

ואלו שחייבין בקלבון: לויים וישראלים וגרים ועבדים משוחררים, אבל לא כהנים ונשים ועבדים וקטנים.

השוקל על יד בזהו על יד האשה על יד עבד על יד קטן – פטור, ואם שקל על ידו ועל יד חברו – חייב בקלבון אחד. ורבי מאיר אומר: שני קולבנות הנותן סלע ונטיל שקל – חייב שני קולבנות.

השוקל על יד עני ועל יד שכינו ועל יד בן עירו – פטור, ואם הלון – חייב.

האחין השותפין שחייבין בקלבון – פטורין ממעשר בהמה, וכשחייבין במעשר בהמה – פטורין מן הקלבון.

The mishna states another *halakha*: **And these are the people who are obligated in the premium [kalbon],<sup>HLN</sup> a small sum added to the half-shekel collected: Levites, Israelites, converts, and emancipated Canaanite slaves, but not priests, women, Canaanite slaves, or minors.<sup>N</sup>**

**One who contributes a half-shekel on behalf of a priest, on behalf of a woman, on behalf of a slave, or on behalf of a child, is exempt from the premium, as they are exempt. But if he contributed on his own behalf and on behalf of another,<sup>H</sup> i.e., he contributed one whole shekel to discharge both his own obligation and that of someone else, he is obligated in one premium. Rabbi Meir says: He must pay two premiums. The mishna further states: One who gives the collection agent a *sela*, i.e., a whole shekel, and takes a shekel,<sup>NL</sup> i.e., a half-shekel, as change is obligated in two premiums.**

**One who contributes a half-shekel on behalf of a poor person, on behalf of his neighbor,<sup>H</sup> or on behalf of a resident of his city is exempt<sup>N</sup> from the premium. The Sages did not obligate in the premium those who use their own money to fulfill the obligation of another. But if one loaned them a half-shekel, rather than paying it on their behalf, he is obligated to pay the premium. Since the recipients of the loan must repay the money, it is as though the half-shekel were paid from their property rather than the lender's.**

**Partnered brothers,<sup>H</sup> who have fully divided among themselves their late father's assets, and who, if they jointly pay a whole shekel from those assets to discharge both of their obligations, are obligated in the premium like any other two private individuals, are exempt from the animal tithe for the livestock they inherited. Since they have completely divided between them all inherited assets, they are considered purchasers of the livestock, and a purchaser is exempt from the animal tithe. But when they have not completely divided the assets, and they are therefore obligated in the animal tithe, as the livestock is considered in their father's possession, they are exempt from the premium for their joint payment, as in the case of one who pays on behalf of another.**

NOTES

**Premium – קלבון:** All free adult male Jews are commanded to contribute annually a half-shekel to the Temple for the communal sacrifices. The Sages instituted that in addition to the half-shekel, everyone must give another small coin called a *kalbon*, a premium, toward the expense of converting the whole shekels into half-shekel coins (Rashi). They also mandated that two people who pay a full shekel for the pair of them must each pay a premium, despite the fact that no currency conversion is required. However, if multiple family members pay from a single family estate, e.g., a father who contributes on behalf of his sons, no additional premium is required.

**But not priests, women, slaves, or minors – אבל לא כהנים ונשים ועבדים וקטנים:** This is the *halakha* despite the fact that women, gentile slaves, and children may contribute the half-shekel if they so desire. Because they are not obligated to do so, their contribution is considered a freely offered donation to the Temple, an act of piety, and no premium is required (*Tiklin Hadatin*). Although priests are required to contribute the shekel, no premium is demanded from them either, as their property

cannot be seized as collateral for the payment (Rosh; Rash Sirilio; *Tosefot Yom Tov*).

**הנותן סלע ונטיל – One who gives a *sela* and takes a shekel – שקל:** In this paragraph, the term shekel is referring to a half-shekel, as is often the case in the language of the Mishna and Gemara. *Sela* is referring to two half-shekels or one whole shekel (*Korban HaEida*).

**One who contributes on behalf of a poor person...is exempt – פטור...עני:** Some commentaries state that this is because the poor person accepts the money as a gift (Rabbi Ovadya Bartenura; Rambam *Sefer Zemanim, Hilkhos Shekalim* 3:3). Others reject this explanation, arguing that once the poor person receives a gift, it is his own money and its origins are irrelevant. These commentaries suggest that the reason is that one can contribute on behalf of another from one's own property even without the beneficiary's knowledge, provided that the beneficiary does not expressly oppose the gesture. In a case of this kind, the beneficiary is exempt from the premium (*Iggerot Moshe, Orah Hayyim* 1:191).

HALAKHA

And these are the people who are obligated in the premium [kalbon] – ואלו שחייבין בקלבון: When one gives a whole shekel to a money changer so that the money changer will give half of it to the Temple and return the other half, he must pay a premium on that shekel. Similarly, two people who jointly pay a whole shekel to the Temple are both obligated in a premium. However, all those exempt from the half-shekel contribution, e.g., slaves and women, are exempt from the premium, despite the fact that they are permitted to contribute the half-shekel voluntarily. Likewise, if two people, one obligated and one exempt, jointly pay a whole shekel, they are both exempt from the premium. If a priest pays a whole shekel with the intention of receiving half of it back as change, or if someone else contributes on his behalf, that contribution is exempt from the premium (Rambam *Sefer Zemanim, Hilkhos Shekalim* 3:1–2).

**He contributed on his own behalf and on behalf of another – שקל על ידו ועל יד חברו:** One who contributes a whole shekel to the Temple for his own obligation and that of another is obligated to pay one premium, in accordance with the opinion of the first *tanna* (*Kesef Mishne*; Rambam *Sefer Zemanim, Hilkhos Shekalim* 3:6).

**One who contributes on behalf of a poor person, on behalf of his neighbor, etc. – השוקל על יד עני ועל יד שכינו וכו' –** One who contributes a whole shekel, half of which is intended to fulfill his own obligation and the other half to fulfill the obligation of a poor person or neighbor, is exempt entirely from the premium, provided that he intended to give the money as a gift with which the poor person could fulfill his obligation. If he gave the money as a loan that must be repaid, he is obligated to pay the premium (Rambam *Sefer Zemanim, Hilkhos Shekalim* 3:3).

**Partnered brothers, etc. – האחין השותפין וכו' –** With regard to brothers who have not yet entirely divided up their father's estate, if they buy livestock with money from the inheritance, they are obligated to pay the animal tithe for all animals born under their joint ownership. The reason is that the estate is considered a single entity. Once they have divided up the inheritance, even if afterward they reestablish a partnership, they are exempt from the tithe for those animals. This is because the division of the estate is considered a kind of transaction, even if all sides receive an equal share of all types of animals, and the animal tithe is not separated from purchased animals (Rambam *Sefer Korbanot, Hilkhos Bekhorot* 6:10).

As for the brothers' obligation to pay a premium, if they have not yet divided the inheritance between them, they are exempt. However, if they divided it and subsequently renewed their partnership and contributed one whole shekel for both of them, they are obligated to pay the premium (Rambam *Sefer Zemanim, Hilkhos Shekalim* 3:4).

LANGUAGE

**Premium [kalbon] – קלבון:** From the Greek κολοβον, *kolobon*, a small coin used as payment to a money changer for conversion of currency.

**Sela and shekel – סלע ושקל –** *Sela* literally means rock. Apparently, its usage as the name of a coin comes from the concept of a stone, specifically a weighing stone. A *sela* therefore corresponds to the specific weight of a precious metal. Worth four dinars, the *sela* was typically the most valuable silver coin handled by merchants, followed by a gold dinar. The shekel is half a *sela*, or two dinars, and was apparently called by this name because it is the amount enumerated in the Torah for the shekel contribution, i.e., a half of the biblical shekel, the sacred shekel, which was worth four dinars.

BACKGROUND

Ma'a – מעה: The ma'a was a small silver coin generally identified, both in weight and significance, with the gera, the smallest denomination of currency mentioned in the Torah. Originally, the biblical sacred shekel, equal in worth to the mishnaic sela, was comprised of twenty ma'a, but the sela was later increased by twenty percent to equal twenty-four ma'a. The mishnaic shekel, half of a biblical shekel, was worth twelve ma'a.

Pairs of birds – קנים: One who must bring a pair of birds may bring either a pair of turtledoves or feral pigeons.



Turtledove



Feral pigeons

LANGUAGE

Rabbi Elazar – רבי לעזר: It is fairly common in both printed editions and manuscripts of the Jerusalem Talmud to find the names Elazar and Eliezer without the initial alef, so that it appears to be Le'azar or Liezer. Some scholars maintain that this reflects a difference in pronunciation in the Aramaic of Eretz Yisrael. The printed text is not consistent in its usage, and the spelling can shift within the same passage. In order to avoid confusion, the names always appear in the English translation with the fuller spelling: Elazar and Eliezer.

וכמה הוא קלבון? מעה כסף דברי רבי מאיר, וחכמים אומרים: חצי מעה.

גמ' אף על פי שאמרו כו'. הא לתבוע – אין תובעין! הקא את אמר תובעין, והקא את אמר אין תובעין!

כאן בשהביא שתי שערות, וכאן בשלא הביא שתי שערות.

”הנכרי והכוני” כו'. אמר רבי בא: תיפתר כמאן דאמר בותי כנכרי. דאתפלגין: בותי כנכרי דברי רבי, רבן שמעון בן גמליאל אומר: בותי כישראל לכל דבר.

אמר רבי לעזר: מתניתין בנכרים, הא בכותים – לא.

ותני כן: ”אדם” – לרבות את הגרים, מכם” – להוציא את המומרים.

מתניתין פליגי על רבי אלעזר: אין מקבלין מידם קני זבין וזבות קני יולדות. וכי יש קני זבין וזבות בנכרים?

And how much is a premium?<sup>11</sup> A silver ma'a.<sup>8</sup> This is the statement of Rabbi Meir. And the Rabbis say: It is only half a ma'a.

**GEMARA** The mishna taught that although they said that the assets of minors are not seized as collateral for the half-shekel payment, nevertheless, their money is accepted if they contribute it. The Gemara asks: The ruling that their money is accepted indicates that with regard to claiming their contribution, it is not claimed *ab initio*. However, the mishna's statement here, that their property is not seized as collateral, indicates that you say that it is claimed, and yet here, at the end of the mishna, you say that we don't claim the money.

The Gemara answers that there are two different types of minors: Here, the statement of the mishna from which it can be inferred that the half-shekel is claimed from a minor is referring to one who has two pubic hairs. As the obligation to contribute the shekel is only fully in force at the age of twenty, a thirteen-year-old boy who has two pubic hairs can be referred to as a minor, even though he is considered an adult for other matters. And here, where it is stated that the half-shekel is not claimed at all from a minor, it is referring to a boy who does not yet have two pubic hairs.

**S** The mishna taught: The half-shekel is not accepted from a gentile or a Samaritan, nor are they allowed to bring other types of obligatory offerings. Rabbi Ba said: The mishna's ruling that both half-shekels and obligatory offerings are not accepted is referring to Samaritans, and it can be explained according to the opinion of the one who said that a Samaritan is considered like a gentile. As the Sages disagreed with regard to this matter: A Samaritan is like a gentile; this is the statement of Rabbi Yehuda HaNasi. Rabban Shimon ben Gamliel says: A Samaritan is like a Jew in all matters.

Rabbi Elazar<sup>1</sup> said: No, the statement of the mishna concerning obligatory offerings applies only to gentiles, as in this instance the mishna is not referring to Samaritans. The halakha with regard to Samaritans on this matter is subject to the general disagreement as to whether they have the status of Jews or gentiles.

And indeed it was taught likewise in a baraita. It is written: “When a man of you brings an offering” (Leviticus 1:2). The phrase “a man” comes to include converts, as the verse does not specify the children of Israel. “Of you,” a restricting phrase, comes to exclude apostates,<sup>12</sup> who have partially or entirely left Judaism. Hence, the Samaritans, who are classified as converts, bring obligatory offerings.

The Gemara wonders: It appears that the mishna disagrees with Rabbi Elazar, as we learned: Pairs of birds<sup>8</sup> offered in the purification ritual of a zav, pairs of birds of a zava, or pairs of birds of a woman who gave birth are not accepted from a gentile or a Samaritan. But this statement of the mishna is problematic: Are there pairs of birds offered in the purification ritual of a zav or of a zava among the gentiles? The halakhot of purification from ritual impurity do not apply to gentiles.

HALAKHA

וכמה הוא קלבון וכי – The amount of the premium is at least half a ma'a, or one-twelfth of a dinar, in accordance with the opinion of the Rabbis (Rambam Sefer Zemanim, Hilkhot Shekalim 3:7).

To exclude apostates – להוציא את המומרים: With regard to a Jew who knowingly and regularly transgresses a certain mitzva,

his sin-offerings are not accepted, even if he commits these transgressions just to satisfy his appetites. However, if the same Jew transgresses another mitzva accidentally, his sin-offering for it is accepted, in accordance with the opinion of the first tanna in Hullin 5b and Rava's explanation in Horayot 11a (Kesef Mishne; Rambam Sefer Avoda, Hilkhot Ma'aseh Korbanot 3:4; Sefer Korbanot, Hilkhot Shegagot 3:8).

Initially neither a specific article... is accepted from gentiles or Samaritans – **בתחלה אין מקבלין מהן לא דבר** – **מסויים**: The donation of a gentile to Temple maintenance is not accepted *ab initio*, but if it was accepted it need not be returned after the fact. The exception to this *halakha* is a specific article, e.g., a beam or stone. This should be returned so that the gentiles will not lay claim to any item in the Temple, in accordance with the opinion of Reish Lakish (Rambam *Sefer Zera'im, Hilkhot Mattenot Aniyyim* 8:8).

Consecrated property and donations for the maintenance of the Temple are not accepted from them – **אין מקבלין מהן הקדש ונדבה לבדק הבית**: Free-will offerings or vows from gentiles for the maintenance of the Temple or Jerusalem are not accepted, as stated in the *baraita* (Rambam *Sefer Hafl'a, Hilkhot Arakhin VaHaramim* 1:11).

אלא: רישא בנכרים, וסיפא בכותים. כן הוא: רישא בנכרים וסיפא בכותים.

The Gemara explains how Rabbi Elazar understands the mishna: **Rather, it must be that the first clause of the mishna, concerning the half-shekels, applies to gentiles, and the latter clause, which deals with obligatory offerings, is referring to Samaritans.** The Gemara concludes: **Indeed, it is so; the first clause of the mishna is referring to gentiles, and the latter clause is referring to Samaritans.**

אמר רבי יוחנן: בתחלה אין מקבלין מהן לא דבר מסויים ולא דבר שאינו מסויים, ובסוף מקבלין מהן דבר שאינו מסויים ואין מקבלין מהן דבר מסויים. רבי שמעון בן לקיש אמר: בין בתחילה בין בסוף אין מקבלין מהן לא דבר מסויים ולא דבר שאינו מסויים.

Rabbi Yoḥanan said with regard to the Samaritans: **Initially, during the construction of the Temple, neither a specific article, i.e., any item meant to be left intact, nor a nonspecific article, e.g., silver or a material that is incorporated into the structure and is not distinct, is accepted from gentiles or Samaritans.<sup>HN</sup> Subsequently, once the construction has been completed, a nonspecific article is accepted from them, but a specific article<sup>N</sup> is not accepted from them.** Rabbi Shimon ben Lakish said: **Whether it is initially, during the construction of the Temple, or subsequently, neither a specific article nor a nonspecific article is accepted from them.**

מתניתא פליגי על רבי יוחנן: אין מקבלין מהן הקדש ונדבה לבדק הבית. פתר לה בין בתחלה בין בסוף, ובלבד דבר מסויים.

The Gemara wonders: **A baraita apparently disagrees with the opinion of Rabbi Yoḥanan: Consecrated property and donations for the maintenance of the Temple are not accepted from them.<sup>H</sup>** This statement does not distinguish between the initial period of construction of the Temple and afterward, or between specific and nonspecific articles. The Gemara answers: Rabbi Yoḥanan would **resolve it**, and explain that the *baraita* indeed addresses the *halakha* of donations **both at the start and at the end of the construction of the Temple, but only with regard to specific articles.** Therefore, the *baraita* does not contradict the opinion of Rabbi Yoḥanan.

רבי שמעון בן לקיש אמר: בין בתחלה ובין בסוף אין מקבלין מהם לא דבר מסויים וכו'. מתניתא פליגי על רבי שמעון בן לקיש, דתני: הבל שוין שהן נודרין ונדריין. פתר לה עולה.

It was stated above that **Rabbi Shimon ben Lakish said: Whether it is initially, during the construction of the Temple, or subsequently, neither a specific article nor a nonspecific article is accepted from them.** The Gemara wonders: **A baraita apparently disagrees with the opinion of Rabbi Shimon ben Lakish, as it was taught (see Arakhin 5b): All agree that gentiles may vow and be the subject of a vow.** A gentile who vows to donate his own value to the Temple and a Jew who vows to donate the value of a gentile must donate that sum to the Temple maintenance fund. This shows that pledges are accepted from gentiles, which contradicts the opinion of Rabbi Shimon ben Lakish. The Gemara answers: Rabbi Shimon ben Lakish would **resolve it** by explaining that this *baraita* is referring to not the Temple maintenance but a vow to bring a **burnt-offering**, which all agree a gentile may do.

ניחא, נודרין – עולה, נדריין – עולה?

The Gemara asks: **It works out well that gentiles may vow**, as this can be interpreted as speaking of a **burnt-offering**. However, the statement that gentiles can **be the subject of a vow**, if it is not referring to his value, cannot be dealing with the imposition of an obligation on a gentile to bring a **burnt-offering**, which would be the reverse case of a regular vow to bring an offering oneself. The reason is that a Jew has no means of forcing a gentile to bring an offering.

(לא) אלא בשאמר ישראל "הרי עלי עולה" ושמע נכרי ואמר "מה שאמר זה עלי".

The Gemara answers: **No**; this is not the correct interpretation of the mishna. **Rather, the mishna is referring to a case when a Jew said: It is incumbent upon me to donate a burnt-offering, and a gentile heard and said: What this person said is likewise incumbent upon me.** Since the gentile did not vow independently but tied his statement to that of someone else, it is considered as though a vow were uttered in reference to him.

NOTES

Initially, neither a specific article, nor a nonspecific article, is accepted from gentiles or Samaritans – **בתחלה אין מקבלין מהן לא דבר מסויים ולא דבר שאינו מסויים** (Arakhin 5b) that this is part of the response to the attempt by the Samaritans to participate in the building of the Temple at the time of Ezra. They were told: "You have nothing to do with us to build a house for our God... Then the people of the land weakened the hands of the people of Judah, and harried them while they were building" (Ezra 4:3–4). The exiles returning from Babylonia to Eretz Yisrael realized that in seeking to join in the construction, the Samaritans, the "adversaries of

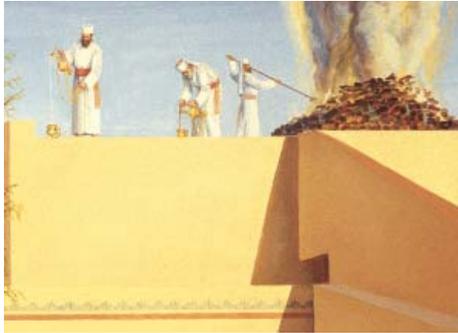
Judah and Benjamin" (Ezra 4:1), were merely looking for a way to undermine the project (Rashi on Arakhin). Their contribution would also have meant that the construction of the Temple was overly dependent on the material support of gentiles, which could later easily be withdrawn (commentary of the Ra'avad on *Torat Kohanim* on Leviticus 27:2). For this reason, the prohibition did not apply to nonspecific articles after the initial construction of the Temple was completed, whereas the prohibition against specific articles remained intact.

**A specific article** – **דבר מסויים**: In tractate Arakhin (6a), Rav Yosef states that an example of a specific article is the raven impedi-

ment, which consisted of iron surfaces of protruding nails mounted on the Temple roof to prevent ravens from perching there. This example indicates that the term connotes a noticeable item for which the gentile could take credit. It would be considered a disgrace to Israel if recognizable items in the Temple were built by gentiles, who could use them as a source of pride at Israel's expense. Rabbeinu Gershom interprets a specific article as anything individually discernible, e.g., a beam, which the gentile could point to and demand its return, as opposed to water or salt, which are not used in the construction itself, but are sold for their proceeds.

NOTES

**Bring libations with it – מביא עמו נסכים** – One who brings an animal burnt-offering or peace-offering must bring accompanying wine libations as well as a meal-offering. The wine is poured on the altar, while the meal-offering is burnt. It is clear from various sources that even a gentile who sacrifices a burnt-offering must also bring the libations (*Shekalim* 20a; *Sifrei* 107; see also *Zevahim* 45a and *Menaḥot* 73b).



Wine being poured on the altar

**Can be valued and may valueate – נערכין ועורכין** – If one values, i.e., pledges to the Temple the value of a specific person, he is obligated to pay to the Temple maintenance the sum enumerated in the Torah, as determined by that person's age and gender (*Leviticus* 27:1–8). One can likewise be valued: Someone else can pledge one's worth to the Temple maintenance and render himself similarly obligated.

ואינו מביא עמו נסכים, ומותר נסכים לא לכלי שרת אינו? נמצא מביא דבר מסויים.

התיב רבי יוסי בר רבי בון: והא תנינן נערכין ועורכין, לא לבדק הבית אינו?

היך מה דאת אמר תמן, לשמים הוא מתכוין, ומאיליהו הו בואין לבדק הבית. כן את אמר אף הכא: לשמים הוא מתכוין.

The Gemara asks: **But** if the mishna is referring to a burnt-offering, doesn't the gentile **bring libations with it**?<sup>N</sup> Burnt-offerings must be accompanied by libations. **And the surplus** money dedicated to libations goes toward the payment for the sacred vessels. It would therefore **turn out** that the gentile brings a specific article.

**Rabbi Yosei bar Rabbi Bun responded:** **But didn't we learn** (see *Arakhin* 1:2), that according to Rabbi Meir, gentiles can be **valuated and may valueate**<sup>NH</sup> to the Temple the fixed sum of others, as prescribed by the Torah (*Leviticus* 27:1–8). The same question can be posed here: **Doesn't** the sum valuated go toward the Temple maintenance? The gentile might end up donating a specific article.

Rather, the explanation is **as they say there**: When a gentile pledges money to the Temple, **he intends it for Heaven**, for God in general, rather than for any specific use in the Temple, **and the pledge comes into the maintenance of the Temple fund on its own**. In other words, these items cannot be considered a direct gift of a specific article. **You can likewise say even here**, with regard to the surplus money from the libation of a gentile's burnt-offering, that when he brings money for the libations, **he intends it for Heaven**,

HALAKHA

**Can be valued and may valueate – נערכין ועורכין** – A gentile may be valued but may not valueate others. How so? If a gentile said: I am obligated in my valuation, or: I am obligated in the valuation of this Jew, he has said nothing. But if a Jew said: I am obligated in the valuation of this gentile, or: I am obligated in the valuation of so-and-so the gentile, he must contribute to

the Temple maintenance the sum determined by the gentile's age and gender, in accordance with the opinion of Rabbi Meir in *Arakhin* 1:2. The Ra'avad disagrees and holds that gentiles may valueate but may not be valued, in accordance with the opinion of Rabbi Yehuda (Rambam *Sefer Hafla'a*, *Hilkhot Arakhin VaHaramim* 1:6).

Perek I  
Daf 4 Amud b

BACKGROUND

**The aqueduct – אמת המים** – When the Temple stood, the Ein Eitam spring, as well as several others, served as an important source of water for Jerusalem. Identified by some as “the waters of Nephtoah” (*Joshua* 15:9), the Ein Eitam spring, also called the Ein Etan spring, can be found near the third of the so-called Pools of Solomon, located about 3 km southeast of Bethlehem. The aqueduct extended for over 20 km both above and under the ground until it reached Jerusalem and the Temple Mount. After it was damaged at the time of the destruction of the Second Temple, this aqueduct was rebuilt, and it was used to bring water to Jerusalem for many generations. The aqueduct passes through, among other places, modern-day Armon Hanatziv.



Lower aqueduct at Armon Hanatziv

ומאיליהו הו בואין לבדק הבית.

מה עבד לה רבי שמעון בן לקיש – פתר לה: “לא לכם ולנו לבנות בית לאלהינו.”

רבי חזקיה אמר רבי סימון שאל: מעתה אין מקבלין מהו לאמת המים ולחומות העיר ומגדלותיה, על שם (שנאמר): “ולכם אין חלק” וגו’.

**and the funds come into the Temple maintenance fund on their own**. Consequently, it is permitted to accept the libations of a burnt-offering from a gentile, as the remaining money was never specifically designated for this purpose.

**What does Rabbi Shimon ben Lakish do with this?** How can he reconcile his opinion that even nonspecific articles are not accepted from gentiles with the ruling of this mishna? He **explains that** the Temple construction was restricted exclusively to Jews, as the book of Ezra states concerning to the Samaritans: **“You have nothing to do with us to build a house for our God; but we ourselves together will build for the Lord”** (*Ezra* 4:3).

**Rabbi Hizkiya said that Rabbi Simon asked**, i.e., suggested: **Now**, since it has been concluded from the verse in *Ezra* that contributions are not accepted from gentiles for the maintenance of the Temple, it can be inferred from another verse that even contributions **toward the aqueduct**,<sup>B</sup> which brought water to Jerusalem or **toward the walls of the city and its towers, are not accepted**<sup>H</sup> from them. **As it is written that Nehemiah said to Sanballat and the other gentile representatives:** “The God of heaven, He will prosper us; therefore we His servants will arise and build; **but you have no portion, nor right, nor memorial in Jerusalem**” (*Nehemiah* 2:20).

HALAKHA

**Even contributions toward the aqueduct... are not accepted, etc.** – אין מקבלין מהו לאמת המים וכו' –

the aqueduct are not accepted, in accordance with the opinion of Rabbi Simon (Rambam *Sefer Zera'im*, *Hilkhot Mattenot Aniyyim* 8:8).

A kind of coin of fire – **כִּמְיֵן מִטְבַּע שֶׁל אֵשׁ** – *Hiddushei HaRim* on the Torah, cited in *Emet VeEmuna*, the sayings of the Kotzker Rebbe, interprets this idea homiletically: Why did God show Moses a coin of fire rather than one of metal? He wanted to teach that the essence of a coin is the fire of passion in its donation. The Kotzker Rebbe further explains that this warmth and passion can transform physical, material money into a spiritual entity.

**This they shall give** – **זֶה יִתְּנוּ**: Some commentaries explain that as most coins are not identical in weight and volume and are certainly not exactly the same as the one shown to Moses, an extra coin is required to make up the weight (*Tiklin Hadatin*). Others state that the coin shown to Moses was made of fire, without any impurities, whereas man-made coins necessarily include certain impurities in the metal that reduce their value. Consequently, an additional coin must be given to make up the difference (*Korban HaEida*).

**One for the shekel that he gives and one for the shekel that he receives** – **אֶחָד שֶׁקֶל שֶׁהוּא נוֹתֵן וְאֶחָד שֶׁקֶל שֶׁהוּא נוֹטֵל** – Although the payment of a shekel and the acceptance of half as change is apparently only one transaction, and should therefore require only a single premium, the later commentaries explain that the Sages instituted the practice of two premiums for the benefit of the Temple. It is therefore considered as though two transactions have taken place, the donation of a half-shekel to the Temple and the receipt of a half-shekel as change (*Arukh HaShulhan Ha'Atid, Hilkhos Shekalim 85:7*).

**And exempt from the animal tithe** – **וּפְטוּרֵי־ן מִמַּעֲשֵׂר בְּהֵמָה** – The mitzva of separating an animal tithe from one's herd is limited to animals that have always been in one's possession. If one receives animals from another, as a gift or through purchase, he is exempt from tithing them. The issue in the Gemara concerns the status of inheritors: Are they considered as simply continuing their father's established estate, or have they effectively purchased their shares from each other by dividing up the inheritance?

מִתְּנִיתָא דְרַבִּי מֵאִיר, דְּאָמַר רַבִּי מֵאִיר: בְּשֵׁם שֶׁשִּׁקְלוֹ תוֹרָה – כִּךְ קִלְבָּנוּ תוֹרָה. קָסָבַר רַבִּי מֵאִיר בְּנִתְּנָן שִׁקְלוֹ שְׁלֵם שְׁהוּא חַיִּיב בְּקִלְבּוֹן.

§ There is a dispute in the mishna with regard to one who contributes a whole shekel on behalf of himself and another. The first *tanna* maintains that he is obligated in one premium, while Rabbi Meir rules that he must pay two premiums. The Gemara quotes a *baraita* that clarifies the reason for Rabbi Meir's opinion: **As Rabbi Meir said: Just as one's shekel is mandated by the Torah, so too, his premium is mandated by the Torah. Rabbi Meir therefore holds, with regard to one who gives exactly a whole shekel, half for himself and half for another, that he is obligated in one premium for each half.**

דְּאָמַר רַבִּי מֵאִיר כִּמְיֵן מִטְבַּע שֶׁל אֵשׁ הוֹצִיא הַקָּדוֹשׁ בְּרוּךְ הוּא מִתַּחַת פְּסָא כְּבוֹדוֹ וְהִרְאָהוּ לְמֹשֶׁה, וְאָמַר לוֹ "זֶה יִתְּנוּ" – כִּזֶּה יִתְּנוּ.

As Rabbi Meir said: When Moses was instructed in the *halakhot* of the shekel contribution, **the Holy One, Blessed be He, took out a kind of coin of fire<sup>N</sup> from under His Throne of Glory and showed it to Moses and said to him: "This they shall give"** (Exodus 30:13),<sup>N</sup> i.e., **like this** in volume and weight they shall give of metal. Since not all weights of coins are equal, and some coins might be slightly smaller than the one shown to Moses, it is therefore necessary by Torah law to add a premium.

"נִתְּנָן סָלַע לִיטוּל שֶׁקֶל – חַיִּיב שְׁנֵי קוֹלְבָּנוֹת". אָמַר רַבִּי אֶלְעָזָר: דְּרַבִּי מֵאִיר הֵיא, דְּתַנְיָא, אִלּוּ חַיִּיבִין בְּקִלְבּוֹן כּוֹ קִלְבּוֹן אֶחָד, וְרַבִּי מֵאִיר אָמַר שְׁנֵי קוֹלְבָּנוֹת.

The mishna stated that **one who gives a sela**, i.e., a whole shekel, **and takes a half-shekel as change is obligated to pay two premiums. Rabbi Elazar said: This is the opinion of Rabbi Meir, as it was taught in a baraita: These are obligated in a premium, etc.** One who gives a *sela* and takes a shekel is obligated, according to the opinion of the Rabbis, to pay **one premium. But Rabbi Meir says: He must give two premiums.**

וְאָמַר רַב: דְּבַרִּי הַבֵּל הֵיא, דְּאָמַר רַבִּי מֵאִיר אֶחָד שֶׁקֶל שֶׁהוּא נוֹתֵן, וְאֶחָד שֶׁקֶל שֶׁהוּא נוֹטֵל, וְאֶחָד לְדַבְּרֵי תוֹרָה. עַל דַּעֲתִיָּה דְרַב – שְׁלֹשָׁה קוֹלְבָּנוֹת אֵינֵין.

And Rav said: No, this ruling of the mishna is a **statement accepted by all**, as everyone agrees with that which **Rabbi Meir said: One who hands over a whole shekel and receives half back must give one premium for the shekel that he gives to the money changer, and one premium for the shekel that he receives<sup>N</sup> as change, and a third premium as the one mandated by the Torah to make up the requisite weight.** The Gemara adds: This means that **according to the opinion of Rav there are three premiums.**

אֶתָּא רַבִּי יִרְמְיָה רַבִּי שְׁמוּאֵל בְּרַב רַב יִצְחָק בְּשֵׁם רַב: שְׁלֹשָׁה קוֹלְבָּנוֹת אֵינֵין, אֶחָד שֶׁקֶל שֶׁהוּא נוֹתֵן, וְאֶחָד שֶׁקֶל שֶׁהוּא נוֹטֵל, וְאֶחָד לְדַבְּרֵי תוֹרָה.

In support of this claim, the Gemara relates: When **Rabbi Yirmeya came**, he said explicitly that **Rabbi Shmuel bar Rav Yitzhak said in the name of Rav: There are three premiums: One for the shekel that he gives, and one for the shekel that he receives, and one that applies by Torah law.**

הָאֲחֵים וְהַשְׁוֹתְפִין שְׁחֵיבִין בְּקִלְבּוֹן וּפְטוּרֵי־ן מִמַּעֲשֵׂר בְּהֵמָה – בְּשִׁחְלָקוֹ וְחִזּוּ וְנִשְׁתַּתְּפוּ.

§ The mishna stated that a certain type of partnership between brothers renders them obligated in the premium and exempt from the animal tithe, while another form of partnership renders them obligated in the animal tithe and exempt from the premium. The Gemara elaborates: The case of **partnered brothers who are obligated in the premium and exempt from the animal tithe<sup>N</sup>** is referring to **when they divided up the estate of their deceased father and afterward again established a partnership.** They are therefore partners in the normal sense, rather than co-owners of the original inherited estate, and regular partners are obligated in the premium and exempt from the animal tithe. The Torah specifically exempts partners from the animal tithe (see *Bekhorot 56b*).

שְׁחֵיבִין בְּמַעֲשֵׂר בְּהֵמָה וּפְטוּרֵי־ן מִן הַקִּלְבּוֹן – בְּשִׁחְלָא חִלְקוּ.

Conversely, the *halakha* **that they are obligated in the animal tithe and are exempt from the premium** is referring to **brothers who have not divided** their father's estate between them at all. It is therefore considered as though their father were still the sole owner of the estate and is contributing the shekel for the pair of them. As stated earlier in the mishna, one who contributes his own money on behalf of another is exempt from a premium. Meanwhile, as the estate is under a single ownership, the animal tithe must be separated from the livestock.

BACKGROUND

Goats for kids – תישיים כנגד גדיים:



Goat with kids

HALAKHA

Even if they divided the estate in the manner of kids for kids – אפילו חלקו גדיים נגד גדיים: If brothers who have yet to divide their inheritance buy animals from the estate, they must pay the animal tithe for all animals born afterward, as these animals were born under a single owner. If the brothers divided the estate after these animals were born and subsequently became partners, they are exempt from the animal tithe. The division of the estate is considered a transaction, and purchased animals are exempt from the animal tithe. This is the halakha even if each brother received an equal number of each type of animal from the estate (Rambam Sefer Korbanot, Hilkhoh Bekhorot 6:10).

אמר רבי לעזר: והן שחלקו גדיים כנגד תישיים ותישיים כנגד גדיים.

Rabbi Elazar said: And this is the halakha only when they divided kids for goats and goats for kids,<sup>8</sup> i.e., when the two brothers inherited both kids and goats, and yet one took all the goats and the other all the kids. Since each originally inherited both species, this division is tantamount to one brother trading his goats for the other's kids. When they again become partners, they are like strangers who join together. Consequently, they are exempt from the animal tithe.

אבל אם חלקו גדיים כנגד גדיים ותישיים כנגד תישיים – הוא חלקו משעה הראשונה.

However, if they divided kids for kids and goats for goats, so that each takes some of both types in the normal manner, the halakha is that the group of animals each brother takes is considered his share from the outset, and no transaction between them has occurred. Consequently, when they reestablished the partnership, the estate reverted to its original status as a single entity, and therefore the animal tithe must be separated.

אמר רבי יוחנן: אפילו חלקו גדיים נגד גדיים ותישיים נגד תישיים – בלקוחות הן, ופטורין מן המעשר. כההוא דתנינן תמן: הלכות ושניתן לו במתנה – פטור ממעשר בהמה.

Rabbi Yohanan said: No, even if they divided the estate in the manner of kids for kids<sup>9</sup> and goats for goats, they are considered like purchasers. It is as though each brother has sold his share to the other, and they are therefore exempt from the animal tithe, as we learned in a mishna there, in Bekhorot (9:3): That which is bought or given to the owner as a gift is exempt from the animal tithe.

רבי חייה אמר רבי ירמיה בעי: ולמה לית נן אמרין: פעמים שהן חייבין בזה ובזה.

The mishna spoke of two cases, one in which brothers are obligated in the animal tithe and exempt from the premium, and the other in which they are obligated in the premium and exempt from the animal tithe. In this regard, Rabbi Hiyya said that Rabbi Yirmeya raised a dilemma: And why do we not say that there are also times when they are obligated in both of them,

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HALAKHA

They divided the property but did not divide the animals – חלקו הנכסים ולא חלקו בהמה: With regard to brothers who held both animals and money in partnership and divided between them the money but not the animals, they are obligated both in the animal tithe and the premium, in accordance with the opinion of Rabbi Yirmeya (Rambam Sefer Korbanot, Hilkhoh Bekhorot 6:11; Sefer Zemanim, Hilkhoh Shekalim 3:5).

They divided the animals but did not divide the property – חלקו בהמה ולא חלקו את הנכסים: In the case of brothers who held both animals and money in partnership and divided up the animals but not the money, they are exempt from both the premium and the animal tithe, in accordance with the opinion of Rabbi Yirmeya (Rambam Sefer Korbanot, Hilkhoh Bekhorot 6:11; Sefer Zemanim, Hilkhoh Shekalim 3:5).

NOTES

This statement you are saying applies only in a case where the animals were not the majority, etc. – הדא – דאית אמר בשלא היתה בהמה רוב וכו': Some commentaries explain that Rabbi Mana is referring to the second half of Rabbi Yirmeya's statement, that brothers who have divided only the animals between them but not the rest of the assets are exempt from both the premium and the animal tithe. Rabbi Mana is saying that this is the halakha only if the animals are not the majority of the inheritance; but if they are the majority, when the animals have been divided, it is as though all the property were now included in the newly formed partnership, and they are therefore liable for the premium (Rash Sirilio; Rabbeinu Meshulam).

ופעמים שהם פטורים מזה ומזה. היך עבידא? חלקו הנכסים ולא חלקו בהמה – תיבין בזה ובזה, חלקו בהמה ולא חלקו את הנכסים – פטורים מזה ומזה.

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,<sup>10</sup> they are obligated in both. The brothers are considered regular partners with regard to the property, and they are therefore obligated in the premium. However, the livestock is still regarded as under the single ownership of their father's estate, and they are therefore obligated in the animal tithe. Conversely, if they divided the animals between them but did not divide the property,<sup>11</sup> they are exempt from both. With regard to the animals, the brothers are considered regular partners and are therefore are exempt from the animal tithe. The rest of the property remains under unified ownership, and they are therefore exempt from the premium as well.

אמר רבי מנא: הדא דאית אמר בשלא היתה בהמה רוב, אבל אם היתה בהמה רוב – הן הן עיקר נכסים.

In this regard, Rabbi Mana said: This statement you, Rabbi Yirmeya, are saying, that brothers who divided the property but not the animals are obligated in a premium, applies only in a case where the animals were not the majority<sup>12</sup> of the property. However, if the animals were the majority of the property, they are considered the principal property. 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 premium.

רבי אבין אמר רבי שמי בעי: מפני שעשיתן באדם אחד אצל מעשר בהמה את פטורו מן הקלבון?

The mishna stated that if the brothers have not divided their inheritance between them, they are obligated in the animal tithe and exempt from the premium. Rabbi Avin said that Rabbi Shimi raised a dilemma: Because you have been stringent and made them as one man with regard to the animal tithe, by treating the estate as though it were under single ownership, will you also be lenient with them and exempt them from the premium? In this case too the stringent ruling should be accepted, and they should be treated as the owners of separate entities, who are obligated in the premium.