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Shekalim Daf 5

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Daf Notes is currently being dedicated to the neshamah of

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May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

[The Mishnah spoke of two cases, one in which brothers are obligated in the animal tithe and exempt from the kalbon, and the other in which they are obligated in the kalbon and exempt from the animal tithe.] In this regard, Rabbi Chiya asked in the name of Rabbi Yirmiyah: And why do we not say that there are also times when they are obligated in both of them, and there are times when they are exempt from both of them? How is that? If they divided the property but did not divide the animals, they are obligated in both.¹ Conversely, if they divided the animals between them but did not divide the property, they are exempt from both.² Rabbi Mana said: This statement that you said (that brothers who divided the property but not the animals are obligated in a kalbon), applies only in a case where the animals were not the majority of the property. However, if the animals were the majority of the property, they are considered the principal property.³ (4b4 – 5a1)

[The Mishnah stated that if the brothers have not divided their inheritance between them, they are obligated in the animal tithe and exempt from the kalbon.] Rabbi Avin said that Rabbi Shammai asked: Because you have been stringent

and made them as one man with regard to the animal tithe,⁴ will you also exempt them from the kalbon?⁵ Rabbi Avin said to Rabbi Shammai in response: Is it not different? For here, it is as if he (i.e., the father) is giving one whole *sefa* from the estate on behalf of both of them.⁶ The Gemara asks: According to the ruling now (that the undivided estate is considered under single ownership), even if the brothers divided the inheritance and subsequently re-entered into partnership (the inheritance should revert to its original state as their father’s property), they should be exempt from the kalbon. And yet we learned in the Mishnah that in this case they are obligated in the kalbon and exempt from the animal tithe. Rabbi Ba answered in the name of Abba bar Rav Huna: It is the same with two brothers who inherited their father, as is the *halachah* with regard to two brothers-in-law who inherited their father-in-law.⁷ (5a1 – 5a2)

The Gemara cites a *Baraisa* with regard to the additional kalbon:] To where would the kalbonos fall (i.e., what was done with them)? Rabbi Meir says: They would add them to the shekel fund.⁸ Rabbi Lazar says: They would be allocated to the voluntary offering fund.⁹ Rabbi Shimon Shezuri says:

¹ The brothers, after they re-entered into a partnership, are considered regular partners with regard to the property, and they are therefore obligated in the kalbon. However, the animals are still regarded as under the single ownership of their father’s estate, and they are therefore obligated in the animal tithe.

² With regard to the animals, the brothers are considered regular partners and are therefore exempt from the animal tithe. The rest of the property remains under unified ownership, and they are therefore exempt from the kalbon as well.

³ In this case, if the brothers have not divided the animals, even if they have divided the rest of the assets, it is as though they have not divided the estate at all, and they are therefore exempt from the kalbon.

⁴ By treating the estate as though it were under single ownership.

⁵ In this case, they should be treated as two individuals joining together to pay their half-shekel with a single coin, and they should be obligated in the kalbon.

⁶ And as the inheritance has not yet been divided, the coin is still considered the legal property of the father. Consequently, they are exempt from the kalbon, despite the fact that this results in a leniency.

⁷ If a father had only two daughters and their husbands inherited him, proceeded to divide up the inheritance, and later formed a partnership, they are considered like regular partners, who are obligated in a kalbon but exempt from the animal tithe. The same *halachah* applies to two sons. We view them as strangers who became partners.

⁸ For the communal offerings.

⁹ The money would go toward the olah-offerings that were sacrificed when the altar was idle.



They would be used to buy sheets of beaten gold which were used for gold plating for the Holy of Holies.¹⁰ Ben Azzai says: The moneychangers responsible for collecting the shekels would take them as their payment for their services.¹¹ And others say that they were spent on transportation expenses.¹² (5a2)

WE SHALL RETURN TO YOU, B'ECHAD B'ADAR

CHAPTER 2, HALACHAH 1: The Mishna states that one (*when bringing the donations from those who lived outside of Yerushalayim*) may exchange *shekels* for gold darkons (*which were minted coins*)¹³ on account of the burden of the journey (*but coins which are not minted or other objects of value cannot be sent to Yerushalayim, for we are concerned that it will decrease in value and hekdesch will then suffer a loss*).

Just as there were (thirteen) collection boxes in the Temple (for the *shekalim*), so too there were collection boxes in the provinces.

If people of a city sent their *shekalim* (*for the sacrifices of the year*) with a messenger and they were stolen or lost from the messengers, the halachah is as follows: If the new funds were already divided and started to be taken when they came to *Beis Din*, they (*the messengers*) swear to the treasurers of the Temple (*that they were not negligent*). But if not (if the new funds were not yet divided and taken), the messengers swear to the people of the city, who must give new *shekalim*. If the *shekalim* were found or returned, they are *kodesch* and cannot be used for next year. (5a3 – 5a4)

The Gemara asks: Let them convert them (the half-shekels) into pearls?¹⁴ The Gemara answers: Pearls cannot be used, since the stones may depreciate in value, and Hekdesch will ultimately lose out. Like that which we learned in a Mishnah there: All of them, all items that can be redeemed,¹⁵ may be redeemed with money or with an equivalent value of money in commodities, except for shekels.¹⁶ The question was asked: Why is it that one may not redeem the shekels with vessels? [why not?] Rabbi Shmuel bar Rav Yitzchak said that it is due to concern lest the price of vessels decreases and the Temple treasury of consecrated property will lose.¹⁷ So too here, they do not exchange shekels with pearls out of concern lest the price of the gems decreases and the Temple treasury of consecrated property will lose. (5a4)

The Gemara comments: The Mishnah refers to new shekels.¹⁸ However, with regard to old shekels,¹⁹ this is not the case.²⁰ And it was taught similarly in a *Baraisa*: Collection boxes for old shekels were set up in the Temple, but there are no collection boxes for old shekels in the provinces. (5a4)

[The Mishnah had stated: If the shekels were stolen or lost from the messengers, they swear and are exempt from paying.] The Mishnah is referring to a case where the agent was an unpaid watchman. However, with regard to a paid watchman, it is not addressing this sort of case.²¹ Rabbi Abba said: Even if you say that our Mishnah is referring to a paid watchman [he is still exempt through oath], since the term stolen used in the Mishnah is referring to armed robbers,²²

¹⁰ The floor and the interior walls of the Holy of Holies.

¹¹ As they had to take time off from their regular work.

¹² The moneychangers travelled from the provinces to Jerusalem to deliver the Shekalim.

¹³ One gold darkon was equal in value to four half-shekels.

¹⁴ As pearls are even more valuable than gold, and thus there would be a lighter burden.

¹⁵ Such as different types of consecrated items and the firstborn male who is redeemed from the Kohen.

¹⁶ Which may be redeemed only with minted coins.

¹⁷ This is not the case with minted coins, whose price remains fixed.

¹⁸ Which are contributed for the new year commencing in Nissan.

¹⁹ Which are brought by people who did not contribute in the previous year and are only now bringing their contribution for that year.

²⁰ The added "service" of placing the boxes in the provinces was only for the current year's donations. But if one was tardy with his donation, one would need to journey to Jerusalem to make his contribution.

²¹ Since only an unpaid watchman is exempt through his oath from payment for loss or theft, but a paid watchman is liable for loss or theft, unless it was circumstances beyond his control.

²² And such a case is deemed an unavoidable accident for which even a paid watchman is exempt.



and the term lost means like one whose ship sank in the sea.²³ (5a4)

[It was taught in the Mishnah that if the shekels were stolen or lost by the agent after the collection of the chamber, the messengers swear to the Temple treasurer to prove that they were not negligent. Otherwise, they swear to the people of the city.] Rabbi Yusti, son of Rabbi Simon, said that the Mishnah is in accordance with the one who says that they perform the collection of the chamber on behalf of those people whose money has already been collected but has not yet been brought to the Temple, as well as on behalf of those whose money will be collected in the future.²⁴ However, according to the one who said that they do not perform the collection of the chamber on behalf of those people whose money has already been collected but has not yet been brought to the Temple, nor on behalf of those whose money will be collected in the future, the law is not in accordance with the Mishnah's ruling.²⁵ (5a5)

[It was taught in the Mishnah that if the shekels were stolen or lost by the agent after the collection of the chamber, the messengers swear to the Temple treasurer to prove that they were not negligent.] Rabbi Elozar said: The Mishnah must be according to Rabbi Shimon, for Rabbi Shimon says that consecrated items for which one bears responsibility are considered his property.²⁶ Rabbi Yochanan argues this point, and says that the Mishnah may be in accordance with all, for

²³The money he brought with him belonging to the residents of the town was lost with the ship. This too is deemed an unavoidable accident, for which even a paid watchman is exempt.

²⁴ Therefore, any money that was in the messenger's hands at the time of the collection is considered the property of the Temple treasury.

²⁵ Since these shekels did not yet reach the Temple, it is as though they were not contributed at all, and therefore, the messengers must swear to the people of the city, and all those people whose shekels were lost or stolen must contribute another half-shekel in their place.

²⁶ But otherwise, there could not be an oath administered, for a Mishnah states unequivocally that oaths are not administered regarding Temple property.

²⁷ Who holds that the oath mentioned in the Mishnah is a Rabbinic ordinance.

²⁸ If they were stolen or lost before the collections were collected.

²⁹ Although by Torah law one does not take an oath on consecrated items belonging to the Temple treasury, and therefore there is no need

[the messengers do swear to the Temple treasurer] on account of a [Rabbinically] enacted oath (so that they should not come to treat the Temple's property lightly). The Gemara asks: According to the opinion of Rabbi Yochanan,²⁷ it is understandable (that which the Mishnah states) that if the shekels were stolen or lost by the messenger after the collection of the Temple chamber was completed, the messenger swears to the Temple treasurers, and if not,²⁸ he swears to the people of the city, and the people of the city give other shekels in their place,²⁹ and the reason he swears is on account of a Rabbinically administered oath. However, according to the opinion of Rabbi Lazar, there is a difficulty. It is reasonable that when the shekels are lost before the collection of the chamber transpired, the messengers must swear to the people of the city, as this is in accordance with the opinion of Rabbi Shimon.³⁰ But why does the messenger swear to the Temple treasurers if the shekels are lost after the collection of the chamber transpired? With regard to the treasurers, what is their involvement in this discussion?³¹ The Gemara answers: The Mishnah means that the messengers³² swear to the people of the city in the presence of the Temple treasurers so that they³³ will not suspect them.³⁴ Alternatively,³⁵ [the messengers must swear in the presence of the Temple treasurers] so that the treasurers will not regard the messengers to be negligent people who failed to properly watch over the shekels. (5a5 – 5b1)

to swear to the Temple treasurers, this oath is required due to the fact that it is a Rabbinically instituted oath, as the Sages required the messenger to swear as the watchman of the consecrated property that was deposited with him.

³⁰ As long as the collection of the chamber has not taken place, the people of the city are held responsible for their shekels, since they are considered to be their property.

³¹ One does not swear on consecrated items.

³² Who are paid watchmen; they are swearing in order to collect their wages from the people of the city.

³³ I.e., the treasurers.

³⁴ I.e., the messengers. As the financial loss is the Temple's, the oath is administered in the presence of the Temple treasurers; they need to be certain that the messengers did not steal the coins.

³⁵ Even if the messengers are considered to be honest people who would not be suspected of stealing the shekels.

[Rabbi Yochanan said that the oath mentioned in the Mishnah is a Rabbinic ordinance.] The Gemara comments: [According to this opinion, the Mishnah's statement that if the shekels were lost before the collection of the chamber transpired, the messengers must swear to the people of the city applies] even if the people of the city took upon themselves to pay other shekels in place of the first ones that were lost or stolen. [In such a case, the people of the city relinquished their right to an oath from the messenger, but] since it is in reality consecrated property, there is still a Rabbinic ordinance that the messenger cannot discharge his obligations toward consecrated property without an oath. (5b1)

With regard to a case where one set aside his shekel and subsequently lost it before the collection of the chamber transpired, Rabbi Yochanan said: He is held responsible for it until he hands it to the Temple treasurer.³⁶ Rabbi Shimon ben Lakish says: Consecrated items are considered to be in the possession of the Most High wherever they are.³⁷

The Gemara asks: The Mishnah disagrees with the opinion of Rabbi Shimon ben Lakish, as it teaches that the messengers who lost the shekels swear to the people of the city, and the people of the city contribute shekels in place of those lost.³⁸ The Gemara answers: Isn't this also because it is a Rabbinically instituted oath?³⁹ (5b1 – 5b2)

³⁶ Since the collection of the chamber had not yet taken place, the shekel is considered to be the property of the donor. Therefore, he must replace the lost shekel.

³⁷ Whether or not they have actually reached the hands of the Temple treasurer. Therefore, the donor is not responsible for replacing the lost shekel.

³⁸ Apparently, as long as the funds have not yet been collected, the shekels are considered to be in the possession of their owners.

³⁹ This oath is not by Torah law, but rather instituted by the Sages to encourage the messengers to look after the shekels until they are brought to the Temple. So too according to Rabbi Shimon ben Lakish, the people are liable to give another shekel if it becomes lost, but it is not like Rabbi Yochanan holds that that the shekel still belongs to the donor until it reaches the hands of the treasurer; rather, it is a Rabbinic enactment (similar to the oath), so that the people are encouraged to safeguard the shekels.

⁴⁰ From which the sacrifices of the coming year will be brought.

[It is taught in the Mishnah that if the shekels were stolen or lost by the messengers and the people of the city set aside other shekels as required, and then the first shekels were found or returned by the thief, both sets are considered to be consecrated shekels.] It was taught in a *Baraisa*: The first ones are allocated to the collection of the new shekels,⁴⁰ and the second ones are allocated to the collection of old shekels.⁴¹ The Gemara asks: Which are the first ones and which are the second ones?⁴² Rabbi Pinchas, son of Rabbi Chiya, and Rabbi Abba Mari disagreed. One of them said that the first shekels are those that the people of the city first sent to the Temple, and the other one said that those that reached the hands of the Temple treasurers first are considered the first shekels. (5b2)

Halachah 2 · MISHNAH: With regard to one who gives his shekel to his fellow to contribute on his behalf, and the fellow instead contributed it for himself, if at the time that he placed the shekel in the collection horn the collection of the chamber had been collected, the fellow is guilty of *me'ilah* (misuse of consecrated property).⁴³

With regard to one who mistakenly contributes his shekel from consecrated money, and then the collection of the chamber was collected and an animal purchased with those funds was sacrificed as a communal offering, he is guilty of *me'ilah* once the animal has been offered.⁴⁴ If one mistakenly contributed his shekel from money used to redeem the fruits

⁴¹ Which are used to repair and maintain the Temple.

⁴² Are the first ones those that were lost, since they were contributed first, or are the first ones those that were contributed in place of the lost ones, and they are deemed so because they reached the Temple first?

⁴³ When they perform the collection of the chamber, the treasurers also have in mind the shekels that have been contributed but are not yet in the possession of the Temple treasury, so that all those who have contributed shekels will have a part in the communal sacrifices. Therefore, when the messenger gives this shekel for himself, he is considered to be deriving benefit from a consecrated item and is guilty of unintentional misuse of consecrated property.

⁴⁴ This is because at that point the money used to purchase the animal is transferred to non-sacred status. However, before that point, merely contributing consecrated money is not considered misuse, as merely diverting to another sacred use is not regarded as *me'ilah*, unless it is actually used.

of ma'aser sheini or from money from the permitted sale of produce grown during the Shemittah Year, he must eat non-sacred fruits besides the ones he already possesses, corresponding to the value of the shekel.⁴⁵ (5b2 – 5b3)

GEMARA: The Mishnah had stated: One who (mistakenly) contributes [his shekel from consecrated money, and then the collection of the chamber was collected and an animal purchased with those funds was sacrificed as a communal offering, he is guilty of me'ilah once the animal has been offered.] The Gemara records a different opinion of this *halachah*. We learned in our Mishnah: If the [collection of the chamber had transpired, and the] animal was offered [he has committed me'ilah].⁴⁶ A Baraisa was taught in the school of Rebbe: If the collection of the chamber had been collected [he has committed me'ilah].⁴⁷ Who is the *Tanna* who taught: If the collection had been collected (and he has committed me'ilah even if no animals had been offered)? It is Rabbi Shimon, as Rabbi Shimon said: When one sold items to the Temple treasurers for use in communal sacrifices (such as fine flour for meal-offerings or wine for libations), he would immediately receive his money from the treasurers, and the Kohanim, who are diligent with regard to mitzvos, would ensure that the relevant items would not become disqualified or spoiled.⁴⁸ (5b3)

[the Mishnah had taught: With regard to one who gives his shekel to his fellow to contribute on his behalf, and the fellow instead contributed it for himself, if at the time that he placed the shekel in the collection horn the collection of the chamber had been collected, the fellow is guilty of me'ilah.]

⁴⁵ And he must treat them with the sanctity of ma'aser sheini or Shemittah Year fruits.

⁴⁶ This indicates that if the animal had not been offered, even if the collection of the chamber has taken place, he has not misused consecrated property.

⁴⁷ This indicates that he is guilty of misuse of consecrated property even before the animal was offered.

⁴⁸ Since the items sold became consecrated right away, the money became non-sacred at the time of the purchase; there was no need to wait until the items were actually offered. Similarly, with regard to the shekels, the moment the Temple treasury purchases an animal for communal sacrifices, the shekels used become non-sacred and the

The Gemara notes that this is difficult, for if one steals his fellow's olah-offering, and slaughtered it without specifying for whom he was offering it, isn't the unspecified offering considered to be in the name of the original owners, and doesn't it atone for them?⁴⁹ Rabbi Yudan said: It should be explained as referring to a case where this shekel was a particular coin that stood out among the other coins in the collection basket, and the Temple treasurer noticed it and removed this coin in the name of the messenger, just as the members of the house of Rabban Gamliel were accustomed to do. When one brought a half-shekel from the house of Rabban Gamliel to the Temple, he would intentionally push it into the basket in such a way that the treasurer would notice it and place it among the collected half-shekels. (5b3 – 5b4)

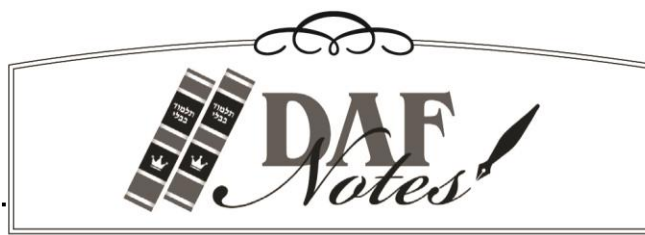
The Gemara asks: Shouldn't we be concerned and say that perhaps the half-shekel given was not used to purchase offerings and instead fell among the remaining contributions in the chamber? And if this is the case, is there me'ilah with regard to the remaining contributions?⁵⁰ Should one rather explain the Mishnah in accordance with the opinion of Rabbi Meir? As Rabbi Meir says: One is liable for me'ilah with regard to the remaining contributions of the chamber.⁵¹ Therefore, this too is reasonable only if the Mishnah is addressing a noticeable coin like the particular coin of the house of Rabban Gamliel, which the treasurer would intentionally collect in his name. It is certain that it was included in the contributions collected for offerings, and therefore the messenger is liable for misuse of consecrated property. (5b4)

person who contributed his shekel from consecrated money is guilty of misuse consecrated items.

⁴⁹ The same principle should apply here. Since the treasurer performs the service of the collection of the chamber without having anyone particular in mind, this shekel should be attributed to the one to whom the shekel belonged and not to the one who stole the shekel for himself. If the messenger receives no benefit from it, why is he considered to have misused consecrated property?

⁵⁰ Perhaps this particular coin was not scooped up as part of the *terumas halishkah*, and then there would be no me'ilah transgression.

⁵¹ The *halachah* is clearly not in accordance with Rabbi Meir, as the majority rule otherwise, and the Mishnah does not indicate that it is reflecting a minority opinion.



The Gemara asks: How did the messenger who placed the coin in the basket for himself benefit, that he should be liable for *me'ilah*?⁵² Rabbi Avin said in the name of the Rabbis from there, i.e., from Babylonia: Since the court is liable to seize collateral from him and does not seize collateral from him, it is as if he benefited personally from his action. (5b4)

[The Mishnah seems to indicate that one who brings his half-shekel from *ma'aser sheini* money has fulfilled his obligation, although he must eat non-sacred fruits in place of the *ma'aser sheini* money.] The Gemara explains: [Since the money was already consecrated for a different purpose, it is not possible for a new sanctity to extend to it,] as it is written: But the firstborn which is born first to Hashem among animals, no man shall sanctify it, and the Sages learn from the wording of this verse: That which is already sanctified, no other sanctity can extend to it. (5b4 – 5b5)

[the Mishnah had stated: he must eat non-sacred fruits in place of the *ma'aser sheini* money.] How does he do it? He brings a *sela*, i.e., a coin of non-sacred money, and says: The *ma'aser sheini* money, already contributed, wherever it may be, should be redeemed upon this *sela*. That *sela* assumes the status of *ma'aser sheini*.⁵³ The rest, i.e., the original contribution, becomes consecrated with the sanctity of shekels. (5b5)

INSIGHTS TO THE DAF

The Kli Chemda asks a very basic question. Why did the Torah prescribe that a poor person should not bring less than a *machtzis hashekel*, and a wealthy man should not bring more – regardless of each person's economic situation? The Torah generally disallows adding or detracting from a mitzva (Bal Tosif and Bal Tigra.)

He derives a proof from our first Mishnah. The *shekalim* were stolen or became lost, and were returned or found after the people donated another shekel. The halacha is that both coins are considered this year's shekolim, and the second one cannot be considered an early donation for next year. Only in the mitzva of Shekolim – where the Torah openly says that one cannot give more or less than the required amount – does the prohibition of Bal Tosif and Bal Tigra not apply. Otherwise, how could the replacement shekolim be used for this year's donation? In all other mitzvos however, the prohibition of Bal Tosif and Bal Tigra will apply.

DAILY MASHAL

Maseches Shekalim in Place of Machatzis HaShekel

Today, we have no Beis HaMikdash and we are unable to bring the *machtzis hashekel*. However, our study of Maseches Shekalim takes the place of this mitzva.

A hint for this can be found in the Gemara (Megilla 13b): “It was known before the Holy One, Blessed-be-He, that Haman was destined to offer Achashverosh shekalim to destroy the Jewish people. Therefore, Hashem prepared our *shekalim* first, to counter Haman’s. As we learn: ‘On the first of Adar [Beis Din] announces about Shekalim.’”

We can interpret this Gemara to mean, “Hashem prepared our shekalim.... as we learn.” By learning the Mishnah and Gemara, it is considered as if we offered the shekalim (Elef HaKsav).

⁵² His goal was to perform a mitzvah, and there is a principle that mitzvos were not given to derive benefit from them. We do not

consider actions performed to fulfill a mitzvah as personally beneficial to those who performed them.

⁵³ It now must be used to buy food which will be eaten in Jerusalem.