



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Shekalim Daf Gimmel

MESAKNIN ES HADRACHIM V'ES HARICHOVOS...V'OSIN KOL TZARCHEI HARABIM

- A Braisa (in reference to things that may be done on Chol Hamoed) explain that "tzarchei harabim" include: holding court cases for all types of cases, redeeming all types of promises, giving a sotah to drink the "mei hamarim", burning the parah adumah, performing the eglah arufah, drilling the ear of a Jewish slave, providing for the purification of a metzorah, and removing the locks from the water reservoir.
  - A Mishna says, we may also water an irrigated field and mark the graves on Chol Hamoed Pesach.
    - **Q:** We have already marked the graves on the 15<sup>th</sup> of Adar, so why would this need to be done on Chol Hamoed!? **A:** It can happen that a rainstorm after the 15<sup>th</sup> of Adar washes away the lime used to mark the graves, and they therefore have to be redone.
  - The Mishna there also says that they go out to deal with the kilayim on Chol Hamoed Pesach.
    - **Q:** This was already done on the 15<sup>th</sup> of Adar!? **A:** The Mishna refers to a year when the produce was late in growing, and therefore on the 15<sup>th</sup> of Adar it was not yet noticeable.
  - **Q:** Where do we find that we are supposed to mark graves? **A: R' Chunya of Bras Chavrin** said, the pasuk says "v'tamei tamei yikra", which he darshens to mean, the tumah should call out and warn people to stay away. We mark the graves to likewise warn people to stay away. **A2: R' Eila in the name of R' Shmuel bar Nachman** said, the pasuk says that people will pass by "v'ra'ah etzem adam u'banah etzlo tziyun". The word "etzem" teaches that we make a marker for bones even if the flesh has already decomposed, the word "adam" teaches that we make a marker even if only the spinal column and skull are there, the word "u'banah" teaches that we mark (with lime) on a stone that is attached to the ground at the grave (if it is not attached, it will roll away and cause all sorts of mix-ups), the word "etzlo" teaches that the marker should be made next to (but not on top of) the grave, and the word "tziyun" teaches that we must make a marker for a grave.
    - A Braisa says, if one finds one marked stone, we must assume that the grave is directly under it. If we find 2 marked stones near each other, we assume that the area between them is tamei, but directly under them is tahor. However, if the area between them was plowed, we must assume that they are 2 single markers, marking 2 separate graves (directly under each of them).
    - A Braisa says, we do not mark the grave that contains only flesh, because it will soon decompose (at which time it will no longer give off tumah) and a marking for it will make people treat it as tamei even though it is tahor (and terumah will be disposed of unnecessarily because of it).
      - **Q: R' Yusta bar Shuneim** asked, before decomposition the flesh does give off tumah, and not marking it will cause terumah or kodashim to become tamei at that time!? **A: R' Mana** said, we choose not to mark it and risk the short time before decomposition, rather than mark it and risk forever after decomposition.

## MISHNA – HALACHA BEIS

- **R' Yehuda** said, originally, if Beis Din found kilayim in someone's field when they went to inspect, they would uproot it and throw it down in front of him. When the number of sinners increased, Beis Din began to uproot the kilayim and throw it out onto the street. Eventually, Beis Din stopped uprooting the kilayim altogether and declared any field in which they found kilayim to be hefker, until the kilayim was removed.

## GEMARA

- A Braisa says, **R' Yehuda** said, originally, if Beis Din found kilayim in someone's field when they went to inspect, they would uproot it and throw it down in front of him (for his animals to eat). When the number of sinners increased (who were happy that Beis Din was weeding their field for them and providing food for their animals), Beis Din began to uproot the kilayim and throw it out onto the street (so the owner would not benefit from it, but they were still happy that Beis Din was weeding the field for them). Eventually, Beis Din stopped uprooting the kilayim altogether and declared any field in which they found kilayim to be hefker, until the kilayim was removed.
- **Q:** How do we know that Beis Din has the power to make something hefker? **A:** Ezra commanded that all people come together, and said that those who don't come will have all their possessions rendered hefker.
  - **Q:** How do we know that when Beis Din makes something hefker they become patur from ma'aser (a truly ownerless item is patur from ma'aser)? **A:** **R' Yonason the son of R' Yitzchak bar Acha** said, a Braisa says that Beis Din should not add a second Adar during a shmitta year or the year following a shmitta year. However, if they did add a second Adar, it is effective. Now, the produce of that second Adar of shmitta presumably is patur from ma'aser (as all produce of shmitta). We see that when Beis Din makes something hefker, it is patur from ma'aser.
    - **R' Avun** said, the reason a second Adar should not be added to a year following shmitta is because we don't want to delay the time when the new crop may be eaten (beginning the second day of Pesach).
    - **R' Ze'ira in the name of R' Elazar** said, adding a month to a shmitta was only problematic before **Rebbi** allowed the import of produce from lands outside Eretz Yisrael. Once it was allowed, there is no problem with extending shmitta. Also, adding to the year following shmitta is only problematic when the crop would be ready to be cut by Nisnon. However, since it is not ready to be cut at that time anymore, we can add a month to that year as well.
    - **Q:** **R' Avun** said, **R' Yonason's** proof is not good, because the Torah gives the **Rabanan** the authority to add a month to the year, therefore, when doing so, the resulting hefker is patur from ma'aser. However, this proves nothing for a case where the **Rabanan** simply declare something hefker (like regarding the kelayim)!? **A:** We learn it from the Mishna which says, if one places a pile of produce over stalks that are "leket" (belong to the poor people), the **Rabanan** instituted that the entire layer of the pile that touches the ground belongs to the poor people. **R' Yose** said, this produce is patur from ma'aser and the poor people can simply eat it without giving ma'aser. From here we see that something made hefker by the **Rabanan** is patur from ma'aser.

## MISHNA – HALACHA GIMMEL

- On the 15<sup>th</sup> of Adar, moneychangers would sit throughout the lands to assist people in getting the machtzis hashekel coins. On the 25<sup>th</sup> of Adar (when time was getting close for the need of the money), the moneychangers would sit by the Beis Hamikdash (which would signify that the time was getting close). From this time (the 25<sup>th</sup>), Beis Din would also begin seizing assets to pay for this obligation.
  - They would only seize assets from Levi'im, Yisraelim, geirim, and freed slaves. However, they would not seize from women, slaves, and minors.

- If a father began to give machtzis hashekel on behalf of his minor child, the father may not stop giving for him (until he is at the age of giving for himself).
- We don't seize from the Kohanim, for the sake of peace.
- **R' Yehuda** said, **Ben Buchri** testified in Yavneh, if a Kohen gives a machtzis hashekel, he has not done an aveirah. **R' Yochanan ben Zakai** said to him, actually, any Kohen who does *not* give a machtzis hashekel has done an aveirah! He explains, the reason some Kohanim don't give is because they darshen a pasuk incorrectly for their benefit. A pasuk says that a Mincha brought by a Kohen may not be eaten and must be entirely burned. These Kohanim say, since some of the Minachos brought by the tzibbur must be eaten (the Omer, Shte Halechem, and Lechem Hapanim), we cannot give money towards them (by giving a machtzis hashekel), because if we do, they will not be allowed to be eaten!

#### GEMARA

- The Mishna seems to say that we don't seize from minors, but we do demand that they pay. The Gemara says, that is only for minors who have grown "shte sa'aros". If he does not yet have that, he need not pay at all. We do not seize from him until he reaches 20 years old.
- A Braisa says that we don't seize from the Kohanim as a sign of respect (not for the sake of peace).

#### AMAR R' YEHUDA HEY'ID...

- **R' Brachya** explains that **R' Yochanan ben Zakai** says, the pasuk says "zeh yitnu", and "zeh" is the gematriya of 12. This teaches that all 12 shevatim must give the machtzis hashekel.
- **R' Tavi in the name of R' Hamnuna** said, the **Chachomim** who agree with **R' Yochanan ben Zakai** refute the drasha of the Kohanim by saying: the halacha is that at times a chatas of an individual is left to die, but the chatas of the tzibbur is never left to die. If so, how can we have individuals donate for the chatas of a tzibbur? It must be that the chatas of the tzibbur does not have the status of an individual's chatas even though individuals contribute money. The same must be said, that the money of the Kohanim will not give the Mincha of the tzibbur the status of the Mincha of a Kohen! **R' Yehuda** answers back, since (as he holds) Kohanim are not obligated to give the machtzis hashekel, if they give it, it does not necessarily become the tzibbur's money, and that's why it is a bigger problem than other individuals giving (since they are obligated, the money belongs to the tzibbur). However, the **Chachomim** answer back, if the Kohanim donate it, they give it over to the tzibbur wholeheartedly, and it is therefore considered to be the money of the tzibbur.
  - The pasuk says that the machtzis hashekel must be given by "kol ha'over ahl hapikudim". There is a machlokes between **R' Yehuda** and **R' Nechemya** regarding who that includes. One says it refers to all those who passed through the Yam Suf (which includes Kohanim as well, as **R' Yochanan ben Zakai** said), and the other says it refers to all those who were counted along with Klal Yisrael (which excludes Kohanim and Levi'im, as **Ben Buchri** said).