

LANGUAGE

Small fish [*gildanei devei gilei*] – גִּילְדַנֵי דְבֵי: Some assert that *gildanei* is from the Greek χελιδών, *chelidon*, which means, among other things, a kind of fish, specifically one of the varieties of flying fish. However, in the language of the Sages this is apparently a name for different kinds of fish, large and small. This explains the addition of *devei gilei*, which means small fish.

BACKGROUND

First fruits – בִּכּוּרִים: The first fruits of the new harvest were given to the priests (Deuteronomy 26:1–11). When the Temple stood, a farmer would select the first fruits of the seven types of fruit with which Eretz Yisrael is specially favored (Deuteronomy 8:8). By rabbinic decree, at least one-sixtieth of the harvest must be brought as first fruits. The farmer would bring these fruits to the Temple in a basket, place them before the altar, and recite a prayer of appreciation to God (Deuteronomy 26:3–10). Afterward, the fruit was given to the priests and eaten under the same provisions that govern *teruma*. The first fruits were brought to the Temple between the festivals of *Shavuot* and *Sukkot*. If they were not brought within this period, an extension was granted until Hanukkah. An entire tractate of the Mishna, *Bikkurim*, is devoted to the *halakhot* and practices governing this mitzva.

אָתִיב לִיָּה זֹנָא דְרַבְנָן וְקָדְיִנִי לִיָּה. בְּהַדְי דְקָאָזִיל וְאָתִיב אָמַר: אִי בְעֵי טַעֲיִן הָכִי, וְאִי בְעֵי טַעֲיִן הָכִי, אָמַר: תִּנְיַח נַפְשָׁם שֶׁל מְקַבְּלֵי שׁוֹחָד! וּמָה אֲנִי שְׂלָא נְטִלְתִּי, וְאִם נְטִלְתִּי – שְׁלִי נְטִלְתִּי, כְּךָ, מְקַבְּלֵי שׁוֹחָד – עַל אַחַת כְּכֹה וְכֹכֹה.

Rabbi Yishmael bar Elisha seated a pair of rabbinic scholars and they judged his case. As Rabbi Yishmael was coming and going, he said to himself: If he wants, he could claim this, and if he wants, he could claim that. He said to himself: Blast the souls of those who accept bribes. If I, who did not accept anything, and if I had accepted, I would have accepted my own property, as I am a priest and am entitled to receive the first shearing, am nevertheless in this state of mind, all the more so are those who accept bribes.

רַב עֲנָן אֵייתִי לִיָּה הֵהוּא גְבֵרָא בְנִתָּא דְגִילְדַנֵי דְבֵי גִילִי, אָמַר לִיָּה: מַאי עֲבִידְתִּיךָ? אָמַר לִיָּה: דִּינָא אֵית לִי. לָא קִבִּיל מִיָּנְיָה, אָמַר לִיָּה: פְּסִילָנָא לָךְ לְדִינָא.

The Gemara relates: There was a certain man who once brought to Rav Anan a basket of small fish [*gildanei devei gilei*].<sup>4</sup> He said to him: What are you doing here? The man said to him: I have a case to present before you. Rav Anan would not accept the basket from him, and he said to him: I am disqualified from presiding over your case, due to your actions.

אָמַר לִיָּה: דִּינָא דְמָר לָא בְעֵינָא, קִבּוּלֵי לְקִבִּיל מָר, דְלָא לְמַנְעֵן מִרְמָא קִבּוּרִים. דְתַנְיָא: 'וְאִישׁ בָּא מִבְּעַל שְׁלִישָׁה וַיָּבֵא לְאִישׁ הָאֵלֶּהִים לֶחֶם בְּכוּרִים עֶשְׂרִים לֶחֶם שְׁעוּרִים וְכֹרֶמֶל בְּעֶקְלוֹנוֹ,' וְכִי אֵלִישָׁע אוֹכַל בְּכוּרִים הָיָה? אֵלָּא לֹמַר לָךְ: כֹּל הַמְבִיא דוֹרוֹן לְתַלְמִיד חֶכֶם – כָּאִילוּ מְקָרִיב בְּכוּרִים.

The man said to him: I do not need the Master's judgment. However, let the Master accept my gift anyway, so that the Master does not prevent me from presenting first fruits.<sup>5</sup> What does the mitzva of first fruits have to do with this situation? As it is taught in a *baraita*: "And there came a man from Ba'al Shalisha, and he brought the man of God bread of the first fruits, twenty loaves of barley and fresh ears of corn in his sack" (II Kings 4:42). But did Elisha, the recipient of these gifts, eat first fruits? After all, he was not a priest. Rather, this verse comes to tell you: Whoever brings a gift to a Torah scholar, it is as though he has presented first fruits. This visitor to Rav Anan wished to fulfill this mitzva.

אָמַר לִיָּה: קִבּוּלֵי לָא בְעֵינָן דְאִיקְבִּיל, דְשִׁתָּא דְאָמַרְתָּ לִי טַעֲמָא – מְקַבְּלָנָא. שְׁדַרְיָה לְקַמֵּיהַ דְרַב נַחֲמָן, שְׁלַח לִיָּה: נִדְיִינְיָה מִרְמָא גְבֵרָא, דְאֵנָּא עֲנָן פְּסִילָנָא לִיָּה לְדִינָא. אָמַר: מַדְשִׁלַּח לִי הָכִי, שְׁמַע מִיָּנְיָה קְרִיבִיָּה הוּא, הָיָה קָאִים דִּינָא דִּיתְמֵי קַמֵּיהַ, אָמַר

Rav Anan said to him: I do not want to take it from you, but now that you have explained to me the reason that you wish to give it to me I will accept it from you. Rav Anan sent the man to Rav Nahman, and he also sent him a letter: Let the Master judge this man's case because I, Anan, am disqualified from judging his cases. Rav Nahman said to himself: From the fact that he sent me this letter, I can conclude from here that the reason he is disqualified from judging the case is because he is his relative. At that time, a case involving orphans was being heard before Rav Nahman. He said:

Perek XIII  
Daf 106 Amud a

NOTES

This is a positive mitzva and this is a positive mitzva – הָאִי עֵשָׂה וְהָאִי עֵשָׂה: Rashi states that one of these mitzvot has its source in the verse: "And judge righteously" (Deuteronomy 1:16). However, other commentaries wonder how it is inferred from this mitzva that a case involving orphans takes precedence over others. Perhaps the righteous way to behave is to take the cases in the order in which they come to the court. Others maintain that the positive mitzva referred to here is "You shall hear the small and the great alike" (Deuteronomy 1:17; Ritva). Yet others claim that this refers to the mitzva not to postpone the performance of mitzvot. Alternatively, some claim that there is a special mitzva to give preferential treatment to orphans and hear their case first (Rambam).

הָאִי עֵשָׂה וְהָאִי עֵשָׂה! עֵשָׂה דְכַבּוּד תּוֹרָה עֲדִיף. סְלִקִּיה לְדִינָא דִּיתְמֵי, וְאַחֲתֵיהַ לְדִינְיָה. כִּינּוֹן דְחֹא בְעַל דִּינְיָה יִקְרָא דְקָא עֲבִיד לִיָּה – אִיסְתַּתֵּם טַעֲנִיָּה.

This is a positive mitzva, for judges to judge cases properly, and this is a positive mitzva,<sup>6</sup> to honor Torah scholars and their families. Rav Nahman concluded that the positive mitzva of giving honor to the Torah takes precedence.<sup>7</sup> Therefore, he put aside the case of the orphans and settled down to judge the case of that man, under the mistaken assumption that he was a relative of Rav Anan. Once the other litigant saw the honor being accorded to that man by the judge, he grew nervous until his mouth, i.e., his ability to argue his claim, became closed, and he lost the case. In this manner, justice was perverted by Rav Anan, albeit unwittingly and indirectly.

HALAKHA

The positive mitzva of giving honor to the Torah takes precedence – עֵשָׂה דְכַבּוּד תּוֹרָה עֲדִיף: If many people were waiting in court to have their cases heard, the case of orphans is heard before that of widows, widows before Torah scholars, and Torah scholars before everyone else. However, some question the above order in light of on the Gemara here, in which Rav Nahman granted preference over an orphan to someone whom he thought was a relative of a Torah scholar (see *Lehem Mishne* and *Bah*). Some state that this incident serves as the source for the ruling of the Rambam that a relative of a Torah scholar should not receive special

treatment (*Be'er HaGola*). Others claim that if a Torah scholar personally came before the judges, even if they have already started hearing another case, they should stop and grant him precedence so that he not lose time from his studies (Rema). However, if a relative of a Torah scholar comes to the court, they should not stop another case on his account, although if they have not yet started another case they should give precedence to the relative of the scholar out of respect for the scholar himself (*Beit Yosef*, citing the Ritva; Rambam *Sefer Shofetim*, *Hilkhot Sanhedrin* 21:6; *Shulhan Arukh*, *Hoshen Mishpat* 15:2).

**סדר דאליהו – Seder deEliyah**: Elijah is frequently mentioned as appearing to the Sages in many places in the Gemara and *midrashim*. See II Chronicles 21:12, which states that King Jehoram received a letter from Elijah many years after he departed from the world. *Seder deEliyah*, also known as *Tanna deVei Eliyah*, is comprised of two parts: *Seder Eliyah Rabba*, which contains either thirty-one or twenty-nine chapters, depending on the edition, and *Seder Eliyah Zuta*, which in most versions is comprised of fifteen chapters. The entire book is written in Hebrew and contains many interpretations of verses, descriptions of events from the chronicles of the Jewish people from different eras, and several stories about Elijah himself, narrated in the first person, often beginning with: Abba Eliyah said. Many passages from this book are quoted in the Talmud and introduced with the phrase: *Tanna devei Eliyah*, the school of Elijah taught.

## NOTES

**בְּעֵדֵן רִיתְחָא וכו' – At a time of anger, etc.** – The commentaries are puzzled by this statement, as many Sages prayed during famines, and it cannot be that they all had more students than Elisha (Maharsha). Consequently, some differentiate between a famine caused by drought, which merely causes distress, and a severe life-threatening famine for which prayers should always be offered (Maharsha). Others note that in a situation where the community itself is insensitive to the punishment it is receiving and undertakes no form of repentance, it is improper for the Sages to pray for the nullification of the decree (*Eshel Avraham*).

**תַּלְמִידֵי חֻכְמַי וכו' – Torah scholars, etc.** – The commentaries note that there are differences between the various circumstances in which a scholar receives a salary (*Tosafot* on 105a). It is absolutely prohibited to receive a salary for teaching Torah or adjudicating cases. However, it is permitted to pay a scholar for the time that he would have spent working at his regular job, from which he is temporarily absent in order to teach or hear cases. Furthermore, with regard to scholars who are not otherwise engaged in work at all, but have devoted themselves to serving the public by teaching or judging, they may accept payment and support their households from communal funds. Others add that this serves as a source for the custom to pay a salary to community rabbis and heads of yeshivas (Rabbeinu Crescas Vidal).

## HALAKHA

**מְבַקְרֵי מוּמִין וכו' – Inspectors of blemishes, etc.** – Inspectors of blemishes in Jerusalem, Torah scholars who instruct the priests in the *halakhot* of slaughtering and scooping the handful of the meal-offering, and women who raise their children for the ritual of the red heifer, all take their wages from the collection of the Temple treasury chamber, in accordance with the opinion of Rav and the unattributed statement in the *baraita* (Rambam *Sefer Zemanim*, *Hilkhot Shekalim* 4:4).

רב ענן הוה רגיל אליהו דאיתי גביה, דהוה מתני ליה סדר דאליהו. כיון דעבד הכי – איסתלק. יתיב בתעניתא ובעא רחמי, ואתא. כי אתא הוה מבעית ליה בעיתיה.

ועבד תיבותא ויתיב קמיה, עד דאפיק ליה סידריה. והיינו דאמרי: סדר דאליהו רבה. סדר אליהו זוטא.

בשני דרב יוסף הוה ריתחא, אמרי ליה רבנן לרב יוסף: ליבעי מר רחמי! אמר להו: השתא, ומה אלישע דבי הו רבנן מיפטרי מקמיה הו פיישי תרי אלפן ומאתן רבנן. בעידן ריתחא לא הוה בעי רחמי – אנה איבעי רחמי?

וממאי דפיישי הכי? דכתב 'ויאמר משרתו מה אתן זה לפני מאה איש'. מאי 'לפני מאה איש'? איולימא דכולהו לפני מאה איש – בשני בעורת טובא הו! אלא, דכל חד וחד קמי מאה איש.

כי הו מיפטרי רבנן מבי רב הו פיישי אלפא ומאתן רבנן, מבי רב הונא – הו פיישי תמני מאה רבנן. רב הונא הוה דריש בתליסר אמוראי, כי הו קיימי רבנן ממתבתא דרב הונא ונפצי גלימיהו – הוה סליק אבקא וכסי ליה ליומא. ואמרי במערבא: קמו ליה ממתבתא דרב הונא בבבא.

כי מיפטרי רבנן מבי רבה ורב יוסף הו פיישי ארבע מאה רבנן, וקרו לנפשיהו יתמי. כי הו מיפטרי רבנן מבי אבבי, ואמרי לה מבי רב פפא, ואמרי לה מבי רב אשי, הו פיישי מאתן רבנן, וקרו נפשיהו יתמי דיתמי.

אמר רבי יצחק בר רדיפא אמר רבי אמי: מבקרי מומין שבידו שלם היו נוטלין שכרן מתרומת הלשכה. אמר רב יהודה אמר שמואל: תלמידי חכמים המלמדין הלכות שחיטה לכהנים היו נוטלין שכרן מתרומת הלשכה.

Elijah the Prophet was accustomed to come and visit Rav Anan, as the prophet was teaching him the statements that would later be recorded in the volume *Seder deEliyah*,<sup>6</sup> the Order of Elijah. Once Rav Anan did this and caused a miscarriage of justice, Elijah departed. Rav Anan sat in observance of a fast and prayed for mercy, and Elijah came back. However, when Elijah came after that, he would scare him, as he would appear in frightening forms.

And Rav Anan made a box where he settled himself down and he sat before Elijah until he took out for him, i.e., taught him, all of his *Seder*. And this is what the Sages mean when they say: *Seder deEliyah Rabba*, the Major Order of Elijah, and *Seder Eliyah Zuta*, the Minor Order of Elijah, as the first order was taught prior to this incident and the second came after it.

**S** The Gemara relates: In the years of Rav Yosef there was a divine anger, manifested by world hunger. The Sages said to Rav Yosef: Let the Master pray for mercy concerning this decree. He said to them: Now, if in the case of the prophet Elisha, when the Sages would take their leave of him, 2,200 Sages would remain behind whom he would support from his own pocket, and yet he would not pray for mercy at a time of divine anger<sup>6</sup> and famine, should I pray for mercy?

The Gemara asks: And from where is it derived that this number of scholars would remain behind with Elisha? As it is written: "And his servant said: How should I set this before a hundred men" (II Kings 4:43). What is the meaning of "before a hundred men"? If we say that all of the gifts that he had received, i.e., the first fruits, twenty loaves of barley, and fresh ears of corn mentioned in the preceding verse, were meant to be placed before one hundred men, in years of drought and famine this was a good deal of food, which would have sufficed for them. Rather, it must mean that each and every one of the loaves was to be placed before one hundred men. Since he had twenty loaves plus two meals of first-fruits and ears of corn, there must have been 2,200 people present.

**S** Incidentally, the Gemara relates: When the Sages would take their leave from the school of Rav, 2,200 Sages would remain behind to continue their studies. When the Sages would take their leave from the school of Rav Huna, eight hundred Sages would remain behind. Rav Huna would expound the lesson by means of thirteen speakers, who would repeat his statements to the crowds that had gathered to hear him. When the Sages would arise from listening to lectures in the yeshiva of Rav Huna and dust off their cloaks, the dust would rise and block out the sun, forming a dust cloud that could be seen from afar. And they would say in the West, in Eretz Yisrael: The scholars have just arisen in the yeshiva of Rav Huna the Babylonian.

When the Sages would take their leave from the school of Rabba and Rav Yosef, four hundred Sages would remain behind, and they would refer to themselves as orphans, as they were the only ones left from the entire crowd. When the Sages would take their leave from the school of Abaye, and some say from the school of Rav Pappa, and some say from the school of Rav Ashi, two hundred scholars would remain behind, and they would refer to themselves as orphans of orphans.

**S** The Gemara returns to the issue of those who receive their wages from public funds. Rabbi Yitzhak bar Redifa said that Rabbi Ami said: Inspectors of blemishes<sup>6</sup> of consecrated animals in Jerusalem, who would examine all animals brought to be sacrificed in the Temple to verify that they were free of any blemishes that would disqualify them from being sacrificed on the altar, would take their wages from the collection of the Temple treasury chamber. Rav Yehuda said that Shmuel said: Torah scholars<sup>6</sup> who teach the *halakhot* of slaughter to the priests of the Temple would take their wages from the collection of the chamber.

BACKGROUND

Handful – קמיצה: For most meal-offerings a priest must take a handful of the offering and burn it on the altar (see Leviticus 2:2). This service, which parallels the slaughter of an animal offering, could be performed only by a priest. According to many authorities, the priest would scoop out the flour with the three middle fingers of his right hand, using his thumb and little finger to remove any surplus flour. He would then consecrate the flour by placing it in a sacred vessel used in the Temple service. Since the priest had to scoop out an exact handful of flour, no more and no less, the removal of a handful was considered one of the more difficult services in the Temple.



Position of priest's hand after removing surplus flour

The shewbread – לחם הפנים: By Torah law (Leviticus 24:5-9) there is a mitzva to bring as an offering the twelve loaves of shewbread that were placed on the sacred table in the Sanctuary each Shabbat. The bread of the previous week was divided among the priests, who ate it. The shewbread was unleavened and was placed on the table in two arrangements of six loaves each. Two bowls of frankincense were placed between them, or, according to some opinions, on top of them.



Priests changing the shewbread

The house of Garmu and the House of Avtinas – ובית אבטינס: The Gemara discusses these two families elsewhere (Yoma 38a). The house of Avtinas guarded the secrets of the preparation of the incense, while the house of Garmu was appointed over the baking of the shewbread and the two loaves, whose preparation required special skill due to their complicated shapes. This art was kept in the family and passed down by oral tradition.

The gates of the Temple – שערי המקדש: The precise number of gates in the courtyard of the Temple is subject to a dispute between tanna'im (see Tosafot). Five, seven, eight, and even ten different gates are mentioned as the correct number of gates. Apparently this dispute does not concern the actual existence of the various gates; rather, the issue is which gates should be included in the different lists. The mishna indicates that certain main gates served as general entrances and exits, while smaller gates were used only for specific purposes and were possibly kept locked.

אמר רב גידל אמר רב: תלמידי חכמים המלמדים הלכות קמיצה לכהנים נוטלין שכרן מתרומת הלשכה. אמר רבה בר רב הנה אמר רבי יוחנן: מגיהי ספרים שבירושלים היו נוטלין שכרן מתרומת הלשכה.

אמר רב נחמן אמר רב: נשים האורגות בפרכות נוטלות שכרן מתרומת הלשכה. ואני אומר: מקדשי בדרך הבית, הואיל ופרכות תחת בגנו עשויות.

מיתיבי: נשים האורגות בפרכות, ובית גרמו על מעשה לחם הפנים, ובית אבטינס על מעשה הקטרת – בולן היו נוטלות שכרן מתרומת הלשכה.

התם בדבבי, דאמר רבי זירא אמר רב: שלשה עשר פרכות היו במקדש שני, שבעה כנגד שבעה שערים, אחד לפתחו של היכל, ואחד לפתחו של אולם, שנים בדביר, שנים כנגדו בעליה.

Rav Giddel said that Rav said: Torah scholars who teach the halakhot of the removal of a handful<sup>8</sup> to the priests would take their wages from the collection of the chamber. All these scholars were constantly engaged in work necessary for the functioning of the Temple, and therefore they would receive their wages from the Temple treasury. Rabba bar bar Hana said that Rabbi Yoḥanan said: The proofreaders<sup>9</sup> of the Torah scrolls<sup>10</sup> in Jerusalem would take their wages from the collection of the chamber.

Rav Naḥman said that Rav said: The women who weave the curtains<sup>11</sup> that separate the Temple Sanctuary from the Holy of Holies would take their wages from the collection of the chamber. Rav Naḥman added: But I say that they would not be paid from the collection of the chamber; rather, their salary would come from the funds consecrated for Temple maintenance. Why? Since the curtains served in place of the solid construction of the building, they were part of the Temple itself. Therefore, any work performed for the curtains should be paid for from money allocated for building purposes, not from the funds collected to pay for offerings and the daily needs of the Temple.

The Gemara raises an objection to this: The women who weave the curtains, and the house of Garmu, who were in charge of the preparation of the shewbread,<sup>8</sup> and the house of Avtinas,<sup>9</sup> who were in charge of the preparation of the incense, all would take their wages from the collection of the chamber. This contradicts Rav Naḥman's claim.

The Gemara answers: There, it is referring to the curtains of the gates,<sup>8</sup> which were not considered part of the actual Temple building but were decorative in purpose. As Rabbi Zeira said that Rav said: There were thirteen curtains in the Second Temple, seven opposite, i.e., on the inside of, seven gates, one at the entrance to the Sanctuary, one at the entrance to the Entrance Hall, two additional curtains within the partition, in the Holy of Holies in place of the one-cubit partition, and two corresponding to them above in the upper chamber.

HALAKHA

Proofreaders of scrolls – מגיהי ספרים: Proofreaders of scrolls would take their wages from the collection of the Temple treasury chamber, in accordance with the opinion of Rabbi Yoḥanan (Rambam Sefer Zemanim, Hilkhot Shekalim 4:7).

נשים האורגות בפרכות – Women who weave the curtains – The women who weaved the curtains used in the Sanctuary would take their wages from the money consecrated for Temple maintenance, in accordance with the opinion of Rav Naḥman. However, the funds for the curtains of the gates, and the salary of the women who weaved them, would come from the collection of the Temple treasury chamber (Rambam Sefer Zemanim, Hilkhot Shekalim 4:2).

NOTES

The proofreaders of scrolls – מגיהי ספרים: Some commentaries maintain that this refers to proofreaders of Torah scrolls (Rashi; Rivan). They explain that there were a large number of scrolls available, as every man was required to have his own personal Torah scroll. When the courts saw that people were growing lax in correcting fading letters or tears in the parchment, the courts decided to use Temple funds for this purpose. Some claim that this money came from the leftover funds (see Shekalim 4:4), in accordance with a condition of the court that the money could be used for this purpose. Others contend that it

was from the collection of the Temple treasury chamber itself. No misuse of consecrated property was involved, as it was determined in advance that the money may be used for this purpose. Alternatively, the Gemara is referring to proofreaders of textbooks that priests would use for their studies (Talmid HaRashba, cited in Shita Mekubbetzet). It can be inferred from the Jerusalem Talmud that this refers to the book of Ezra, or the so-called books of the courtyard, azara, i.e., books belonging to the Temple itself, the emendations of which are part of the requirements of the Temple.

LANGUAGE

Avtinas – אבטינס: A Greek name of unclear origin. Some claim it is a combination of the Greek words εὐ-θύνος, eu-thuinos, meaning: Good incense. If so, the members of this household were named for their involvement in the preparation of incense.

Others say that it is derived from the name εὐθύνος, euthunos, meaning a righteous judge who judges the public. According to this interpretation, it is possibly related to the Hebrew name Shefatya.

תנו רבנן: נשים המגדלות בניהן לפרה היו נוטלות שכרן מתרומת הלשכה. אבא שאול אומר: נשים יקרות שבירושלים היו זנות אותן ומפרנסות אותן.

**The Sages taught:** With regard to the women who raise their children for the red heifer, i.e., who would raise their children in special places so that they would live their entire lives up to that point in a state of ritual purity, enabling them to draw the water for the purposes of the ritual of the red heifer, these women would take their wages from the collection of the chamber. Abba Shaul said: Their wages would not come from the collection of the chamber. Instead, wealthy and prominent women of Jerusalem would sustain them and provide them with a livelihood.

בעא מיניה רב הונא מרב:

Rav Huna raised a dilemma before Rav:

Perek XIII  
Daf 106 Amud b

כלי שרת מהו, שיעשו מקדשי בדרק הבית? צורך מזבח ניהו – ומקדשי בדרק הבית אתו, או צורך קרבן ניהו – ומתרומת הלשכה היו עושין אותן? אמר ליה: אין לעשין אלא מתרומת הלשכה.

Concerning Temple service vessels, what is the *halakha* with regard to the possibility that they may be prepared by using money consecrated for Temple maintenance? The Gemara explains the two sides of the dilemma: Are they requirements of the altar, and therefore they came from money consecrated for Temple maintenance, or are they requirements of offerings, and therefore they were prepared from the collection of the Temple treasury chamber?<sup>N</sup> Rav said to him: They are prepared only from the collection of the chamber.

איתיביה: "וככלותם הביאו לפני המלך ויהודיע (הכהן) את שאר הכסף ויעשהו כלים לבית ה' כלי שרת" וגו'.

Rav Huna raised an objection to this from a verse that deals with those in charge of maintaining the Temple structure: "And when they had made an end, they brought the rest of the money before the king and Jehoiada, of which were made vessels for the house of the Lord, vessels with which to minister, and buckets, and pans, and vessels of gold and silver" (II Chronicles 24:14). This indicates that vessels may be prepared with money consecrated for Temple maintenance.

אמר ליה: דאקריין בתובי לא אקריין נביאי אלא יעשה בית ה' ספות וגו' כי לעשי המלאכה יתנהו –

Rav said to him: Whoever taught you the Writings did not teach you the Prophets, as you forgot about the parallel verse in the Prophets: "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 those who did the work" (II Kings 12:14–15). This verse proves that vessels were not prepared with the money donated for Temple maintenance.

אי הכי קשו קראי אהדדי! לא קשיא: כאן – שגבו והותירו. כאן – שגבו ולא הותירו.

The Gemara asks: If so, the verses contradict each other, as in one place it states that the Temple vessels may be funded with the money donated for Temple maintenance, while in the other verse it states that this money was used exclusively for those involved in the actual work of Temple maintenance. The Gemara answers: This is not difficult; here it is speaking of a case where they collected funds and there was money left over. These funds could be used for Temple vessels. Conversely, here, the verse is referring to a situation where they collected funds and there was nothing left over, and therefore all of the money was allocated to actual Temple maintenance.

וכי גבו והותירו מאי הוי? אמר רבי אבהו: לב בית דין מתנה עליהן, אם הוצרכו – הוצרכו, ואם לאו – יהו לכלי שרת.

The Gemara asks: And if they collected money and there was some left over, what of it? After all, that money was consecrated for another purpose. If the Temple vessels could not be prepared with money consecrated for Temple maintenance, how were they able to use any of these funds for this purpose? Rabbi Abbahu said: The court initially sets a mental stipulation about the money collected: If it is required for Temple maintenance, it is required and is allocated accordingly, and if not, it will be used for the service vessels.

NOTES

From the collection of the chamber – מתרומת הלשכה: The commentaries note that this does not refer to the collection of the chamber itself but to the money remaining in the Temple treasury, as can be inferred from the subsequent debate (*Tosafot*). This is also indicated by the fact that the collection of the chamber was earmarked for offerings, not for vessels.

## BACKGROUND

**Incense – קטורת:** The incense was a mixture of ingredients placed on the golden altar in the Temple and burned each morning and evening. The incense contained eleven ingredients in fixed proportions. As with all other offerings, some salt was added to the incense. A special herb would smolder and emit a column of smoke that rose straight up. Generally the incense would be prepared in sufficient quantity for an entire solar year, including the amounts needed daily and the additional requirements for the Yom Kippur service. It is prohibited to prepare incense according to the Temple formula for use outside the Temple, and one who does so is liable to receive *karet*.

## HALAKHA

**קטורת וכל קרבנות – קטורת וכל קרבנות:** The funds for the daily offerings, the additional offerings, and all the communal offerings, together with their libations, as well as the incense and the wages paid to those preparing the incense, all came from the collection of the Temple treasury chamber (Rambam *Sefer Zemanim, Hilkhot Shekalim* 4:1).

**The altar of burnt-offerings, etc. – מזבח העולה וכו' –** The Rambam rules that the altar of burnt-offerings, the Sanctuary, and the courtyards were constructed from the remnants of the collection of the chamber. The commentaries wonder why the Rambam rules in accordance with the version of this statement that appears in the Jerusalem Talmud rather than that of the Gemara here (*Kesef Mishne*). Everything outside the walls of the courtyard, e.g., the walls of Jerusalem, its towers, and the other requirements of the city, all come from the remnants of the collection of the chamber (Rambam *Sefer Zemanim, Hilkhot Shekalim* 4:8).

## LANGUAGE

**Repletion [keitz] – קיץ:** In a *baraita* cited in *Shevuot* 12a, the Sages explain that this term is derived from *kayitz*, meaning figs. The idea is that just as people eat sweet foods, e.g., figs, after a meal, one likewise brings additional offerings to the altar to prevent it from remaining empty. The repletion of the altar was not fixed because if there were many visitors who brought offerings there was no need to add any more. However, on days when there were not many gift offerings, these burnt-offerings were sacrificed in addition to the daily ones.

תנא דבי רבי ישמעאל: כלי שרת באין מתרומת הלשכה, שנאמר "את שאר הכסף, איזהו כסף שיש לו שירים – היו אומר זה תרומת הלשכה."

ואימא שירים גופייהו! בדאמר רבא: "העולה" – עולה ראשונה, הכי נמי – "הכסף" – כסף ראשון.

מיתבי: הקטורת וכל קרבנות צבור באין מתרומת הלשכה, מזבח הזהב ולבונה וכלי שרת – באין ממותר נסכים.

מזבח העולה, הלשכות והעזרות – באין מקדשי בידק הבית, חוץ לחומת העזרה – באין משירי הלשכות. זו היא ששנינו: חומת העיר ומגדלותיה וכל צרכי העיר באין משירי הלשכה!

תנאי היא: דתנן: מותר תרומה מה היו עושין בה – ריקועי זהב ציפוי לבית קדשי הקדשים. רבי ישמעאל אומר: מותר פירות – לקיץ המזבחת, מותר תרומה – לכלי שרת.

**The school of Rabbi Yishmael taught:** The funding for the service vessels of the Temple comes from the collection of the Temple treasury chamber, as it is stated: "The rest of the money" (II Chronicles 24:14). Which money has a remainder? You must say that this is referring to the collection of the chamber. After the money was brought into the chamber, a certain portion of it would be set aside for the requirements of the offerings, while the remainder was used for other purposes.

The Gemara asks: **But one can say that the remainder itself was used for the Temple vessels, and the phrase "the rest of the money" does not refer to the funds of which there is a remainder, but to the remainder of the donations left in the chamber after the first collection was removed.** The Gemara answers: This is as Rava said elsewhere, that the phrase "the burnt-offering" (Leviticus 6:5), with the definite article, is referring to the first burnt-offering; so too, the term "the money" (II Chronicles 24:14) is referring to the first money, i.e., the money removed from the collection of the chamber.

The Gemara raises an objection from the following source: The funds for the incense<sup>8</sup> and all communal offerings<sup>9</sup> come from the collection of the Temple treasury chamber. The funds for the golden altar, located inside the Sanctuary and upon which the incense was offered, the frankincense,<sup>9</sup> and the service vessels all come from the leftover money of the funds set aside for the libations.

The funds for the upkeep of the altar of burnt-offerings,<sup>9</sup> which was located outside the Sanctuary and on which most offerings were burned, and for the chambers, and for the various courtyards, come from money consecrated for Temple maintenance. Funds for those matters that are outside the walls of the Temple courtyard come from the remainder of the chambers. And with regard to this we learned: The wall of the city, its towers, and all of the requirements of the city of Jerusalem likewise come from the remainder of the chamber.<sup>9</sup> According to this source, the funds for the sacred vessels came from the leftover money of the funds set aside for the libations, not the collection of the Temple treasury chamber.

The Gemara answers: It is a dispute between *tanna'im*, as we learned in a mishna (*Shekalim* 6a): What would they do with the leftover funds of the collection of shekels that had not been spent on communal offerings? They would purchase golden plates as a coating for the walls and floor of the Holy of Holies. Rabbi Yishmael says: There were different types of remainders in the Temple, each of which had separate regulations. The leftover produce was used to purchase the repletion [keitz]<sup>1</sup> of the altar, i.e., burnt-offerings sacrificed when the altar would otherwise be idle. The leftover funds of the collection were used to purchase service vessels.

## NOTES

**Which money has a remainder, etc. – איזהו כסף שיש לו שירים:** This is problematic, as the verse speaks of donations for Temple maintenance, not of the collection of the Temple treasury chamber. Apparently, Rabbi Yishmael understood the verse as follows: They brought before the king leftover money that had been donated for Temple maintenance, as well as coins left over from other collections.

**The golden altar and frankincense – מזבח הזהב ולבונה:** The commentaries ask why frankincense is listed among the items paid for from the leftover money of that which is set aside for the libations. Since frankincense was placed on the shewbread table it should be considered an offering, and therefore it should be funded from the collection of the chamber (Rivan). In fact, some commentaries delete this term from the text (Vilna Gaon).

One suggestion is that the frankincense was used irregularly, as it was placed on the table on Friday and not replaced until the following Friday, and unlike the shewbread was not eaten by the priests. Therefore it is not considered a proper offering.

**The collection of the chamber and its leftovers – תרומת הלשכה ומותרה:** There were many ways to donate money to the Temple. As described in tractate *Shekalim*, there were thirteen collection baskets in the Temple, which served different purposes. These were in addition to the half-shekel donation required from every citizen annually, in the month of Adar. It is further described in *Shekalim* that all of the shekels were brought to a chamber where they were divided into three large baskets. This is known as the collection of the Temple treasury chamber, which was used for all of the communal offerings and

for all direct requirements of those offerings, e.g., the wages of those skilled professionals who would prepare the incense and the shewbread. The money left in the chamber after the first coins were removed is called the remainder of the chamber. This was used for more general purposes, both for mending the Temple itself and for general requirements of the city of Jerusalem. Occasionally the collection of the chamber exceeded that which was needed for the Temple that year. Since each year the newly donated shekels must be used for that year, the money left over from the previous year would be put to other uses. Consequently, the remaining money from the collection of the chamber might not all be spent on the needs of the city, and this balance was referred to as the leftover remainder of the chamber.

The leftover libations – מותר נקבים – Rashi cites the two conflicting opinions of *amora'im* with regard to this concept. According to one *amora*, this surplus resulted from the fact that the merchants who supplied wine to the Temple would be generous in their measurements of the amount sold, while the priests would have to be precise when they measured the requisite volume for the offerings in the service. The other *amora* maintains that there was an agreement between the Temple and the merchants supplying the wine that should prices rise, the merchants would continue to sell to the Temple at the old price. Conversely, if prices fell, the merchants would sell to the Temple at the new price. For example, if the Temple paid for a certain quantity of wine and prices decreased, they would now receive a greater quantity of wine for the same amount of money. Consequently, there would occasionally be a surplus of wine from libations and meal offerings.

רבי עקיבא אומר: מותר תרומה – לקיץ המזבחת, מותר נסכים – לכלי שרת. רבי חנינא סגן הכהנים אומר: מותר נסכים – לקיץ המזבחת, מותר תרומה – לכלי שרת. וזה וזה לא היו מודים בפירות.

Rabbi Akiva says: The leftover funds of the collection of shekels<sup>H</sup> were used to purchase the animals for the repletion of the altar, as they had originally been collected for offerings. The leftover libations<sup>NH</sup> were used to purchase service vessels.<sup>H</sup> Rabbi Hanina, the deputy High Priest, says: The leftover libations were used to purchase animals for the repletion of the altar, while the leftover funds of the collection of shekels were used to purchase service vessels. Both this Sage, Rabbi Akiva, and that Sage, Rabbi Hanina, did not agree with Rabbi Yishmael's opinion with regard to the leftover produce.

פירות מאי היא? דתנא: מותר תרומה מה היו עושין בה – לוקחין פירות בזול, ומוכרין אותם ביוקר, והשכר מקניצין בו את המזבחת. וזו היא ששנינו: מותר פירות לקיץ המזבחת.

The Gemara asks: What is this produce? As it is taught in a *baraita*: What would they do with the leftover funds of the collection? They would use it to buy produce at a cheap price and subsequently sell that produce at an expensive price, and the profit earned from this trade would be used for the repletion of the altar. And with regard to this we learned: The leftover funds of produce were used to purchase the animals for the repletion of the altar.

מאי "זה וזה לא היו מודין בפירות"? דתנן: מותר שירי לשכה מה היו עושין בהן – לוקחין בהן יינות, שמנים וסלתות, והשכר להקדש, דברי רבי ישמעאל. רבי עקיבא אומר: אין משתכרין בשל הקדש, אף לא בשל עניים.

The Gemara asks: If so, what is the reason that both this Sage, Rabbi Akiva, and that Sage, Rabbi Hanina, did not agree with Rabbi Yishmael's opinion with regard to the leftover produce? The Gemara answers: Rabbi Akiva is consistent with his opinion elsewhere, as we learned in a mishna (*Shekalim* 6a): What would they do with the leftover remainder of the chamber? They would purchase wine, oil, and fine flour and sell them to those who needed them for their private offerings. And the profit from these sales would go to consecrated property, i.e., to the Temple treasury. This is the statement of Rabbi Yishmael. Rabbi Akiva says: One may not generate profit by selling consecrated property,<sup>H</sup> nor may one profit from funds set aside for the poor.<sup>H</sup>

בשל הקדש מאי טעמא לא – אין עניות במקום עשירות. בשל עניים מאי טעמא לא – דלמא מתרמי להו עניא, וליכא למיתבא ליה.

The Gemara explains the reason for Rabbi Akiva's ruling: What is the reason that one may not use consecrated property to generate a profit? It is because there is no poverty in a place of wealth, i.e., the Temple must always be run in a lavish manner. Therefore, one may not use Temple funds to generate small profits in the manner of paupers. What is the reason that one may not use funds set aside for the poor to make a profit? It is because perhaps one will encounter a poor person and there will be nothing to give him, as all of the money is invested in some business transaction.

"מי שהלך למדינת הים" – איתמר, רב אמר:

§ The Gemara returns to the mishna, which deals with the case of one who went overseas and his wife is demanding sustenance. It was stated that *amora'im* debated the following issue. Rav said:

#### HALAKHA

**מותר – The leftover funds of the collection of the chamber** – תרומת הלשכה: The leftover funds of the collection of the Temple treasury chamber would be used to purchase sheep that would be sacrificed on the altar as burnt-offerings. These offerings are known as the repletion of the altar. The *halakha* is in accordance with the opinion of Rabbi Akiva, as it is in all cases when a single colleague disagrees with his opinion (Rambam *Sefer Zemanim, Hilkhot Shekalim* 4:9).

**מותר נקבים – The leftover libations**: The leftover funds for libations would be used for the preparation of Temple vessels. If there were no leftovers, money from the collection of the chamber would itself be used for this purpose. Although the Rambam rules in accordance with the opinion of Rabbi Akiva, he maintains that if are no leftovers Rabbi Akiva accepts the ruling of Rabbi Yishmael (*Kesef Mishne; Rambam Sefer Zemanim, Hilkhot Shekalim* 4:2).

**Service vessels – כלי שרת**: The funding for the candelabrum and all the vessels used in the Temple service comes from the leftover

libations. The *halakha* is in accordance with the opinion of Rabbi Akiva, as it is in all cases when a single colleague disagrees with his opinion (Rambam *Sefer Zemanim, Hilkhot Shekalim* 4:2).

**One may not generate profit by selling consecrated property – אין משתכרין בשל הקדש**: Since the Rambam did not cite the opinion of Rabbi Yishmael with regard to what was done with the leftover remainder of the chambers, he evidently rules in accordance with the opinion of Rabbi Akiva. In fact, the Rambam explicitly states as much in his Commentary on the Mishna (Rambam *Sefer Zemanim, Hilkhot Shekalim* 4:4).

**Nor from funds set aside for the poor – אף לא בשל עניים**: One may not conduct business with funds from charity set aside for immediate distribution to the poor, in case a pauper comes along and there are no available funds to give him. However, if only the profit of a charity collection is for distribution, not the principal, one may invest the principal in a business venture (*Beit Yosef, citing Sefer HaTerumot and Haggahot Maimoniyot; Shulhan Arukh, Yoreh De'a* 259:1, and in the comment of Rema).