the chamber and legally transferred it to the artisans as wages, which caused the money to lose its sanctified status. The leftover incense would then be desacralized by exchanging it for that money, making the incense the property of the artisans. Subsequently, the treasurers would buy back the incense from the artisans with money from the shekels of the new year. This

money would thus be desacralized and was subsequently actually paid to the artisans as their wages. The *Me'iri* explains this process similarly.

According to the Ritva, and, as he claims, the Jerusalem Talmud here, the first stage did not involve desacralizing money from the collection of the chamber by legally transferring it to the artisans as wages. Rather, the Temple treasurers would set aside unconsecrated money for the wages of the artisans and then desacralize the incense by exchanging it for that money. They would subsequently pay the artisans with the incense and then buy back the incense with money from the new collection of the chamber.

Rabbi Yosef Migash explains that the Temple treasury acquired the non-sacred money by paying the artisans with the leftover incense and giving them a bit more than the amount due them. The artisans would pay for the extra amount of incense they had received with non-sacred money from their own pockets. In doing so, they would desacralize all of the incense upon that money, as it is permitted to desacralize consecrated property for less than its market value when necessary. The Temple treasury would then buy back the incense from the artisans with shekels from the new collection.

They would give the incense to the artisans – ונותנין אותה לאומנין: The commentaries raised the following question: Since, in the end, the Temple treasury would pay the artisans their wages with incense, why not give it to them immediately? Why the need for the intermediate steps? *Tosafot* (*Shevuot* 10b) explain that there is a dispute with regard to this matter. According to the opinion of ben Azzai, it is prohibited to pay them with consecrated property. Even according to

Rabbi Akiva, who holds that it is permitted, his ruling applies only to an object that was consecrated by an individual. The Sages were more stringent with regard to the leftover incense, which was consecrated by the whole community in that it was acquired with shekels from the collection of the chamber.

Other commentaries ask: Why not sell the incense to other people, which would transfer its sanctity to the money used for its purchase, and then buy back the incense with money from the new collection of the chamber? Rashi explains that it would be disgraceful to sell the incense to just anyone. Other early authorities point out that according to Rabbi Yohanan, the same concern does not exist with regard to daily offerings, since the Temple treasury would sell blemished sheep the entire year, and it would not be readily apparent that these were unblemished animals that had been designated for communal offerings. However, incense would be sold only once a year, and therefore it would be obvious that it was consecrated and consequently a greater disgrace.

To the artisans as their wages – לאומנין בשכרן: Rashi (*Shevuot* 10b) explains that these are the artisans who prepared the incense in the Temple, and the Temple treasury would pay their wages with incense. There is a practical element to this, as the artisans were already working with the incense. In addition, in this way the transfer of consecrated status from the incense would be less public. However, most early commentaries, including Rabbeinu Hananel, hold that this method of reacquiring the leftover incense with shekels from the new collection could make use of any of the artisans who worked in the Temple, including builders and others.

ומביא קטורת ומחלל עליהן, ונותנים אותה לאומניו בשכרן.

אותן המעות מה יעשה בהן? רבי אומר: אומר אני ינתנו לבית גרמו ולבית אבטינס, שהיו בקיאיין בפיתוס הקטורת ובמעשה לחם הפנים. אומר רבי שמואל בר רב יצחק: והן שהיו חייבין להן מעות משערה ראשונה.

רבי חיייה בר בא בעי: לא היו חייבין להן מעות משערה הראשונה? אתא רבי בא בשם רבי חיייה בשם רבי יוסי: מקייצין בהן את המזבח.

רבי בא בר כהן בעי קומי רבי יוסה: מחלפא שיטתיה דרבי חיייה בר בא, תמן צריכה ליה, וכה פשיטא ליה! הא דצריכה ליה – בכלי שרת, הא דפשיטא ליה – בקיץ למזבח.

דאיתפלגון: פיתומה בחולין, רבי יוסי בי רבי חנינה אומר: פסולה, רבי יהושע בן לוי אומר: כשירה.

He then brings the incense and desacralizes it by transferring its sanctity onto the money. The Temple treasurers then give the incense to the artisans as their wages. Finally, they buy back the incense with the funds from the new collection, as taught in the mishna.

That money that was used to desacralize the incense, which is now consecrated, what should be done with it? Rabbi Yehuda HaNasi says: I say that it should be given to the house of Garmu and to the house of Avtinan,⁸ who were experts in the preparation of the incense and in the production of the shewbread. The producers of the incense and the shewbread receive their payment from the collection of the Temple treasury chamber. Rabbi Shmuel bar Rav Yitzhak said: And this is true only when the treasury owes them money from work done previously, but it should not be given to them as advance payment for work they will do in the future, as the wages for work they do from the month of Nisan and on should come from the collection of the new year.

Rabbi Hiyya bar Ba asked: If the Temple treasury did not owe these artisans money from work done previously, what would be done with the money? Rabbi Ba came and said in the name of Rabbi Hiyya, who said in the name of Rabbi Yosei: The treasury uses the money to buy offerings with which they replete the altar.⁹ Rabbi Hiyya bar Ba accepted this answer.

Rabbi Ba bar Kohen asked in the presence of Rabbi Yosei: Is the opinion of Rabbi Hiyya bar Ba reversed? There, at first, he needed clarification with regard to this question, and here it is obvious to him that one may use the money to pay for the repletion of the altar. The answer to the question was given by Rabbi Ba in the name of Rabbi Hiyya, and that same Rabbi Hiyya asked the question. The Gemara explains: That about which he needed clarification is whether the money used to desacralize the incense may be used to purchase sacred vessels. That which was obvious to him is that the money may be used to buy offerings for the repletion of the altar.

Rabbi Hiyya's initial dilemma with regard to purchasing sacred vessels with the money used to desacralize incense reflects his indecision concerning the dispute about which two amora'im disagreed: If one prepared incense in a non-sacred vessel,¹⁰ Rabbi Yosei, son of Rabbi Hanina, said: It is disqualified for use in the Temple, as incense must be consecrated by being placed in a sacred vessel. Rabbi Yehoshua ben Levi said: It is valid for use, as there is no requirement that incense be placed in a sacred vessel during its preparation. According to the opinion of Rabbi Yosei, son of Rabbi Hanina, all incense is sacred on the level of a sacred vessel. Consequently, the money exchanged for it will have the same level of sanctity, and it can be used to purchase sacred vessels. However, according to the opinion of Rabbi Yehoshua ben Levi, it is possible to have prepared incense that has not yet been placed in a sacred vessel. The money exchanged for such incense may not be used to purchase sanctified vessels, as it does not have the appropriate level of sanctity.

HALAKHA

They use the money to buy offerings with which they replete the altar – מקייצין בהן את המזבח: When the New Moon of Nisan arrived, the leftover incense was desacralized by the transfer of its sanctity onto the money ordinarily set aside for the wages of the artisans. The now consecrated money was used to buy offerings for the repletion of the altar. When this was done, the artisans received their wages in the form of the desacralized leftover incense. The Temple treasury then bought back the incense with money from the new collection of the

chamber. This is in accordance with the opinion of Rabbi Hiyya in the name of Rabbi Yosei (Rambam *Sefer Zemanim, Hilkhot Shekalim* 4:12).

פיתומה בחולין – פיתומה בחולין: If one prepared the incense using non-sacred ingredients or in a non-sacred vessel, it is disqualified for use, in accordance with the opinion of Rabbi Yosei ben Rabbi Hanina (Rambam *Sefer Avoda, Hilkhot Kelei HaMikdash* 2:6).

BACKGROUND

House of Garmu and house of Avtinan – בית גרמו ובית אבטינס: The Gemara in tractate *Yoma* relates that these two families kept the secret of how to prepare the shewbread and the incense, respectively. The incense had a specific and secret recipe, while the shewbread had to be baked using a secret technique to create its unusual shape. While there are many disputes among the commentaries as well as among modern researchers with regard to the identification of some of the components of the incense, about others there is almost no argument. One of these is *levona*, frankincense, which is also used with most of the meal-offerings and is identified as the sap derived from *Boswellia sacra* trees.



Ancient *Boswellia sacra* tree in Dhofar, Oman



Frankincense from a *Boswellia sacra* tree

With which they replete the altar – מקייצין בהן את המזבח: It is explained in a *baraita* (*Shevuot* 12a) that the term *kayyiltz*, repletion, is derived from the word for picking figs. The extra burnt-offerings brought when the altar was idle are analogous to a sweet dessert, which is an unnecessary but pleasurable addition to a meal. There was no set time for these additional, special offerings. On a day with many visitors bringing private offerings there was no need for them.

NOTES

They use the money to buy offerings with which they replete the altar – מקייצין בהן את המזבח: The repletion of the altar is referring to the sacrifice of burnt-offerings when the altar was otherwise not being used. The flesh of these animals was burnt on the altar and their hides belonged to the priests.

It is holy – קודש היא: This precise phrase is not found in the Torah. Some explain, based on a parallel discussion in tractate *Keritot* 6a, that the intended verse is: "It shall be holy to you" (Exodus 30:37; see *Mishne LaMelekh* on Rambam *Sefer Avoda, Hilkhot Kelei HaMikdash* 2:6). An alternative explanation is that this *halakha* is derived from the phrase with regard to the anointing oil: "It is holy, it shall be holy unto you" (Exodus 30:32). If so, however, the text should read *kodesh hu*, i.e., the masculine form, rather than *kodesh hi*, in the feminine. The latter appears in the text here, which is in agreement with the word for incense, *ketoret*, which is feminine (*Arukh LaNer* on *Keritot* 6a; *Mishne LaMelekh* on Rambam *Sefer Avoda, Hilkhot Kelei HaMikdash* 2:6).

Rabbi Yoḥanan said incense – רבי יוחנן אמר קטורת: The commentaries explained that Rabbi Yoḥanan must say that the phrase: Items that are suitable to be brought as communal offerings, is referring to incense, as it cannot refer to unblemished animals, oils, wine, or fine flour, because these are all mentioned explicitly later in the mishna. Moreover, those items may be used by individuals as well. Therefore, they are less likely to be referred to as items that are suitable for communal offerings (*Korban HaEida, Tiklin Hadatin*).

Unblemished lambs that remained unused – הותרו תמימים: Rashi (*Shevuot* 10b) explains that there were always six animals that had been examined and found to be free of blemishes available for the daily offerings. On the last day of Adar, two of them were sacrificed, one in the morning and one in the evening, leaving four remaining at the end of the Temple year. Rabbi Naftali Tzvi Yehuda Berlin finds difficulties with this explanation and suggests that the leftover animals were those that went missing and were subsequently found. An alternative explanation of how there came to be leftover animals is found in the *Tosefot HaRosh*, citing the Rash Mi-Kutzi, who explained that when particularly choice animals became available, the Temple would purchase many of them at once. Consequently, the Temple could be left with remaining lambs at the end of the year.

HALAKHA

Unblemished lambs that remained unused – הותרו תמימים: Once the New Moon of Nisan arrives, it is permitted to sacrifice communal offerings only from the new collection of the Temple chamber. The old collection may be used only if there are not enough new funds. If the Temple treasury owns animals designated as daily offerings that were purchased from the old collection, they are redeemed, despite the fact that they are unblemished. These animals are thereby transferred to non-sacred status and the money is allocated to the old collection, from which offerings for the repletion of the altar were purchased.

The reason it is permitted to redeem even unblemished animals is because the court stipulated that any animal purchased as a daily offering but did not get used may be transferred to non-sacred status. This ruling is in accordance with Rabbi Hiyya's explanation of the opinion of Shmuel (*Rambam Sefer Zemanim, Hilkhot Shekalim* 4:12).

מה טעמא דרבי יוסי בי רבי חנינה? "קודש היא" – שתהא הווייתה בקודש. מה טעמא דרבי יהושע בן לוי? "קודש היא" – שתהא באה מתרומת הלשבה.

אמר רבי יוסי בי רבי בון: אתיא דרבי יוסי בן חנינה כשמואל, ודרבי יהושע בן לוי כרבי יוחנן.

דתנינן: המקדיש נכסיו והיו בהן דברים ראויין לקרבנות צבור, רבי יוחנן אמר: קטורת. אמר רבי הושעיה: תיפתר באימון משל בית אבטינס, שהיה נוטל בשכרו קטורת.

ודרבי יוסי בי רבי חנינה כשמואל, דאמר רב הונא בשם שמואל: מכתשת עשו אותה ככלי שרת לקדש.

אמר רבי יוסי בי רבי בון אמרה רבי חונא קומי רבי יוסי: דבר שקדש בכלי שרת נפדה? אמר ליה: ולא דשמואל היא. דשמואל אמר: קל הוא במותר.

דאיתפלגון, הותרו תמימים. שמואל אמר: נפדין בתמימים, ורבי יוחנן אמר: נפדין כפסולי המוקדשים.

What is the source for the opinion of Rabbi Yosei, son of Rabbi Ḥanina? The verse states about incense: "It is holy"^N (see Exodus 30:37). This teaches that its creation, i.e., its preparation, must take place in a sacred vessel, so that it has elevated sanctified status from its inception. **What is the source for the opinion of Rabbi Yehoshua ben Levi?** "It is holy," meaning that it must come from the collection of the Temple treasury chamber, i.e., from the public and not from an individual. However, once it is purchased from communal funds, it may be prepared even in a non-sacred vessel.

Rabbi Yosei, son of Rabbi Bun, said: The opinion of Rabbi Yosei ben Ḥanina goes in accordance with the opinion of Shmuel. And the opinion of Rabbi Yehoshua ben Levi is in accordance with the opinion of Rabbi Yoḥanan.

As we learned in a mishna (*Shekalim* 12a): There is a tannaitic disagreement concerning one who consecrates all of his possessions, and among them there are items that are suitable for use as communal offerings. Rabbi Yoḥanan identified the possession the mishna is referring to and said: **Incense**.^N Apparently, he maintained that it is possible for one to be in possession of incense that has not yet been consecrated. Therefore, he must also maintain that incense that was prepared in a non-sacred vessel is valid for use, in accordance with the opinion of Rabbi Yehoshua ben Levi. **Rabbi Hoshaya, said:** The mishna should be explained as referring specifically to an artisan of the house of Avtinas, who would receive incense as his wages. The incense was prepared in a sacred vessel, but it could come into his possession after being desacralized.

And the opinion of Rabbi Yosei ben Ḥanina is in accordance with the opinion of Shmuel, as Rav Huna said in the name of Shmuel: With regard to the mortar, within which they crushed the ingredients of the incense, the Sages considered it like a sacred vessel with regard to its ability to bestow an elevated, consecrated status upon its contents. Apparently, Shmuel holds that the incense must be prepared in a sacred vessel.

Rabbi Yosei, son of Rabbi Bun, said: Rabbi Ḥuna said this *halakha* of Shmuel in the presence of Rabbi Yosei and asked: May an item that was sanctified in a sacred vessel be redeemed? Since placing an item in a sacred vessel elevates its sanctity, ordinarily it would not be possible to transfer its sanctity onto money. Yet Shmuel insists that the incense be prepared in a sacred vessel, and the leftover incense was desacralized by transferring its sanctity onto money. **Rabbi Yosei said to him:** Isn't that precisely the opinion of Shmuel? **As Shmuel said:** This is a leniency with regard to leftover communal offerings, including incense. They can, in fact, be desacralized, despite their elevated level of sanctity.

The Gemara cites the source of Shmuel's opinion: The *amora'im* disagreed with regard to unblemished lambs that had been set aside for the daily offerings and remained unused^{NH} at the end of the year. They may not be sacrificed in the coming year, as they were not purchased with funds collected for that year. **Shmuel said:** Although in general one may redeem such animals only after they develop a blemish, in this case they may be redeemed even as unblemished animals. The Temple treasury could then purchase them anew from the newly collected funds, rendering them suitable as offerings for the new year. The same holds true for remaining incense; it too may be desacralized in a more lenient manner. **Rabbi Yoḥanan said:** Although they are animals remaining from the previous year, they still must be redeemed in the regular manner, like any other consecrated animals that have been disqualified. One must wait until they develop a blemish; only at that point may they be redeemed.

הזמירו שעירים, על דעתיה דשמואל:
אם עולה נפדית לא כל שכן חטאת,

The Gemara raises a similar issue: If **goats** that were set aside for communal sin-offerings **were left over** at the end of the year, according to **Shmuel** they may be redeemed in their unblemished state. If a **burnt-offering** may be **redeemed** unblemished, **all the more so** it should be permitted to redeem an animal set aside as a **sin-offering**. With regard to an animal set aside for a burnt-offering, if it was not redeemed in its unblemished state, but became blemished and was subsequently redeemed, the funds used for its redemption would go to purchase another burnt-offering for the repletion of the altar. The value set aside as burnt-offering thus would remain dedicated to that purpose. In the parallel case of a sin-offering, the funds used to redeem a blemished leftover communal sin-offering did not go to the purchase of a new sin-offering but to the purchase of a burnt-offering for the repletion of the altar as well. Since the animal's sanctification as a sin-offering is effectively nullified in any case, it is easier in such a case to be lenient and permit the redemption of the animal even before it has become blemished.

על דעתיה דרבי יוחנן, אמר רבי
זעירא: ירעו.

Rabbi Ze'eira said in accordance with Rabbi Yohanan's opinion: Even in the case of leftover communal sin-offerings, the animals must **graze** until they develop a blemish; only then may they be redeemed. The funds used to redeem the animals became sanctified and were allocated for the purchase of burnt-offerings for the repletion of the altar.

אמר רבי שמואל בר רב יצחק:
מקייצין בהן את המזבח.

Rabbi Shmuel bar Rav Yitzhak said: They, i.e., the leftover sin-offerings, are **themselves** used as burnt offerings to **replete the altar** without being redeemed.

וקשיא: יש חטאת שקריבה עולה?
אמר רבי יוסה: שנייא היא, שאין
קרבות צבור נקבעין אלא בשחיטה.
אמר רבי חייא: תנאי בית דין הוא על
המותר שיקרבו עולות.

The Gemara asks: **But this is difficult: Is there a sin-offering that may be brought as a burnt-offering?** **Rabbi Yosei said:** This case is **different**, as it is dealing with a communal offering; **communal offerings are designated** as a particular type of offering **only with their slaughterer**, and not when they are consecrated in the first place. **Rabbi Hiyya** offers a different explanation and says: **It is a condition of the court**, which stipulates **with regard to remaining animals that even if they have been set aside as communal sin-offerings they may be sacrificed as burnt offerings.**

Perek IV

Daf 12 Amud a

הלכה ד מתני' המקדיש נכסיו
והיו בהן דברים ראויין לקרבות
הצבור –

HALAKHA 4 • MISHNA One who consecrates all his possessions without specifying for what purpose, his possessions are consecrated for Temple maintenance. **And if among them there are items that are suitable for use as communal offerings,**^h which may not be used for the maintenance of the Temple but only for sacrificial purposes, what is done with those items to remove their consecration for Temple maintenance, in order that they may be reconsecrated for sacrificial use?

HALAKHA

One who consecrates his possessions and among them there are items suitable for communal offerings – המקדיש נכסיו והיו בהן דברים ראויין לקרבות הצבור: When someone consecrates all his possessions, without specifying for what purpose, and incense or one of its ingredients is among them, these should

be given to the Temple artisans as their wages in a procedure like that performed with the leftover incense (Rambam *Sefer Zemanim, Hilkhot Shekalim* 5:10). This is in accordance with the opinion of Rabbi Akiva, as explained by Rabbi Yohanan later in the Gemara.