

Wrapping cloths of Torah scrolls – מטפחות ספרים: It is permitted to make burial shrouds from wrapping cloths of a Torah scroll that have become worn out. This is considered their interment. However, worn-out wrapping cloths of a Torah scroll may not be used as a covering for phylacteries (*Eshel Avraham; Shulhan Arukh, Oraḥ Hayyim* 154:4).

The storing away of a Torah scroll – גניית ספר תורה: It is prohibited to burn a Torah scroll, sacred books, and articles of sanctity (*Magen Avraham; see Responsa Shevut Ya'akov and Sedei Hemed*). Instead, they are placed in an earthenware utensil and interred in a Torah scholar's grave. For this purpose, the scholar is not required to be a great Sage. Rather, it is sufficient even if he studied only *halakhot*. This ruling is in accordance with the opinion of Rava and Rav Aḥa (*Shulhan Arukh, Oraḥ Hayyim* 154:5).

NOTES

A Torah scroll that became worn out is interred and buried next to a Torah scholar – **ספר תורה שבלה גונין** – **אֹתוֹ אֵצֶל תַּלְמִיד חָכֵם**: This *halakha* is based on the principle that the honor of a Torah scholar is greater than the honor of a Torah scroll. The Gemara here indicates that this principle is true even of a scholar who studied only *halakhot*.

A synagogue and a study hall – בית כנסת ובית מדרש: It is permitted to convert a synagogue into a study hall or to sell a synagogue in order to buy a study hall. However, a study hall may not be converted into a synagogue. This ruling is in accordance with the opinion of Rav Pappi. Nowadays, as synagogues are also used for Torah study, they have the sanctity of a study hall (see *Mishna Berura; Shulhan Arukh, Oraḥ Hayyim* 153:1).

LANGUAGE

Palaces [*palterin*] – פִּלְטֵרִין: From the Latin palatinum and the Greek παλάτιον, meaning palace or temple.

NOTES

Every great house – כָּל בַּיִת גָּדוֹל: The verse makes a distinction between “all the houses of Jerusalem,” which are grouped together, and “every great house,” which is different. The Gemara understands this to imply that the significance of a “great house” is such that it must always remain distinct from the other houses of Jerusalem. It may not be used for any purpose other than what it was designated for. However, see the Jerusalem Talmud, in which “all the houses of Jerusalem” is expounded in a different manner.

אָמְרוּ לִיהֵא רַבְנָן לְרַבָּא: וְהָא זְמַנִּין דְּמִטְלָלְתִּי לִיהֵא כִּי מְנַח סֵפֶר תּוֹרָה עֲלֵיהֶּ, וְהוּהוּ לִיהֵא מִיטְלָלְתָא מְלֵא וְרִיקָם: אֵי דְכִי לָא אֶפְשָׁר.

The Rabbis said to Rava: But isn't the ark sometimes moved when a Torah scroll is still resting inside it, and therefore it is a utensil that is moved both when it is full and when it is empty; such a utensil is susceptible to ritual impurity and cannot prevent ritual impurity from spreading. He said to them: If so, if it is as you claim, then it is not possible to remedy the situation.

אָמַר מַר זוּטְרָא: מִטְפָּחוֹת סֵפֶרִים שְׁבֻלוּ עוֹשִׂין אוֹתָן תְּכַרִּיכִין לְמַת מְצוּהָ, וְזוּ הֵיא גְנִיזָתָן.

Mar Zutra said: With regard to wrapping cloths of Torah scrolls that have become worn out, they may be made into shrouds for a corpse with no one to bury it [*met mitzva*], and this is their most appropriate manner for being interred.^h

וְאָמַר רַבָּא: סֵפֶר תּוֹרָה שְׁבֻלָה גּוֹנִין אוֹתוֹ אֵצֶל תַּלְמִיד חָכֵם, וְאֶפְיִלוּ שׁוֹנֵה הַלְכוֹת. אָמַר רַב אַחָא בְרַי יַעֲקֹב: וּבְכָלִי חָרִס, שְׁנָאֵמַר "וַיִּנְתְּתֶם בְּכָלִי חֶרֶשׁ לְמַעַן יַעֲמְדוּ יָמִים רַבִּים",

And Rava said: A Torah scroll that became worn out is interred and buried next to a Torah scholar,ⁿ and in this regard, a Torah scholar is defined even as one who only studies the *halakhot* in the Mishna and the *baraitot* but is not proficient in their analysis. Rav Aḥa bar Ya'akov said: And when it is buried, it is first placed in an earthenware vessel, as it is stated: “And put them in an earthenware vessel, that they may last for many days” (*Jeremiah* 32:14).^h

(וְאָמַר) רַב פַּפִּי מִשְׁמִיחָ דְּרַבָּא: מִבֵּי כְּנִישְׁתָּא לְבֵי רַבְנָן – שָׂרִי, מִבֵּי רַבְנָן לְבֵי כְּנִישְׁתָּא – אִסְרוּ. וְרַב פַּפָּא מִשְׁמִיחָ דְּרַבָּא מִתֵּינִי אִיפְכָא, אָמַר רַב אַחָא:

§ And Rav Pappi said in the name of Rava: To convert a building from a synagogue into a study hall is permitted, but from a study hall into a synagogue is prohibited, as he holds that a study hall has a higher degree of sanctity than a synagogue. And Rav Pappa in the name of Rava teaches the opposite, as he holds that a synagogue has a higher degree of sanctity than a study hall. Rav Aḥa said:

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בְּוֹתִיחָ דְּרַב פַּפִּי מִסֵּתְבְּרָא, דְּאָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֹוִי: בֵּית הַכְּנֶסֶת מוֹתֵר לַעֲשׂוֹתוֹ בֵּית הַמְּדֻרָשׁ, שְׁמַע מִינָהּ.

It stands to reason to rule in accordance with the opinion of Rav Pappi, as Rabbi Yehoshua ben Levi said: It is permitted for a synagogue to be made into a study hall.^h The Gemara concludes: Indeed, learn from it that the opinion of Rav Pappi is correct.

דְּרַשׁ בַּר קַפְּרָא: מֵאִי דְכָתִיב "וַיִּשְׂרֹף אֶת בַּיִת ה' וְאֶת בַּיִת הַמֶּלֶךְ וְאֶת כָּל בְּתֵי יְרוּשָׁלַם וְאֶת כָּל בְּתֵי שָׂרֵף בְּאֵשׁ." "בַּיִת ה'" – זֶה בַּיִת הַמֶּקְדָּשׁ, "בַּיִת הַמֶּלֶךְ" – אֵילוּ פִּלְטֵרִין שֶׁל מֶלֶךְ, "וְאֶת כָּל בְּתֵי יְרוּשָׁלַם" – כְּמִשְׁמַעֲנָן, "וְאֶת כָּל בְּתֵי גְדוֹל שָׂרֵף בְּאֵשׁ" רַבִּי יוֹחָנָן וְרַבִּי יְהוֹשֻׁעַ בֶּן לֹוִי, חֵד אָמַר: מְקוֹם שְׁמִגְדָּלִין בּוֹ תּוֹרָה, וְחֵד אָמַר: מְקוֹם שְׁמִגְדָּלִין בּוֹ תַפְלָה.

§ Bar Kappara interpreted a verse homiletically: What is the meaning of that which is written: “And he burnt the house of the Lord, and the king’s house, and all the houses of Jerusalem, and every great house he burnt with fire” (II Kings 25:9)? He explained: “The house of the Lord”; this is the Holy Temple. “The king’s house”; these are the king’s palaces [*palterin*].^l “And all the houses of Jerusalem”; as understood in its literal sense. With regard to the final phrase: “And every great house” he burnt with fire,” Rabbi Yoḥanan and Rabbi Yehoshua ben Levi disagree about the meaning of “great house”: One of them said: It is referring to a place where the Torah is made great, i.e., the study hall; and the other one said: It is referring to a place where prayer is made great, i.e., the synagogue.

מֵאֵן דְּאָמַר תּוֹרָה, דְּכָתִיב "ה' חִפְץ לְמַעַן צַדִּיקוֹ יַגְדִּיל תּוֹרָה וַיִּגְדֵּל יְהוֹשֻׁעַ בֶּן לֹוִי... הַגְּדוֹלוֹת אֲשֶׁר עָשָׂה אֱלֹהִים עִמָּו." וְאֵלִישָׁע דְּעֵבֵד – בְּרַחְמֵי הוּא דְּעֵבֵד.

The Gemara explains their respective opinions: The one who said that the reference is to where the Torah is made great bases his opinion on a verse that describes Torah study as great, as it is written: “The Lord was pleased, for His righteousness’ sake, to make Torah great and glorious” (Isaiah 42:21). And the one who said that the reference is to where prayer is made great bases his opinion on a verse that describes prayer as great, as it is written: “Tell me, I pray you, all the great things that Elisha has done” (II Kings 8:4), and that which Elisha did, i.e., restored a boy to life, he did through prayer.

What is the *halakha* with regard to whether it is permitted to sell an old Torah scroll – מהו למכור ספר תורה ישן? The solution to this dilemma cannot be inferred from the mishna. This is because if the first clause of the mishna is assumed to be precise, it would imply that it is prohibited to sell an item if its sanctity will not be elevated. However, the opposite conclusion is reached if one reads that latter clause of the mishna precisely. As such, a proof cannot be derived from the mishna (Rabbi Zerahya HaLevi, citing Rabbeinu Efrayim; see *Turei Even*).

Scrolls of one of the five books of the Torah may be rolled up in wrapping cloths used for the Prophets or Writings – וחומשין במטפחות נביאים וכתובים: Rabbeinu Yehonatan explains that the verse: “And there has not risen a prophet since in Israel like Moses” (Deuteronomy 34:10) expresses the supremacy of Moses’ prophecy and consequently proves that although the individual books of the Torah do not have the sanctity of a full Torah scroll, they have a greater degree of sanctity than the other books of the Bible.

תקתיים דרבי יהושע בן לוי הוא דאמר מקום שמגדלין בו תורה, דאמר רבי יהושע בן לוי: בית הכנסת מותר לעשותו בית המדרש, שמע מינה.

”אבל מכרו תורה לא יקחו ספרים” וכו’: איבעיא להו: מהו למכור ספר תורה ישן ליקח בו חדש? בין דלא מעלי ליה – אסור, או דלמא בין דליכא לעלוני עילווייא אחרנא – שפיר דמי?

תא שמע: אבל מכרו תורה – לא יקחו ספרים. ספרים הוא דלא, הא תורה בתורה – שפיר דמי! מתניתין דיעבד, כי קא מיבעיא לן – לכתחלה.

תא שמע: גוללין ספר תורה במטפחות חומשין, וחומשין במטפחות נביאים וכתובים, אבל לא נביאים וכתובים במטפחות חומשין, ולא חומשין במטפחות ספר תורה.

קתני מיהת: גוללים ספר תורה במטפחות חומשין, מטפחות חומשין – אין, מטפחות ספר תורה – לא.

אימא סיפא: ולא חומשין במטפחות ספר תורה. הא תורה בתורה – שפיר דמי! אלא, מהא ליכא למישמע מינה.

The Gemara comments: **Conclude that Rabbi Yehoshua ben Levi is the one who said that “great house” is referring to a place where the Torah is made great, as Rabbi Yehoshua ben Levi said elsewhere: It is permitted for a synagogue to be made into a study hall.** This ruling indicates that he holds that a study hall has a higher degree of sanctity than a synagogue. It is therefore reasonable that he assumes that “great house” is referring specifically to a study hall. The Gemara concludes: Indeed, **learn from it** that he was the one who said the term is referring to a place where the Torah is made great.

§ The mishna states: **However, if they sold a Torah scroll, they may not use the proceeds to purchase scrolls of the Prophets and the Writings.** Similarly, the proceeds of the sale of any sacred item may not be used to purchase an item of a lesser degree of sanctity. **A dilemma was raised before the Sages: What is the halakha with regard to whether it is permitted to sell an old Torah scrollⁿ in order to purchase a new one?** The Gemara explains the sides of the dilemma: On the one hand, **since the proceeds are not raised to a higher degree of sanctity by doing so, maybe it is prohibited; or, perhaps in this case, since there is no possibility of raising it to another, higher degree of sanctity, it seems well and should be permitted?**

Come and hear a resolution to this dilemma from the mishna: However, if they sold a Torah scroll, they may not use the proceeds to purchase scrolls of the Prophets and the Writings. One may infer: **It is only scrolls of the Prophets and the Writings that may not be purchased with the proceeds, but to purchase a new Torah scroll with the proceeds of an old Torah scroll seems well and is permitted.** The Gemara rejects this proof: **The mishna discusses the halakha that applies only after the fact that a Torah scroll was sold.** Perhaps it is only in that case where the proceeds may be used to purchase another Torah scroll. **When the dilemma was raised to us, it was with respect to permitting the sale of one Torah scroll in order to purchase another ab initio.**

Come and hear a resolution to this dilemma from a baraita: A Torah scroll may be rolled up in wrapping cloths that are used for scrolls of one of the five books of the Torah. And scrolls of one of the five books of the Torah may be rolled up in wrapping cloths that are used for scrolls of the Prophets or Writings,ⁿ since in each case the wrapping cloths are being used for something with a greater degree of sanctity. However, a scroll of the Prophets or Writings may not be rolled up in wrapping cloths that are used for scrolls of one of the five books of the Torah, and scrolls of one of the five books of the Torah may not be rolled up in wrapping cloths that are used for a Torah scroll.

The Gemara explains the proof: **In any event, the baraita is teaching: A Torah scroll may be rolled up in wrapping cloths that are used for scrolls of one of the five books of the Torah.** One may infer: A Torah scroll may be rolled up only in wrapping cloths that are used for scrolls of one of the five books of the Torah; but to roll it up in wrapping cloths of another Torah scroll, no, it is not permitted. By extension, one Torah scroll may certainly not be sold in order to purchase another.

The Gemara rejects the proof: If this inference is valid, one should be able to say the latter clause and make a similar inference from it. The latter clause teaches: **And scrolls of one of the five books of the Torah may not be rolled up in wrapping cloths that are used for a Torah scroll.** It may be inferred from this that it is prohibited only to roll up scrolls of one of the five books of the Torah in wrapping cloths that are used for a Torah scroll, but to roll up one Torah scroll in the wrapping cloths of another Torah scroll seems well. By extension, one should be permitted to sell a Torah scroll to purchase another. **Rather, perforce one must conclude that no inference beyond its basic meaning can be deduced from the baraita, as the inferences are contradictory.**

The placing of one scroll upon another – **הנחת ספר על ספר**: A Torah scroll may be placed upon another Torah scroll, and individual books of the Torah may be placed upon scrolls of the Prophets, the Writings, the Mishna, and the Talmud (Responsa of Rabbi Yosef Migash). However a scroll of the Prophets or Writings may not be placed upon individual books of the Torah, and individual books of the Torah may not be placed upon a full Torah scroll. However, scrolls of the Writings may be placed upon scrolls of the Prophets. These *halakhot* apply when the texts are written in distinct scrolls, but when they appear in the same scroll it does not matter if the text of the Prophets lies upon the text of the Torah when the scroll is rolled (*Shulhan Arukh, Yoreh De'a* 282:19, and in the comments of Rema).

Selling a Torah scroll – מכירת ספר תורה: It is prohibited to sell a Torah scroll. This *halakha* applies only to scrolls that were made to be read to the public, but it is permitted to sell scrolls that were written for individuals (*Shakh*, citing Rabbeinu Manoah). However, even in such a case, one will not see any blessing from the proceeds (*Arukh HaShulhan*, citing *Beit Yosef*). This applies even if one has many Torah scrolls, and even if he has almost no food to eat (Rema).

It is also prohibited to sell a Torah scroll to buy a new one. However, it is permitted to sell a Torah scroll in order to use the proceeds for the study of Torah, if one has nothing else to sell. It is also permitted to sell a Torah scroll in order to free captives (Rema) and in order to get treatment for a dangerous illness (*Arukh HaShulhan*). In these cases, selling a Torah scroll is permitted not only when the people in need are one's family, but to help anyone who has these needs, and doing so is indeed a great mitzva (*Shulhan Arukh, Yoreh De'a* 270:1).

תא שמע: מניחין ספר תורה על גבי תורה, ותורה על גבי חומשין, וחומשין על גבי נביאים וכתובים. אבל לא נביאים וכתובים על גבי חומשין, ולא חומשין על גבי תורה.

Come and hear a resolution to this dilemma from the *Tosefta* (*Megilla* 3:12): **A Torah scroll may be placed upon another Torah scroll, and a Torah scroll may be placed upon scrolls of one of the five books of the Torah, and scrolls of one of the five books of the Torah may be placed upon scrolls of the Prophets or Writings. However, scrolls of the Prophets or Writings may not be placed upon scrolls of one of the five books of the Torah, and scrolls of one of the five books of the Torah may not be placed upon a Torah scroll.**^h From the first clause, it is apparent that one Torah scroll may be used for the sake of another. By extension, it should be permitted to sell one Torah scroll to purchase another.

הנחה קאמר? שאני הנחה דלא אפטר. דאי לא תימא הכי – מיכרך היכי ברכינן? והא קא יתיב דפא אחבריה! אלא, בין דלא אפטר – שרי, הכא נמי בין דלא אפטר – שרי.

The Gemara rejects this proof: Can you say a proof from the *halakha* of placing one Torah scroll upon another? The *halakha* of placing scrolls upon one another is different, because it is impossible to place them in any other way, as they must be laid one atop the other when placed in the ark. As, if you do not say so, that it is indeed permitted when in an unavoidable situation, how could we furl a Torah scroll at all? Does one sheet of parchment not rest upon another? Rather, since it is impossible to furl the scroll in any other way, it is permitted. Here too, since it is impossible to place the scrolls in the ark in any other way, it is permitted.

תא שמע: דאמר רבה בר בר חנה אמר רבי יוחנן משום רבן שמעון בן גמליאל: לא ימכור אדם ספר תורה ישן ליקח בו חדש.

Come and hear a resolution to this dilemma from a *baraita*: **As Rabba bar bar Hana said that Rabbi Yoḥanan said in the name of Rabban Shimon ben Gamliel: A person may not sell an old Torah scroll in order to purchase a new one.**^h

התם משום פשיעותא. כי קאמרינן – כגון דכתוב ומנח לאיפוקי, מאי?

The Gemara rejects this proof. There, in the case of the *baraita*, it is prohibited because of a concern for negligence. The old one might be sold and a new one never bought. However, when we speak, it is of a case where the new scroll is already written and waiting to be redeemed immediately with the proceeds of the sale. Therefore, the question remains: What is the *halakha* in this case?

תא שמע דאמר רבי יוחנן משום רבי מאיר: אין מוכרין ספר תורה אלא ללמוד תורה, ולישא אשה.

Come and hear a resolution to this dilemma from a *baraita*: **As Rabbi Yoḥanan said in the name of Rabbi Meir: A Torah scroll may be sold only if the seller needs the money in order to study Torah or to marry a woman.**

שמע מינה: תורה בתורה שפיר דמי. דלמא שאני למוד, שהלמוד מביא לידי מעשה. אשה נמי "לא תהו בראה לשבת יצרה", אבל תורה בתורה – לא.

Learn from this *baraita* that exchanging one entity of Torah, i.e., a Torah scroll, for another entity of Torah, i.e., Torah study, seems well, and by extension, it should be permitted to sell one Torah scroll to purchase another. The Gemara rejects the proof: Perhaps Torah study is different, as the study of Torah leads to action, i.e., the fulfillment of the mitzvot, and perhaps it is only due to its great importance of Torah study that it is permitted to sell a Torah scroll for it. Similarly, marrying a woman is also of utmost importance, as it is stated with regard to Creation: "He created it not a waste; He formed it to be inhabited" (Isaiah 45:18). This indicates that marrying and having children fulfills a primary goal of Creation. But selling an old Torah in order to buy a new Torah might not be permitted.

תנו רבנן: לא ימכור אדם ספר תורה אף על פי שאינו צריך לו, יתר על כן אמר רבן שמעון בן גמליאל: אפילו אין לו מה יאכל ומכר ספר תורה או בתו – אינו רואה סימן ברכה לעולם.

On the same topic, the Sages taught in a *baraita*: **A person may not sell a Torah scroll,ⁿ even if he does not need it. Furthermore, Rabban Shimon ben Gamliel said: Even if a person has nothing to eat, and out of his need he sold a Torah scroll or he sold his daughter to be a maidservant, he never sees a sign of blessing from the proceeds of either sale. Clearly, it is never appropriate to sell a Torah scroll for any purpose.**

NOTES

^h לא ימכור אדם ספר – תורה: The early commentaries record two different versions of the Gemara here: The first version states: Even if he does not need it, meaning that he already has another Torah

scroll in his possession. The other version has: Even if he has a need for it, meaning he has no money and needs the proceeds from the sale of the Torah scroll to buy necessities (*Mikhtam*).

If they collected and there was money left over – גָּבוּ וְהוֹתִירוּ מוֹתֵר: If money is collected in order to buy a sacred object, and the community wishes to use the money for something else, they may use it only in order to purchase something of a similar or greater degree of sanctity. The exception to this is when the funds were collected by the seven representatives of the town in an assembly of the residents of the town (*Magen Avraham*). If money was collected and there is money left over from the purchase, some say that the community may purchase with those funds whatever they see fit (*Magen Avraham*) and others say that they are allowed to purchase only items used in the fulfillment of mitzvot or for public needs (*Taz*). If it was stipulated when the money was collected that it may be used as the community sees fit, then even if they used the funds to purchase a sacred object, it is permitted for them to sell that object and purchase another object, even if the new object has a lower degree of sanctity than the first one. However, some prohibit this (*Shulḥan Arukh, Oraḥ Ḥayyim* 153:5).

One who pledged money in a different town – מִי שֶׁנָּדַר – יִצְדָּקָה בְּעִיר אֲחֵרָה: An individual who goes to a different town and pledges a sum to charity should give it to that town. If many people come together, they should give the sum to the town's collector, so that they are not suspected of reneging. When they are ready to return home, the town collector should return the money to them and they should take it home with them and then distribute it to the poor of their own town. However, if there is a Torah scholar in the town they go to, under all circumstances they should give the money to him and he decides to whom the money should be given. Money that is collected from villagers who come to the town to pray should be distributed in their village (*Shakh, citing Beit Yosef*). However one who purchased the right to perform a mitzva in a synagogue is required to give what he promised to that synagogue (*Shakh; Shulḥan Arukh, Yoreh De'a* 256:6).

NOTES

If they collected and there was money left over it is permitted – גָּבוּ וְהוֹתִירוּ מוֹתֵר: When there are surplus funds after money is raised for charity for the poor or for redeeming captives, the *halakha* is that those funds must also be put to the same purpose for which they were raised. Why, then, does the Gemara state here that surplus funds do no need to be put to the same purpose for which they were collected? Some explain that since there are always poor people, any money that is collected is automatically dedicated to that cause. However, the Gemara here concerns a collection toward the purchase of a specific object. In such a case, only the sum that is necessary for that purchase is consecrated, since there was never any intention to buy similar objects with any surplus (*Rashba*).

“וְכֵן בְּמוֹתְרֵיהֶן” אָמַר רָבָא: לֹא שָׁנוּ אֶלָּא שְׂמֻכְרוּ וְהוֹתִירוּ, אֲבָל גָּבוּ וְהוֹתִירוּ מוֹתֵר.

אֵי תִּיבִיָּה אֲבִי: בְּמָה דְּבָרִים אֲמֹרִים שְׁלֵא הִתְנֵן, אֲבָל הִתְנֵן – אֲפִילוּ לְדוּכְסוּסְיָא מוֹתֵר.

הִיכִי דְמִי? אֵילִימָא שְׂמֻכְרוּ וְהוֹתִירוּ – כִּי הִתְנֵנוּ מֵאִי הוּי? אֶלָּא שְׂגָבוּ וְהוֹתִירוּ, טַעְמָא – דְּהִתְנֵנוּ, הָא לָא הִתְנֵנוּ – לָא!

לְעוֹלָם שְׂמֻכְרוּ וְהוֹתִירוּ, וְהָכִי קֵאָמַר: בְּמָה דְּבָרִים אֲמֹרִים – שְׁלֵא הִתְנֵנוּ שְׂבַעָה טוֹבֵי הָעִיר בְּמַעֲמַד אֲנָשֵׁי הָעִיר, אֲבָל הִתְנֵנוּ שְׂבַעָה טוֹבֵי הָעִיר בְּמַעֲמַד אֲנָשֵׁי הָעִיר – אֲפִילוּ לְדוּכְסוּסְיָא נְגַמֵּי מוֹתֵר.

אָמַר לִיָּה אֲבִי לְהֵוֹא מֵרַבֵּן דְּהוּהוּ מְסַדֵּר מִתְנַתָּא קַמֵּיהּ דְּרַב שֵׁשֶׁת: מִי שְׂמִיעַ לָךְ מֵרַב שֵׁשֶׁת מֵאִי דוּכְסוּסְיָא? אָמַר לִיָּה: הָכִי אָמַר רַב שֵׁשֶׁת: פְּרָשָׁא דְּמִתָּא.

אָמַר אֲבִי: הֲלָכְךָ, הָאִי צוּרְבָא מֵרַבֵּן דְּשָׂמַע לִיָּה מִיִּלְתָּא וְלֹא יָדַע פִּירוּשָׁא – לִישְׁיִילָהּ קַמֵּיהּ דְּשָׂבִיחַ קַמֵּיהּ רַבֵּן, דְּלֹא אֲפָשָׁר דְּלֹא שְׂמִיעַ לִיָּה מִן גְּבָרָא רַבָּה.

אָמַר רַבִּי יוֹהָנָן: מְשׁוּם רַבִּי מֵאִיר: בְּגֵי הָעִיר שְׁהִלְכוּ לְעִיר אֲחֵרָתָא וּפְסְקוּ עֲלֵיהֶן צְדָקָה – נֹתְנִין, וּבְשִׁהָן בְּאִין מִבִּיאִין אוֹתָהּ עֲמָהֶן, וּמְפָרְסִין בָּהּ עֲנִי עִירָן.

The mishna states: **And similarly**, the same limitation applies to any surplus funds from the sale of sacred items. **Rava said: They taught** that the surplus funds have sanctity only in a case where the community sold a sacred object and then used the proceeds to purchase something with a greater degree of sanctity, **and there was money left over. However, if the community collected money** from its members in order to purchase a sacred object, **and there was extra money left over^h** beyond the price of the object, that extra money is **permittedⁿ** to be used for any purpose, as the money was never sanctified.

Abaye raised an objection to Rava from a *baraita*: **In what case is this statement of the mishna said? When they did not explicitly stipulate** that they would do with the surplus funds as they see fit. **However, if they made such a stipulation, then even to use the money for a dukhsusya is permitted.** The Gemara will explain the meaning of the term *dukhsusya*.

Abaye explains the challenge: **What are the circumstances of this stipulation? If we say that they sold a sacred object and after using the proceeds to purchase another sacred object there was money left over, then even when they made a stipulation, of what avail is it?** How can a stipulation desanctify the money? **Rather, the mishna must be referring to a case where they collected money to purchase a sacred object and there was money left over after they made the purchase.** In such a case, **the reason that it is permitted to use the extra money for any purpose is that they made an explicit stipulation. However, if they did not make a stipulation, no, it would not be permitted.**

Rava rejects this argument: **Actually, you can explain that the mishna is referring to a case where they sold a sacred object and there was money left over after purchasing a new one, and this is what the baraita is saying: In what case is this statement of the mishna said?** In a case where the seven representatives of the town did not explicitly stipulate that they could use the money as they see fit, **in an assembly of the residents of the town. However, if the seven representatives of the town made such a stipulation in an assembly of the residents of the town, then even to use the money for a dukhsusya would also be permitted.**

Abaye said to one of the Sages who would arrange the Mishna before Rav Sheshet: **Did you hear anything from Rav Sheshet with regard to what the meaning of the term dukhsusya^l is? He said to him: This is what Rav Sheshet said: It is the town horseman who would serve the townspeople as a sentry and for public dispatches.**

The Gemara introduces a parenthetical comment: **Abaye said: Accordingly, one can learn from this incident that with regard to this young Torah scholar who has heard something and does not know the meaning of it, he should inquire of its meaning before somebody who is frequently before the Sages, as it is impossible that such a person did not hear something about it from some great man.**

§ Rabbi Yoḥanan said in the name of Rabbi Meir: In the case of residents of a town who collectively went to another town and, while there, the charity collectors in that town made them pledge a certain sum for charity,^h they must give the promised sum to the town's charity collector, so as not to be suspected of reneging. **But when they go home, their money is returned to them, and they bring it back with them, and with it they finance the poor of their own town.**

LANGUAGE

Dukhsusya – דוּכְסוּסְיָא: Rashi and others explain that this word is a composite of the words *dukh*, meaning place, and *sus*, meaning horse. Consequently, it refers to the horse and rider who serve a certain place. However, this explanation appears

to be a homily. The source of the word is not clear, although some maintain that it is related to the Greek *ταξέωτης*, *taxeotēs*, meaning a clerk who works for a municipality.

Rav Hana bar Hanilai – רב חנא בר חנילאי: A second-generation Babylonian *amora*, Rav Hana bar Hanilai was probably the leader of a Jewish community near the town of Sura. On several occasions, he is presented as a disciple of Rav Huna, who in all probability was his primary teacher. He is also cited in discussions of *halakha* with Rav Hisda.

Rav Hana was apparently a wealthy man, as he was renowned for his charity and hospitality. Not only would he assist the poor, but he would do so in a manner that would allow the recipient to maintain his dignity and avoid shame.

תנא נמי הכי: בני העיר שהלכו לעיר אחרת ופסקו עליהן צדקה – נותנין, ובשעה באין מביאין אותה עמהן. ויחיד שהלך לעיר אחרת ופסקו עליו צדקה תנתן לעניי אותה העיר.

The Gemara comments: **That is also taught in a *baraita*: In the case of residents of a town who collectively went to another town and, while there, the local charity collectors made them pledge a certain sum for charity, they must give the promised sum to the town's charity collector. But when they go home, their money is returned to them, and they bring it back with them. But in the case of an individual who went from his hometown to another town and, while there, the local charity collectors made him pledge a certain sum for charity, he should give it to the poor of that town.**

רב הונא גזר תעניתא, על לגביה רב חנא בר חנילאי וכל בני מתיה, רמו עלייהו צדקה ויהבו. כי בעו למיתני, אמרו ליה: נותבה לן מר, וניזול ונפרנס בה עניי מאתנין!

The Gemara relates: Rav Huna once decreed a fast day. On the day of the fast, Rav Hana bar Hanilai^p and all the people of his town came to Rav Huna. A certain sum of charity was imposed upon them and they gave it. When they wanted to go home, they said to Rav Huna: **May our Master give to us the charity that we gave, and we will go back, and with it we will finance the poor of our own town.**

אמר להו: תנא, במה דברים אמורים – בשאין שם

He said to them: **It was taught in a *baraita*: In what case is this statement, that the money is returned when the people leave, said? When there is no**

Perek IV

Daf 27 Amud b

חבר עיר אבל יש שם חבר עיר – תינתן לחבר עיר. וכל שכן דעניי דידי ודידכו עלי סמיכי.

town scholarⁿ supervising the handling of the community's needs, in the town in which the charity was collected. **However, if there is a town scholar there, the money should be given to the town scholar, and he may use it as he sees fit.** Since, in this case, the money had been given to Rav Huna, the use of the money should be up to his discretion. Rav Huna added: **And all the more so in this instance, as both my poor in my town and your poor in your town rely upon me and my collections of charity.** Rav Huna was also in charge of distributing charity for the surrounding area. It was certainly proper to leave the money with him, so that he could distribute it among all those in need.

מתני' אין מוכרין את של רבים ליחיד מפני שמורדין אותו מקדושתו, דברי רבי מאיר. אמרו לו: אם כן אף לא מעיר גדולה לעיר קטנה.

MISHNA They may not sell a sacred object belonging to the community to an individual,ⁿ even if the object will still be used for the same purpose, **due to the fact that by doing so they downgrade its degree of sanctity,** as an item used by fewer people is considered to have a lower degree of sanctity than one used by many; this is **the statement of Rabbi Meir.** The Rabbis said to him: **If so, by your logic, it should also not be permitted to sell a sacred object from a large town to a small town.** However, such a sale is certainly permitted, and therefore it must also be permitted to sell such an object to an individual.

גמ' שפיר קאמרי ליה רבנן לרבי מאיר! ורבי מאיר: מעיר גדולה לעיר קטנה – מעיקרא קדישא, השתא נמי קדישא מרבנים ליחיד – ליכא קדושה.

GEMARA The Gemara asks: **The Rabbis are saying well to Rabbi Meir,** as they provided a rational argument for their opinion. How could Rabbi Meir counter their claim? The Gemara answers: **Rabbi Meir holds that when a sacred object is transferred from a large town to a small town, there is no significant downgrade in the degree of sanctity, as at the outset it was sacred for a community and now too it is sacred for a community.** But when it is transferred **from a community to an individual,** there is a significant downgrade in the degree of sanctity, as **there is no longer the degree of sanctity that existed beforehand.**

NOTES

Town scholar – חבר עיר: The *ge'onim* deliberate on the meaning of this Hebrew expression, whether it should be read as *haver ir*, referring to a Torah scholar who was appointed to oversee and take care of the town's needs, or as *hever ir*, referring to the town council.

They may not sell a sacred object belonging to the community – אין מוכרין את של רבים ליחיד: In the Jerusalem Talmud, there is a discussion about the opinion of Rabbi Meir. It concludes that his ruling pertains not to the sale of a synagogue, but rather to the sale of a Torah scroll that is used by the community. The Ra'avad explains in *Temim De'im* that the sanctity of a synagogue is to be viewed in some aspects as though it were inherent; the Ramban explains similarly. As such, even when its sanctity is transferred through a sale, it nevertheless retains a certain degree of sanctity. In a different vein, Rashi explains that according to Rabbi Meir the sale is itself considered disrespectful of the synagogue's sanctity.

LANGUAGE

Tannery [burseki] – בורסקי: From the Greek βυρσική, bursikē. It means relating to the tanning of hides.

BACKGROUND

Tannery – בורסקי: Since tanning by ancient methods emits a foul smell, this trade was relegated to the outskirts of town, among the poor. Skins typically arrived at the tannery dried stiff and dirty with soil and blood. First, the tanners would soak the skins in water to clean and soften them. Then they would pound and scour the skin to remove any remaining flesh and fat. Next, the tanner needed to remove the hair fibers from the skin. This was done by soaking the skin in urine, painting it with an alkaline lime mixture, or allowing the skin to putrefy for several months before dipping it in a salt solution. Once the hair fibers were loosened, the tanners would scrape them off with a knife and then bate the material by pounding dung, usually from dogs or pigeons, into the hide. It was this combination of urine, animal feces and decaying flesh that made ancient tanneries so malodorous.



Old-fashioned leather tanning vats in Fez, Morocco

HALAKHA

How is a synagogue sold – כיצד מוכרים בית כנסת: When the residents of a town sell a synagogue, they may sell it with a permanent sale. This ruling is in accordance with the Rabbis. The buyer may do with the building as he wishes, but he should not use it as a bathhouse, a tannery, a place for immersion, or a lavatory.

If it was sold by the seven representatives of the town in an assembly of the residents of the town, then the buyer may use it for any purpose. However, some suggest that the buyer may do so only if he was explicitly given permission at the time of the sale (Peri Megadim). Others suggest that this is permitted only in the case of a ruin of a synagogue that was sold (Ra'avad). Therefore, ideally the buyer should always avoid using the synagogue for any of these four uses (Mishna Berura; Shulhan Arukh, Orah Hayyim 153:9).

ורבנן: אי איבא למיחש – כי האי גוונא נמי איבא למיחש, משום ברוב עם הדרת מלך.

מתני' אין מוכרין בית הכנסת אלא על תנאי שאם ירצו יחזירוהו, דברי רבי מאיר. ויחכמים אומרים: מוכרין אותו ממכר עולם, חוץ מארבעה דברים: למרחץ, ולבורסקי, לטבילה, ולבית המים. רבי יהודה אומר: מוכרין אותה לשים חצר, והלוקח מה שירצה יעשה.

גמ' ולרבי מאיר היכי דיירי בה? הא הויה לה רבית!

אמר רבי יוחנן: רבי מאיר בשיטת רבי יהודה אמרה, דאמר: צד אחד ברבית – מותר.

דתנאי: הרי שהיה נושה בתבירו מנה ועשה לו שדהו מכר, בזמן שמוכר אוכל פירות – מותר, לוקח אוכל פירות – אסור.

And the Rabbis, how could they respond to Rabbi Meir's claim? If there is cause to be concerned about the decrease in the number of people who will use the object when it is transferred from a community to an individual, then in a case like this as well, where the object is transferred to a smaller community, there should be cause to be concerned about this due to the principle expressed in the verse: "In the multitude of people is the king's glory" (Proverbs 14:28). The verse teaches that the larger the assembly involved in a mitzva, the greater the honor to God. However, it is apparent that this principle does not prevent the sale of a synagogue to a smaller community, and therefore it should not prevent the selling of a synagogue to an individual.

MISHNA They may sell a synagogue only with a stipulation that if the sellers so desire it, the buyers will return it to them; this is the statement of Rabbi Meir. And the Rabbis say: They may sell a synagogue with a permanent sale for any usage, except the following four things, which would be an affront to the synagogue's previous sanctity: For a bathhouse, where people stand undressed; or for a tannery [burseki],^{1b} due to the foul smell; for immersion, i.e., to be used as a ritual bath, where people also stand undressed; or for a lavatory. Rabbi Yehuda says: They may sell a synagogue for the generic purpose of serving as a courtyard, and then the buyer may then do with it as he wishes,^N even if that is one of the above four purposes.^H

GEMARA The Gemara asks: But according to Rabbi Meir, how may those who purchased the synagogue live in it? Isn't living there tantamount to taking interest? If the sellers demand the synagogue's return, the payment given for it would be returned to the buyers. Accordingly, in a broad view of things, that sum of money may be considered as a loan that was given from the buyers to the sellers, until the synagogue was demanded back. The buyers benefited from giving that loan by being able to live in the synagogue building. However, gaining any benefit from a loan is prohibited as interest.

Rabbi Yohanan said: Rabbi Meir stated his opinion in accordance with the opinion of Rabbi Yehuda, who said: Uncertain interest,^N i.e., a transaction that will not certainly result in a situation of interest, is permitted.

In the case of the mishna, the sale might never be undone, and then there would be no loan to speak of. It should therefore be permitted as a case of uncertain interest, as it is taught in a baraita: If one had a debt of one hundred dinars against his fellow, and the borrower made a conditional sale of his field because he did not have any money to repay the loan, stipulating that if he later comes into the possession of money with which to repay the loan, the field reverts back to his ownership, then as long as the seller of the field consumes the produce of that field, such an arrangement is permitted. If the buyer consumes the produce, the arrangement is prohibited, as if the sale were to be reverted, then the money given for it would be considered a loan from the buyer to the seller, and therefore any benefit the buyer gains due to that loan should be prohibited as interest.

NOTES

והלוקח מה שירצה יעשה: Even Rabbi Yehuda agrees that it is not correct to sell the synagogue if one is aware that it will be used for an inappropriate purpose. The novelty of his ruling is that one need not inquire what the buyer intends, and the buyer may then use the place that was originally used as a synagogue for one of those four purposes, and there is no need to prevent him doing so (Rabbeinu Yehonatan).

Uncertain interest – צד אחד ברבית: A case of uncertain interest occurs when the lender's chance of receiving any return on his loan is dependent on various circumstances and is not guaranteed. The case in the mishna is similar to this in that it is not certain that the transaction will involve a loan with interest. If the sale is never revoked, then the original payment for the field was indeed a payment and not a loan at all.

Baitos ben Zunen – בַּיְתוֹס בֶּן זֻנֵּן – The name Baitos, Boëthus in Greek, is from the Greek word βοήθος, *boëthus*, meaning assistant. It is possible that it is a translation of the Hebrew name Ezra, meaning help. Zunen is from the Greek name Ζήνων, *Zeno*, and may derive from the word ζιζάνιον, *zizanium*, meaning darnel.

PERSONALITIES

Baitos ben Zunen – בַּיְתוֹס בֶּן זֻנֵּן – Baitos was a man of means and stature. He resided in Lod during the days of Rabban Gamliel of Yavne. From many sources in the Gemara, it appears that he was a major importer and exporter of goods, and he possessed large amounts of real estate. It appears that he was closely associated to the house of the *Nasi*, and he was careful to ensure that all of his actions were carried out according to opinions of the Sages. As such, proofs of a particular *halakha* are often adduced from his actions. It may be that Zunen, Baitos's father, was the same Zunen who served as Rabban Gamliel's assistant. Alternatively, the Gemara also mentions another Zunen who was a man of significance during the days of Rabbi Yehuda HaNasi.

HALAKHA

Distancing from urine – הִרְחַקָה מִמֵּי רַגְלִים – If one is reciting the *Shema* and urine falls on the ground near him, he should distance himself four cubits from it or wait until it is absorbed into the ground before continuing (*Rema*). If urine falls during his recitation of the *Amida*, when it is prohibited for him to move his feet, and consequently he is unable to distance himself from the urine, he should spill water on it. If he has none, he may continue praying (see *Taz*, citing *Beit Yosef*). Some say that even during the *Amida* one may move to distance oneself from urine (*Arukh HaShulhan*; *Shulhan Arukh, Oraḥ Hayyim* 78:1).

רבי יהודה אומר אפילו לוקח אוכל פירות מותר. ואמר רבי יהודה: מעשה בביתוס בן זונן שעשה שדהו מכר על פי רבי אלעזר בן עזריה, ולוקח אוכל פירות היה. אמרו לו: משם ראיה? מוכר אוכל פירות היה, ולא לוקח.

Rabbi Yehuda says: Even if the buyer consumes the produce, it is permitted. Since it is possible that the sale might never be undone, in which case there would be no loan to speak of, it is a case of uncertain interest, which is permitted. And Rabbi Yehuda said: There was an incident involving Baitos ben Zunen,^{1P} who made a conditional sale of his field in a similar arrangement under the direction of Rabbi Elazar ben Azarya, and the buyer was consuming the produce in accordance with Rabbi Yehuda's ruling. The Rabbis said to him: Do you seek to bring a proof from there? In that case, it was actually the seller who was consuming the produce and not the buyer.

מאי בינייהו? צד אחד ברבית איכא בינייהו. מר סבר: צד אחד ברבית – מותר, ומר סבר: צד אחד ברבית – אסור.

The Gemara analyses the dispute: What is the practical difference between them? The permissibility of an uncertain interest agreement is the practical difference between them. One Sage, Rabbi Yehuda, holds that uncertain interest is permitted and one Sage, i.e., the Rabbis, holds that uncertain interest is prohibited.

רבא אמר: דכולי עלמא צד אחד ברבית אסור, והכא רבית על מנת להחזיר איכא בינייהו. מר סבר: רבית על מנת להחזיר – מותר, ומר סבר: אסור.

Rava said a different explanation of the dispute: According to everyone, uncertain interest is prohibited, and here it is the question of the permissibility of interest given on the condition that it will be returned that is the practical difference between them. In addition to the arrangement described in the *baraita*, the parties in this case agreed that the buyer would consume the produce; if the sale would later be reverted, then the buyer would reimburse the seller for the value of the produce. One Sage, Rabbi Yehuda, holds that interest that is given on condition that it will be returned is permitted; this is because even if the sale is reverted and the sale becomes a loan retroactively, the buyer-lender will not benefit from that loan since he reimbursed the seller-borrower for the value of the produce. And one Sage, i.e., the Rabbis, holds that it is prohibited.

”וחכמים אומרים מוכרין אותו ממכר עולם” וכו’. אמר רב יהודה אמר שמואל: מותר לאדם להשתין מים בתוך ארבע אמות של תפלה.

The mishna states: And the Rabbis say: They may sell a synagogue with a permanent sale. However, it may not be sold if it will be used for activities that would be an affront to the synagogue's previous sanctity. The Gemara considers a related *halakha*: Rav Yehuda said that Shmuel said: It is permitted for a person to urinate within four cubits of where one has just offered a prayer,¹¹ i.e., one may urinate even in the same place as he prays.

אמר רב יוסף: מאי קא משמע לן? תנינא, רבי יהודה אומר: מוכרין אותה לשום חצר, ולוקח מה שירצה יעשה. ואפילו רבנן לא קאמרי אלא בית הכנסת דקביע קדושתיה, אבל ארבע אמות דלא קביע קדושתיהו – לא.

Rav Yosef said: What is he teaching us? We already learned this in the mishna: Rabbi Yehuda says: They may sell a synagogue for the generic purpose of serving as a courtyard, and the buyer may then do with it as he wishes, even if he wishes to make it into a lavatory. And even the Rabbis, who disagree with Rabbi Yehuda, say their ruling only with regard to a synagogue whose sanctity is permanent. However, with regard to the four cubits of where one happened to stand in prayer, whose sanctity is not permanent, no, even the Rabbis would be lenient.

תני תנא קמיה דרב נחמן: המתפלל מרחיק ארבע אמות ומשתין, והמשתין מרחיק ארבע אמות ומתפלל.

A *tanna* taught a *baraita* before Rav Nahman: One who prayed should distance himself four cubits from where he was standing, and only then may he urinate. And one who urinated should distance himself four cubits, and only then may he pray.

אמר ליה: בשלמא המשתין מרחיק ארבע אמות ומתפלל תנינא: כמה ירחיק מהן ומן הצואה – ארבע אמות.

Rav Nahman said to him: Granted, the second clause of the *baraita*, that one who urinated should distance himself four cubits and only then may he pray, makes sense, as we already learned in a mishna (*Berakhot* 22b): How far must one distance oneself from urine and excrement? Four cubits.

אלא המתפלל מרחיק ארבע אמות ומשתין למה לי? אי הכי, קדשתיהו לכולהו שבילי דנהרדעא! תני: ישעה.

But the first clause of the *baraita*, that one who prayed should distance himself four cubits from where he was standing and only then may he urinate, why should I require this? How could there be such a *halakha*? If that is so, you have sanctified all the streets of the city of Neharde'a, for people have certainly prayed on every one of its streets. According to this *halakha*, it should be prohibited to urinate everywhere. The Gemara answers: Emend and teach the *baraita* as saying not that one should distance himself four cubits, but that one should wait the time it takes to walk four cubits.

שָׁהָה – One...waits the time it takes to walk four cubits – שָׁהָה: After urinating, it is prohibited to pray until the time it takes to walk four cubits has passed. Similarly, one who prayed should not urinate until he has waited the time it takes to walk four cubits, as the words of prayer are still on his lips. It is permitted to urinate in a place where one prayed; nevertheless, refraining from doing so is a righteous custom (Magen Avraham; Shulḥan Arukh, Oraḥ Ḥayyim 92:8).

LANGUAGE

Straw [rita] – רִיתָא: Possibly related to the New Persian rīštā, meaning thread.

My belt [hemyana'i] – הַמֵּינַאי: Originally from the Iranian hamyān, meaning a belt apparently worn by priests. This word was adapted to Hebrew during the time of the Mishna.

Silk [shira'ei] – שִׁירָאֵי: Apparently from the Greek σῆρικόν, sèrikon, meaning silk or silk garment.

בְּשָׁלְמָא מְשַׁתִּין יִשְׁהָה כְּדֵי הִילוך אַרְבַּע אַמּוֹת – משום ניצוצות, אלא מתפלל ששהה כדי הילוך ארבע אמות למה לוי אומר רב אשי: שכל ארבע אמות תפלתו סדורה בפיו ורחושי מרחשן שפוטתיה.

The Gemara addresses the emended version of the *baraita*: **Granted**, its second clause, that **one who urinated waits the time it takes to walk four cubits¹¹** and only then may he pray, makes sense. This is **due to the droplets** of urine that may still be issuing from him; he should wait until they cease entirely. **However**, with regard to the first clause, that **one who prayed should wait the time it takes to walk four cubits** and only then may he urinate, **why should I** require this? **Rav Ashi said: Because for all the time it takes to walk four cubits, his prayer is still arranged in his mouth, and his lips are still articulating them.**

ולפין סימן.

§ The Gemara cites a series of Sages who explained the reasons they were blessed with longevity and provides a **mnemonic device**, indicating the order in which the Sages are cited: **Zayin, lamed, peh, nun**. *Zayin* for Rabbi Zakkai; *lamed* for Rabbi Elazar; *peh* for Rabbi Perida; *nun* for Rabbi Nehunya.

שאלו תלמידיו את רבי זכאי: במה הארכת ימים? אמר להם: מימי לא השתנתי מים בתוך ארבע אמות של תפלה, ולא כניתי שם לחבירי, ולא ביטלתי קידוש היום. אמא זקינה היתה לי, פעם אחת מכרה כפה שבראשה והביאה לי קידוש היום.

The Gemara presents the first incident: **Rabbi Zakkai was once asked by his disciples: In the merit of which virtue were you blessed with longevity?¹² He said to them: In all my days, I never urinated within four cubits of a place that had been used for prayer. Nor did I ever call my fellow by a nickname.¹³ And I never neglected the mitzva of sanctifying the day of Shabbat over wine.¹⁴** I was meticulous about this mitzva to the extent that **I had an elderly mother, and once, when I did not have wine, she sold the kerchief that was on her head, and from the proceeds she brought me wine upon which to do the mitzva of sanctifying the day.**

תנא: בשמתה הניחה לו שלוש מאות גרבי זין, בשמת הוא הניח לבניו שלשת אלפים גרבי זין.

It was taught concerning Rabbi Zakkai: **When his mother died, she left him three hundred barrels of wine. When he died, he left his sons three thousand barrels of wine.** Since they were so meticulous in the mitzva of sanctifying the day of Shabbat with wine, God rewarded them with wealth and an abundance of wine.

רב הונא הוה אסר ריתא וקאי קמיה דרב, אמר ליה: מאי האי? אמר ליה: לא הוה לי קידושא, ומשכנתי להמיינאי, ואתאי ביה קידושא. אמר ליה: יהא רעוא דתיטום בשיראי.

In a related incident, it once happened that **Rav Huna was girded with a piece of straw [rita]¹⁵ and was standing before Rav.** Rav said to him: **What is this?** Why are you dressed in this way? He said to him: **I had no wine for sanctifying the day of Shabbat, so I pawned my belt [hemyana'i],¹⁶ and with the proceeds I brought wine for sanctifying the day.** Rav said to him: **May it be God's will that you be enveloped in silk [shira'ei]¹⁷ in reward for such dedication.**

כי איכלל רבה בריה, רב הונא איניש גוצא הוה, גנא אפוריא, אתניו בנתניה וכלתיה שלחו ושדיין מנייהו עליה, עד דאיטום בשיראי. שמע רב ואיקפד, אמר: מאי טעמא לא אמרת לי כי ברכתוך וכן למר?

When Rabba, his son, was married, Rav Huna, who was a **short man, was lying on his bed, and owing to his diminutive size he went unnoticed.** **His daughters and daughters-in-law came into the room and removed and threw their silk garments upon him until he was entirely enveloped in silk.** With this, Rav's blessing was fulfilled to the letter. When Rav heard about this, **he became angry with Rav Huna, and said: What is the reason that when I blessed you, you did not respond in kind and say to me: And likewise to the Master?** Had you done so, I would have also benefitted from the blessing.

NOTES

In the merit of which virtue were you blessed with longevity – במה הארכת ימים – As a general principle, reward for the fulfillment of mitzvot is not given in this world, only in the World-to-Come. Nevertheless, it is clear from the Gemara here that someone who is meticulous in his observance of certain practices may be blessed with longevity. The commentaries assume this is true only when a person does more than what is required by *halakha*. They explain all of the Gemara's examples in this vein (see Maharsha).

Nor did I ever call my fellow by a nickname – ולא כניתי שם – לחבירי: Rabbeinu Yehonatan explains that he was careful not to use a derogatory nickname even if it had already been long established in a family or even if the person was not bothered by it (see *Tosafot*).

And I never neglected the mitzva of sanctifying the day of Shabbat over wine – ולא ביטלתי קידוש היום – The Rashba explains that it is in fact perfectly permitted to sanctify the day on bread. Reciting *kiddush* over wine is considered a more beautiful way to fulfill the mitzva, but strictly speaking it is unnecessary. Rabbi Zakkai went beyond the normative requirement by always striving to sanctify the day over wine, and he was therefore blessed for doing so.

Most commentaries, however, disagree with the Rashba and assume that sanctifying the day on wine is not simply a praiseworthy practice but a rabbinic requirement. Even so, when wine is not available, one is not required to seek it out, and one may use bread instead. Nevertheless, Rabbi Zakkai always ensured he had wine and was blessed for his behavior.

רבֵּי אֱלֶזָר בֶּן שָׁמוּעַ – Rabbi Elazar ben Shammua was a *tanna* in the generation prior to the redaction of the Mishna and was among the greatest of Rabbi Akiva's students. Rabbi Elazar was among the leaders of the Jewish people in the years following the persecution in the wake of the failure of the bar Kokheva rebellion. Despite the dire situation, many students studied with him. One of his primary students was Rabbi Yehuda HaNasi, the redactor of the Mishna. Not many of Rabbi Elazar's *halakhot* are cited in the Mishna; however, he was held in high esteem by the Sages of the following generations. Rav, an *amora*, referred to him as the happiest of the Sages, and Rabbi Yohanan said of him: The hearts of the early Sages and Rabbi were like the Entrance Hall to the Sanctuary. In the Mishna and in *baraitot*, he is called simply Rabbi Elazar.

Rabbi Elazar ben Shammua lived a long life. According to one tradition he was 105 years old when he was killed. He is listed among the ten martyrs executed by the Romans.

שָׂאלוּ תַלְמִידָיו אֶת רַבִּי אֱלֶזָר בֶּן שָׁמוּעַ: בְּמַה הָאֲרָכַת יָמִים? אָמַר לָהֶם: מִיָּמֵי לֹא עָשִׂיתִי קְפֻנְדָּרִיא לְבֵית הַבְּנֵסֶת, וְלֹא פָסַעְתִּי עַל רַאשֵׁי עַם קְדוֹשׁ, וְלֹא נִשְׂאתִי כַפִּי בְּלֹא בְרָכָה.

The Gemara discusses the second occasion where a Sage explained his longevity: **Rabbi Elazar ben Shammua^p was once asked by his disciples: In the merit of which virtue were you blessed with longevity? He said to them: In all my days, I never made a shortcutⁿ through a synagogue. Nor did I ever stride over the heads of the sacred people, i.e., I never stepped over people sitting in the study hall in order to reach my place, so as not to appear scornful of them. And I never raised my hands in the Priestly Benediction without reciting a blessing beforehand.ⁿ**

שָׂאלוּ תַלְמִידָיו אֶת רַבִּי פְרִידָא: בְּמַה הָאֲרָכַת יָמִים? אָמַר לָהֶם: מִיָּמֵי לֹא קָדַמְנִי אָדָם לְבֵית הַמְדֻרָשׁ

On the third occasion, **Rabbi Perida was once asked by his disciples: In the merit of which virtue were you blessed with longevity? He said to them: In all my days, no person ever arrived before me to the study hall, as I was always the first to arrive.**

NOTES

I never made a shortcut – לֹא עָשִׂיתִי קְפֻנְדָּרִיא: Generally, it is prohibited to take a shortcut through a synagogue. Therefore, some explain that Rabbi Elazar ben Shammua was particular about this even in cases where it was permitted to do so, such as in cases where the shortcut predated the synagogue. Similarly, a person who is needed by the community may stride over the people's heads. However, even in such a case, Rabbi Elazar ben Shammua was careful not to do so (see *Ramat Shmuel* and *Turei Even*).

וְלֹא נִשְׂאתִי – And I never raised my hands without a blessing – כַּפִּי בְּלֹא בְרָכָה: The raising of one's hands in the Priestly Benediction and reciting a blessing upon doing so is an obligation upon every priest. What was unique here about Rabbi Elazar ben Shammua's behavior? Some explain that he would make a blessing even in cases where he could have relied on the blessing of his peers, since he had already fulfilled the mitzva once that day. Others suggest that Rabbi Elazar ben Shammua was referring to various additional blessings that were customary for priests to say following the Priestly Benediction (see Rabbi Yoshiya Pinto, Ritva, and Meiri).

Perek IV

Daf 28 Amud a

וְלֹא בִּרְכַתִּי לִפְנֵי כַהֵן, וְלֹא אֲכַלְתִּי מִבְּהֵמָה שְׂלֵא הוֹרְמוּ מִתְּנוּתֶיהָ.

And I never recited Grace after Meals in the presence of a priest, but rather I gave him the privilege to lead. And I never ate from an animal whose priestly portions,ⁿ i.e., the foreleg, the jaw, and the maw, had not already been set aside.

דְּאָמַר רַבִּי יִצְחָק אָמַר רַבִּי יוֹחָנָן: אָסוּר לֵאכּוֹל מִבְּהֵמָה שְׂלֵא הוֹרְמוּ מִתְּנוּתֶיהָ. וְאָמַר רַבִּי יִצְחָק: כָּל הָאוֹכֵל מִבְּהֵמָה שְׂלֵא הוֹרְמוּ מִתְּנוּתֶיהָ – כְּאִילוּ אוֹכֵל טְבֵלִים. וְלִית הַלְבָתָא בְּוֹתֵיהָ.

Another example of Rabbi Perida's meticulous behavior is based on that which Rabbi Yitzhak said that Rabbi Yohanan said: **It is prohibited to eat meat from an animal whose priestly portions have not been set aside.^h And Rabbi Yitzhak said: Anyone who eats meat from an animal whose priestly portions have not been set aside is regarded as if he were eating untithed produce.** The Gemara comments: **And the halakha is not in accordance with his opinion.** Rather, it is permitted to eat meat from such an animal. Nevertheless, Rabbi Perida acted stringently and did not eat from it.

וְלֹא בִּרְכַתִּי לִפְנֵי כַהֵן.

The Gemara considers another of Rabbi Perida's actions: He said: **And I never blessed Grace after Meals in the presence of a priest, but rather I gave him the privilege to lead.**

לְמִימָרָא דְּמַעְלִיּוּתָא הֵיא? וְהָא אָמַר רַבִּי יוֹחָנָן: כָּל תַּלְמִיד חָכָם שְׂמַבְרֵךְ לִפְנֵי אִפְלוּ בְהֵן גְּדוּל עַם הָאָרֶץ – אוֹתוֹ תַלְמִיד חָכָם תְּיִיב מִיתָה, שְׁנָאֵמַר "כָּל מְשֻׁנְאֵי אֲהָבוּ מוֹת." אֵל תִּקְרִי "מְשֻׁנְאֵי" אֲלָא מְשֻׁנְאֵי!

Is this to say that doing so is especially virtuous? But hasn't Rabbi Yohanan said: Any Torah scholar who allows someone else to bless Grace after Meals in his presence, i.e., to lead for him, even if that person is a High Priest who is an ignoramus, then that Torah scholar is liable to receive the death penalty for belittling his own honor? This is as it is stated: "All those who hate me, love death" (Proverbs 8:36). Do not read it as "those who hate Me [*mesan'ai*]," rather read it as though it said: Those who make Me hated [*masni'ai*]. The honor due to a Torah scholar is representative of the honor of God in the world. Therefore, by belittling his own honor, he causes others to fail to respect God, which can ultimately develop into hate. If so, why did Rabbi Perida consider his behavior to be so deserving of praise?

NOTES

Priestly portions – מִתְּנוּתֶיהָ: The Torah specifies that the foreleg, the jaw, and the maw of an animal should be given to a priest (Deuteronomy 18:3). These gifts differ from the priestly tithes separated from grain and produce of the land in two ways: First, from the outset these gifts are distinct and defined parts of the animals, unlike the tithes, which are taken as a portion of the grain as a whole. Second, unlike the tithes, the foreleg, the jaw, and the maw have no sanctity, and therefore the priest who receives them may give them to a non-priest to consume. For these reasons, it is permitted to consume those parts of the animal that do not have to be given to a priest, even before one has given the parts that do have to be so given (Ritva).

HALAKHA

An animal whose priestly portions have not been set aside – בְּהֵמָה שְׂלֵא הוֹרְמוּ מִתְּנוּתֶיהָ: The *halakha* is not in accordance with the opinion of Rabbi Yitzhak. It is permitted to eat from an animal whose priestly portions have not been set aside (Rambam *Sefer Zera'im, Hilkhot Bikkurim* 9:14).