

בְּתֵיב: וְכִלְיֹתָם הֵבִיאוּ לִפְנֵי הַמֶּלֶךְ
וַיְהוּדְעוּ וְגו' רַבִּי שִׁמְעוֹן בַּר נַחֲמָן
בְּשֵׁם רַבִּי יוֹנָתָן אָמַר: שְׁתֵּי נִדְבוֹת
עָשָׂה,

The Gemara discusses the midrash of Jehoiada the High Priest mentioned in the mishna. It is written: "And when they had made an end, they brought the rest of the money before the king and Jehoiada, from which they made vessels for the house of the Lord, even vessels used in the Temple service" (II Chronicles 24:14). In explanation of this verse, Rabbi Shimon bar Nahman said in the name of Rabbi Yoḥanan: Jehoiada made two chests^{N5} for two different types of voluntary donations, one for maintaining the Temple and the other for free-will offerings.

תַּנִּי דְבֵי רַבִּי יִשְׁמַעֵאל: נִדְבָה אַחַת.
דְּבַתֵּיב "וַיֹּאמֶר הַמֶּלֶךְ וַיַּעֲשׂוּ אֲרוֹן
אֶחָד" וַיִּתְּנֶהוּ בְּהֵיכַל בַּיִת ה' וַיִּקַּב
חֹזֶר בְּדִלְתוֹ.

A dissenting opinion was taught in a *baraita* of the school of Rabbi Yishmael: Jehoiada prepared a single chest for one free-will offering, as it is written: "So the king commanded, and they made a chest" (II Chronicles 24:8). The verse specifically states that Jehoiada made only one chest. This is the same chest mentioned elsewhere: And he placed it in the Sanctuary of the House of God, "and he bored a hole in its lid" (II Kings 12:10).

וְהָא דְבַתֵּיב "וַיֹּאמֶר הַמֶּלֶךְ וַיַּעֲשׂוּ
אֲרוֹן אֶחָד וַיִּתְּנֶהוּ בְּשַׁעַר בַּיִת ה'
חוּצָה!"

The Gemara asks: But isn't it written: "So the king commanded, and they made a chest, and set it without, at the gate of the House of the Lord" (II Chronicles 24:8)? This indicates that there was an additional chest that was placed outside the Temple.

אָמַר רַב חוּנָא: מִפְּנֵי הַטְּמֵאִים.

Rav Huna said: There was only one chest, which was originally located inside the Temple by Jehoiada's command. Afterward, however, he instructed that it should be placed outside the Temple because of those people who were ritually impure by contact with a corpse or a dead creeping animal. These people were unable to enter the Temple to insert their money for free-will offerings.

רַבִּי חֲנִינָא בְּשֵׁם רַבִּי יוֹסֵף: "אֵךְ לֹא
יַעֲשֶׂה בַּיִת ה' סִפּוֹת כֶּסֶף מְזֻמְרוֹת"
וְגו'.

Rabbi Hanina said in the name of Rabbi Yosef: There were two free-will offerings in the Temple, as it is written: "But there were not made for the House of the Lord cups of silver, snuffers, basins, trumpets, any vessels of gold, or vessels of silver, of the money that was brought into the House of the Lord; for they gave that to them who did the work, and repaired with it the House of the Lord" (II Kings 12:14). These were for the repairs of the Temple, not for making sacred serving vessels. Conversely, the verses in II Chronicles discuss the construction of the vessels, as it is written: "From which they made vessels for the House of the Lord" (II Chronicles 24:14). As this verse refers to a different chest and a separate free-will offering, it shows that there were in fact two chests.

הדרן עלך פרק
שלשה עשר שופרות

הלכה א מתני מעות שנמצאו בין השקלים לנדבה, קרוב לשקלים – יפלו לשקלים, לנדבה – יפלו לנדבה, מחצה למחצה – יפלו לנדבה.

בין עצים ללבונה, קרוב לעצים – יפלו לעצים, ללבונה – יפלו ללבונה, מחצה למחצה – יפלו ללבונה.

בין קניני לגזולי עולה, קרוב לקניני – יפלו לקניני, קרוב לגזולי עולה – יפלו לגזולי עולה, מחצה למחצה – יפלו לגזולי עולה.

בין חולין למעשר שני, קרוב לחולין – יפלו לחולין, למעשר שני – יפלו למעשר שני, מחצה למחצה – יפלו למעשר שני. זה הכלל: הולכין אחר הקרוב להקל, מחצה למחצה להחמיר.

גמ' לא הוצרכה דלא בין שקלים לקנינים?

רבי אבון בשם רבי פנחס: כמיין בובליאר היו עשוין.

HALAKHA 1 • MISHNA If money was found on the floor of the Temple between one of the collection horns marked shekels and the collection horn marked free-will offerings,^H that is to say, between the first and the thirteenth collection horns, in which funds contributed to the Temple were stored, the following distinctions apply: If the money was found closer to the horn marked shekels, it is allocated to the shekels;^N if it was found closer to the horn marked free-will offerings, it is allocated to free-will offerings; and if it was equidistant from the horn marked shekels and the horn marked free-will offerings, it is allocated to free-will offerings.

If the money was found between the horn marked wood and the horn marked frankincense, that is, between the fifth and sixth horns, if it was closer to the horn marked wood, it is allocated to wood; if it was closer to the horn marked frankincense, it is allocated to frankincense; and if it was found equidistant from both, it is allocated to frankincense.

If the money was found between the horn marked pairs of bird-offerings and the horn marked doves for burnt-offerings, i.e., between the third and the fourth horns, if it is closer to the horn marked pairs of bird-offerings, it is allocated to pairs of bird-offerings; if it was found closer to the horn marked doves for burnt-offerings, it is allocated to doves for burnt-offerings; and if it was found equidistant from both, it is allocated to doves for burnt-offerings.

And similarly, if money was found anywhere else between a container for ordinary, non-sacred money and one containing second-tithe^N money,^H the following distinctions apply: If the money was found closer to the non-sacred money, it is allocated to the non-sacred money; if it was found closer to second-tithe money, it is allocated to second-tithe money; and if it was found equidistant from both, it is allocated to second-tithe money. This is the principle: In cases of doubt, the ruling follows whichever is closer, even if this involves being lenient, but if the money was found equidistant from both, the ruling follows whichever allocation involves being stringent.

GEMARA The mishna taught the halakha governing the case where money was found between the horn marked shekels and a horn marked free-will offerings. The Gemara asks: Addressing this case was not necessary, as these horns were not adjacent to one another; the one marked shekels was the first horn and the last six were marked free-will offerings. Why should it be presumed that money found in the middle belongs to one or the other and not to one of the horns in between? Rather [dela],^L the mishna should have addressed the case where money was found between the horn marked old shekels and the horn marked pairs of bird-offerings, as they are adjacent to one another.

Rabbi Avun said in the name of Rabbi Pinehas: The contribution horns in the Temple were arranged like a circle [bukhliyar].^L The horns did not stand in a straight row, but rather in a circle, such that the horn marked new shekels and the horn marked free-will offerings were adjacent to one another from the other side.

HALAKHA

If money was found between the shekels and the free-will offerings מעות שנמצאו בין השקלים לנדבה: If money was found in the Temple treasury between the horn marked shekels and the horn marked free-will offerings, closer to the horn marked shekels, it is allocated to the shekels. If it was found closer to the horn marked free-will offerings, it is allocated to free-will offerings. If it was found equidistant from both, it is allocated to free-will offerings. The same halakha applies to any money found between the various horns located in the Temple treasury, i.e., it is allocated to the closest horn. If it was found equidistant from the horn marked wood and the horn marked frankincense, it is allocated to frankincense; between the horn marked pairs of bird-offerings and the

horn marked doves for burnt-offerings, it is allocated to doves for burnt-offerings. This is the principle: In all cases, the money is allocated to the closest horn, and if it was found equidistant from two horns, it is allocated to the horn which leads to greater stringency. This ruling follows the mishna (Rambam Sefer Zemanim, Hilkhot Shekalim 3:14–15).

בין חולין – למעשר שני: If money was found between a container for non-sacred money and one containing second-tithe money, it is allocated to whichever is closer. If it was found equidistant from both, one must be stringent and treat it like second-tithe money (Rambam Sefer Zera'im, Hilkhot Ma'aser Shenii 6:12).

NOTES

It is allocated to the shekels – יפלו לשקלים: The halakha recorded in the mishna that money found is allocated to the closest horn addresses only a situation in which the same number of coins is found in each of the horns. If, however, one of the horns has more coins than the other, the money is allocated to the horn with the greater number of coins, even if it was closer to a different horn. The Sages conclude elsewhere (see Bava Batra 23b) that the principle that uncertainty is resolved by following the majority trumps the principle articulated here that it should be resolved based on proximity.

The other cases in the mishna that rely on proximity to resolve the uncertainty should also be understood in this light (Rosh; Talmid HaRashbash; Rabbi Ovadya Bartenura). Some, however, argue that since the number of coins in each horn does not remain fixed over the course of the day and the situation can change at any time, the majority is unstable. In such a case, the principle that the majority trumps proximity in resolving uncertainties does not apply and the cases in the mishna are resolved as it says, based upon proximity (Talmid HaRashbash; see also Tiferet Yisrael).

Second tithe – מעשר שני: The second tithe was one-tenth of the produce that remained after teruma had been given to the priests and the first tithe had been given to the Levites. The second tithe was separated during the first, second, fourth, and fifth years of the Sabbatical cycle. After the second tithe was set aside, it was brought to Jerusalem to be consumed there by its owner. If the journey to Jerusalem was too long, so that it would be difficult to carry the entire amount of second tithe there, or if the produce became ritually impure, it could be redeemed for an equivalent sum of money. If the owner redeemed his own produce he had to add one-fifth of its value. This redemption money was brought to Jerusalem, where it could be spent only to purchase food.

LANGUAGE

Rather [dela] – דלא: An abbreviated form of da ela. The expression here, lo hutzrekha dela, is similar to the common expression in the Babylonian Talmud, lo nitzrekha ela: It was only necessary... rather.

Circle [bukhliyar] – בובליאר: The correct pronunciation appears to be kukhliyar, derived from the Greek κοχλιάριον, kokhliarion, spoon, made in the shape of a shell, a cochlea, or in a spiral.



Twisted snail shells, known in Latin as cochlea

הַפְּרִישׁ שֶׁקֶל – If someone set aside his shekel and died – **מִמָּוֶת**: If someone set aside his shekel and then died, the shekel is allocated to free-will offerings, in accordance with the ruling in the *baraita* (Rambam *Sefer Zemanim, Hilkhot Shekalim* 3:12).

His one-tenth of an ephah – **עֲשִׂירִית הָאֵיפָה שְׁלוֹ**: Any extra meal left over from the tenth of the ephah of the High Priest's griddle-cake offering must be left to rot, in accordance with the mishna (Rambam *Sefer Avoda, Hilkhot Pesulei HaMukdashin* 5:8).

Whoever supplies the pairs of birds, he also supplies extra birds to replace those that are disqualified – **הַמְסַפֵּק**: **אֵת הַקֵּינִין הוּא מְסַפֵּק אֶת הַפְּסוּלוֹת**: If one who was appointed to supply the birds needed for bird-offerings sold someone a bird that was disqualified or became so before it was sacrificed, he must provide another in its place (Rambam *Sefer Avoda, Hilkhot Kelei HaMikdash* 7:9).

NOTES

Is a sin-offering brought as a burnt-offering – **וַיֵּשׁ חֲטָאת**: The Gemara did not ask the corresponding question with regard to the earlier ruling, i.e., that if the money was found closer to the horn marked doves for burnt-offerings than to the horn marked pairs of bird-offerings, would it be allocated to doves for burnt-offerings? Yet a corresponding difficulty does exist: As every pair of bird offerings includes a sin-offering, there is a chance that money that was meant for a sin-offering would be used to buy a burnt-offering. Why is this not a concern?

The explanation lies in the distinction between the resolution based on proximity and the merely procedural resolution of allocating the money to the more stringent use in the case of equidistance. In cases where the uncertainty is resolved based on proximity, the resolution is determinate and the *halakha* regards it as a certainty. In contrast, in the case where the money is equidistant from two different horns, the resolution is merely procedural and the Gemara's objection makes sense. It is then reasonable to ask about the possibility that the money fell from the other horn, i.e., from that marked pairs of bird-offerings, and if so, how can a sin-offering be brought as a burnt-offering (*Penei Zaken*).

This explanation applies as well to the Gemara's question below, with regard to a woman who needs to sacrifice both a sin-offering and a burnt-offering: How does this woman achieve atonement? That question is raised only if the money was found equidistant from the horn marked pairs of bird-offerings and the horn marked doves for burnt-offerings, and is allocated to doves for burnt-offerings. Since the money was equidistant from both horns, the uncertainty remains. However, were the money found closer to one rather than the other, the resolution is determinate and there is no longer any uncertainty; every offering that was required is presumed to have been brought (Rosh; *Talmid HaRashbash; Tiklin Hadatin*).

מִחֻצָּה לְמִחֻצָּה יִפְּלוּ לְנֹדֶבָה (לֹא צוּרְפָה דְּלֹא מִחֻצָּה לְמִחֻצָּה יִפְּלוּ לְשִׁקְלִים).

אֵיךְ דְּבַעֵי מִימַר: שְׂמָא יִפְּלוּ לְשִׁירֵי הַלְשֻׁבָּה,

אֵיךְ דְּבַעֵי מִימַר: מִחֻצָּה לְמִחֻצָּה כְּמִי שְׂמִית. אָמַר רַבִּי יִסָּא: עַד דְּאִנְיָא תִּתְּמֵן שְׂמִיעִית קַל רַב יְהוּדָה שְׂאֵל לְשִׁמּוּאֵל: הַפְּרִישׁ שֶׁקֶל וְמָת? אָמַר לִיה: יִפְּלוּ לְנֹדֶבָה.

עֲשִׂירִית הָאֵיפָה שְׁלוֹ, רַבִּי יוֹחָנָן אָמַר: יוֹלִיכֶם לַיִם הַמֵּלַח, רַבִּי לְעוֹר אָמַר: יִפְּלוּ לְנֹדֶבָה.

וְקִשְׂיָא: וַיֵּשׁ חֲטָאת קְרִיבָה עוֹלָה!

חֻזְקִיָּא בְּשֵׁם רַבִּי שְׂמִיעוֹן בֶּן לְקִישׁ: תְּנַאי בֵּית דִּין הוּא עַל הַמּוֹתְרוֹת שְׂיִקְרְבוּ עוֹלוֹת.

הָאִשָּׁה הַזֹּאת בְּמָה הִיא מְתַכַּפֶּרֶת?

אָמַר רַבִּי יִצְחָק: תְּנַאי בֵּית דִּין הוּא, הַמְסַפֵּק אֶת הַקֵּינִין – הוּא מְסַפֵּק אֶת הַפְּסוּלוֹת.

The mishna teaches that if money was found equidistant from the horn marked shekels and the horn marked free-will offerings, it is allocated to free-will offerings. The Gemara asks: The mishna should not have said that the money is allocated to free-will offerings. Rather, it should have said that when money is found equidistant from both, it is allocated to shekels. For the *halakha* governing the money in the horn marked shekels is more stringent, as the regular communal offerings are bought with that money, whereas the money in the horn marked free-will offerings is used only to buy offerings for those times when there are no regular offerings being sacrificed.

The Gemara answers: Some wish to say that the *halakha* governing the money in the horn marked shekels is less stringent because perhaps the money allocated would not be used for the purchase of offerings, and consequently it would be allocated to the remainders of the chamber funds, i.e., those left over after the public offerings have been bought with the half-shekels collected in the chamber. Such money would be used for repairing the walls and towers of Jerusalem, and not for offerings. It is consequently preferable that the money be allocated to free-will offerings, and therefore be used for offerings.

And some wish to say that money that is found equidistant from both is treated like money that has no owner, i.e., like money that was set aside by someone who subsequently died, and the Sages said that such money is allocated to free-will offerings. As Rabbi Yehuda said: While I was there in Babylonia, I heard the voice of Rav Yehuda who asked Shmuel the following question: If someone set aside his shekel and subsequently died,¹⁴ what is to be done with the money? Shmuel said to him: It is allocated to free-will offerings.

The Gemara now asks a similar question: The High Priest could set aside money to be used for the purchase of his daily griddle-cake offering made from one-tenth of an ephah¹⁵ of flour, half in the morning and half in the evening. If he died before the flour had been bought, what is to be done with the money? Rabbi Yohanan said: The money must be cast into the Dead Sea, i.e., so that it is destroyed. Rabbi Elazar disagreed and said: The money is allocated to free-will offerings.

The mishna taught that if the money was found equidistant from the horn marked pairs of bird-offerings, i.e., one burnt-offering and one sin-offering, and the horn marked doves for burnt-offerings, it is allocated to doves for burnt-offerings. And this is difficult: Is a sin-offering brought as a burnt-offering?¹⁶ Surely it is possible that the money fell from the horn marked pairs of bird-offerings, and is therefore partially designated for the purchase of sin-offerings.

Hizkiya said in the name of Rabbi Shimon ben Lakish: A condition of the court stipulates with regard to the remainder of the money originally consecrated for sin-offerings that it is brought as burnt-offerings. Even if the one who consecrated the money did not state such a condition explicitly, he is regarded as having done so, as it is presumed that the money was consecrated in accordance with the court's stipulation.

The Gemara asks: If so, with what does this woman, who had placed the money for her offering in the horn marked pairs of bird-offerings, achieve atonement? A woman who had given birth or is a *zava* must bring a pair of bird-offerings, one as a burnt-offering and the other as a sin-offering, as part of her purification process. If that money has been allocated to doves for burnt-offerings, she has not completed the process.

Rabbi Yitzhak said: A condition of the court stipulates: Whoever supplies the Temple with the pairs of birds, he also supplies extra birds to replace those birds that are disqualified.¹⁷ If one of the birds is disqualified or missing, he provides another bird in its place, and so in any event the woman will have brought both a burnt-offering and a sin-offering.

לא צורכה דלא בין קטורת לעצים,
ללבונה, לזהב לכפורת?

The mishna did not consider all the possible places that money could be found between different horns, and so the Gemara asks: **Shouldn't the mishna also discuss additional cases, like where the money was found between the fourth and fifth horns, i.e., between the horn marked incense and the horn marked wood, or between the sixth and seventh horns, i.e., between the horn marked frankincense and the horn marked gold for the Ark cover?**

ותנינה בסופה: זה הכלל, הולכין אחר
הקרוב, מחצה למחצה להחמיר.

The Gemara answers: In fact, this mishna addresses these cases as well, as it teaches at its end: **This is the principle: In cases of doubt, the ruling follows whichever is closer, even if this involves being lenient; but if the money was found equidistant from both, the ruling follows whichever attribution involves being stringent.**

הלכה ב מתני מעות שנמצאו לפני
סוחרים בהמה – לעולם מעשר,

HALAKHA 2 • MISHNA This mishna considers other situations in which something is found and its source is unknown. **Money found before animal merchants in Jerusalem is always presumed to be second-tithe money.**^{NH} The presumption is based on the fact that in Jerusalem, most of the animals are bought with second-tithe money and sacrificed as peace-offerings.

ובהר הבית – חולין, ובירושלים, בשאר
כל ימות השנה – חולין, ובשעת הרגל –
הכל מעשר.

and money found on the Temple Mount is presumed to be non-sacred money. And with regard to money found in the rest of Jerusalem, the following distinction applies: If it was found during the rest of the days of the year, it is presumed to be non-sacred money, but if it was found during the time of a pilgrim Festival, it is all presumed to be second-tithe money, because most of the money found in Jerusalem at the time of a Festival is second-tithe money.

בשר שנמצא בעורה, איברים – עולות,
וחתיכות – חטאות, ובירושלים – זבחי
שלמים. זה וזה תעובר צורתו ויצא
לבית השריפה.

The mishna continues: With regard to meat that was found in the Temple courtyard,^H and it is not known from whence it came, the *halakha* is as follows: If it is whole limbs of the animal, in the manner that burnt-offerings are brought to the altar, it is presumed to be burnt-offerings. And if it is in small pieces, it is presumed to be sin-offerings. And if the meat, in whatever form, is found in the city of Jerusalem, as opposed to the courtyard, it is presumed to be the meat of peace-offerings, as most of the meat in Jerusalem is the meat of peace-offerings. Since it is possible that the time during which it is permitted to eat any of it has already passed, both this and that, whether it is determined to be the meat of burnt-offerings or the meat of peace-offerings, its form must be allowed to decay,^N i.e., it must be left until it is definitely disqualified, and then it must be taken out to the place of burning, where offerings that have become disqualified are burned.

נמצא בגבולין, איברים – נבילות,
וחתיכות – מותרות.

With regard to meat found in the outlying areas, outside of Jerusalem, if it is in the form of whole limbs, the meat presumably comes from carcasses of animals that were not properly slaughtered, for meat unfit for eating was generally cut up into full limbs, to be fed to dogs or sold to gentiles. But if it is in small pieces, it is presumably kosher and permitted to be eaten, as kosher meat was ordinarily cut up into small pieces.

HALAKHA

Money found before animal merchants is always second-tithe money – מעות שנמצאו לפני סוחרים בהמה לעולם מעשר: If money was found in Jerusalem when the Temple was standing, in front of a place where sacrificial animals are sold, it is presumed to be second-tithe money and must be treated accordingly. If it was found on the Temple Mount, it is presumed to be ordinary, non-sacred money. Anywhere else in Jerusalem, if the money was found on one of the Festivals, it is presumed to be second-tithe money. At any other time of the year it is presumed to be non-sacred money. Since the streets of Jerusalem are swept every day, the money that was found must have been lost that day (Rambam *Sefer Zera'im, Hilkhot Ma'aser Sheni* 6:9–10).

Meat that was found in the Temple courtyard – בשר שנמצא בעורה: With regard to meat found in the Temple courtyard, if it was in the form of whole limbs it is presumably the meat of a burnt-offering; if it was cut up into small pieces it is presumably the meat of a sin-offering. If the meat was found elsewhere in the

city of Jerusalem, it is presumably the meat of a peace-offering. Such meat must be left over past the time permitted for its consumption and then taken out to the place of burning, as per the ruling in the mishna.

Since none of this meat is actually sacrificed, the determination that it belongs to a burnt-offering, a sin-offering, or a peace-offering is relevant only with regard to liability for misuse of consecrated articles. If the meat was found in Jerusalem, since it is presumed to be the meat of a peace-offering, whose consumption is permitted to non-priests, one who eats it transgresses but is not liable for misuse of consecrated articles. Similarly, if it was found in the Temple courtyard cut up into small pieces, since it is presumed to be the meat of a sin-offering, and a sin-offering may be eaten by priests, there is no liability for misuse of consecrated articles. But if it was found cut up in limbs, since it is presumed to be the meat of a burnt-offering, and a burnt-offering may not be eaten, one who eats it is liable for misuse of consecrated articles (Rambam *Sefer Avoda, Hilkhot Pesulei HaMukdashin* 19:4).

Money found before animal merchants is always presumed to be second-tithe money – מעות שנמצאו לפני סוחרים בהמה לעולם מעשר: The Gemara (*Pesahim* 7a; see Rashi there) explains as follows: If money was found in the market where animals were sold in Jerusalem, it was presumed to be second-tithe money, because most of the animals bought in Jerusalem were purchased with second-tithe money. This was true both on the Festivals and throughout the year, as any second-tithe money that was not spent on the Festivals was left in Jerusalem, where most of it was used to purchase peace-offerings.

If, however, the money was found on the Temple Mount, it was presumed to be non-sacred money, even on a Festival. When one entered the Temple Mount, he had presumably already purchased whatever he would need for his Temple service. Some commentaries explain that money found on the Temple Mount was presumed to be non-sacred money because one must not enter the Temple Mount with money. Therefore, money found there was assumed to have belonged to the Temple treasury and was used for the purchase of sacred objects, in the process of which the money lost its consecrated status (Ra'avad; Me'iri; *Pesahim* 7a).

With regard to money found elsewhere in Jerusalem, if it was on a Festival, when the city was filled with pilgrims who had brought their second-tithe money with them, the money was presumed to be second-tithe money. Throughout the year, however, it was presumed to be non-sacred money, as most of the money in Jerusalem was non-sacred. Since the streets of Jerusalem were swept every day, and any money that had been lost by the pilgrims would have been found by the sweepers, it may be supposed that any money found was lost that day.

Its form must be allowed to decay – תעובר צורתו: In Mishna tractate *Pesahim* (7:9), the Rambam glosses this phrase as *ta'avur tzurato*; that is, the meat should be left until its form has changed by its becoming spoiled. After the meat has been left past the time it is permitted to eat it, it is referred to as being left over, and is disqualified and must be burned (see Rash and Rabbeinu Hananel on *Pesahim* 34a). Some Mishna commentaries indicate that decay of form actually means leaving it past the time permitted for consumption, so that it is no longer fit for its intended purpose. This is apparently based on the Gemara in tractate *Menaḥot* 46b, and so too it would appear from the Rambam's Commentary on the Mishna, tractate *Zevahim* 34a. Most sacrificial meat becomes left over the following morning, but when the meat comes from a peace-offering, it is considered left over only once a night and a day have passed subsequent to the day on which the offering was sacrificed. Only then may it be burned.

NOTES

If one diverted his attention – הִסִיעַ דַּעַת: In the Babylonian Talmud (*Pesahim* 34a), the *amora'im* disagree about the nature of the disqualification stemming from diverting one's attention from a sacred object. According to Rabbi Yohanan, this is a disqualification of impurity, i.e., there is a concern that perhaps the object contracted ritual impurity without anyone knowing, and the disqualification is based on this uncertainty. According to Reish Lakish, it is an intrinsic disqualification, i.e., owing to a special stringency applying to consecrated objects, diversion of attention in itself disqualifies the object. In practice, both agree that if the object was sacrificial meat it must be burned. The difference between them is that according to Rabbi Yohanan, since the disqualification is based on an uncertainty, the meat is burned only after its form has decayed, whereas according to Reish Lakish, it can be burned immediately, even before its form has decayed.

Rabbi Hoshaya, who was Rabbi Yohanan's teacher (*Mishnat Elyahu*), agrees with him that diversion of attention is only a disqualification of impurity, and therefore the meat must undergo decay of form before it can be burned.

Decay of form – עֵיבוּר צוּרָה: Rashi explains (see *Pesahim* 73b) that decay of form means that the meat of the offering is left overnight past its normal time limit, at which point it acquires the status of leftover sacrificial meat and should be burned. Rabbeinu Hananel and the Rambam appear to have understood the phrase literally: The disqualified meat is left until it rots or decays and no longer looks like regular meat.

וּבְשֵׁעַת הָרִגְלָה, שֶׁהַבָּשָׂר מְרוּבָה – אִךְ אֵיבָרִים מוֹתָרוֹת.

And if meat is found at the time of a Festival, when meat is plentiful, so that it is generally not cut up into small pieces, then even whole limbs are permitted to be eaten.

גַּמְ' לֹא צוּרָה דְלֹא בְהַר הַבַּיִת קוּדֵשׁ?

GEMARA The mishna teaches that money found on the Temple Mount is presumed to be non-sacred money. The Gemara asks: **Shouldn't the mishna** have said that the money found on the Temple Mount is treated as consecrated money? Most of the money on the Temple Mount is consecrated money, and even if it were not, one ought to be stringent and regard any found money as such.

רַבִּי בָּא רַבִּי חִיְיָה בְּשֵׁם רַבִּי יוֹחָנָן: חִיְיָה שָׂאִין הַבַּיִת מוֹצִיא מִן הַלְשָׁכָה מַעוֹת עַד שֶׁהוּא מַחְלִיל עַל הַבְּהֵמָה.

The Gemara answers: **Rabbi Ba** said that **Rabbi Hiyya** said in the name of **Rabbi Yohanan**: There is a presumption that the priest who is in charge does not remove money from the chamber until he desecralizes it by transferring its consecrated status onto the animals that he purchases for offerings. Therefore, any money that is found on the Temple Mount is presumably non-sacred money.

בָּשָׂר שֶׁנִּמְצָא כּו'. רַבִּי לְעוֹר בְּשֵׁם רַבִּי הוֹשֵׁעִיה: הִסִיעַ דַּעַת טַעוֹן עֵיבוּר צוּרָה.

The mishna teaches that **meat found** in the rest of the city of Jerusalem, cut into whole limbs or small pieces, is presumably from a peace-offering. However, it may not be eaten and its form must be allowed to decay, after which it is burned. The Gemara now cites what **Rabbi Elazar** said in the name of **Rabbi Hoshaya** and a proof for his opinion from the mishna: **If one diverted his attention^N** from sacrificial meat such that it was not protected from ritual impurity, even though the meat is disqualified, it is not burned immediately. Rather, it **must** be left over past the time permitted for its consumption in order that its **form decays^N**.

אָמַר רַבִּי הוֹשֵׁעִיה: מִתְּנִיתִין אֲמָרָה כֵּן: תְּעוּבָר צוּרָתוֹ וַיֵּצֵא לְבַיִת הַשְּׂרִיפָה.

Rabbi Hoshaya said: **The mishna** says like that with regard to meat that was found in Jerusalem, i.e., that its **form** must first be allowed to decay and then it is taken out to the place of burning. As the meat was lost, clearly its owner's attention was diverted from it, and the meat became disqualified. The mishna rules that nevertheless it must be kept left over before it is burned, therefore supporting **Rabbi Hoshaya's** ruling that meat from which one's attention was diverted is not burned immediately but must be left over. The disqualification stems from the uncertainty whether the meat became impure, and the meat cannot be burned until its disqualification is certain.

אָמַר רַבִּי יוֹסֵי: וַיֵּצֵא, לֹא כִּלּוֹ אִין אֶתְּ יָכוֹל – שְׂמָא נִתְקַלְקַל צוּרָתוֹ, לְפָנִים כֵּן צְרִיךְ מֵימַר – תְּעוּבָר צוּרָתוֹ וַיֵּצֵא לְבַיִת הַשְּׂרִיפָה.

Rabbi Yosei said: The *halakha* of the mishna is indeed correct, but not for this reason. With regard to the meat that one found in Jerusalem, the reason **you may not eat it** is that **perhaps its form had already decayed**. Perhaps before it was found the time permitted for eating it had already elapsed. **Therefore, one must say that its form must be allowed to decay**, lest the allotted time has not elapsed, and only then is it taken out to the place of burning. The requirement that its form decay has nothing to do with the fact that the meat might have become impure. Since the meat was lost in Jerusalem, which is a public domain, it cannot become disqualified because of doubtful ritual impurity, as the principle is that any doubt about ritual impurity that arises in a public domain is declared ritually pure (*Teharot* 4:7).

נִמְצָא בְּגִבּוּלֵינ כּו'. רַבִּי קְרִיסְפָּא בְּשֵׁם רַבִּי יוֹסֵי בְּרַבִּי חֲמִנָּה: אֵיבָרִים נְבִילוֹת, לֹא קִיֵּין עֲלֵיהֶן מִשּׁוּם נְבִילָה.

The mishna taught that with regard to meat found in the outlying areas, outside of Jerusalem, if it was whole limbs, the meat is presumably that of carcasses and therefore forbidden, but if it was found in small pieces it is presumably kosher and permitted to be eaten. **Rabbi Krispa** said in the name of **Rabbi Yosei, son of Rabbi Hanina**: When the mishna says that **whole limbs are presumed to come from carcasses**, that presumption is determinate, to the extent that one who eats this meat receives lashes for eating the meat of unslaughtered carcasses.

Nine stores – תשע חנויות: If meat was found lying in the marketplace, its status is determined in accordance with the majority, as per the principle that anything separated out is presumed to be from the majority. Therefore, if the majority of meat sellers in that town are gentiles, the meat is prohibited. If the majority are Jews, it is permitted.

The same *halakha* applies to meat that is found in the possession of a gentile and it is not known from whom it was purchased. If the majority of meat sellers in that town are Jews, by Torah law the meat is permitted to be eaten. The Sages, however, rendered prohibited any meat that was found, whether in the marketplace or in the hand of a gentile, even if all the slaughterers and all the meat sellers in the town are Jews. This ruling is in accordance with the opinion of Rabbi Yehuda HaNasi, based on the Gemara in tractate *Hullin* (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 8:11; *Shulhan Arukh*, *Yoreh De'a* 63:1, 110:3).

NOTES

Nine stores – תשע חנויות: According to a straightforward reading of the Gemara, and according to the Gemara in tractate *Ketubot* 15a, the reason that the meat is forbidden and is not judged according to the majority of nine stores that sell kosher meat is that any doubt that arises concerning the status of something while it is fixed in its place is considered an evenly balanced doubt, and these stores are considered fixed in their place. However, some commentaries explain that improperly slaughtered meat is generally sold at a lower price than properly slaughtered meat, and therefore even though the majority of stores sell kosher meat, there is still room for concern that this person bought from a store that sells non-kosher meat (Rabbeinu Hananel on *Ketubot* 15a).

LANGUAGE

Large public square [pelatya] – פִּלְטִיָּא: From the Greek *πλατεία*, *plateia*, meaning broad, wide, or flat.

Roman [Armai] – אַרְמַאי: In its narrow and precise sense, this word refers to Arameans, speakers of the Aramaic language. However, the meaning of the term expanded, perhaps because Babylonia, the main area of Jewish settlement in the Persian Empire, was officially called *Bei Armai*, the house of Armai. Ultimately, the term was used in reference not only to the Aramaic speakers, but to all the gentile peoples in Babylonia.

BACKGROUND

Large public square [pelatya] – פִּלְטִיָּא: A *pelatya* was a large public square in which great numbers of people could be assembled and through which they passed. It serves as a classic example of a public domain, as it meets all the criteria set down for its inclusion in that category.

מתניתא אמרה בן: איברי נבילות, וחתכות מותרות. חתכות מותרות לא ממש? ודכותה איברים נבילות – לוקין עליהן משום נבילה.

The Gemara comments: **The mishna itself says this**, i.e., the wording of the mishna implies this, for the mishna teaches: With regard to meat found in the outlying areas, outside of Jerusalem, if it is in the form of whole limbs, the meat presumably comes from carcasses. And if it is in small pieces, it is presumably kosher and permitted to be eaten. When the mishna says that **small pieces are permitted**, does it not mean that they are **actually** permitted, i.e., the mishna permits the eating of the small pieces of meat and does not regard it as an uncertainty? **In a corresponding manner**, when the mishna says that meat found in the form of limbs is presumably that of carcasses, this is regarded as a certainty, such that one who eats this meat is flogged for having violated the prohibition against eating the meat of a carcass that was not properly slaughtered.

רבי קריספא בשם רבי יוסי ברבי חנינה: אם הי מחרוזות – מותרות.

Rabbi Krispa said further in the name of Rabbi Yosei, son of Rabbi Hanina, with regard to meat that was found in the form of whole limbs: **If the meat was found strung together on strings like beads, it may be presumed that the meat is kosher, and it is therefore permitted.**

תשע חנויות מוכרות בשר נבילה ואחת מוכרת בשר שחוטה, נתחלפו לו חושט ולנמצאת הולכין אחר הרוב.

It was further taught in a *baraita* with regard to meat of an unknown source: If one bought meat in a town that has ten stores, **nine stores selling the non-kosher meat of a carcass and one store selling the meat of a properly slaughtered animal, and he was confused about them, not remembering from which store he made his purchase, he must be concerned that perhaps he bought non-kosher meat.** However, the meat is forbidden only because of an uncertainty, and if he ate it he is not liable to receive lashes. **And if a piece of meat was found in the marketplace and it is not known from which store the meat came, one follows the majority of meat stores.** Since in this scenario the majority of stores sell non-kosher meat, the found meat is presumed to be non-kosher.¹⁴

תשע חנויות מוכרות בשר שחוטה ואחת מוכרת בשר נבילה, נתחלפו לו חושט ולנמצאת הולכין אחר הרוב.

As for the reverse case, if **nine storesⁿ were selling the meat of a properly slaughtered animal and one store was selling the non-kosher meat of a carcass, and one bought meat in one of the stores but was confused about them, not remembering from which store he made his purchase, he must be concerned that perhaps he bought non-kosher meat.** **And if a piece of meat was found in the marketplace and it is not known from which store the meat came, one follows the majority of meat stores, and presume that the meat is kosher.**

אמר רבי יוחנן: הנמצא ביד גוי כנמצא בפלטיא. רבי לעזר בי רבי חגי יהיה מסמך לרבי מנא. חמא לחד ארמאי מקטע מן סוסיה ומפיק לברא. אמר ליה: הדיא היא דאמר רבי יוחנן: הנמצא ביד גוי – כנמצא בפלטיא. אמר ליה: בן אמר רבי יוסי רבי: והן שראו אותו יוצא ממקולין של ישראל.

Rabbi Yoḥanan said: Meat that is found in the hand of a gentile is regarded as if it were found in a large public square [*pelatya*],¹⁵ and so its status is determined in accordance with the majority of stores in the town. It is related that **Rabbi Elazar, son of Rabbi Haggai, was supporting Rabbi Mana, helping him walk, when he saw a certain Roman [Armai]¹⁶ lopping off a piece of flesh from his horse and taking it out for sale.** Rabbi Elazar said to Rabbi Mana: **Is this what Rabbi Yoḥanan meant when he said: Meat that is found in the hand of a gentile is regarded as if it were found in a large public square, and so one follows the majority of stores in the town?** If so, then if the majority of the town's stores are owned by Jews, this meat should be treated as kosher. But surely it isn't, as we saw where it came from. **Rabbi Mana said to Rabbi Elazar: Thus said Rabbi Yosei my teacher about Rabbi Yoḥanan's ruling: This ruling of Rabbi Yoḥanan's applies only where they saw the gentile exiting from a butcher shop belonging to a Jew with a piece of meat in his hand.**



The Forum in Pompeii, Italy. The volcano Mount Vesuvius can be seen in the background.

LANGUAGE

Piece of meat [*kufad*] – קופד: From the Greek, possibly through Syriac, *κοπάδιον*, *kopadion*, derived from *κόπαιον*, *kopaion*, and meaning a slice of meat, fish, etc.

Shops [*makkulin*] – מקולין: From the Latin *macellum*, meaning butcher's stall or a meat market.



Carved stone images used to support tables in the meat market of Jerash, Jordan

חד בר נש בצפורין אָויל בעי מיזבון קופד מן טבָּחא וְלֹא יֵהֵב לֵיהּ. אָמַר לֵיהּ לְחַד רוּמִי, וְאֵייתִי לֵיהּ. אָמַר לֵיהּ: לֹא נִסְבִּיתָ עַל בְּרַחֲמֵיהּ? אָמַר לֵיהּ: וְלֹא בָּשָׂר דְּנַבְיִלָּה יִהְיִית לֵיהּ? רַבִּי יִרְמְיָה בְּשֵׁם רַבִּי חֲמִנָּה: מַעֲשֵׂה בָּא לְפָנֵי רַבִּי, וְאָמַר: לֹא כּוּלָּא מִינֵיהּ מִיסַר מַקּוּלִין דְּצִפּוּרִין.

רב נחת לתמן חמתון מקילין, וחמר עליהן. חד בר נש אָויל

It is further related that a certain man in Tzippori was walking and he wanted to buy a piece of meat [*kufad*]^L from the butcher, but the butcher did not give him the meat, as they were at odds with each other. The man asked a certain Roman to buy the meat on his behalf, and he brought him the meat. The man later said to the butcher: Did I not in the end take the meat from you against your will? The butcher said to him: Did I not give him the non-kosher meat of a carcass, and so the meat you received from him was not kosher? Rabbi Yirmeya said in the name of Rabbi Hanina: An incident like this came before Rabbi Yehuda HaNasi, who said about this: It is not within his power to prohibit all the butcher shops [*makkulin*]^L of Tzippori^N on that day; since the majority of meat shops in that city belong to Jews, the butcher's claim that he gave the Roman non-kosher meat is not to be believed.

It is related that Rav went down there to Babylonia and saw that they were lenient about meat of unknown origin, and he was stringent with them. The Gemara now reports what it is that Rav saw: A certain man went

NOTES

It is not within his power to prohibit all the butcher shops of Tzippori – לֹא כּוּלָּא מִינֵיהּ מִיסַר מַקּוּלִין דְּצִפּוּרִין: It was the custom in Tzippori that when an animal slaughtered in one of the local slaughterhouses was found to be ritually unfit for consumption, a public announcement was made to that effect, so that the Jewish residents of the city would not buy meat from gentiles on that day. In the absence of such an announcement, there was no concern that non-kosher meat would be found in the marketplace (Rashi on *Hullin* 95a).

Rabbi Yehuda HaNasi did not prohibit all the meat in all the butcher shops in Tzippori on that day, despite the fact that the butcher had sold non-kosher meat to a gentile without the requisite announcement, and possibly sold non-kosher meat to others as well. One explanation for this is that the majority of butchers in Tzippori were Jews, and therefore Rabbi Yehuda HaNasi relied on the majority and permitted the meat in the other meat shops (*Tiklin Hadatin*; *Mishnat Eliyahu*, based on the Gemara in tractate *Hullin* 95a). Others explain that he did not prohibit all the meat sold that day in Tzippori because he

holds that the butcher was not to be believed with regard to his claim that he had sold non-kosher meat to the gentile. It stands to reason that he said he had sold the gentile non-kosher meat only because of his animosity toward the man to whom he had refused to sell any meat (*Me'iri*).



Modern-day Tzippori, as seen from its ancient ruins