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Misappropriating Machatzit Ha'Shekel

The *Mishnah* (2:2) discusses a case where one elected his friend as a *shaliach* to contribute his *machatzit ha'shekel*, but that friend handed it in for himself. The *Mishnah* teaches that if the *trumot ha'lishcha* has been taken, then his friend has violated the prohibition of *meila*. *Meila* refers unlawfully using sanctified property – property of the *Beit HaMikdash*. One who violates this prohibition is obligated to bring a *korban meila*. In addition he must repay the principle amount as well as an extra twenty-five percent of the principle value of the benefit gained (referred to as *chomesh*).

Why is the prohibition only violated if *trumot ha'lishcha* is performed? *Trumat ha'lishcha* is where a portion of the collected funds are separated to finance the *korbanot*. At that time, it is separated not only for the money that is present in the treasury, but for all other funds still to be collected as well. This was so that the *korbanot* purchased from the separated money would be considered on behalf of the entire nation. Consequently in this situation once the *machatzit ha'shekel* is handed over to the *shaliach* it is considered *hekdesh* (*Bartenura*).

What benefit is being gained by the *shaliach*? The *Tifferet Yisrael* explains that it is not because the *shaliach* fulfills the *mitzvah* by using the coin, because we have a principle that *mitzvot lav lihanot nitnu*. Instead, the *Yerushalmi* explains that the benefit gained is because *Beit Din* is able to forcefully seize a *mashkon* (collateral) from one that has not paid his *machatzit ha'shekel* and the *shaliach* is avoiding that scenario.

The *Lechem Shamayim* asks, what sum of money (plus *chomesh*) must the *shaliach* repay? Is it a half a *shekel* or is

it the monetary value of not having had a *mashkon* taken from him? This case might be considered similar to the case where one wears a chain belonging to *hekdesh*. The *Mishnah* (*Meila* 5:1) rules that we estimate how much one would pay to wear such a chain for the period it was worn. This then seems to align with the second option above.

A further question asked is did the *shaliach* fulfil his obligation to give *machatzit ha'shekel* when he handed over the coin he was entrusted with? If not, according to the possibility that he must repay a half *shekel*, would fulfil his obligation then or is a further half *shekel* required? The *Lechem Shamayim* understands that the *Rambam* holds that the *shaliach* had fulfilled his obligation.¹

He continues by noting that if the *shaliach* had fulfilled his obligation then we find that two people fulfil their obligation with one coin! This might seem difficult. He explains that the sender fulfilled his obligation when he handed over the coin as it instantly transferred to the property of *hekdesh*. When the *shaliach* intended to use the coin for himself it became *chullin* – no longer *hekdesh*. Consequently the *shaliach* can then fulfil his obligation with that coin, albeit now obligated to repay the coin he stole from *hekdesh* (aligning with the first understanding).²

He adds however that according to the second understanding, that the value repaid is that of avoiding having a *mashkon* taken, it is clear the *shaliach* did not fulfil his obligation in the outset, because the coin never became *chullin*. Also the payment for *meila* would not satisfy despite most likely not equalling a half *shekel*. According to that understanding another half *shekel* would be required.

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¹ The following may be a proof for this understanding. The *Yerushalmi* says that the benefit gained is that *Beit Din* cannot come and take a *mashkon*. If the *shaliach* did not fulfil his obligation, then no such benefit was gained. That said the *Yad Avraham* cites *R' Shmuel* that this benefit has been gained even if no *mitzvah* was fulfilled as would *Beit Din* would still not take a *mashkon* having been defrauded by the *shaliach's* actions.

Note that this understanding that the *shaliach* had fulfilled his *mitzvah* aligns with the commentaries that explain that the *meila*

was not due to the benefit gained for performing a *mitzvah* as *mitzvot lav lihanot nitnu*. If no *mitzvah* was performed, then there would be no need to raise this point.

² Perhaps this still does not go against the *Yerushalmi* that explains that the benefit gained is avoiding having a *mashkon* taken. When the *Yerushalmi* asked "what is the benefit?" it may not be asking how we are evaluating *meila* but what personal benefit is there that it can be considered *shlichut yad*.

Revision Questions

שקלים א' ב' - ג' ג'

- According to *R' Yehuda*, what did the *beit din* do when they found a field with *kilayim*? (Include all three responses.) (א: ב')
- Explain, including the important dates, the system used to collect the *shekalim*? (ג: א')
- Explain the debate regarding whether a *kohen* can volunteer to contribute a *machatzit ha'shekel*? (ד: א')
- Can a *nochri* contribute a *machatzit ha'shekel*? (ה: א')
- Which *korbanot* can a *nochri* offer? (ו: א')
- What is a *kalbon* and who is required to contribute it? (ז: א')
- Explain the debate between *R' Meir* and the *Chachamim* regarding the *kalbon*. (ח: א')
- When are two brothers required to contribute a *kalbon* and how does it relate to their obligation to separate *ma'aser behema*? (ט: א')
- Were the change tables in each city allowed to convert the collected half *shekels* to other coins to lighten the load? (י: ב')
- What was the shape of the collection boxes? (יא: ב')
- If the coins collected from a particular city were stolen or lost in transit, when are the citizens required to replace the lost coins? (יב: א')
- If a person gave his friend a half *shekel* to give on his behalf, yet the friend went and gave it on his own behalf, when do we say that the friend has transgressed the prohibition of *me'ilah*? (יג: ב')
- What should one do if they contributed their half *shekel* from *ma'aser sheni* money? (יד: ב')
- Explain the debate between *Beit Shammai* and *Beit Hillel* about what to do with the money that is left over from a bunch of coins that were set aside for giving *machatzit ha'shekel*. (טו: ב')
- How does *R' Shimon* explain the different rulings of *Beit Hillel* regarding the left over coins for *machatzit ha'shekel* and left over coins for a *korban chatat*? (טז: ב')
- What is done with the left over coins that were separated for a: (יז: ה')
 - *Korban chatat*?
 - *Korban nedava*?
 - *Korban olah*?
 - *Korban mincha*?
 - *Korban shlamim*?
 - *Korban pesach*?
- How many times during the year would they refill the coin boxes? (יח: ג')
- According to *R' Akiva* what else occurred during these dates? (יט: ג')
- How many coin boxes were there? (כ: ב')
- How big were the coin boxes? (כא: ב')
- What was special about the dress of the person responsible for refilling the coin boxes? (כב: ג')
- How would they authorise the person responsible for filling the coin boxes to begin work? (כג: ג')

Local Shiurim

Melbourne, Australia

Sunday -Thursday
10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat
10 minutes before *Mincha*
Beit Ha'Roeh
Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday
Rabbi Mordechai Scharf
9:00am
Kollel Magen Avraham
Reemon Neighbourhood

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
In US dial: 718 906 6400
Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
13 th November ט"ז חשוון	14 th November י"ז חשוון	15 th November י"ח חשוון	16 th November י"ט חשוון	17 th November כ' חשוון	18 th November כ"א חשוון	19 th November כ"ב חשוון
Shekalim 3:4-4:1	Shekalim 4:2-3	Shekalim 4:4-5	Shekalim 4:6-7	Shekalim 4:8-9	Shekalim 5:1-2	Shekalim 5:3-4

