

הלכה א מתני' מצרפין שקלים לדרבנות מפני משוי הדרך. כשם שהיו שופרות במקדש כך היו שופרות במדינה.

HALAKHA 1 • MISHNA When people who live far from Jerusalem wish to send to Jerusalem the shekels that have been levied from their community, they may combine their shekels and exchange them for darics [darkonot],^{1H} which are large gold coins, due to the burden of the way. Instead of carrying large amounts of shekels, the agents who deliver the funds will bring a much lighter burden of gold coins with them. The mishna adds: Just as there were collection horns^B in the Temple^N to receive the half-shekel contributions, so too there were collection horns in the rest of the country,^{NH} i.e., areas outside of Jerusalem. The local inhabitants placed their half-shekels in these horns, which were later brought to Jerusalem.

בני העיר ששלחו את שקליהן ונגנבו או שאבדו, אם נתרמה התרומה – נשבעין לגיבירין.

S With regard to the residents of a town who sent their shekels to the Temple and they were stolen from the agent on the way or were lost,^H if the collection of the chamber had already been collected^N before these shekels arrived, the agents must take the oath of a bailee to the treasurers [gizbarin].¹ After the collection of the chamber, all the shekels that have been contributed become the property of the Temple, so the Temple treasurers who are in charge of this property become the opposing litigants of the agents.

ואם לאו – נשבעין לבני העיר, ובני העיר ששלחו את שקליהן ונגנבו או שהחזירום הנגבים – אלו ואלו שקלים, ואין עולין להן לשנה הבאה.

If the ceremony has not yet been performed and the contributions have not yet been collected into the baskets, the shekels are considered the property of the residents of the town, and therefore the agents must take an oath to absolve themselves to the residents of the town. Since those shekels are still considered the property of the residents of the town because the shekels never reached the Temple, they have not fulfilled their obligation. Therefore, the residents of the town must contribute other shekels in their place. If, after the residents of the town contributed other shekels, the original shekels were found or the thieves returned them,^H both these original shekels and those newly contributed ones have the status of consecrated shekels and belong to the Temple. However, they do not count for the following year. The people cannot claim that since they contributed twice in one year they are exempt from contributing the next year.

HALAKHA

מצרפין – Combine shekels and exchange them for darics – שקלים לדרבנות: After collecting shekels from communities outside of Jerusalem, the shekels were then exchanged with gold dinars and sent via agents to the Temple, in accordance with the mishna (Rambam *Sefer Zemanim, Hilkhot Shekalim* 2:4).

Just as there were collection horns in the Temple, so too there were collection horns in the rest of the country – כשם שהיו שופרות במקדש כך היו שופרות במדינה: The shekels collected by money changers in communities outside of Jerusalem were placed in two collection boxes in front of them, which were narrow at their upper end and wider at their lower end, just like the collection horns in the Temple. In one they placed the shekels for the current year's obligation, and in the other they placed the shekels for the previous year's obligation, for those who had not given the previous year (Rambam *Sefer Zemanim, Hilkhot Shekalim* 2:1).

The residents of a town who sent their shekels and they were stolen or were lost – בני העיר ששלחו את שקליהן ונגנבו או שאבדו: When the residents of a town send their shekels via an agent and they are stolen or lost, the halakha depends upon two factors: Whether the agent was a paid or unpaid bailee, and whether the collection of the chamber ceremony had already taken place. As long as the collection of the chamber has not taken place, the agent must address the claims of the residents of the city. If he is an unpaid bailee, then he must swear to the residents of the town that he was not negligent

and he is exempt, like all unpaid bailees. The residents of the town must then contribute their shekels again. If the agent is a paid bailee, then he is liable to pay for loss or theft. He takes an oath to exempt himself only in cases of unavoidable accident; otherwise, he must bear the cost of the loss.

If the collection of the chamber ceremony has taken place, the relevant oaths are addressed to the Temple treasurers, and the residents of the town are exempt. Since the ceremony is performed with the intention of including money that has already been gathered as well as money that will be gathered in the future, all shekels are considered to be the property of the Temple. However, if the shekels were lost before the collection of the chamber, they are still considered to be in the possession of the residents of the town. The agent must take an oath addressed to them, and if he is exempt, the people must contribute their shekels again, in accordance with the subsequent interpretation of the mishna by Rabbi Abba (Rambam *Sefer Zemanim, Hilkhot Shekalim* 3:8–9).

If the original shekels were found or the thieves returned them – נמצאו או שהחזירום הנגבים: If those who contributed shekels gave other shekels after the first ones were stolen or lost and then the first shekels were found or the thieves returned them, both sets are considered consecrated shekels. However, they may not be used toward fulfilling the next year's obligation. The first ones are deposited in the horn with the present year's shekels, and the second ones are deposited with the previous year's shekels (Rambam *Sefer Zemanim, Hilkhot Shekalim* 3:8–9).

LANGUAGE

Darics [darkonot] – דרבנות: Gold coins, mentioned already in the Persian era, at the time of the Babylonian immigration (Ezra 8:27 and others). Some maintain that these coins were named after King Darius of Persia, while others maintain that the darics mentioned in the mishna are the Greek coins Δαρεικός, *dareikos*, cited in *Bekhorot* 51a.

Treasurers [gizbarin] – גיבירין: The word *gizbar*, which appears in the Bible (Ezra 1:8), is from the Old Persian *ganzabara*. *Ganz* means a treasure, while *bara* is a verbal element meaning bearer, frequently used as a grammatical agent. The word, therefore, means treasurer or one who is in charge of the storehouses.

BACKGROUND

Collection horns – שופרות: Due to the large number of people bringing offerings to the Temple, and in order to prevent mishaps, those who came to the Temple did not usually bring their offerings with them. They gave their money to the Temple treasurer, who would give them a receipt, which they then brought to another chamber in the Temple where they received their appropriate animal for sacrifice. Alternatively, as with a woman who has given birth, they placed their money in the appropriate basket among the thirteen collection baskets in the Temple that are designated for these and similar purposes. These baskets were referred to as horns, as they were externally similar to a ram's horn; their lower end was wide while their upper end was narrow in order to prevent theft.

NOTES

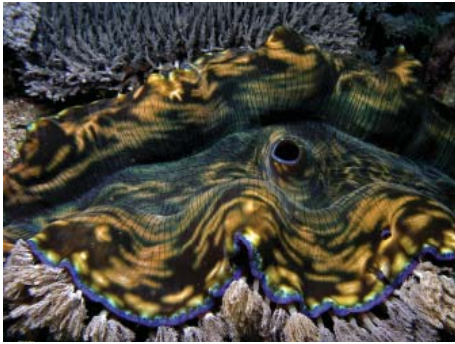
Collection horns in the Temple – שופרות במקדש: The mishna later on (18b) says that there were thirteen earmarked baskets in the Temple that contained the money earmarked for the various offerings. The mishna continues to describe their functions. These baskets were called collection horns because they had the same shape as a ram's horn; their upper end, in which the money was placed, was narrow, while their lower end was wide in order to hold the money. They were designed in this way because of those who might feign placing money in the baskets while actually stealing money from them. This design makes it more complicated to remove money from these horns (*Shekalim* 18b, *Halakhot Gedolot*).

So too there were collection horns in the rest of the country – כך היו שופרות במדינה: In Jerusalem, however, there were no collection horns besides those that were in the Temple, since the residents of Jerusalem brought their shekels directly to the Temple (*Tiklin Hadatin*).

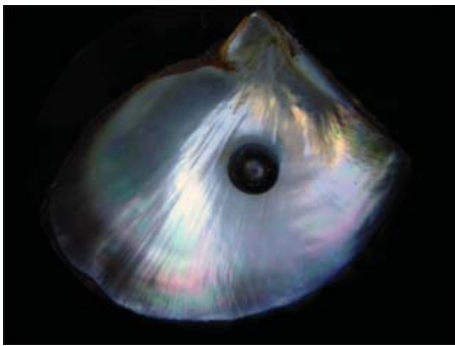
If the collection of the chamber had been collected – אם נתרמה התרומה: The collection of the chamber is the ceremony in which part of the money to be collected as shekels was set aside for the communal sacrifices of that year. In the fourth chapter of this tractate (*Shekalim* 10b–11a) there is a discussion with regard to the remaining funds of the collection of the treasury chamber, meaning the money left after the collection of the chamber ceremony. These extra funds were generally used for all the municipal requirements that were not related to the Temple service.

BACKGROUND

Gems – מרגליות: The finest-quality natural pearls have been highly valued as gemstones for many centuries. Pearls are produced within the soft tissue of a living mollusk such as a clam. Pearls are made up of calcium carbonate, and the ideal pearl is perfectly round and smooth. Still, many other shapes of pearls occur in nature. Pearls, especially cultured freshwater pearls, can be dyed yellow, green, blue, brown, pink, purple, or black.



Tridacna giant clam in Komodo National Park, Indonesia



Black pearl in its shell

LANGUAGE

Gems [margaliot] – מרגליות: From the Greek Μαργαρίτης, margaritēs, or μαργαρίς, margaris, meaning pearl or gem. The latter is the meaning generally intended by the Sages.

Robbers [listim] – לקטים: From the Greek ληστής, lestēs, meaning thief, robber, or pirate. The colloquial term listim is a shortened form of listasim, meaning robbers.

HALAKHA

Old shekels in the Temple...no old shekels in the rest of the country – עתיקין במקדש ואין עתיקין במדינה: The halakha is not in accordance with this baraita. Shekels from the previous year were also collected in the rest of the country (Rambam Sefer Zemanim, Hilkhot Shekalim 2:1).

גמ' ויעשו אותן מרגליות! שמא תזיל המרגליות ונמצא ההקדש מפסיד.

GEMARA It is taught in the mishna that residents of a town can exchange their half-shekels with gold darics in order to ease their burden on the way to Jerusalem. The Gemara asks: If the goal is to ease the agents' burden by combining the coins into a more valuable commodity, let them make them, i.e., exchange them with gems [margaliot],^{bl} which are more valuable than darics and much lighter to carry. The Gemara answers: They do not do this due to concern lest the price of the gems decrease, since, like all commodities, their price can decrease and the Temple treasury of consecrated property will lose.

כההיא דתנינן תמן: וכולן נפדין בכסף ובשנה כסף, חוץ משקלים. ואין פודין בכלים. ואמר רבי שמואל בר רב יצחק: שמא זולו הכלים ונמצא ההקדש מפסיד. אוף הכא נמי, שמא תזיל המרגליות נמצא ההקדש מפסיד.

Like that which we learned in a mishna there, in tractate Bekhorot: All of them, all items that can be redeemed, such as different types of consecrated items and the firstborn male who is redeemed from the priest, may be redeemed with money or with an equivalent value of money in commodities, except for shekels, which may be redeemed only with money. The question remains: Why is it that one may not redeem the shekels with vessels or any other type of equivalent value of money in commodities? Rabbi Shmuel bar Rav Yitzhak said that it is due to concern lest the price of vessels decreases and the Temple treasury of consecrated property will lose. This is not the case with money, whose price remains fixed. So too here, they do not exchange shekels with gems out of concern lest the price of the gems decreases and the Temple treasury of consecrated property will lose.

מתנתא בתקלין חדתין אבל בתקלין עתיקין לא בדא ותני בן עתיקין במקדש ואין עתיקין במדינה.

It is taught in the mishna that just as there were collection horns in the Temple to receive the shekels, there were also collection horns in the areas outside Jerusalem. The Gemara comments: The mishna refers to new shekels, which are contributed for the new year commencing in Nisan. However, with regard to old shekels,ⁿ which are brought by people who did not contribute in the previous year and are only now bringing their contribution for that year, the mishna is not addressing this. The collection horns for old shekels were located only in the Temple and not in other places. And it was taught similarly in a baraita: Collection horns for old shekels exist in the Temple, but there are no collection horns for old shekels in the rest of the country.^h

מתני' בשומר חינוס, אבל בשומר שָׁכַר – לא בדא. אמר רבי אבא: ואפילו תימר בשומר שָׁכַר, נגנבו – בלקטים מוזיין, אבדו – כמי שטבעה ספינתו בים.

It is taught in the mishna that if the shekels were lost or stolen from the agent on his way to Jerusalem, he must take the oath of a bailee and is exempt. The Gemara comments: The mishna is referring to a case where the agent was an unpaid bailee. However, with regard to a paid bailee,ⁿ it is not addressing this sort of case, since only an unpaid bailee is exempt through his oath from payment for loss or theft. Rabbi Abba said: Even if you say that our mishna is referring to a paid bailee, he is still exempt through oath, since the term stolen used in the mishna is referring to armed robbers [listim],^t and such a case is deemed an unavoidable accident for which even a paid bailee is exempt. The term lost means like one whose ship sank in the sea; he was saved, but the 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 bailee is exempt.

NOTES

Refers to new shekels...with regard to old shekels – בתקלין חדתין...בתקלין עתיקין: Among the thirteen collection baskets in the Temple was one with the words tiklin hadatin, new shekels, engraved on it. This was used for the shekels of the present year, which were brought from the New Moon of Adar until the New Moon of Nisan. The communal sacrifices were purchased with this money. Another basket engraved with the words tiklin atikin, old shekels, contained the shekels that were due the previous year but were only contributed during the current year. The money that had accrued in this basket was added to the remainder of the chamber collection, the half-shekels which

had been left from the previous year, and was designated for other purposes that did not relate to the Temple service, such as building and maintaining the city of Jerusalem.

An unpaid bailee...a paid bailee – בשומר חינוס...בשומר שָׁכַר: An unpaid bailee is one who does not receive any remuneration for looking after a deposit. A paid bailee receives remuneration for looking after a deposit. Both are required to adequately protect the deposits in their possession, but the unpaid bailee is not exempt from paying for a stolen or lost deposit if he takes the oath of a bailee. In this oath he swears that he was not negligent

in protecting the item. Additionally, he must take oaths that the deposit is not presently in his possession, and that he had not previously willfully taken possession of it. A paid bailee is obligated to provide a higher level of protection since he is paid for his work, and therefore he cannot exempt himself with an oath in a case of loss or theft. He is exempt only when he takes an oath that an unavoidable accident occurred while the item was in his possession. The mishna refers to an agent bringing the shekels as a bailee, without specification, and presumably the level of responsibility of the agent depends upon whether or not he was paid for his services.

אמר רבי יוסטי בי רבי סימון אתיא כמאן דאמר תורמין על הגבוי ועל העתידי לגבות.

It is taught in the mishna that if the shekels were stolen or lost by the agent after the collection of the chamber, the agent takes an oath to the Temple treasurer to prove that he was not negligent. **Rabbi Yustai, son of Rabbi Simon, said that the mishna is in accordance with the one who says that they perform the collection of the chamber with the intention that the ceremony apply to money that has already been gathered but has not yet been brought to the Temple, as well as to money that will be gathered in the future.**^h Therefore, any money that was in the agent's hands at the time of the collection is considered the property of the Temple treasury.

ברם כמאן דאמר אין תורמין לא על הגבוי ועל העתידי לגבות – לא בדא.

However, according to the one who said that they do not perform the collection of the chamber with the intention to include money that has already been gathered but has not yet reached the Temple, nor money that will be gathered in the future, but rather only money that is already in the Temple, **not with regard to this** did the mishna say that the agents take an oath to the Temple treasurers and are exempt. Since these shekels did not yet reach the Temple, it is as though they were not contributed at all, and all those whose shekels were lost or stolen must contribute another half-shekel in their place.

”בני העיר ששלחו את שקליהם” כו.

It is taught in the mishna that if **the residents of the town sent their shekels** and they were stolen or lost, if the collection of the chamber had not yet been collected, the agents take an oath to the residents of the town; and if they have already been collected, they take an oath to the Temple treasurers.

אמר רבי אלעזר: דרבי שמעון היא. דרבי שמעון אומר: קדשים שהוא תייב באחריותן כנגביו הן.

Rabbi Elazar said: The mishna is in accordance with the opinion of Rabbi Shimon, as **Rabbi Shimon says that consecrated items for which one is responsible are considered like his own property.** If a person consecrates an item as a vow, he takes on himself the responsibility to replace it if it is lost or stolen. Rabbi Shimon considers this responsibility to be a type of ownership, and therefore the agent who lost it must take an oath to the person who consecrated the lost item, who remains in some sense the owner. Similarly, the agent who lost shekels must swear to the residents of the town. The Rabbis who disagree with Rabbi Shimon maintain that consecrated items belong to the Temple, and therefore no oath is relevant, in accordance with the principle that one does not take an oath on consecrated items.

אמר רבי יוחנן: דברי הכל היא משום שבויעת תקנה.

Rabbi Yoḥanan disagreed with R. Elazar and said: The mishna is in accordance with all opinions. It is not limited to the opinion of Rabbi Shimon, **due to** the fact that it is a rabbinically **instituted oath** not required by Torah law. Since people may claim that they have no responsibility for these items, the Sages instituted taking an oath on consecrated items as well.

על דעתיה דרבי יוחנן ניהא, נשבעים לגזברים. ואם לאו – נשבעים לבני העיר, ובני העיר שוקלים אחרים

The Gemara asks: **According to the opinion of Rabbi Yoḥanan,** who holds that the oath mentioned in the mishna is a rabbinic ordinance, **it works out well** that if the shekels were stolen or lost by the agent after the collection of the Temple chamber was completed, the agent **takes an oath to the Temple treasurers. And if not,** if they were stolen or lost before the collections were collected, he **takes an oath to the residents of the town. And the residents of the town give other shekels**

HALAKHA

They perform the collection with the intention that the ceremony apply to money that has already been gathered as well as to money that will be gathered in the future – תורמין על הגבוי ועל העתידי לגבות the collection of the Temple chamber intends that the ceremony apply to that which has already been gathered and is in the chamber, that which has not yet reached the chamber, and even that which will be gathered in the

future. The reason for this is that since the shekels he collects will be used to buy sacrifices that will atone for the entire Jewish people, even those shekels that have not yet been gathered are considered as though they have reached the chamber, and the shekels that were collected apply to them as well. This is in accordance with the conclusion of the Gemara here (Rambam *Sefer Zemanim, Hilkhot Shekalim* 2:9).

HALAKHA

Even if the residents of the town took upon themselves to pay, the agent cannot discharge his obligations toward consecrated property without an oath – **אף על פי שקבלו – בני העיר לשלם**: If the residents of a town sent their shekels through an unpaid bailee and they were lost or stolen, and the residents said that even though he is legally obligated to take an oath they do not require him to do so, since anyway they are giving other shekels instead of the previous ones and they trust the agent's word, their claim is not accepted. The Sages decreed that consecrated property should not be redeemed without an oath, as the Gemara concludes (Rambam *Sefer Zemanim, Hilkhot Shekalim* 3:8).

NOTES

One set aside his shekel and subsequently lost it – הפריש רבי שיקלו ואבד: The Rosh and others (including the *Tiklin Hadatin* in his first explanation) maintain that the shekel was lost before the chamber collection was made. However, others maintain that the Gemara here is addressing a situation where the shekel was lost after the chamber collection. According to these opinions, the owner is held responsible for his shekel even after the chamber collection has been made, as long as the offerings bought from this collection have not yet been sacrificed (*Korban HaEida*; second explanation in *Tiklin Hadatin*).

Rabbi Yoḥanan said he is held responsible for it... Rabbi Shimon ben Lakish says consecrated items are considered to be in the possession of the Temple wherever they are – **רבי יוחנן אומר חייב באחריותו... רבי שמעון בן לקיש – רבי יוחנן אומר הקדש ברשות הגבוה בכל מקום שהוא**: Some commentaries explain that according to all opinions, one fulfills the mitzva of contributing the half-shekel the moment he sets aside the money. For this reason, Rabbi Shimon ben Lakish holds that he is exempt from responsibility. It is as if the money were already handed to the Temple treasurer, since wherever the money may be, it is considered to be in the possession of the Temple. However, Rabbi Yoḥanan holds that even after one has fulfilled the mitzva by setting aside the half-shekel, he is still obligated to ensure that his shekel reaches the Temple so that it will be in the chamber at the time of the collection. For this reason, he holds that until one gives the shekel to the treasurer, he is responsible for it. Since according to all opinions he has already fulfilled the mitzva of contributing the half-shekel at the time he set it aside, if it were lost without negligence on his part, as he gave it to a paid bailee, and it was lost after the chamber collection, he is exempt (*Iggerot Moshe, Yoreh De'a* 1:190).

Consecrated items are considered to be in the possession of the Temple wherever they are, whether or not they have reached the Temple treasurer – **הקדש ברשות – הגבוה בכל מקום שהוא**: Rabbi Shimon ben Lakish's opinion appears in tractate *Hullin* (139a). Rabbi Yoḥanan and Reish Lakish disagree there in a case where one said: This *maneh* is for the maintenance of the Temple, and then the *maneh*, an amount of money, was stolen or lost. According to Rabbi Yoḥanan, he is held responsible as long as the *maneh* has not yet reached the hands of the Temple treasurer. However, according to Reish Lakish, he is not held responsible. If the *maneh* still exists, even if it was lost or stolen and now is in the possession of others, since it was consecrated, it can be considered as belonging to God, i.e., the Temple, wherever it currently is. As it is stated, “The earth is God's and the fullness thereof” (Psalms 24:1). Similarly, in our case Reish Lakish holds that since he already consecrated his half-shekel, it belongs to the treasury of consecrated property, and even if it did not arrive there, he has fulfilled his obligation.

תחתיהן – משום שבועת תקנה.

אלא לרבי לעזר נשבעים לבני העיר, הדא היא דרבי שמעון. נשבעים לגזברים? גזברים מאי עבידתיהו?

נשבעים לבני העיר במעמד גזברים, בי היכי דלא לחשדינהו. אי נמי – דלא נשוו להו פושעים.

אף על פי שקבלו בני העיר לשלם – אין ההקדש יוצא בלא שבועה.

הפריש שקלו ואבד. רבי יוחנן אומר: חייב באחריותו עד שמיסרנו לגזבר. רבי שמעון בן לקיש אומר: הקדש ברשות הגבוה בכל מקום שהוא.

מתניתא פליגא על רבי שמעון בן לקיש: נשבעין לבני העיר, ובני העיר שוקלין תחתיהם. לא עוד היא משום שבועת תקנה?

in their place. Although by Torah law one does not take an oath on consecrated items belonging to the Temple treasury, and therefore there is no need to take an oath to the Temple treasurers, this oath is required **due** to the fact that it is a rabbinically **instituted oath**, as the Sages required the agent to take an oath as the bailee of the consecrated property that was deposited with him.

However, according to the opinion of Rabbi Elazar, there is a difficulty. It is reasonable that when the shekels are lost before the collection of the chamber ceremony, the agents must **take an oath to the residents of the town**, as this is in accordance with the opinion of Rabbi Shimon. As long as the collection of the chamber has not taken place, the residents of the town are held responsible for their shekels, since they are considered to be their property. But why does the agent **take an oath to the Temple treasurers** if the shekels are lost after the ceremony? With regard to the treasurers, **what is their purpose** in this discussion? One does not take an oath on consecrated items.

The Gemara answers: The mishna means that the agents **take an oath to the residents of the town in the presence of the Temple treasurers so that the treasurers will not suspect the residents of the town of not having given their shekels. Alternatively, even if the town residents are considered to be honest people who would not be suspected of withholding their shekels, the agents must take an oath in the presence of the Temple treasurers so that the treasurers will not regard the residents to be negligent people who failed to properly watch over the shekels.**

Rabbi Yoḥanan said that the oath mentioned in the mishna is a rabbinic ordinance. The Gemara comments: According to this opinion, the mishna's statement that if the shekels were lost before the collection of the chamber ceremony, the agents must take an oath to the residents of the town applies **even if the residents of the town took upon themselves to pay other shekels in place of the first ones that were lost or stolen**. In such a case, the residents relinquished their right to an oath from the agent, but since it is in reality consecrated property, there is still a rabbinic ordinance that the agent **cannot discharge his obligations toward consecrated property without an oath.**⁴

Until this point the Gemara has dealt with a situation where the shekels were lost or stolen from the agent. With regard to a case where one **set aside his shekel and subsequently lost it**⁵ before the collection of the chamber ceremony took place, **Rabbi Yoḥanan said:** Since the collection of the chamber had not yet taken place, the shekel is considered to be the property of the donor, and **he is held responsible for it until he hands it to the Temple treasurer.** Therefore, he must replace the lost shekel. **Rabbi Shimon ben Lakish says: Consecrated items are considered to be in the possession of the Temple treasury wherever they are,**⁶ whether or not they have actually reached the hands of the Temple treasurer.⁶ Therefore, the donor is not responsible for replacing the lost shekel.

The Gemara asks: **The mishna disagrees with the opinion of Rabbi Shimon ben Lakish, as it teaches that the agents who lost the shekels take an oath to the residents of the town, and the residents of the town contribute shekels in place of those lost.** Apparently, as long as the funds have not yet been collected, the shekels are considered to be in the possession of their owners. The Gemara answers: **Isn't this also because it is a rabbinically instituted oath?** This oath is not by Torah law, but rather instituted by the Sages to encourage people to look after the shekels until they are brought to the Temple. According to Rabbi Shimon ben Lakish, no oath is required by Torah law because the shekels belong to the Temple.

It was taught the first ones are allocated – **תְּנִי הָרִאשׁוֹנִים** – **נוֹפְלִים**: The later authorities asked: It seems from here that the obligation upon the residents of the town to set aside other shekels in place of the first ones is a rabbinic ordinance. We also find that the *amora'im* disagree about where these shekels are deposited, in the collection horns for the new shekels or in the collection horns for the old ones. This poses a difficulty: How can these shekels be deposited in one of the collection horns and be used for communal sacrifices, since by Torah law they have no sanctity? They answered, as taught previously (3a), that just as the court has the authority to remove someone from ownership of a field and thereby exempt it from tithes, so too, the court may decree that when one gives a half-shekel to the treasury in fulfillment of a rabbinic ordinance, the coin becomes a consecrated item and may be used to buy communal sacrifices (*Meishiv Davar*).

Guilty of misuse of consecrated property – מַעַל: Misuse of consecrated property occurs when one derives benefit worth at least a *peruta* from consecrated items, whether they were consecrated for the altar or for Temple maintenance, and one was not entitled to derive benefit from them. If one intentionally derived benefit he is flogged and pays the treasury of consecrated property the amount that he benefited. If he unwittingly derived benefit, he pays the Temple treasury the amount that he benefited and adds a fifth more, and he also brings a ram as a guilt-offering to atone for him (Rambam *Sefer Avoda, Hilkhot Me'ila* 1:3).

Of the second tithe – מִמַּעֲשֵׂר שְׁנִי: The *halakha* of second tithes is written in the Torah (Deuteronomy 14:22–27) and its principles are taught in the Mishna tractate *Ma'aser Sheni*. This tithe is in addition to the one given to the Levites, and therefore it is termed the second tithe. It is separated in the first, second, fourth, and fifth years of the Sabbatical cycle; during the first and third years a tithe for the poor is given instead. The second tithe is brought to Jerusalem to be eaten there by its owner. If he cannot bring it there himself, he may redeem it, and with the money that he set aside in its place he may purchase various food items.

Second tithes do not have many regulations besides the prohibition against eating them in ritual impurity or while in mourning. The *tanna'im* disagree with regard to the nature of second-tithe money (*Sanhedrin* 112b). According to the opinion of the Rabbis, second tithes belong to their owners, but the Torah obligated them to use this part of their property in a special manner. According to the opinion of Rabbi Meir, second tithes are a form of consecrated property, but the Torah gave the owner permission to derive benefit from this consecrated property in Jerusalem.

תְּנִי הָרִאשׁוֹנִים נּוֹפְלִים לְתַקְלִין
חֲדָתַיִן, וְהַשְּׁנָיִים נּוֹפְלִין לְתַקְלִין
עֲתִיקִין.

It is taught in the mishna that if the shekels were stolen or lost by the agents and the residents of the town 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 *baraita*: The first ones are allocatedⁿ to the collection of the new shekels, from which the sacrifices of the coming year will be brought, and the second ones are allocated to the collection of old shekels,^h which are used to repair and maintain the Temple.**

אֵלוּ הֵן הָרִאשׁוֹנִים וְאֵלוּ הֵן
הַשְּׁנָיִים? רַבִּי פִּנְחָס בֶּן רַבִּי חִיָּיא
וְרַבִּי אֲבָא מֵרִי, חֵד אָמַר: אֵלוּ
שְׁתַּלְּחוּ בְּיַד הָעִיר תְּחִלָּה, וְחֲרָנָה
אָמַר: אֵלוּ שֶׁהִגִּיעוּ לְיַדֵּי גֹבְרִין
תְּחִלָּה.

The Gemara asks: **Which are the first ones and which are the second ones?** 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? **Rabbi Pinehas, son of Rabbi Hiyya, and Rabbi Abba Mari disagreed. One of them said that the first shekels are those that the residents of the town 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.**

הַלְכָה בַּמֵּתִי הַנוֹתֵן שֶׁקֶל
לְחֵבֵירוֹ לְשֶׁקוֹל עַל יָדוֹ, וְשֶׁקֶל
עַל יָדוֹ עָצְמוֹ. אִם נִתְרַמָּה הַתְּרוּמָה –
מֵעַל.

HALAKHA 2 • MISHNA With regard to **one who gives his shekel to his fellow to contribute on his behalf** by placing it in the collection horn for him, **and the fellow instead contributed it for himself,^h 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 **misuse of consecrated property.ⁿ** 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 agent 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.

הַשֹּׁקֵל שֶׁקָּלוּ מִן הַהֶקְדָּשׁ וְנִתְרַמָּה
הַתְּרוּמָה וְקָרְבָה הַבְּהֵמָה – מֵעַל,
מִמַּעֲשֵׂר שְׁנִי וּמִדְּמֵי שְׁבִיעִית –
יֹאכֵל בְּנִגְדָן.

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^h** as a communal offering, he is guilty of **misuse of consecrated property** once the animal has been offered. 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. If one mistakenly contributed his shekel from money used to redeem the fruits of the **second titheⁿ or from money** from the permitted sale of produce grown during the **Sabbatical Year,^h he must eat non-sacred fruits besides the ones he already possesses, corresponding to the value of the shekel, and he must treat them with the sanctity of second tithes or Sabbatical Year fruits.**

HALAKHA

The first ones are allocated to the collection of the new shekels and the second ones are allocated to the collection of old shekels – **תְּנִי הָרִאשׁוֹנִים נּוֹפְלִין – הָרִאשׁוֹנִים נּוֹפְלִים לְתַקְלִין חֲדָתַיִן וְהַשְּׁנָיִים נּוֹפְלִין לְתַקְלִין עֲתִיקִין**: If the agent took an oath as required and the treasurers collected other shekels from the residents of the town, and then the robbers returned the original shekels, both sets are consecrated as shekels. However, they do not count for the next year. The first ones are deposited with the shekels of the present year, while the second ones are deposited with the previous year's shekels. The *amora'im* in the Jerusalem Talmud here disagree with regard to which ones are considered the first shekels. Some say the first shekels are those that were collected first and were lost or stolen and then returned. Others say that those that reached the Temple treasurer first are considered to be the first shekels (Rambam *Sefer Zemanim, Hilkhot Shekalim* 3:9).

One who gives his shekel to his fellow to contribute on his

behalf and the fellow contributed it for himself – **הַנוֹתֵן שֶׁקֶל – לְחֵבֵירוֹ לְשֶׁקוֹל עַל יָדוֹ וְשֶׁקֶל עַל יָדוֹ עָצְמוֹ**: With regard to one who gives a half-shekel to his fellow to contribute for him, and the agent gave it in his own name, if the collection of the Temple chamber has already been collected, the agent is guilty of gaining benefit through the misuse of consecrated property. This money is considered to be in the possession of the Temple treasury, since the treasurers who perform the collection of the chamber contributions also have in mind the shekels that will be collected in the future. If the collection of the chamber has not taken place, he is not guilty of misuse of consecrated property, since it is still considered to be the property of the owner. However, he must return the half-shekel to his fellow (Rambam *Sefer Zemanim, Hilkhot Shekalim* 3:10; Rambam *Sefer Avoda, Hilkhot Me'ila* 6:13).

One who contributes his shekel from consecrated money and the collection was collected and an animal was

sacrificed – **הַשֹּׁקֵל שֶׁקָּלוּ מִן הַהֶקְדָּשׁ וְנִתְרַמָּה הַתְּרוּמָה וְקָרְבָה הַבְּהֵמָה**: With regard to one who unwittingly contributed his half-shekel from consecrated money in his possession, and the chamber has already been collected, when the half-shekel will be used to buy communal sacrifices, he is liable for misuse of consecrated property. However, he has fulfilled his obligation to contribute a half-shekel, in accordance with the mishna (Rambam *Sefer Zemanim, Hilkhot Shekalim* 3:11).

Money of the second tithe or money from the Sabbatical Year – מִמַּעֲשֵׂר שְׁנִי וּמִדְּמֵי שְׁבִיעִית: One who unwittingly contributed his half-shekel from second-tithe money must eat a corresponding value of food, in place of that money, in Jerusalem. If he contributed from Sabbatical Year money, he must eat a corresponding value of fruit, in place of that money, with the sanctity of the Sabbatical Year (Rambam *Sefer Zemanim, Hilkhot Shekalim* 3:11).

As Rabbi Shimon said, he would immediately receive his money – מִיד הָיָה מְקַבֵּל – מְעוֹתָיו: Rabbi Shimon's opinion is cited later on in the Gemara (13b) as a dissenting opinion to that of the Rabbis. It is taught in the mishna (*Shekalim* 13a) that if one sells fine flour or wine to the Temple treasury, and the flour becomes wormy or the wine turns to vinegar, they are the responsibility of the one who vowed to bring them, and he must bring others in their place. This responsibility remains incumbent upon him until they are offered on the altar as required. It is not enough that the treasurers receive them from the seller and bring them to the appropriate chamber where they are stored in the Temple; the seller cannot receive his money until they have been offered, and they do not leave his possession until that time. The Gemara there brings the opinion of Rabbi Shimon, who argues with the opinion expressed in the mishna and holds that as soon as the seller has supplied the flour or wine to the Temple treasurer, he receives his payment immediately; the items leave his possession and belong to the treasury of consecrated property, and he is not responsible for them afterward.

גמ' "השוקל" כו' אֲנִי תַנִּינִן: אִם קָרְבָּה הִבְהַמָּה וְתַנִּי דְבֵי רַבִּי: אִם נִתְרַמָּה הִתְרוּמָה.

מֵאֵן תֵּנָא אִם נִתְרַמָּה הִתְרוּמָה – רַבִּי שִׁמּוֹן הִיא. דְּאָמַר רַבִּי שִׁמּוֹן: מִיד הָיָה מְקַבֵּל מְעוֹתָיו, וְהִכְהִינִי וְרִיזִים הֵן.

וְקָשִׁיא: אֵילוּ הַגּוֹנֵב עוֹלָתוֹ שֶׁל חֵבִירוֹ וְשִׁחֲטוֹ סֵתָם, סֵתָמָא לֹא לְשֵׁם בְּעָלִים הָרֵאשׁוֹנִים מִכִּפְרֵת?

אָמַר רַבִּי יוּדָן: הִיפְתֹּר בְּמַסּוּיִם מִשָּׁל בֵּית רַבִּן גַּמְלִיאֵל, שֶׁהָיָה מִתְבָּוִין וְדוֹחְפוֹ לְתוֹךְ הַקּוּפָה.

וְחָשׁ לומר שְׂמָא לְשִׁירִיִּים הֵן נוֹפְלִין, וְכִי יֵשׁ מְעִילָה בְּשִׁירִים.

אֵלָּא כְּרַבִּי מֵאִיר. דְּרַבִּי מֵאִיר אָמַר: מוֹעֲלִין בְּשִׁירִים. עוֹד הִיא בְּמַסּוּיִם שֶׁל בֵּית רַבִּן גַּמְלִיאֵל שֶׁהָיָה מִתְבָּוִין וְתוֹרְמוֹ לְשָׂמוֹ.

GEMARA It is taught in the mishna that **one who contributes** his shekel from consecrated money, when the collection of the chamber ceremony takes place and the animal has been offered, he is guilty of misuse of consecrated property. The Gemara records two different versions of this *halakha*. **We learned in the mishna: If the animal was offered**, indicating that if the animal had not been offered, even if the collection of the chamber ceremony has taken place, he has not misused consecrated property. **The school of Rabbi Yehuda HaNasi taught: If the collection of the chamber had been collected**, indicating that he is guilty of misuse of consecrated property even before the animal was offered.

The Gemara asks: **Who is the *tanna*** from Rabbi Yehuda HaNasi's school who taught: **If the collection had been collected? 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 moneyⁿ** from the treasurers, **and the priests, who are vigilant** with regard to mitzvot, would ensure that the relevant items would not become disqualified. 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 person who contributed his shekel from consecrated money is guilty of misuse consecrated items.

The mishna taught that if one gave his shekel to an agent to place into the collection horns and the agent placed it in for himself, if the collection of the chamber ceremony has taken place, the agent has misused consecrated property. The Gemara comments: **This is difficult. If one steals his fellow's burnt-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?** The same principle should apply here. Since the treasurer performs the ceremony 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 agent receives no benefit from it, why is he considered to have misused consecrated property?

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 agent, 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.

The Gemara comments why it must be the case that the person who illicitly contributed the shekel in his own name is liable for misuse of consecrated funds only if that particular coin is identifiably among those collected. Otherwise, wouldn't one **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 misuse of consecrated property with regard to the remaining** contributions? According to the majority of the Sages, one is not liable for misuse of consecrated property for the remaining funds of the Temple treasury chamber.

Should one rather explain the mishna in accordance with the opinion of Rabbi Meir? **As Rabbi Meir says: One is liable for misuse of consecrated property with regard to the remaining** contributions of the chamber. The *halakha* is clearly not in accordance with R. Meir, as the majority rule otherwise, and the mishna does not indicate that it is reflecting a minority opinion. Therefore, **this too** is reasonable only if the mishna 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 agent is liable for misuse of consecrated property.

That which is already sanctified, no other sanctity can extend to it – כל שהוא קודש אין קדושה חלה עליו – If one designated an animal that was already consecrated as an offering to be consecrated for Temple maintenance, the new consecration takes effect. The animal is evaluated and redeemed, and its value is given toward the maintenance of the Temple. The animal itself is then sacrificed as the offering for which it had originally been consecrated. However, if one consecrated an animal already consecrated toward the maintenance of the Temple and said: This is a burnt-offering, or: This is a peace-offering, or he consecrated it for the priests, his action has no effect. The renewed consecration as an offering or consecration for the priests cannot be added to the original animal consecrated for maintenance of the Temple, since one cannot consecrate that which does not belong to him (Rambam *Sefer Hafla'a, Hilkhot Arakhin VaHaramim* 6:8).

NOTES

That *sela* assumes the status of second tithe. The rest becomes consecrated with the sanctity of shekels – ואותה סלע נתפס לשם מעשר שני והשאר נעשו שקלים. The same solution applies to the case of one who contributed his half-shekel from Sabbatical Year money. He transfers the sanctity of the Sabbatical Year money onto a different coin, thus allowing the original coin to be consecrated as a shekel (Rash Sirilio).

One who gathers together small coins and said: These are for my shekel – המכנס מעות ואמר הרי אלו לשקלי – If one says that he is collecting money for his half-shekel and eventually collects a larger amount than a half-shekel, he must contribute his half-shekel from the collected money. The remaining money is non-sacred property. This is in accordance with the opinion of Beit Hillel, as explained by Rabbi Yosei in the name of Rabbi Elazar (Rambam *Sefer Zemanim, Hilkhot Shekalim* 3:13).

That I will bring my sin-offering from these – שאביא מהן חטאתי: If one says when one begins collecting money: I will bring my sin offering from this money, he must use it to buy an animal as a sin offering. Any leftover money is non-sacred property according to all opinions (Rambam *Sefer Avoda, Hilkhot Pesulei HaMukdashin* 5:7).

NOTES

The leftover coins are a free-will offering – מותרן נדבה: This free-will offering was used as repletion of the altar, i.e., burnt-offerings sacrificed at times when the altar was idle. When there were no other sacrifices to be brought on the altar, rather than leave the altar idle, the priests used special gift funds, which had been placed in an appropriate collection horn, to purchase animals to sacrifice as burnt-offerings. The meat from these offerings was burnt on the altar and their hides belonged to the priests.

מה נהנה? אמר רבי אבין בשם רבנן דתמן: מכין שבית דין ראון למשכן ולא משכנו – כמו שנהנה.

The Gemara asks: **How did the agent who placed the coin in the basket for himself benefit, that he should be liable for misuse?** His goal was to perform a mitzva, and there is a principle that mitzvot were not given to derive benefit from them. We do not consider actions performed to fulfill a mitzva as personally beneficial to those who performed them. **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.**

ממעשר שני וכו' – דכתיב: "אך בכור אשר יבפר לה' בבמה לא יקדיש איש אתו" כל שהוא קודש – אין קדושה חלה [עליו]. ביצד הוא עושה?

The mishna seems to indicate that one who brings his half-shekel from second-tithe money has fulfilled his obligation, although he must eat non-sacred fruits in place of the second-tithe money. The Gemara asks: 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 firstling which is born first to God among animals, no man shall sanctify it"** (Leviticus 27:26), and the Sages learn from the wording of this verse: **That which is already sanctified, no other sanctity can extend to it.**^h If so, what does he do so that the second-tithe money he contributed should count as his half-shekel?

מביא סלע של חולין ואומר: מעות מעשר שני בכל מקום שהן יהו מחוללין על סלע זו. ואותה סלע נתפס לשם מעשר שני, והשאר נעשו שקלים.

The Gemara answers: **He brings a sela, i.e., a coin of non-sacred money, and says: The second-tithe money, already contributed, wherever it may be, should be redeemed upon this sela. That sela assumes the status of second tithe, which is transferred from the half-shekel that had been placed in the collection horn. The rest, i.e., the original contribution, becomes consecrated with the sanctity of shekels.**ⁿ

Perek II
Daf 6 Amud a

הלכה ג מתני' המכנס מעות ואמר "הרי אלו לשקלי", בית שמאי אומרים: מותרן נדבה, ובית הלל אומרים: מותרן חולין.

HALAKHA 3 • MISHNA With regard to one who gathers together small coins and said: **These are for my shekel,**^h and subsequently discovered that it amounted to more than a half-shekel. **Beit Shammai say: The leftover coins are placed in the collection horn designated for a free-will offering,**ⁿ as the money is consecrated property but it does not have the status of a shekel. **Beit Hillel say: The leftover money is non-sacred property since, ab initio, he had in mind to consecrate a half-shekel and no more. An item that was consecrated by mistake does not have the status of consecrated property.**

"שאביא מהן שקלי" – שוין שהמותר חולין. "אלו לחטאתי" – שוין שהמותר נדבה. "שאביא מהן חטאתי" – שוין שהמותר חולין.

However, if he originally said: **I am gathering together this money so that I will bring my shekel from these, they agree that the leftover money is non-sacred property.** If one who was obligated to bring a sin-offering gathered together coins and said: **These are for my sin-offering,** then if he had accumulated more than was needed, **they agree that the leftover money must be designated as a free-will offering.** However, if he originally said: **That I will bring my sin-offering from these,**^h **they agree that the leftover money is non-sacred property.**

אמר רבי שמעון: מה בין שקלים לחטאתא? אלא, של שקלים יש להן קצבה ולחטאתא אין לה קצבה.

Rabbi Shimon said: What is the difference between shekels and a sin-offering? Why do Beit Hillel say that the leftover money is non-sacred property in the case of shekels, while with regard to a sin-offering they say that the leftover money is consecrated for a free-will offering? Rather, the issue is that shekels have a fixed value, a half-shekel and no more. Therefore, there is a clear amount beyond which one did not intend the money to become consecrated property. However, a sin-offering has no fixed value. Since the entire sum that one collected could have been used to purchase a sin-offering, whatever he didn't use must at least be designated for a free-will offering.