



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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Accepting an Idolater’s Donation

The *Gemora* asks a contradiction: One *braisa* taught: If an idolater offers a donation towards the upkeep of the Temple, we accept it from him, while another *braisa* taught: One does not accept it from him.

Rabbi Illa answered in the name of Rabbi Yochanan: This is not difficult, for the first *braisa* refers to the beginning (of construction, and then, we do not accept it from them, for we are concerned that they plan to interfere with its building or delay the construction) and the latter *braisa* refers to the end (when we do accept from them), for Rav Assi said in the name of Rabbi Yochanan: In the beginning one should not accept from them even salt or water, whereas at the end one may not accept a distinct item from them (for it is embarrassing to the Jews that they needed the idolater’s help for the Temple construction, and also it might cause the idolater to boast regarding their contribution), but something that is not distinct, one may accept.

Rav Yosef said: The *kalya oreiv* – crow chaser is an example of a distinct item. [The *Beis Hamikdosh* roof was one *amah* wide at its tip. They covered that *amah* with iron plates that had spikes there to prevent ravens from resting on the roof. The *Aruch* states that it is a scarecrow.]

Rav Yosef objected to this distinction (that donations from idolaters were not accepted in the beginning of the Temple construction) from a verse in *Nechemiah* (where it is evident that timbers were accepted from *Asaph* on behalf of the

Persian King, an idolatrous nation, and that happened at the beginning of the construction).

Abaye said to him: It is different regarding the ruling government, for they will not retract (from their pledge). This is as *Shmuel* says: If the king says to uproot a mountain (a difficult task), he will uproot the mountain and not change the order.

Rav Yehudah said in the name of *Rav*: If an idolater separated *terumah* from his pile of grain, then we examine him. If he separated it with the same intention as a Jew (that it should be given to a *Kohen*), it is to be given to the *Kohanim*, but if not, it must be hidden away, because we consider the possibility that he intended to consecrate it for Heaven (and then, it would be forbidden for benefit).

The *Gemora* asks on this from a *braisa*: If an idolater had dedicated a beam to a synagogue upon which the Name of God is inscribed, we examine him: If he said, “I have separated it with the same intention as a Jew (for the construction of the synagogue),” then one should cut off (the portion containing the Name of God; the reason for this is discussed by the commentators) and use the rest. But if (he does) not (offer this explanation), it must be hidden away (in storage), because we are concerned that his intention may have been to dedicate it for Heaven (and then, it would be forbidden for benefit). Now, the reason then (for this decision) is because God’s Name is inscribed upon the beam, and that is why we require it to be hidden away, but if God’s Name were not inscribed upon it, then indeed, it would not have to be hidden away! [This contradicts *Rav*, who rules that

the grain must be hidden away – even though God’s Name is not associated with the terumah at all!?

The *Gemora* answers: In truth, even if God’s Name were not inscribed upon it, it would still have to be hidden away (*for we are concerned that his intention may have been to dedicate it for Heaven*), and the *braisa* is teaching us that although the Name of God is inscribed, upon it, he only needs to cut off that portion and he may use the rest, for the Name of God, not in its place, is not considered sacred (*and therefore, the other part may be used*). It was taught like this in a *braisa*: If the Name of God was written upon the handles of a vessel, or upon the legs of a bed, the *halachah* is that it shall be cut off and hidden away (*but the rest may be used*). (6a)

Se’la for Charity

Rav Nachman said in the name of Rabbah bar Avahu: If one says, “This *se’la* is dedicated to charity,” he is permitted to exchange it (*and later give a different se’la to charity*).

The *Gemora* notes that it was assumed that this is permitted only for himself (*where he needs the se’la*), but not for anybody else. [*It would be wrong for him to lend it to his fellow, for it may be reasonable to argue that he meant to qualify that he may use it in the meantime for himself, while conscious of his obligation to give it later to charity, but he surely did not have in mind that he may lend this se’la to his fellow.*] However, it was stated that Rav Ami said in the name of Rabbi Yochanan that it is permitted both for himself and for someone else.

Rabbi Zeira said: This applies only where he said, “I accept upon myself (*to give this se’la*),” but if he said, “This *se’la* is designated for charity,” he must give this *se’la*. [*The explanation is as follows: When he uses the expression, “I accept upon myself,” he is responsible if it is subsequently stolen or lost; accordingly, the se’la remains in his possession*

and he may use it as he pleases. If, however, he declares, “This se’la is for charity,” he is not responsible if it is subsequently stolen or lost, and therefore it is regarded as if it is in the possession of charity; he therefore cannot use it at all.]

Rava asked: On the contrary! It is precisely the opposite that is logical. If he said, “This *se’la* is designated for charity,” then he may use it for himself, so that he may be responsible for it (*for if he does not use it, he will not be responsible for it if it becomes lost or stolen; it is therefore advantageous for the poor if he uses it*), but when he said, “I accept upon myself (*to give this se’la*),” he should not be permitted to use it (*for he is anyway responsible for it*)!?! Rather, it makes no difference (*and no matter how he says it, he may use it for himself or lend it to others*).

The *Gemora* cites a *braisa* in support of Rava: Vows are charity, but *hekdesh* (*consecrations*) are not charity.

The *Gemora* explains this cryptic *braisa*, for neither vows, nor dedications are charity. It means as follows: A vow for charity is subject to the prohibition of ‘You shall not delay,’ but is not like *hekdesh*, because *hekdesh* one may not use, whereas vows for charity one would be permitted to use it.

Rav Kahana said: I reported this teaching before Rav Zevid of Nehardea, and he said: This is the manner that you teach it; we, however, teach it as follows: Rav Nachman said in the name of Rabbah bar Avahu: If one says, “This *se’la* is dedicated to charity,” he is permitted to exchange it, both for himself, or for someone else, whether he had said, “I accept upon myself (*to give this se’la*),” or if he said, “This *se’la* is designated for charity.”

The *Gemora* cites a *braisa*: If one said, “This *se’la* shall be for charity,” then the *halachah* is that before it has reached the hand of the charity collector, it is permitted for him to exchange it (*temporarily for his own needs*), but after it has come into the collector’s hand, it is forbidden to exchange it



(for then, it is as if the poor people have taken possession of it).

The *Gemora* asks: But is this so? But Rabbi Yannai (a charity collector) borrowed (from money dedicated for charity) and paid it afterwards?

The *Gemora* answers: It is different with Rabbi Yannai, for what he did was acceptable to the poor, for the more he delayed (repaying what he borrowed), the more did he succeed in collecting and bringing in to them (by telling people that the charity funds had been depleted).

The *Gemora* cites a *braisa*: If a Jew dedicated a candelabrum or a lamp to a synagogue, he is not permitted to exchange it (for a different use).

Rabbi Chiya had thought that was to say that it may not be changed either for a discretionary matter or for a *mitzvah*. Rav Ami said to him: This is what Rabbi Yochanan said: We have learned this ruling (of the prohibition to exchange) only in connection with a discretionary matter, but for a *mitzvah*, it is permitted to exchange.

Proof to this can be brought from that which Rav Assi said in the name of Rabbi Yochanan: If an idolater dedicated a candelabrum or a lamp to a synagogue, then, before the name of its owner has become forgotten, it is forbidden to exchange it (for the idolater will cry out in protest); after the name of the owner has been forgotten, however, it is permitted to exchange it. Now (Rav Ami articulates his proof), to what purpose is it to be changed? Shall I say for a discretionary matter? Then why speak of an idolater's donation; the same should apply to that of a Jew? You therefore must say that was being changed for a *mitzvah*, and nevertheless, the reason why it may not be exchanged is because an idolater would cry out in protest about it, but in the case of a Jew, who would not cry out in protest about it, it would be permitted to exchange it.

The *Gemora* relates that Sha'azrak, an Arab, made a gift of a lamp to the synagogue of Rav Yehudah. Rechava changed it and Rabbah became upset.

Others say that it was Rabbah who changed it and Rechava became upset.

Others say: The synagogue attendants of Pumbedisa changed it and both Rechava and Rabbah became upset.

The *Gemora* explains: He who changed it held that it would be a rare occurrence (for Sha'azrak to enter the synagogue and notice that it has been changed), whereas he who became upset held that it may happen that he comes. (6a – 6b)

INSIGHTS TO THE DAF

Change from a Tzedakah Box

**A halachic ruling from the OU Daf Yomi;
ask your Rav for practical ruling**

Often one who wants to give *tzedakah* (charity) to collectors but lacks sufficient small change “makes change” from the shul's *tzedakah* box. Many people are careful not to take full change but to leave a donation in the box. Is this required?

The *Gemora* says: “[If one declares]: ‘This coin shall go to *tzedakah*,’ before it reaches the gabbai's hand (the one in charge of *tzedakah*), it is permitted to change it. Once it reaches the gabbai's hand, it is forbidden to change it.” The *Gemora* asks from the story of Rabbi Yannai, who borrowed *tzedakah* money after it reached the *gabbai*. It explains that he did so in order to tell others that there were no liquid funds, and people would give more. Thus, his borrowing helped the poor.



Rishonim differ as to the meaning of “changing” money. Rashi and Tosfos (ad loc.) explain that the donor could lend the money to himself or to others before he gave the assigned money to the *gabbai*.

Rambam (Matnot Ani'im 8:4) seems to relate the *Gemora* to switching the coins to different ones of the same cumulative value.

The Beis Yosef (Yoreh De'ah 259) finds difficulty fitting the Rambam's explanation into the *Gemora* and incorporates only Rashi's into his halachic work (Shulchan Aruch YD 259:1).

There is much discussion among Acharonim on the question if the status of a *tzedakah* box is like that of a *gabbai* or not. Without delving deeply into this question, most treat it like a *gabbai* (see Tzitz Eliezer XVI, 29 and *Tzedakah U'Mishpat* 8:(25)).

It might seem then that our question depends on the differing approaches to the *Gemora*. According to Rambam, it is forbidden even to switch the coins in a *tzedakah* box. According to Rashi, which the Shulchan Aruch accepts as *halachah*, perhaps it is forbidden only to borrow the money, but it is permitted to simply make change. After all, *tzedakah* money does not have intrinsic holiness, making it religiously forbidden to use (Rama, YD 259:1). Rather, the poor have rights to the money. On the other hand, the Rif (Bava Kama 18b) seems to agree with the Rambam that after the *tzedakah* has reached the *gabbai*, its coins cannot even be exchanged. Furthermore, it is likely that the Shulchan Aruch argues with the Rambam only regarding the *Gemora's* interpretation, not regarding *halachah* (Aruch HaShulchan, YD 259:1). It is likely the same as using a friend's money without his permission.

Indeed, is one permitted to use money that someone entrusted in his hands? The Shulchan Aruch (Choshen

Mishpat 292:7) rules that it depends on whether the watchman is one who deals in coins regularly and on whether the owner hinted as to his feelings on the matter, but, as a rule, he may not borrow it. He does not explicitly address the question of exchanging coins, which Acharonim dispute (see *Pitchei Choshen*, Pikadon 5:(67)).

Therefore, it is unclear if one can use a *tzedakah* box to make change even when we know of no specific reason that the recipients will thereby lose. This justifies the stringent practice you cited. When leaving even a small donation, the act is considered giving *tzedakah* rather than taking change, and it is permitted.

Besides the fact that not all agree to the stated reasons for stringency, additional factors play a role. Regarding a general *tzedakah* box which the shul's *gabbai* administers at his discretion, there may be an understanding that the money can be used for such things as getting change (see *similar cases in Nesivos Hamishpat* 301:9; *Tzedakah U'Mishpat* 8:8). This may depend on local practice. We should also recall the *Gemora's* idea that when the poor gain from the money's use, it is permitted. The question is whether by using the *tzedakah* box to get several coins in order to distribute (some of) them to the poor one will give the poor more *tzedakah*. One must also factor in whether he has left behind enough coins to enable the next person to give a donation that requires change.

Thus we have seen the logic behind the stringent practice reported and possible grounds for leniency, especially under certain circumstances.