

1 Today we will learn בע"ה of 'דף ג' of מסכת שקלים.

The topics we will learn about include:

The gemara will elaborate on the various public works that Beis Din began taking care of on the 15th of Adar.

The mishna and gemara will then discuss how Beis Din enforced the prohibition of כלאיים.

The next mishna and gemara will continue to explain how Beis Din enforced the collection of the השקל מחצית.

1

- ◆ Public Works
- ◆ The prohibition of כלאיים
- ◆ Collection of the מחצית השקל

2 Some of the key terms and concepts we will learn about include:

הפקד בית דין הפקר

Beis Din has the authority to render someones property ownerless, if they are not heeding the calls of Beis Din

שולחני

A shulchani is a money changer, called so because he sat at a table. In the case of our gemara, these were Beis Din appointed representatives who would change small coins, or foreign money, into the requisite מחצית השקל coins needed to perform the Mitzva of השקל.

2

- ◆ הפקר בית דין הפקר
- ◆ שולחני

3 So let's review...

The mishna had mentioned that one of the items that was performed on the 15 of Adar was צרכי רבים. The gemara clarified what exactly was done by the Beis Din staffers.

דנים דיני ממונות ודיני נפשות ודיני מכות. Open monetary cases, capital cases, and cases of infractions which carried the punishment of מלקות, were all brought to closure, so as to fulfill תכלה השנה ועונשיה. To be able to usher in the new year at Rosh Chodesh Nissan without any open judicial matters.

3

צרכי רבים

דיני ממונות

דיני נפשות

דיני מכות

תכלה השנה ועונשיה

4 In addition All pledges and monies due to the Beis HaMikdash were collected, as well as any open Beis Din matters that needed to be dealt with, such as the burning of a Para Aduma, purifying a Metzora, putting a Sotah through the process of drinking the special waters, and more.

ומפרקין את המונעל מעל גבי המים ואין מחזירין אותה

The covers of the water wells, which specifically served the Goyim, were removed and not replaced until the end of the summer.

4



ומפרקין את המונעל מעל גבי המים
Removed the covers of the water wells

5 The Gemara asked on the concept of marking graves that was brought in the mishna

ומניין לציון

From where do we learn out that a grave needs to be marked.

The gemara quoted a pasuk וטמא טמא יקרא

This pasuk is speaking about a Metzora who is required to publicize his Tumah so that people can distance themselves from his Tumah.

From here the gemara learned

כדי שתהא הטומאה קוראה לך בפיה ואומרת לך פרוש

That the specific Tumah itself should call out to others to separate themselves from the impurity.

brought a different pasuk as the source for marking tumah.

Namely, The pasuk in יחזקאל

ועברו העוברים בארץ וראו עצם אדם ובנה אצלו ציון

5

מניין לציון

The source that a grave needs to be marked

From יחזקאל	From תורה
	
ועברו העוברים בארץ וראה עצם אדם ובנה אצלו ציון	כדי שתהא הטומאה קוראה לך בפיה ואומרת לך פרוש

6 While on the topic, the gemara added that marking a grave is specifically if there are bones buried there. If there is only flesh, one need not mark the grave as the flesh will soon disintegrate.

The gemara asked, but until the flesh does disintegrate, is it not possible that people could be נכשל by walking over it ?

The gemara answers

מוטב שיתקלקלו בו לשעה ואל יתקלקלו בו לעולם

The potential קלקול of someone who passes over this area before the flesh disintegrates is preferred over having a marker on this grave now, which could end up staying forever, which soon will not contain tumah, and then forever people could theoretically mistakenly burn קדשים, after being on this improperly marked spot.

6

If there is only flesh

- It will soon disintegrate
- One need not mark the grave ❌

People could be נכשל!

מוטב שיתקלקלו בו לשעה ואל יתקלקלו בו לעולם

forever only before it disintegrates

7 The next Mishna continued to explain the process that the Beis Din took in enforcing the איסור of כלאים, the prohibition of growing two different species too close to each other.

Zugt the Mishna:

א"ר יהודה

בראשונה היו עוקרין ומשליכין לפניהם

The Beis Din representatives would come in person and uproot the illegally planted produce.

משרבו עוברי עבירה היו משליכין לדרכים

The violators still were not swayed as they were benefiting by having their fields weeded by the Beis Din representative.

התקינו שיהיו מפקירין את כל השדה

And so Beis Din instituted that if the violations were not corrected, Beis Din would simply render the fields הפקר, ownerless.

7

מלפני

א"ר יהודה בראשונה היו עוקרין ומשליכין לפניהם

בראשונה

משרבו עוברי עבירה

התקינו

הפקר




8 The gemara then questioned the authority that Beis Din has to render someones property ownerless. הפקר. מנין שהפקר בית דין הפקר. The gemara answered by bringing a Pasuk in Ezra which states: וכל אשר לא יבוא לשלשת הימים בעצת השרים והזקנים יחרם כל רכושו. Whoever would not heed Ezra's calling would have their possessions repossessed by the Beis Din.

8

מנין שהפקר בית דין הפקר?

עזרא:

וכל אשר לא יבוא לשלשת הימים בעצת השרים והזקנים יחרם כל רכושו



9 The gemara then questioned whether produce that was rendered ownerless, is exempt from מעשרות similar to a regular field that is הפקר. --- The gemara tried to prove this from a case of where Beis Din makes a Shmita year into a leap year which adds another month of הפקר to the land. However the gemara then refuted this proof as a leap year is mandated by the Torah to keep the holiday of Pesach in the spring, and thus cannot be comparable to our case.

The gemara then brought a proof from a mishna in Peah: גדיש שלא לוקט תחתיו

If someone did not leave the requisite Leket, the produce that fell while harvesting, for the poor, as the Torah commands, then the חכמים make the entire lower layer of the produce הפקר for the עניים.

ממעשר משום קנסא וא"ר יוסי שמענו שהוא פטור

In such a case, the Leket that the chachamim have made הפקר is Patur from מעשר because the חכמים have rendered the produce הפקר. This provides clear proof that הפקר בית דין is patur from מעשר.

9

הפקר בית דין הפקר

ומנין דפטורה מן המעשרות?

2nd

גדיש שלא לוקט תחתיו כל הנוגעות בארץ הרי הן של עניים

Why do the חכמים say the lower layer is הפקר?

פטור ממעשר משום קנסא

Because they rendered it so! ✓

1st

How else can בית דין make פטור into a leap year? It adds another month of הפקר!

A leap year is mandated by the תורה

הפקר בית דין ✗

10 Our next Mishna reverts back to the topic of מחצית השקל which is the main topic of our Mesechte.

Zugt the Mishna

בחמישה עשר בו השולחנות היו יושבים במדינה

On the 15th of Adar, the money changers would already be setting up tables all around the country for the purpose of converting everyone's monies into Half Shekel coins.

בכ"ה ישבו במקדש

From the 25th of Adar, tables were also set up in the Bais HaMikdash, to show that the Terumas HaLishcha was but a few days away.

משישבו במקדש התחילו למשכן

Once the 25th of Adar came, the Beis Din representatives would go out to enforce collection amongst the general population.

10 **מלוקה:**

11 את מי ממשכנים ?
From whom would the Beis Din collect by force?
לויים וישראלים, גרים ועבדים משוחררים

אבל לא נשים ועבדים וקטנים

But not women, minors, and slaves.

אין ממשכנים את הכהנים מפני דרכי שלום

The Beis Din would not enforce the collection by the כהנים.

העיד בן בוכרי ביבנה

כל כהן ששוקל אינו חוטא

Meaning that כהנים may participate in the Machtzis HaShekel, however they are not required to do so.

Rabbi Yochanan ben Zakai disagrees and says

כל כהן שאינו שוקל חוטא

Kohanim must participate as well in the Machtzis HaShekel.

11 **את מי ממשכנים?**
Collection by force

לויים וישראלים ✓
גרים ועבדים משוחררים ✓

אין ממשכנים את הכהנים ✗

מלוקה

אבל לא: נשים ✗
עבדים ✗
קטנים ✗

בן בוכרי רבן יוחנן בן זכאי
כהן שאינו שוקל חוטא
They must participate

כהן ששוקל אינו חוטא
They may participate

12 The Mishna had said
אין ממשכנים את הקטנים
The gemara clarified that while we do not enforce collection from a minor, we do ask him to donate.
A minor for מחצית השקל is someone under 20 years of age, but one who has reached maturity, which is at approximately 13 years of age.

12 **אין ממשכנים את הקטנים ✗**

13 ≈ < 20 **מחצית השקל**

✓ But we do ask him to donate ✓

13 The gemara quoted Rav Brechya who brought teachings for Rav Yochanan Ben Zakai's opinion that even Kohanim are obligate to bring Machtzis HaShekel.

אמר רב ברכיה

טעמא דריב"ז

זה יתנו

י"ב שבטים יתנו

The pasuk by השקל מחצית says יתנו זה.

ר"ז learns out זה which is the numerical value of 12, meaning all 12 tribes, including the Kohanim, need to be bring the השקל מחצית השקל Rabbi Yochanan Ben Zakai further explained that the Kohanim erroneously learn the pasuk: וכל מנחת כהן כליל תהיה לא תאכל which teaches that the offering of a Kohain must be burned and not eaten. And so, if they participate in the מחצית השקל, then every Korban would be considered a מנחת כהן by token of the fact that they have a part in funding the public korbans, and nothing would be able to be eaten. ר"ז explains, that their mistake is that this pasuk is only referring to a private קרבן by the Kohanim, but not a public קרבן.



14 And so they may participate in the מחצית השקל and the Korbanos would not take on the status of מנחת כהן, but would rather be a קרבן ציבור

The gemara brought two separate teachings on the pasuk

כל העובר על הפקודים

One of Rav Yehuda and one of Rav Nechemya

חד אמר כל דעבר בימא יתן

One holds that the pasuk means that whoever passed through the Yam Suf, meaning all of Klal Yisrael, need to bring the השקל מחצית השקל

This view supports Rav Yochanan Ben Zakai.

וחד אמר כל דעבר על פקודייה יתן

The other holds that

only those people who passed before Moshe Rabenu in his counting are obligated in Machtzis HaShekel. This is to exclude Kohanim and Leviim, to whom Moshe Rabenu went to their tents in order to count them.

This is consistent with the view of Ben Buchri who holds that Kohanim are not required to bring the השקל מחצית השקל.



