

לְשֵׁמוֹ וְשָׁלַח לְשֵׁמוֹ בְּשָׂאֵר יָמוֹת
הַשָּׁנָה.

If one slaughters the Paschal lamb on Passover eve as a peace-offering, before the proper time for the Paschal lamb, it is transformed and designated as a peace-offering, and it is valid. However, if one slaughters it as a Paschal lamb, then it is disqualified, since it is not the proper time. The Gemara asks: What is the *halakha* if one slaughters it **for itself and not for itself**, meaning that at the beginning of the act of slaughtering one intends to slaughter it as a Paschal lamb, but at its conclusion he does so as a peace-offering, and it is not on Passover eve but **during the rest of the days of the year?**

רַבִּי בּוֹן בַּר חִיָּיא בְּשֵׁם שְׁמוּאֵל
בַּר אֲבָא: מִכֵּיּוֹן שָׂאִין לוֹ שֵׁם –
נַעֲשֶׂה בְּשׁוֹחֲטוֹ לְשֵׁמוֹ וְשָׁלַח לְשֵׁמוֹ
בְּשִׁתְּיָקָה, וְהוּא כְּשֹׂר.

Rabbi Bun bar Ḥiyya said in the name of Shmuel bar Abba: During the rest of the year it has no name; it is not a Paschal lamb, as it is not its proper time, nor is it a peace-offering, as he did not consecrate it for that purpose *ab initio*. Despite this, if one slaughters it without specifying for which offering he is doing so, it becomes a peace-offering. **Since it has no name** in that case, then, by the same reasoning, even if one begins to slaughter it as a Paschal lamb, **it becomes as one who slaughters it for itself**, a Paschal lamb, **and not for itself**, a peace-offering, **silently**, without specifying his intention, **and it is valid** as a peace-offering. Just as total silence determines that it is meant to be for a peace-offering, so too, the explicit change of intention at the end of the slaughtering is sufficient to accomplish the same.

אָמַר לֵיהּ: אִם בֵּן הוּא, אֶפְּלִי שְׁחָטוּ
לְשֵׁמוֹ עַל מִנַּת לְרוֹק דָּמוֹ שְׁלַח
לְשֵׁמוֹ, יַעֲשֶׂה מִשְׁעָה הָרֵאשׁוֹנָה
בְּשׁוֹחֲטוֹ לְשֵׁמוֹ וְשָׁלַח לְשֵׁמוֹ
בְּשִׁתְּיָקָה וְיִהְיֶה כְּשֹׂר.

One of the disciples said to Rabbi Bun: **If this is so**, that even when one begins to slaughter the animal with specific intent as a Paschal lamb it is transformed and designated as a peace-offering, then even if **one slaughters it for itself in order to sprinkle its blood not for itself**, but rather for a peace-offering, **it should become, from the first moment, as if he slaughtered it for itself and not for itself silently**, and it too should be valid as a peace-offering.

אָמַר רַבִּי אֲבָא מַרִּי: מַה נֹּאמַר
בְּשִׁתְּיָקָה כְּשֹׂר אוֹ נֹאמַר בְּשִׁתְּיָקָה
פְּסוּל.

Rabbi Abba Mari said: What, shall we say, i.e., is it so clear, that when one slaughters for itself and not for itself **silently**, without specifying his intention to sprinkle the blood for a peace-offering, that it is considered a valid peace-offering? **Or**, perhaps, **shall we say** that even when one slaughters silently with the intent to sprinkle its blood for a peace-offering, it is as if he specified that he is slaughtering for the Paschal lamb, in which case it is transformed and designated as a peace-offering and it is **disqualified**? The difference is that in the previous case there is not one entire part of the service that is completed for the Paschal lamb. However, in this case, the slaughtering is completed. It is only the intent with regard to a later stage, i.e., the sprinkling of the blood, that could possibly transform it and designate it as a peace-offering. That is not a sufficiently compelling logical extension.

”מוֹתֵר נְזִיר לְנִדְבָה” רַב חֲסִידָא

The mishna taught: **The leftover money gathered by the nazirite beyond what he needs for his offerings must be used for free-will offerings.** On this point, Rav Ḥisda

Perek II
Daf 7 Amud a

אָמַר: וְהוּא שְׁקִרְבָּה חֲטָאתוֹ בְּסוֹף,
אֲבָל אֵי קָרְבוֹ שְׁלָמִים בְּסוֹף –
מוֹתֵר שְׁלָמִים.

said: **That is only when the nazirite's sin-offering was sacrificed last**, after he offered his burnt-offering and his peace-offering. In that case, any extra leftover money must be used for a free-will offering, as taught earlier in the mishna. **However**, if he already brought his burnt-offering and sin-offering, and **the peace-offering was sacrificed last**, the leftover money that he set aside for his sacrifices must be used for a **peace-offering**, as with all leftover funds of peace-offerings.

Even if the peace-offering was sacrificed last... the leftover money from his nazirite offerings must be used for free-will offerings – אֶפְלוּ קָרְבוֹ שְׁלָמִים לְבָסוֹף... בְּנִיּוֹ שִׁתְּהִיָּה מוֹתֵרָה נִדְבָה: If one sets aside money to use for the offerings of a nazirite, and money is left over after purchasing the sacrifices, he should use the leftover money for the offerings of other nazirites, in accordance with the mishna and the interpretation of Rabbi Ze'eira (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 9:1).

This money is for my sin-offering and the rest is for the rest of my nazirite offerings, and he died – אֵלּוּ לְחֻטְאֵי – הַשְּׂאֵר לְשֹׂאֵר נְזִירוֹתַי וְנִתְּנָה לְחֻטְאֵי: If a nazirite set aside money and said: This money is for my sin-offering and the leftover money is for the rest of my nazirite offerings, and then he died, the money for the sin-offering is cast into the Dead Sea. The rest is divided, half for burnt-offerings and half for peace-offerings, in accordance with the *baraita* (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 9:6). If one derived benefit from all the leftover money, he is guilty of unwitting misuse of consecrated property. If he derived benefit from only part of the money, he is not guilty, in accordance with the *baraita* (Rambam *Sefer Avoda*, *Hilkhot Me'ila* 4:3).

NOTES

Unspecified coins – מְעוֹת סְתוּמִין: When a nazirite completes the full term of his vow, he sacrifices meal-offerings (see next note) as well as a male lamb as a burnt-offering, a female lamb as a sin-offering, and a ram as a peace-offering. These animals can have belonged to him already or he can buy them for this purpose. If the nazirite sets aside money to purchase these offerings, this money may be either unspecified or specified. Unspecified money is that which the nazirite set aside without specifying how it would be divided in purchasing each of his three offerings. With specified money, he specifically designates sums for the burnt-offering, the sin-offering, and the peace-offering.

The leftover portion of a nazirite's loaves – מוֹתֵר לְחֶמֶת: When a nazirite completes the full term of his vow, he must sacrifice a meal-offering and libations along with both his burnt-offering and his peace-offering. With the lamb of the burnt-offering he brings a meal-offering of one-tenth of an ephah of fine flour mixed with a quarter of a *hin* of oil, and a libation of a quarter of a *hin* of wine; all of these are sacrificed on the altar. With the ram of the peace-offering he brings a meal-offering with 6/7 of the standard one-tenth of an ephah of fine flour, from which he bakes ten unleavened loaves and ten wafers and pours a quarter-log of oil on them. After cooking the meat of the ram and waving the foreleg of the ram with one loaf of bread and one wafer, the priests eat one loaf and one wafer, as well as the foreleg, breast, and leg of the ram, which are the contribution to the priests from a peace-offering. The other eighteen loaves and wafers as well as what remains from the meat of the ram after the priests have taken their due are eaten by the nazirite.

אָמַר רַבִּי זְעִירָא: אֶפְלוּ קָרְבוֹ שְׁלָמִים לְבָסוֹף, הֲלִכְהָ אַחַת הִיא בְּנִיּוֹר – שִׁתְּהִיָּה מוֹתֵרָה נִדְבָה.

Rabbi Ze'eira said: This is not so. Rather, even if the peace-offering was sacrificed last, there is one consistent *halakha* transmitted to Moses from Sinai with regard to the nazirite, that the leftover money from that which he set aside for his nazirite offerings must be used for free-will offerings.^H

מִתְּנִיתָא מְסִייעָא לְדִין וּמִתְּנִיתָא מְסִייעָא לְדִין. מִתְּנִיתָא מְסִייעָא לְרַבִּי זְעִירָא: אֵלּוּ הֵן מְעוֹת סְתוּמִין – כָּל שְׂדֵמֵי חֲטָאת מִיִּתּוֹת מְעוֹרְבוֹת בְּהֵן. וְאֶפְלוּ הַפְּרִישׁ דְּמֵי חֲטָאת מִתּוֹכָהּ – מְעוֹת סְתוּמִין הֵן.

The Gemara comments: A *baraita* supports this one and a different *baraita* supports that one. One *baraita* supports the opinion of Rabbi Ze'eira, as it was taught in a mishna (*Me'ila* 11b) that in the case of a nazirite who dies after he had set aside a lump sum for all his sacrifices, the money is to be used for free-will burnt-offerings. The *baraita* elaborates: Which coins are considered unspecified coins?^N Any money that has money mixed in it for sin-offerings whose owners have died, as when he set aside this money he specified that it would be used for all of his sacrifices, including the sin-offering. And even if he had set aside the money for sin-offerings from the rest of the money designated for the offerings, all the money is considered unspecified money. Once the nazirite dies, the money that he set aside is used for free-will offerings. Apparently, this applies even if he brought the peace-offering last. Therefore, this is in accordance with the opinion of Rabbi Ze'eira.

מִתְּנִיתָא מְסִייעָא לְרַב חֲסֵדָא: "אֵלּוּ לְחֻטְאֵי וְהַשְּׂאֵר לְשֹׂאֵר נְזִירוֹתַי" וְנִתְּנָה – מוֹעֲלִין בְּכוֹלָן.

A *baraita* supports the opinion of Rav Hisda, as it was taught with regard to a nazirite who set aside money for his sacrifices and did not initially specify which coins were designated for which sacrifice, and then took some of that money and said: This money is designated for my sin-offering, and the rest is designated for the rest of my nazirite offerings, and he died^H before actually purchasing the offerings. The money designated for the sin-offering must be cast into the Dead Sea. With regard to the rest of the money, half must be used for burnt-offerings and half for peace-offerings. If one used the money that was designated for peace-offerings and burnt-offerings for his own purposes he is guilty of misuse of consecrated property only if he used all the money, as that certainly included the money designated for a burnt-offering.

וְאִין מוֹעֲלִין בְּמִקְצָתָן. וְלֹא אָמַר אִם מִתּוֹת יִפְלוּ לְנִדְבָה.

However, he is not guilty of misuse of consecrated property if he used only some of it, as it is possible that he used only the portion of the money that was meant for peace-offerings; one who uses that money is not guilty of misuse of consecrated property, since the meat of a peace-offering may be eaten by the owner (*Me'ila* 7b). Since the author of this *baraita* did not say: If he died the money must be allocated for communal free-will burnt-offerings, but rather that they are to be used for both burnt-offerings and peace-offerings, it seems that he holds in accordance with Rav Hisda; once the nazirite separated the money for his sin-offering from the rest of the money that he set aside, the leftover amount may be used for a peace-offering. This is not in accordance with the opinion of Rabbi Ze'eira, who holds that all the money must be used for free-will burnt-offerings.

רַב חֲסֵדָא אָמַר: מוֹתֵר לְחֶמֶת שְׁל נְזִיר וְיִרְקָב.

Since the Gemara mentioned the *halakha* with regard to the leftover money of a nazirite's offerings, it discusses the leftover portion of his meal-offering as well. Rav Hisda said: With regard to the leftover portion of a nazirite's loaves,^N i.e., if the nazirite set aside fine flour for his meal-offering and found that he had set aside more than was necessary, the rest of the fine flour must be left to spoil. Similarly, if he set aside money for his meal-offering and then found that he had set aside more than was necessary, he must cast the leftover money in the Dead Sea.

אָמַר רַבִּי יוֹסֵי: וְיִאֵוֹת, לְהַקְרִיבוּ בְּפִנֵּי עֲצָמוּ אִין אֵת יָכוֹל – שְׂאִין לֶךְ לְחֶם קָרֵב לְעֲצָמוּ, לְהַקְרִיבוּ עִם נְזִירוֹת אַחֲרֵת אִין אֵת יָכוֹל – שְׂאִין לֶךְ נְזִירוֹת בְּאֵה בְּלֹא לְחֶם. לְפֻם כֵּן צְרִיךְ מִימֵר – מוֹתֵר לְחֶמֶת שְׁל נְזִיר וְיִרְקָב.

Rabbi Yosei said: And Rav Hisda is right. You cannot offer it on its own, as loaves are never brought as an offering on their own; they are offered only along with a sheep as a burnt-offering or along with a ram as a peace-offering. You cannot offer it with the burnt-offering or peace-offering belonging to another nazirite, as no offering of a nazirite is offered without loaves; when the other nazirite took his vow upon himself, he obligated himself to bring his offerings along with his meal-offerings from his own funds, and he has no need for this leftover fine flour. Therefore, one must say that the leftover portion of a nazirite's loaves must be left to spoil, as it has no other use.

סְבָרִין מִימֵר: הוּא לְחֵמוֹ הוּא מוֹתֵר נִסְכָּיו. אָמַר רַבִּי יוֹסֵי בַר רַבִּי בּוֹן: מוֹתֵר נִסְכָּיו קִדְשֵׁי קִדְשִׁים אֵינּוֹן, וַיִּפְלוּ לְנִדְבָה.

עַל דְּעִתְיָה דְרַבִּי יוֹסֵי בַר רַבִּי בּוֹן, שְׂמוּאֵל אֲלִיבָא דְרַב חֲסָדָא – בְּמוֹתֵר נִסְכָּים, רַב חֲסָדָא וְרַבִּי אֶלְעָזָר שְׁלִשְׁתָּן אָמְרוּ דְּבַר אֶחָד:

רַב חֲסָדָא – אֵהֵן דְאָמְרוּ,

שְׂמוּאֵל – דְאָמַר רַבִּי יוֹסֵי: עַד דְאָנָּא תִּמְנָן שְׂמַעִית קַל רַבִּי יְהוּדָה שְׂאִיל לְשְׂמוּאֵל: הַפְּרִישׁ שְׁקֵלוֹ וּמַת? אָמַר לִיָּהּ: יִפְלוּ לְנִדְבָה.

רַבִּי אֶלְעָזָר אוֹמֵר: מוֹתֵר עֲשִׂירִית הָאֵיפָה שְׁלוֹ, רַבִּי יוֹחָנָן אָמַר: יוֹלִיכִם לַיָּם הַמֶּלַח, רַבִּי אֶלְעָזָר אוֹמֵר: יִפְלוּ לְנִדְבָה.

§ When a nazirite set aside wine or money to purchase wine for his libations and there was more than necessary, the students of the study hall **thought to say** that the *halakha* with regard to the leftover portion of his loaves and the *halakha* of the leftover portion of his libations is the same, and that the leftover portion of libations must also be left to spoil.^h **Rabbi Yosei bar Rabbi Bun** said: **The leftover portion of libations is different, as it is an offering of the most sacred order and therefore must be allocated for communal free-will offerings.**

The Gemara comments: **According to** the opinion of **Rabbi Yosei bar Rabbi Bun**, it becomes apparent that **three Rabbis** all said **the same thing**: **Shmuel**, according to the opinion of **Rav H̄isda**ⁿ with regard to the leftover portion of libations; **Rav H̄isda** himself; and **Rabbi Elazar** all agree that the leftover portion of offerings of the most sacred order must be allocated to communal free-will offerings.

The Gemara elaborates: The opinion of **Rav H̄isda** is evident from **that which we have said**. **Rabbi Yosei bar Rabbi Bun's** opinion that the leftover portion of libations must be allocated for free-will offerings is based on **Rav H̄isda's** opinion that only the leftover portion of a peace-offering is to be destroyed, but not the leftover portion of libations. This is due to the fact that they are offerings of the most sacred order.

The opinion of **Shmuel** is evident, as **Rabbi Yosei** said: **While I was still there**, in Babylonia, **I heard the voice of Rabbi Yehuda** ask his teacher **Shmuel**: **If one set aside his shekel and died** before he contributed it to the Temple treasury, what is to be done with this money? **Shmuel** said to him: **It must be allocated for communal free-will offerings**. These shekels were used to purchase communal burnt-offerings, which are of the most sacred order. Therefore, it seems that the allocation of these shekels follows the same principle as do the offerings intended to be purchased with the shekels and the leftover money must be allocated for free-will offerings.

The opinion of **Rabbi Elazar** is evident from that which he says with regard to **the leftover money from the High Priest's tenth of an ephah**. The High Priest would offer a tenth of an ephah of fine flour made into griddle-cakes daily, half in the morning and half in the evening. When the High Priest died during the day, half would be left over. The *amora'im* disputed what should be done with the leftovers: **Rabbi Yohanan** said: **He must cast it into the Dead Sea**. **Rabbi Elazar** says: **It must be allocated for communal free-will offerings**, as it is an offering of the most sacred order.

HALAKHA

The leftover portion of a nazirite's loaves and the leftover portion of his libations – מוֹתֵר לְחֵמוֹ שֶׁל נֹזֵר וּמוֹתֵר נִסְכָּיו: The leftover portion of a nazirite's loaves must be left to spoil, in accordance with opinion of Rav H̄isda. The left-

over portion of his libations must be allocated for free-will burnt-offerings, in accordance with the opinion of Rabbi Yosei bar Rabbi Bun (Rambam *Sefer Avoda, Hilkhot Pesulei HaMukdashin* 5:8).

NOTES

According to the opinion of Rav H̄isda – אֲלִיבָא דְרַב חֲסָדָא – Although the Hebrew text in the standard Vilna edition has H̄iyya instead H̄isda, this portion of the Gemara has been

corrected and explained according to the version of the Vilna Gaon in his glosses.

הלכה ה מתני' מותר שבויים – לְשִׁבּוּיִים, מותר שבוי – לְאוֹתוֹ שְׁבוּי. מותר עניים – לְעֲנִיִּים, מותר עני – לְאוֹתוֹ עֲנִי. מותר המתים – לְמֵתִים, מותר המת – לְיֹרְשָׁיו. רבי מאיר אומר: מותר המת יהא מונח עד שיבא אליהו. רבי נתן אומר: מותר המת בונין לו נפש על קברו.

HALAKHA 5 • MISHNA The leftover money collected for freeing unspecified captives must be allocated to freeing captives. The leftover money collected for freeing a specific captive is given as a gift to that captive. The leftover money collected as charity for the poor must be allocated to the poor.^H The leftover money collected for a specific poor person is given as a gift to that poor person. The leftover money collected for burying the dead must be allocated to burying the dead. The leftover money collected to bury or provide burial shrouds for a particular deceased person is given to his heirs.^N Rabbi Meir says: It is uncertain what should be done, and therefore the leftover money for the deceased should be placed in a safe place until Elijah comes^N and teaches what should be done. Rabbi Natan says: With the leftover money collected for a deceased person they build a monument [*nefesh*]^{NB} on his grave^N for him.

גמ' גבו לו בתקנת שאין לו ונמצא שיש לו, רבי ירמיה סבר מימר: מותר המת לְיֹרְשָׁיו.

GEMARA With regard to a case where the community collected money to finance the expenses of burying a deceased person with the presumption that he did not have money in his estate to cover these expenses and it was subsequently found that he had money, Rabbi Yirmeya thought to say that the halakha should be in accordance with the first *tanna* in the mishna, that the leftover money for a deceased person is given as a gift to his heirs. There is no difference whether only a portion of the money was needed and a portion was left, or whether there was no need at all for the money and all of it now remains.

The leftover money collected for captives, for the poor – מותר שבויים, עניים: Surplus funds collected for a specific person are allocated to that person: If money was collected to supply the basic needs of a particular poor person and more than necessary was collected, the leftover amount belongs to him. If money was collected to free a particular captive, any leftover funds are given to that captive. If money was collected from the public for a particular deceased person, the surplus belongs to his heirs, in accordance with the opinion of the first *tanna*. In contrast, money that was collected for a specific cause but not for a particular person must remain dedicated to that cause: Leftover funds collected as charity are designated as charity and may not be used for anything but supplying the needs of the poor. If money was collected to free unspecified captives, the leftover funds may be used to free captives and for no other purpose. Funds collected to see to the needs of unspecified deceased people may be used only for that purpose, in accordance with the mishna (Rambam *Sefer Zera'im, Hilkhot Mattenot Aniyyim* 9:18; *Shulhan Arukh, Yoreh De'a* 253:6, 356:1).

BACKGROUND

Monument – נֶפֶשׁ: The monument was sometimes a small stone and sometimes a large and elaborate edifice, erected to commemorate a deceased person. The grave of the particular individual generally was situated adjacent to the monument built in his honor. Since the monument is only a way of marking and remembering the place of the grave, the Sages said that one does not erect monuments for righteous people, as their words commemorate them sufficiently.

NOTES

The leftover money collected for a deceased person is given to his heirs – מותר המת לְיֹרְשָׁיו – The earlier and later authorities questioned the meaning of this right of the heirs to receive what was collected for their father. The Rema explains that the deceased himself does not acquire the item; rather, it is acquired by the charity collectors and designated in general for deceased people or for a particular deceased person, and therefore the charity collectors can acquire it for his heirs. Some explain that one who gives charity intends to perform a complete act of charity, and it is presumed that the deceased derives satisfaction if his heirs benefit because of him (*Hazon Ish*). Another authority suggests that people do not intend to give to the deceased himself, but that they transfer the rights to the money to the heirs in order to enable them to take care of burying the deceased. Therefore, whatever remains automatically belongs to the heirs (*Tzafnat Pane'ah*).

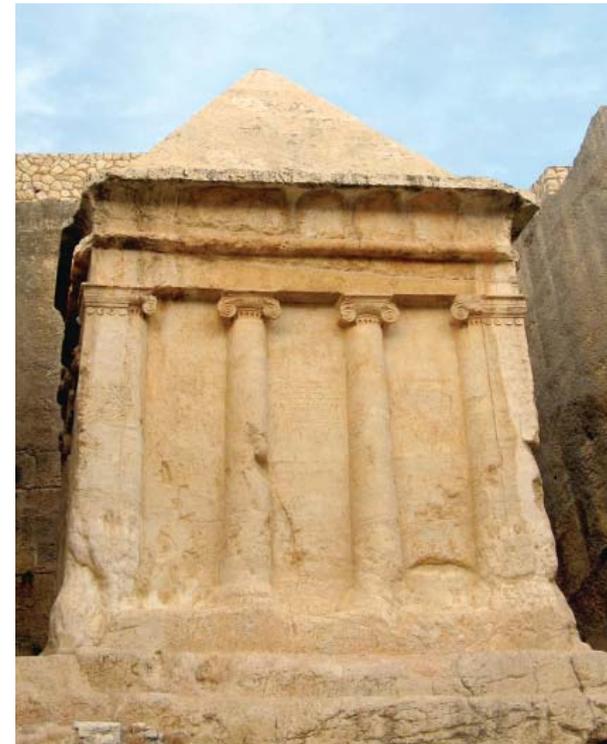
Until Elijah comes – עד שיבא אליהו – This concept has a defined meaning in the *halakha*. The idea appears initially in the book of Ezra, where items of doubtful status are left “until a priest will stand with the *Urim VeTummim*” (Ezra 2:63). Elijah will come not to establish new *halakhot*, but rather to clarify doubtful issues for which there is insufficient proof to reach a clear solution.

Monument [*nefesh*] – נֶפֶשׁ: In the *Arukh* it is explained that this is referring to the tombstone on top of a grave. Some explain that the tombstone is called a *nefesh*, literally, a soul, since this is the residence of the soul, which rests atop the gravestone (*Melekheth Shlomo*). However, others say that this is referring to an edifice built on top of the grave where the guardian of the graveyard resides (Rashi and *Tosafot on Eiruvim* 55b; *Radbaz, Responsa* 243).

The leftover money collected for a deceased person is given to his heirs...the leftover money...should be placed in a safe place until Elijah comes...they build a monument on his grave for him – יהא מונח עד... מותר המת לְיֹרְשָׁיו... The Gemara (*Sanhedrin* 48a)

explains the conflicting opinions in the mishna in two ways, one in accordance with the opinion of Abaye and the other in accordance with the opinion of Rava. The matter depends on another dispute between Abaye and Rava regarding whether designation is significant or not: Does the fact that one merely designates a certain item for a particular purpose have halakhic relevance as if it were actually used for that purpose? The relevance of that dispute to this discussion is whether what was designated for a deceased person is considered as if it were already used for that person, in which case its use is prohibited, as are other items of the deceased, or whether it is not considered as if it were used. Abaye holds that everyone agrees that designation is significant, and therefore he explains the dispute as follows: The first *tanna* maintains that the prohibition applies to whatever befits the deceased, whereas whatever does not befit him, such as an item that is beyond his needs, is not prohibited. In that case, if any money remains, it should therefore rightfully belong to the heirs. Rabbi Meir is in doubt whether the prohibition applies to such items, and therefore he says that one should not touch the money until Elijah comes and decides the issue. Rabbi Natan, however, holds that the prohibition applies to all items, even those that are not required for the deceased, and therefore they must build a monument over his grave with the money.

Rava holds that everyone agrees that designation is not significant and the money which was collected is not prohibited. He explains the dispute in the following way: The first *tanna* holds that receiving money from the public for one's burial needs is degrading, and that one would only have been willing to accept this if the leftover money that was collected for him will go to his heirs. Rabbi Meir is in doubt whether the deceased would have agreed for this reason, and therefore the money should not be given to the heirs. Rabbi Natan holds that the deceased would not willing to be degraded in this manner unless all the money collected, including the leftover portion, is used for his benefit. Therefore, the leftover money may not be given to his heirs and instead is used to build a monument over his grave.



Monument in Jerusalem known as Yad Avshalom, which is in fact a *nefesh*

LANGUAGE

Bring yourself [*hagga atzmekha*] – הַגַּע עִצְמְךָ: This term is probably a variation of the Hebrew *hogga atzmekha*, meaning a command to exert oneself, i.e., to endeavor more to understand a point.

Leaders [*parnasim*] – פְּרָנְסִים: The source of the word *parnas* is unclear. Some suggested that it is an extension of the root *paras*, meaning to divide or give out. Others say that its source is the Greek word *πρόνοος*, *pronoos*, meaning careful or prudent. This root is also the source of the Greek word *προνοήτης*, *pronoētēs*, meaning supervisor or administrator, which is close to the meaning of the word in our sources.

BACKGROUND

Spraying – זִילוף: In the time of the Talmud they would employ various methods to remove unpleasant odors and create a pleasant aroma. One method was to use incense, and another involved spraying wine. For this purpose they would use special wines with a particularly pungent smell. Among the wealthy and the more delicate, it is related that this spraying was considered so important that a person might spend more money on wine for spraying than on wine for drinking.

HALAKHA

One does not protest against the leaders – אֵין מְמַחֵין בְּיַד פְּרָנְסִים: Although the Sages said that the leftover money collected for a poor person belongs to him and the leftover money collected for freeing a captive belongs to him, in exigent circumstances charity collectors have the right to use the money for another purpose, in accordance with the *baraita* (Rambam *Sefer Zera'im*, *Hilkhot Mattenot Aniyim* 9:7; *Shulhan Arukh*, *Yoreh De'a* 253:6).

אָמַר לִיהוּ רַבִּי אִידִי דְחוּטְרָא: הַגַּע עִצְמְךָ דְלֵא כְּוֹנֵן אֶלְאָ לִיהוּ. אָמַר לִיהוּ: אֲנָא לֹא אֶמְרִית, אֵת מִן לְךָ?

Rabbi Idi of Hutra said to him: Bring yourself [*hagga atzmekha*]^L to consider the matter and you will see that the two cases are not similar, as surely the townspeople **intended** to contribute their money **only for him**, for the deceased. They do not mind if the heirs receive any extra money, as it is difficult to collect precisely the right amount for the burial. However, had they known that their money would not be used for the burial at all, and that the entire amount would be given to the heirs, they presumably would not have initially agreed to contribute. Rabbi Yirmeya **said** in response to Rabbi Idi of Hutra: **I didn't say** that **this** was the definitive *halakha*, as I merely suggested what I think should be done. However, **from where do you** derive the distinction you are making? The Gemara leaves the issue unresolved.

תֵּינִי בְּשֵׁם רַבִּי נָתָן: מוֹתֵר הַמַּת יִבְנֶה לוֹ נֶפֶשׁ עַל קִבְרוֹ, וְיַעֲשֶׂה לוֹ זִילוף עַל גְּבִי מִטְתּוֹ.

§ It was taught in the name of Rabbi Natan: With the leftover money that was collected for burying a deceased person a monument is built on his grave, and wine is bought for spraying^B over his bier to make a pleasant odor.

תֵּינִי: אֵין פּוֹדִין שְׂבוּי בְּשָׂבוּי, וְאֵין גּוֹבֵין טְלִית בְּטְלִית, וְאֵין מְמַחֵין בְּיַד פְּרָנְסִים לְכָךְ.

The mishna teaches that the leftover money for freeing a specific captive or for the support of a particular poor person is given to that person. Similarly, it was taught in a *baraita*: **One may not redeem a captive with money that was collected for another captive**. Similarly, **one may not purchase a garment for one poor person with charity collected to purchase a garment for a different poor person**. Nonetheless, **one does not protest against the leaders** [*parnasim*]^{LH} of the community **about this** if they choose to do so in exigent circumstances.

תֵּינִי רַבֵּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר: אֵין עוֹשִׂין נֶפֶשׁוֹת לְצַדִּיקִים, דְּבְרֵיהֶם הֵן הֵן זְכוּרָן.

After discussing building a monument for a deceased person, the Gemara adds that it was taught in a *baraita* that Rabban Shimon ben Gamliel says: **One does not construct monuments for the graves of righteous people**.^N The purpose of a monument is to remember the dead person, and Torah scholars do not need a monument, as their words of Torah that continue to be taught are their memorial.^N

NOTES

One does not construct monuments for the graves of righteous people – אֵין עוֹשִׂין נֶפֶשׁוֹת לְצַדִּיקִים: When Rabban Shimon ben Gamliel said that one should not erect monuments for the righteous, he was referring only to possible benefits for the deceased. Since the righteous are not forgotten after their death, as their words perpetuate their memory, and they also do not need atonement, they have no need for a grave monument. However, another function of building grave monuments for righteous people is so that the living may know where a righteous person is buried and may pray there on their own behalf.

Cited in the responsa *Ketav Sofer* (*Yoreh De'a* 178) is the speech the author delivered when the building erected over the tomb of his father, Rabbi Moshe Sofer, was completed. In the speech he asked: Why is it appropriate to spend large sums of money erecting this structure? Doesn't this indicate that my father was not righteous and that his words will not serve as a memorial to him? He answered that there is a dual purpose in building a grave monument. First, it is for the

sake of the soul of the deceased who is buried there, so that people will not forget to pray for him and help improve his standing in the World-to-Come. Second, the monument is for the sake of those people who want to pray for themselves at the grave of a righteous person; the tombstone on the grave enables them to know the place where the righteous person is buried.

A later authority writes that nowadays it is customary to erect a tombstone even over the graves of Torah scholars, as this is one of the *halakhot* applying to Torah scholars that is not practiced in our time (*Iggerot Moshe*, *Yoreh De'a* 3:154).

Their words are their memorial – דְּבְרֵיהֶם הֵן הֵן זְכוּרָן: The Gemara (*Bava Metzia* 85b) records that Reish Lakish used to mark the graves of righteous people. Rav Ya'akov Emden explains that he marked only those particular graves and not all graves, since all the other graves had tombstones on them. Only the graves of the righteous, which did not have tombstones over them, required distinctive marking.

Weavers [tarsiyyim] – תַּרְסִיִּים: The source of this word is apparently the name of the Greek city Tarsus. This city, located in Asia Minor, was an ancient town that later became a center of Greek culture and industry. The people of Tarsus were excellent artisans whose particular expertise was creating fine metalwork and weaving ornate patterns. The name of this town is the source for the name of various crafts, and in the language of the Sages, the word *tarsiyyim* connotes certain types of weavers, possibly those who used the unique methods of Tarsus, as well as certain types of smiths.

In the time of the Temple there were synagogues belonging to particular groups of artisans, and this tradition continued until recent generations. Therefore, it is not surprising that there was a special synagogue for weavers. It is also possible that the synagogue belonged to Jews who originated from the city of Tarsus, which had a Jewish community, as the tradition of building a synagogue for people who originated from the same place is also an ancient and widespread custom.

LANGUAGE

Knob [gelustera] – גְּלוֹסְטְרָא: From the Greek κλειστρον, *kleistron*, meaning a bolt or anything used to lock, or the Latin claustrum, meaning a bolt, bar, or lock. In this context it probably refers to the thick end of a bolt, which can be used for locking.

BACKGROUND

A door bolt which has a knob [gelustera] protruding at its top – בְּנֵי שֵׁישׁ בְּרֹאשׁוֹ גְּלוֹסְטְרָא: This refers to a door bolt with a thick, round knob at the top; with the knob it is considered a type of vessel.

רבי יוחנן היה מסמך ואזל עאל רבי חייא בר אבא, והיה רבי אליעזר חמי ליה ומטמר ליה מקמיה. ואמר: הלן תרתי מלייהו הדין בבלאה עביד ביה: חדא – דלא שאיל בשלומיה, וחדא – מיטמר. אמר ליה רבי יעקב בר אידי: כך נהיגין גבהון, דזעירא לא שאיל בשלומיה דרבה. דאינון נהגון ומקיימין "ראוני נערים ונתבאא וישישם קמו עמדו".

אמר ליה: מהו למיעבר קמי דאדורא צלמי? אמר ליה: מה את פליג ליה יקר? עבור קמוהי וסמי עינוי. אמר ליה: יאות רבי אליעזר עביד דלא עבר קמן.

ועוד עביד הא בבלאה דלא אמר שמעתא משמיה. נכנסו לפניו רבי אמי ורבי אסי. אמרו לו: רבי, כך היה מעשה בבית הכנסת של טרסיים בנגר שיש בראשו גלוסטרא, שנחלקו.

Rabbi Yoḥanan^p was walking while leaning on the shoulder of Rabbi Hiyya bar Abba, and Rabbi Eliezer^p was watching him and hiding from him. Rabbi Yoḥanan said: This Babylonian has done two improper things to me. One, he didn't inquire after my welfare; and another, he is hiding from me, as though he doesn't want to speak with me. Rabbi Ya'akov bar Idi^p tried to placate Rabbi Yoḥanan and said to him: This is the custom among them, i.e., among Babylonians. The small, less prominent people do not inquire after the welfare of great, prominent people; they only respond to them. That is the reason he did not inquire after your welfare. Their custom is to fulfill that which is written in the verse: "The young men saw me and hid themselves, and the aged rose up and stood" (Job 29:8).

When Rabbi Ya'akov bar Idi saw that Rabbi Yoḥanan was not mollified, he said to him: What is the *halakha* with regard to passing in front of the Adura statue? Does that fall into the category of giving honor to idolatry? Rabbi Yoḥanan said to him: What honor are you giving it by merely passing in front of it? You could pass in front of it and blind its eyes, meaning that you could pass in front of it and insult it. Rabbi Ya'akov bar Idi said to him: If so, Rabbi Eliezer was right not to pass in front of you, since if he had passed in front of you but maintained the custom of Babylonians not to inquire after your welfare, it would have been a slight to your honor.

Rabbi Yoḥanan continued: That Babylonian did something else wrong, in that he did not say a *halakha* in my name, as he repeated without attribution something I taught him. Rabbi Ami and Rabbi Asi entered. In order to appease Rabbi Yoḥanan they said to him: Rabbi, there was an incident that occurred in the synagogue of the weavers [tarsiyyim],^N where they were discussing the halakhic status of a door bolt, a vertical bar that is affixed to the door in order to push into the ground, which has a knob [gelustera]^L protruding at its top.^B

PERSONALITIES

Rabbi Yoḥanan – רבי יוחנן: This is Rabbi Yoḥanan bar Nappaha, one of the greatest *amora'im*, whose teachings are fundamental components of both the Babylonian Talmud and the Jerusalem Talmud. He resided in Tiberias and lived to an advanced age.

Rabbi Yoḥanan was orphaned at a young age, and although his family apparently owned considerable property, he spent virtually all of his resources in his devotion to the study of Torah, and he eventually became impoverished. In his youth, he had the privilege of studying under Rabbi Yehuda HaNasi, the redactor of the Mishna, but most of his Torah study was accomplished under Rabbi Yehuda HaNasi's students: Hizkiya ben Hiyya, Rabbi Oshaya, Rabbi Hanina, and Rabbi Yannai, who lavished praise upon him. In time, he became the head of the yeshiva in Tiberias, at which point his fame and influence increased greatly. For a long time Rabbi Yoḥanan was the leading rabbinic scholar in the entire Jewish world, not only in Eretz Yisrael but in Babylonia as well, where he was respected by the Babylonian Sages. Many of them immigrated to Eretz Yisrael to become his students.

A master of both *halakha* and *aggada*, Rabbi Yoḥanan's teachings in both disciplines are found throughout both the Babylonian Talmud and the Jerusalem Talmud. As a testament to his intellectual and spiritual stature, the *halakha* is in accordance with his opinion in almost every case, even when Rav or Shmuel, the preeminent *amora'im* of Babylonia, whom

he treated deferentially, disagree with him. Only in disputes with his teachers in Eretz Yisrael, such as Rabbi Yannai and Rabbi Yehoshua ben Levi, is the *halakha* not in accordance with his opinion.

Rabbi Yoḥanan was renowned for being handsome, and much was said in praise of his good looks. We know that his life was full of suffering. Ten of his sons died in his lifetime.

There is a geonic tradition that one of his sons was the Babylonian *amora* Rabbi Mattana, who did not predecease him. The death of Rabbi Yoḥanan's disciple-colleague and brother-in-law, Reish Lakish, for which he considered himself responsible, hastened his own death.

Rabbi Yoḥanan had many students. In fact, all the *amora'im* of Eretz Yisrael in succeeding generations were his students and benefited from his teachings, to the extent that he is considered the author of the Jerusalem Talmud. His greatest students were his brother-in-law Reish Lakish, Rabbi Elazar, Rabbi Hiyya bar Abba, Rabbi Abbahu, Rabbi Yosei bar Hanina, Rabbi Ami, and Rabbi Asi.

Rabbi Elazar – רבי אלעזר: In the Gemara, citations of Rabbi Elazar with no patronymic refer to Rabbi Elazar ben Pedat, a second-generation *amora* in Eretz Yisrael. In many cases his name is referred to as Rabbi Eliezer as in the Gemara here, but this is probably a textual corruption. He was born in Babylonia, where he was a student of both Rav and Shmuel. In his youth

he immigrated to Eretz Yisrael, where he married. In Eretz Yisrael, he became one of Rabbi Yoḥanan's most important students. The connection between them was so close that at times the Gemara raises a contradiction between the statement of one and the statement of the other, under the assumption that it was unlikely that they would hold different opinions in matters of *halakha*.

Rabbi Ya'akov bar Idi – רבי יעקב בר אידי: Rabbi Ya'akov bar Idi was an *amora* of Eretz Yisrael and one of the most prominent disciples of Rabbi Yoḥanan. It seems that Rabbi Ya'akov bar Idi managed to learn Torah from the most important *amora'im* in the first generation of *amora'im* from Eretz Yisrael, such as Rabbi Yehoshua ben Levi and others. When he became Rabbi Yoḥanan's close disciple he was already a distinguished Torah scholar. Some say that he was even a disciple-colleague of Rabbi Yoḥanan's.

Rabbi Ya'akov bar Idi was a colleague of the other disciples of Rabbi Yoḥanan, but after the latter's death he settled in the city of Tyre and was considered one of the great men of his generation. The Sages of the following generation, both in Eretz Yisrael and Babylonia and in particular Rabbi Ze'eira, asked many questions of him.

In sources from Eretz Yisrael two sons of his are mentioned, Rabbi Abba and Rabbi Yosei, who were Sages of the next generation.

רבי אליעזר ורבי יוסי עד שקרעו ספר תורה
בחתמתן. קרעו סלקא דעתך?! אלא שנקרע
ספר תורה. והיה שם זקן אחד, ורבי יוסי
בן קסמא שמו, אומר: תמיהני אם לא היה
בית הכנסת זה עבודה זרה.

Rabbi Eliezer and Rabbi Yosei disagreed about this issue until it reached a point that they tore up a Torah scroll in their anger. Before the Gemara resumes the story, it asks: Could it enter your mind that these Sages tore up a Torah scroll? Rather, it means that as each of them pulled it in his own direction, a Torah scroll was torn. The Gemara returns to the story told by Rabbi Ami and Rabbi Asi: There was a certain old man, one of the Sages, named Rabbi Yosei ben Kisma,^p and he said: I will be surprised if this synagogue does not become a house of idolatry, since the Sages say that whoever is angry should be in your eyes like an idol worshipper.

וחזר ואמר: הכדין מחבריה!

The Gemara relates that although Rabbi Ami and Rabbi Asi thought that Rabbi Yohanan would be appeased after hearing this story disparaging anger between Torah scholars, Rabbi Yohanan responded and said: This is an incident between colleagues. How can you compare that to my situation, as Rabbi Eliezer is my disciple?

נכנס לפניו רבי יעקב בר אידי, אומר ליה:
כתיב "כאשר צוה ה' את משה עבדו בן
צוה משה את יהושע" וגו' וכי כל דיבור
ודיבור שהיה יהושע יושב ודורש היה
אומר: כך אומר משה?

Rabbi Ya'akov bar Idi entered before Rabbi Yohanan and said to him that it is written: "As God commanded Moses His servant, so did Moses command Joshua and so did Joshua; he left nothing undone from all that God had commanded Moses" (Joshua 11:15). From here it is evident that Joshua taught the Jewish people all of the Torah that he learned from Moses. Is it possible to conceive that with every statement that Joshua made while sitting and expounding to the Jewish people he would diligently say: Thus said Moses?" This does not seem plausible.

אלא. יהושע יושב ודורש, וידעין הכל
שהתורה של משה היא. אף אתה, אליעזר
יושב ודורש והכל יודעין שהתורה שלך
היא. אומר להן: מפני מה אין אתם יודעין
לרצות בבן אידי חבירנו.

Rather, Joshua would sit and expound, and everyone knew that it is the Torah of Moses. Similarly, you, Rabbi Yohanan, should know that Eliezer, your disciple, is sitting and expounding before his own disciples, and although he does not say so explicitly, everyone knows that it is your Torah. Rabbi Yohanan said to Rabbi Ami and Rabbi Asi, who had tried unsuccessfully to appease him: Why is it that you do not know how to appease like ben Idi our colleague?

ורבי יוחנן, מאי בולי האי דבעי דימרון
שמעתא משמיהו? – דאף דוד ביקש עליה
רחמים, שנאמר: "אגורה באהלך עולמים
אחסה בסתר כנפין סלה". וכי עלתה על
דעתו של דוד שיהא חי וקים לעולמים?
אלא כך אמר דוד לפני הקדוש ברוך הוא:
רבנו של עולם, אודה שיהו דברי נאמרין
בבתי כנסיות ובבתי מדרשות.

The Gemara asks: What is the reason that Rabbi Yohanan was so insistent that people say the *halakha* in his name? The Gemara answers: Since even King David entreated God with regard to this issue to have mercy on him, as it is stated: "I will dwell in Your tent forever; I will take refuge in the covert of Your wings, Selah" (Psalms 61:5). Did David imagine that he would live and endure forever? Rather, this is what David said before the Holy One, Blessed be He: Master of the Universe, may I merit that my words will be said in my name in synagogues and study halls, and through this I will attain perpetual life for myself.

PERSONALITIES

Rabbi Yosei ben Kisma – רבי יוסי בן קסמא: Rabbi Yosei ben Kisma was a fifth-generation *tanna*, of the same generation as Rabbi Akiva's disciples. It appears that Rabbi Yosei ben Kisma lived in Tiberias, where he taught Torah to his disciples. It is known that he had a son named Rabbi Yohanan. There are no records of many of his halakhic teachings, but there are a number of aggadic sayings cited in his name in the Talmud and other sources. From here and from other

places it is evident that he was considered a holy man who could foretell what would happen in the future, and it is recounted that Rabbi Hanina ben Teradyon consulted with him (see *Avoda Zara* 18a). From what he said to Rabbi Hanina ben Teradyon, as well as from the fact that the prominent people of Rome took part in his funeral (*Avoda Zara* 18a), it is apparent that he was on good terms with the Roman government.

His lips move with it in the grave – שְׁפָתָיו רוֹחֶשׁוֹת עִמּוֹ – בְּקִבְרוֹ: In a number of parallel statements in the Babylonian Talmud the expression: Speak in the grave, appears (*Yevamot* 97a; *Bekhorot* 31b). The meaning is that the individual at that point is living in two worlds, as his soul is in the upper realms, while his lips speak in the grave (*Tosafot* on *Yevamot* 96b). The commentaries ask how it is possible to say that a person's lips move in the grave, as his entire body disintegrates over time. Some explain that as a metaphor illustrating that when people report the words of a Torah scholar in his name, it is as if he were alive and speaking at that moment (See *Iyyun Ya'akov* on *Yevamot* 96b). Others explain that it is referring not to the physical body of the deceased, but to the power of speech with which his soul is endowed, which remains after his death just like the soul itself (Maharal, *Hiddushei Aggadot* on *Yevamot* 96b). Put differently, his spiritual image, which according to the *Zohar* remains connected to a person's grave, has lips, which continue to speak (*Arukh LaNer* on *Yevamot* 96b).

A mass of heated grapes – בּוֹמֵר שֶׁל עֲנָבִים: This refers to a heap of grapes that was left to undergo the process of fermentation, which is a process similar to cooking.

Should see the author of the teaching as if he were standing opposite him – יִרְאֶה בְּעַל שְׂמוּעָה כְּאִילוֹ עוֹמֵד – לְגִידּוֹ: Some commentaries explain that if one envisions his teacher before him when he reports his teachings, he will treat them more seriously (Rash Sirilio). Others say that this is the proper method of Torah study, as one needs to observe one's teacher when he is teaching him Torah, as it is written: "And your eyes shall perceive your teacher" (Isaiah 30:20). Another authority explains that a person's words can sometimes be understood in different ways, and it is possible to comprehend his true intent only by observing his expressions as he speaks, such as the way he moves his lips or blinks his eyes (Maharsha on *Horayot* 12a).

שמעון בן נזירא בשם רבי יצחק אומר: כל תלמיד חכם שאומר דבר הלכה מפיו בעולם הזה – שפתיו רוחשות עמו בקבר, שנאמר "וחכך כנין הטוב וגו' דובב שפתי ישנים", מה כומר של ענבים זה כנין שמניח אדם אצבעו עליו – מיד דובב, אף שפתייהם של צדיקים, כנין שאומרין דבר הלכה מפיהם של צדיקים – שפתייהן מרוחשות עמהן בקבר.

מה הנאה לו? בר נזירא אומר: כהדין דשתי קונדיטון. רבי יצחק אומר: כהדין דשתי חמיר עתיק, אף על גב דשתי ליה – טעמא בפימא

רב גידל אומר: האומר שמועה בשם אומרה יראה בעל שמועה כאילו עומד לנגדו, שנאמר: "אך בצלם יתהלך איש".

כתב: "רב אדם יקרא איש חסדו" – זה שאר כל אדם. ואיש אמונים מי ימצא – זה רבי ועירא. דאמר רבי ועירא: ליתנן צריכין חששין לשמעתייה דרב ששת, דהוא גברא מפתחא.

אמר ליה רבי ועירא לרבי אסי: חכים רבי לבר פתייא דאת אמר שמעתא משמיה? אמר ליה: רבי יוחנן אמרה משמיה. אמר ליה רבי ועירא לר' אסי: חכים רבי לרב דאת אמר שמעתא משמיה? אמר ליה: רבי אדא בר אבהה אמרה משמיה.

The Gemara adds that Shimon ben Nezirah said in the name of Rabbi Yitzhak: Every Torah scholar from whose mouth people quote a matter of *halakha* in this world, even after his death, his lips move along with it in the grave,ⁿ as it is stated: "And your palate is like the best wine...moving gently the lips of those that sleep" (Song of Songs 7:10). Just as with regard to a mass of heated grapes,ⁿ once a person places his finger on them, they immediately issue froth, as the wine bubbles up and moves around, so too, with regard to the lips of the righteous, when people quote matters of *halakha* from the mouths of the righteous, their lips move with them in the grave.

The Gemara asks: What pleasure is there for a righteous person when his lips move in the grave? Shimon bar Nezirah said: He derives pleasure like one who drinks spiced wine. Rabbi Yitzhak said: His pleasure is like that of one who drinks aged wine. Even after he drinks it, the taste of the wine remains in his mouth. Similarly, when a Torah scholar's teachings are quoted in his name in this world, his soul in the Garden of Eden enjoys the feeling.

Rabbi Giddel said: One who quotes a teaching in the name of the one who said it should see in his mind's eye the author of the teaching as if he were standing opposite himⁿ at that moment, as it is stated: "Surely man walks as a semblance" (Psalms 39:7). When one thinks of another by quoting the Torah he taught, one should visualize the image or semblance of that person.

On a related note, the Gemara continues. It is written: "Most men will proclaim every man his own goodness" (Proverbs 20:6). This is referring to all other people, meaning that most people will quote another person's Torah thoughts without attributing them to their author. However, the verse continues: "But a faithful man who can find?" That is, who is faithful and accurate in reporting others' teachings? This is referring to Rabbi Ze'eira, who took great care to maintain the accuracy of the tradition. As Rabbi Ze'eira said: We need not concern ourselves with the traditions of Rav Sheshet,^p as he is an open-eyed man, a euphemism for a blind person. Since he could not see his master's face while studying with him, it is possible that he did not report his master's words accurately.

The Gemara relates another incident that illustrates Rabbi Ze'eira's concern with the accurate conveyance of tradition. Rabbi Ze'eira said to Rabbi Asi: Did the Rabbi, i.e., Rabbi Asi, know bar Petayya, that you quote teachings in his name? Rabbi Asi said to him: I heard them from Rabbi Yohanan who said them in his name. Rabbi Ze'eira said to Rabbi Asi: Did the Rabbi, i.e., Rabbi Asi, know Rav, that you quote teachings in his name? He said to him: I heard them from Rabbi Adda bar Ahava, who said them in his name.

PERSONALITIES

Rav Sheshet – רב ששת: A prominent third-generation Babylonian *amora*, Rav Sheshet was the foremost student of Rav Huna, even though he also served and studied under the rest of the Sages of that generation. Rav Sheshet was famous for his unsurpassed expertise in *baraitot*. Many of the Sages of the generation came to learn from him, as they knew that his teachings were always based on early sources.

In his later years Rav Sheshet became blind. He remained involved in all aspects of life and was a frequent visitor to the house of the Exilarch. He was characterized as extremely forceful and hard as steel, and he did not defer even to eminent world leaders.

Rav Sheshet was apparently a garment merchant who earned enough to live comfortably.

אין דור שאין בו ליצנים. בדורו של דוד
 מה היו פרוצי הדור עושין? היו הולכין
 אצל חלונותיו של דוד, אומרין לו: דוד
 דוד, אימתי יבנה בית המקדש, אימתי
 בית ה' יגלך?

והיה דוד אומר: אף על פי שמתכווין
 להכעיסני – יבא עלי אם לא הייתי
 שמח בדבריהם. דכתיב: "שמחתי
 באומרים לי בית ה' גלך". "והיה כי
 ימלאו ימיך ושכבת את אבותיך",
 אמר לו הקדוש ברוך הוא לדוד: ימים
 שלמים אני מונה לך ולא ימים חסרים.
 כלום שלמה בנך יבנה בית המקדש –
 אלא להקריב קרבנות ציבור, וחביב
 עלי צדקה ומשפט שאתה עושה
 יותר מן הקרבן, שנאמר: "עשה צדקה
 ומשפט נבחר לה' מזבח".

הדרן עלך מצרפין שקלים

Having mentioned a verse in which David expressed a wish that after his death people would say teachings in his name in this world, the Gemara cites other requests by David. **There is no generation without scoffers. In David's generation, what would the ridiculers of his generation do**, when they heard that David was not permitted to build the Temple and only his son Solomon would merit to build it? **They would go near David's windows and say to him: David, David, when will the Temple be built? When will we be able to say: "Let us go to the House of the Lord"** (Psalms 122:1) as David himself had requested?

And David would respond with a kind of oath: **Even though they intend to anger me, may evil come upon me if I do not rejoice in their words**, as I too want the Temple to be built soon, even if it means that I must leave this world before my time, as it is written: **"I rejoiced when they said to me: Let us go to the House of the Lord"** (Psalms 122:1). When David said this, God answered him: **"When your days are fulfilled and you will sleep with your fathers"** (II Samuel 7:12). This verse indicates that this is what the Holy One, Blessed be He, said to David: **I reckon full days for you and not deficient days**, i.e., I will not deduct any days from your life. **Won't Solomon, your son, build the Temple only in order to sacrifice communal offerings? The righteousness and justice that you perform are more pleasant to me than offerings**, as it is stated: **"To perform righteousness and justice is more acceptable to the Lord than an offering"** (Proverbs 21:3).

הלכה א מתני' בשלשה פְּרָקִים
בשנה תורמין את הלשכה

HALAKHA 1 • MISHNA On three occasions during the year the ceremony of the collection of the Temple treasury chamber is performed.^{HN} During the ceremony, a priest enters the treasury chamber with three containers, lifts up [*to'rem*] some of the coins, and places them in the containers. These funds, known as the collection of the chamber, are used to purchase animals for communal offerings and other needs of the Temple.

בפְּרוֹם הַפֶּסַח, בְּפְרוֹם הָעֶצְרוֹת, בְּפְרוֹם
הַחֵג.

These three occasions are: **Half a month, fifteen days, before Passover, on the day before the first of the month of Nisan; half a month before Shavuot, on or around the twentieth of Iyar; half a month before the festival of Sukkot, on the day before Rosh HaShana.**

וְהֵם גְּרוֹנוֹת שֶׁל מַעֲשֵׂר בְּהֵמָה, דְּבָרֵי רַבִּי
עֲקִיבָא.

These three days are also the due dates that were established by the Sages for the setting aside of animal tithes.^{HN} On each of these days one is obligated to tithe the animals that were born during the intervening period, and it is prohibited for him to eat or sell them until he does so.^N This is the statement of Rabbi Akiva.

בֶּן עֲזַאי אוֹמֵר: בְּעֶשְׂרִים וְתֵשְׁעָה בְּאָדָר,
וּבְאַחַד בְּסִיּוֹן, וּבְעֶשְׂרִים וְתֵשְׁעָה בְּאָב.

Ben Azzai says that the dates established by the Sages for the setting aside of animal tithes are **the twenty-ninth of Adar,^N the first of Sivan, and the twenty-ninth of Av.**

NOTES

תורמין את – הלשכה: The question has been raised: Why did they need to withdraw funds at all from the Temple treasury chamber? Why not leave them in the chamber and withdraw them as needed for purchasing animals for communal offerings? One of the later commentaries explains that the ceremony was necessary so that the communal offerings be purchased by the whole community. In performing the ceremony, the funds are collected not only on behalf of those whose contributions have already been deposited in the chamber but are also credited to those whose shekels have not yet arrived. The offerings then purchased can thus be understood to belong to everyone (*Or Same'ah* on Rambam *Sefer Zemanim, Hilkhot Shekalim* 2:9 based on *Shekalim* 5a).

Animal tithes – מעשר בהמה: Each year, the owner of a herd of kosher animals was required to gather all the animals born during the preceding period into an enclosure and let them out one by one. These animals passed “under the shepherd’s rod” (Leviticus 27:32), and every tenth animal was marked with red paint to indicate that it was holy. These marked animals were the animal tithe. Each one that was fit to be offered was brought to the Temple and sacrificed in a manner similar to that of a peace-offering. Its blood was sprinkled on the altar and its meat was eaten by its owner. If the tithe animal was blemished, it was eaten by its owner like other consecrated animals that have become disqualified from being sacrificed. The details of the *halakhot* of animal tithes are elucidated in tractate *Bekhorot*.

Due dates for the animal tithes – גרנות של מעשר בהמה: The later commentaries on *Bekhorot* 57b understand that according to Rashi (s.v. *shalosh*), there is no Torah sanction for failing to tithe animals, though one is credited with a mitzva for doing so. It was the Sages who prohibited eating or selling the animals once the due date arrived, effectively imposing an obligation to tithe them. The Rambam (*Sefer Korbanot, Hilkhot Bekhorot* 7:8), however, implies that tithing is a Torah obliga-

tion (see also *Torat Kohanim, Leviticus* 27:32) and the Sages merely established the due dates, after which it is prohibited to slaughter or sell the offspring of one’s animals until the latter are tithed, *ab initio* (*Yosef Da’at* on *Bekhorot* 57b).

Ben Azzai says the twenty-ninth of Adar – בן עזאי אוֹמֵר: The Gemara in (*Bekhorot* 58b) explains that ben Azzai differs from Rabbi Akiva on three matters. Rabbi Akiva does not set an exact date for the first due date of animal tithes, but says that it is fifteen days, i.e., half a month, before Passover. He maintains that the month of Adar, which precedes the month of Nisan, is sometimes thirty days long and sometimes twenty-nine days long. Therefore, it is impossible to fix a precise date for animal tithes, as sometimes half a month before Passover is on the twenty-ninth of Adar and sometimes it is on the thirtieth of Adar. According to ben Azzai, the month of Adar is always twenty-nine days long, and so an exact date can be set for animal tithes on the twenty-ninth of Adar.

As for the second due date for animal tithes, according to Rabbi Akiva it is fifteen days, i.e., half a month, before *Shavuot*. Ben Azzai disagrees and says that it is on the first of Sivan. Ben Azzai’s reasoning is that since the interval between the previous due date before Passover and this due date is so brief, not many animals would have been born. Were the due date established as fifteen days before *Shavuot*, all the animals would be sold before *Shavuot* and none would be left for those going up to Jerusalem.

With regard to the third due date for animal tithes, Rabbi Akiva maintains that it is fifteen days before *Sukkot*, while ben Azzai holds that it is on the twenty-ninth of Av. Ben Azzai is consistent with his own view that all animals born during the month of Elul are tithed separately, due to the doubt whether the new year for animal tithes is on the first of Elul or on the first of Tishrei. He therefore set the due date prior to the month of Elul so that animals born in Av would not be set aside as tithe for animals born in Elul, and vice versa, as one may not tithe from the animals born in one year for those born in another year.

HALAKHA

On three occasions during the year the ceremony of the collection of the chamber is performed – בשלשה פְּרָקִים בְּשָׁנָה – תורמין את הלשכה: Three times a year funds were collected from the Temple treasury chamber: On the first of Nisan, on the first of Tishrei, either before or after the Festival, and fifteen days before *Shavuot*, in accordance with the opinion of Rabbi Akiva (*Rambam Sefer Zemanim, Hilkhot Shekalim* 2:5).

These are the due dates for animal tithes – והם גְּרוֹנוֹת שֶׁל – מעשר בהמה: The Sages established three fixed days a year for tithing animals. When one of those dates arrives it is prohibited to sell or slaughter the offspring of one’s animals until the latter have been tithed. If he slaughters them, the meat is permitted after the fact. The days are: Fifteen days prior to Passover, i.e., the last day of the month of Adar, fifteen days prior to *Shavuot*, i.e., the thirty-fifth day of the *omer*, and fifteen days prior to *Sukkot*, i.e., the last day of the month of Elul. Each of these times is called a *goren*, literally, a threshing floor, for animal tithes. Why were these dates chosen? In order that animals be available to those going up to Jerusalem for the pilgrim Festivals, as even though it was permitted to sell animal offspring before its parents were tithed, there were those who would refrain from doing so until they were tithed. This ruling follows Rabbi Akiva, as explained by Rabbi Tanḥum, son of Rabbi Ḥiyya, citing Rabbi Yehoshua ben Levi in the Gemara (*Rambam Sefer Korbanot, Hilkhot Bekhorot* 7:8).

Rabbi Shimon – רבי שמעון: Rabbi Shimon refers to Rabbi Shimon ben Yoḥai, also called Rabbi Shimon bar Yoḥai, who was a *tanna* living in the fourth generation following the destruction of the Second Temple. He was born in the Galilee, and according to tradition he died on Lag BaOmer in Meron. He was one of Rabbi Akiva's closest students, and he studied with him for thirteen years in Benei Berak.

Initially, Rabbi Shimon was not involved in the bar Kokheva rebellion against the Romans, but the Roman persecution and Rabbi Akiva's subsequent execution turned him against them. According to the Gemara (*Shabbat* 33b), Rabbi Shimon's criticism of Roman rule in the presence of Yehuda ben Gerim led to a death sentence being issued against him, which forced him to hide in a cave together with his son for thirteen years. According to tradition, it was during that period that he compiled kabbalistic material that became the book of the *Zohar*. This, however, is disputed by the academic world.

Among Rabbi Shimon's many teachings in Jewish law and lore, the Gemara (*Berakhot* 5a) quotes him as saying: The Holy One, Blessed be He, gave Israel three precious gifts, all of which were given only by means of suffering: Torah, Eretz Yisrael, and the World-to-Come.

רבי לעזר ורבי שמעון אומרים: באחד בניסן, באחד בסיון, בעשרים ותשעה באולול.

ולמה אמרו בעשרים ותשעה באולול ולא אמרו באחד בתשרי – מפני שהוא יום טוב, ואי אפשר לעשר ביום טוב, לפיכך הקדימוהו בעשרים ותשעה באולול.

גמ' אמר רבי אבהו: כל הן דתנינן פרוס – פלגא. פלגא דשלישים יום קודם למועד, שדורשים בהלכותיו.

והן גרנות וכו'. אמר רבי יוחנן: מפני שהן פירקי לידה.

רבי אחא ורבי תנחום בר חייה בשם רבי יהושע בן לוי: כדי שתהיה הבהמה מצויה לעולי רגלים.

אמר רבי יודן: שלא יבא לידי בל תאחר. אמר רבי יוסה: כל המשהה טבלו עובר בבל תאחר.

Rabbi Elazar and Rabbi Shimon^p say that the dates for the animal tithes are the first of Nisan, the first of Sivan, and the twenty-ninth of Elul.^N

And why did Rabbi Elazar and Rabbi Shimon say the twenty-ninth of Elul and not the first of Tishrei, as they said the first of Nisan and Sivan? Because the first of Tishrei is the festival of Rosh HaShana, and it is not permitted to tithe on a Festival. Therefore, the Sages advanced the day of tithing the animals born over the course of the summer to the twenty-ninth of Elul.

GEMARA It was taught in the mishna that funds are collected from the Temple treasury chamber three times a year: Before Passover, before *Shavuot*, and before *Sukkot*. The term preceding the name of the Festival that is used in the mishna is *bifros*. With regard to this word, Rabbi Abbahu said: **Wherever it is taught to us** in the mishna using the term *peras*, which is from the same root as *bifros*, it means **half**. In this case it is referring to **half of the thirty-day period preceding each of the Festivals, when lectures on the halakhot of the upcoming Festival are delivered.**

The mishna continues: **And these** three days when funds were collected from the Temple treasury chamber **are also the due dates** for animal tithes. With regard to this Rabbi Yohanan said: Why did the Sages choose these specific times as the due dates for animal tithes? These dates were chosen **because they mark the birthing periods** of animals. Some animals give birth before Passover, others deliver only before *Shavuot*, and yet others have their young between *Shavuot* and *Sukkot*. The Sages fixed the tithing times to correspond to the periods during which animals usually give birth.

Rabbi Aḥa and Rabbi Tanḥum bar Ḥiyya in the name of Rabbi Yehoshua ben Levi offered a different reason: **So that animals will be readily available for those going up to Jerusalem for the pilgrim Festivals.** The animals are tithed shortly before each of the Festivals so that there should be ample numbers of non-sacred animals ready to be sold for food and offerings to those on their way to Jerusalem.

Rabbi Yudan said: The reason is **so that one should not come to violate the prohibition against delayingⁿ** an offering that he was obligated to bring to the Temple (Deuteronomy 23:22). If animal tithes would be due only after the Festival, three Festivals might pass without him bringing his animal tithes to Jerusalem to be offered, and therefore he would violate this prohibition. The Sages, therefore, established these days as the due dates for animal tithes so that they should serve as a reminder of the times by which the tithes must be brought to the Temple. **Rabbi Yosei said: Anyone who procrastinates and fails to tithe his untithed animals at the proper time transgresses the prohibition against delaying bringing his offerings.**

NOTES

Rabbi Elazar and Rabbi Shimon say the dates for the tithes are the first of Nisan, the first of Sivan, and the twenty-ninth of Elul – רבי לעזר ורבי שמעון אומרים באחד בניסן, באחד בסיון, בעשרים ותשעה באולול. The Gemara (*Bekhorot* 58b) explains that Rabbi Elazar and Rabbi Shimon agree with Rabban Shimon ben Gamliel that two weeks before Passover questions are asked and lectures are delivered about the *halakhot* of Passover, and therefore the pre-Passover due date was fixed at that time as part of the preparations for the Festival. The second due date was fixed on the first of Sivan so that animals would be available to those going up to Jerusalem for *Shavuot*. The third due date was established on the

twenty-ninth of Elul because these Sages maintain that the new year for animal tithes is on the first of Tishrei; since one may not tithe animals born in one year for animals born in another year, the animals born during the previous year are tithed on the last day of that year.

The prohibition against delaying – בל תאחר: The Torah states: "When you shall vow a vow to the Lord your God, you shall not be slack to pay it" (Deuteronomy 23:22). The Sages understood that this prohibition is transgressed when one fails to bring an offering within three pilgrim Festivals after the time it was pledged (see *Rosh HaShana* 4b).