

HALOCHOSCOPE



This week's question:

Someone began the practice of giving the *machatzis hashekel* on *Taanis Esther* on behalf of his children many years ago. Since then, his sons have turned *bar-mitzvah*, his daughters have turned *bas-mitzvah*, and some are married. May the father still give *machatzis hashekel* on their behalf? Must he continue? If one began doing this for his first son, must he do the same for any subsequent children born to him?

The issues:

A) *Machatzis hashekel*, three 'half-coins' usually given to *tzedakah* on *Taanis Esther*

B) Who gives *machatzis hashekel*?

C) Giving voluntarily for those who are not required to give

A) *Machatzis hashekel*

There is a Scriptural *mitzvah* to give a half-shekel each year towards the communal offerings in the temple. This specific *mitzvah* does not apply nowadays. In fact, one must take care when he designates the money for the practice that he does not actually call it the real thing. *Hekdesh*, consecration, can still be effected nowadays. This means that the item may not be used, and must be treated with extreme care. Therefore, one should not do this at all. In memory of the *mitzvah*, we read *Parshas Shekalim*. The practice to donate *machatzis hashekel* on *Taanis Esther* is also a memorial to this *mitzvah*. The reason this takes place in *Adar* is that in temple times the *mitzvah* took place then. The communal chest was renewed each year. *Rosh Chodesh Nissan* was the first day of the new year for these purposes. It was filled beforehand, during *Adar*. On the first of *Adar*, the announcement would be made to remind people to give their *shekalim*.

The communal needs had various levels of sanctity. The holiest would be the *korbanos tzibur*, all offerings made on behalf of the entire people. This could not be offered by private individuals. The money donated would not be considered a private donation in partnership with all other donors. It would turn into 'communal' property. Nobody could add private money for this. Therefore, it was important that all money donated could be considered public money. This would be by virtue of it having the status of the *mitzvah* of *machatzis hashekel*. As we shall discuss, this meant that one could not contribute voluntarily, unless his contribution could be converted to count as fulfillment of the *mitzvah*.

The money to be used for the communal offerings was separated from the rest in a ceremony called *terumas halishka*, the tithing of the chamber, as the money was all placed in a chamber in the temple. The remainder was used for the next level of public needs. What remained at the end of the year was used towards communal needs of the following year on the next level down.

Since all the money became one large communal chest, individual donations would

not be attributed to the donors. Thus, if a person's coin did not get into the *terumah*, it did not matter. The *terumah* represented the entire chest. If people missed the first collection, their coins would also have missed the *terumah*. Nonetheless, the *terumah* would work for coins on the way. For those who had not designated their coins in time, the remainder after the first *terumah* was covered. The chamber stayed open, and more coins could be left there. The *terumah* would be taken again, twice more in the year.

In the Torah, *terumah* is mentioned three times in the *parsha* dealing with *machatzis hashekel*. Only one *shekel* was given each year. There are many interpretations on the three mentions of the coins. In part due to this, and in part due to the three different *terumos halishkah*, the practice nowadays is to give three half-coins. [In addition, the Talmud and the *Yerushalmi* cite a different source, that one should 'third' or 'triple' his *shekalim*. One interpretation of this dictum is that one should give three coins at some point each year. Another is that one must give a minimum of this for *tzedakah* each year. The consensus is that the absolute minimum to fulfill one's *tzedakah* obligation is a third of a shekel each year. However, some correlate the two.] Another view is that one should give a half-shekel at three different occasions during the year. The prevailing practice is to give three on *Taanis Esther*. One reason for this is that the protection against the decree of Haman is attributed to the *mitzvah* of *machatzis hashekel*. Some poskim maintain that the real *mitzvah* is to give one coin. The additional coins are a commendable *minhag*.

The coins given are a half of the largest available silver coin. We do not give an exact replica of the coins used in the temple. The money is not being consecrated. Our *mitzvah* is to give this money to support poor scholars. It should be money they can use. We could use original *shekalim* and redeem them. Many people redeem nowadays anyhow, using modern-day coins provided by the *shul*. However, this is a recent introduction, because the half-coins in many currencies are not used very much. In a currency that does not have a silver coin, we use the most valuable coin that has a half denomination. In a currency that has no half denomination, one may give half of a complete coin. Presumably, this means getting change, letting the *tzedakah* or the recipient keep the change, or giving a whole on behalf of two people. Some state explicitly before giving the half-coin that it is in memory of the *mitzvah*. Then certain other *tefilos* and some *Mishnayos Shekalim* are recited. [See *Shekalim* 1 (8:4) etc., *Yerushalmi*. *Megillah* 13b 29a-30a *Baba Basra* 9a, *Poskim*. *Tur Sh Ar OC* 685:1 694:1 *YD* 249:2, commentaries.]

B) Who is obliged

Having established that the practice is based on the *mitzvah* of *machatzis hashekel*, the poskim debate who must fulfill it. The Torah repeats the *mitzvah*. In the first mention, no age is given, and the term used is *machatzis hashekel*. In the second mention, the age of twenty is given, and the term used is *terumah*. Some say this refers to the original *terumah* for the *mishkan*. Others maintain that this was the minimum age every year after that. However, the Talmud uses language that implies that any adult male is obligated. Women, children, and various others are exempted. This would mean that a boy who reaches *bar-mitzvah* is also obliged. Some poskim rule this way.

The poskim debate the same issue with regard to our *minhag* based on this *mitzvah*.

Some say that only males over twenty need give *machatzis hashekel*. Others say anyone over thirteen must give it. [There is a view that seems to obligate women and children. This is hard to reconcile. If the *minhag* is based on the *mitzvah*, this should not apply to women. It can not be incumbent on children. Some point out that the donation is for *kaparah*, atonement. This is good for all ages. In the case of the story of Purim, the salvation came to everyone. Nonetheless, the Talmud says expressly that women and children are exempt. If they give, it is accepted. This also requires some explanation [see below].

Women could donate of their own accord. We mentioned that the communal offerings could not be brought from private donations. The assumption a woman's donation is converted into public money. The original *mitzvah* was enforced. Officials could take a collateral for the money until it was paid up. They could not do this to women or children. The implication is that they could demand it, but not enforce it. There is a question on the correct version of the *Yerushalmi*. According to one version, they could demand it of any adult male, but not of a child. They could enforce it when he turned twenty. The other version puts demanding and enforcing together, both applying at the age of twenty.

Some add a twist. The atonement seems to be from Heavenly punishment. This only applies to those over twenty. However, at twenty, one must account for anything he did since he was thirteen. Accordingly, the communal offerings could be seen as atonement for either group! However, others maintain that while there is indeed an important atonement component, this must be separated from the the *mitzvah* to give.

A father could donate on behalf of his minor children, and it would be accepted. It seems that these *shekalim* would also have the status of a donation converted to public money. If the father began doing so one year, he must continue to do so the following years. Though the Talmud does not give a limit for this, the poskim mention that the father must continue until the son grows up. Here, too, the presumption is that it applies to a son under *bar-mitzvah*. When he turns *bar-mitzvah*, he should give his own coins. However, according to the view that he is exempt until twenty, why should he be obliged to comply with a practice begun by his father without his consent? Some say that the father must donate until the son is obliged himself, whether it is thirteen or twenty. Others say that the father is obliged until the son turns thirteen. Then, neither need give, but the son may voluntarily give. Others imply that the father must continue giving forever.

The most controversial issue in this regard is a ruling that if the father dies, the child must continue giving. One question is how the son becomes obliged. A second question is how the son has money of his own, unless he inherits it. A third question is how the son's money can be acquired from him. A child cannot effect a transaction. A fourth issue is how the money can be converted to public ownership. [These last three issues are raised with regard to the Talmudic ruling that a child may voluntarily give. Some use this as a proof that 'children' in this context means over thirteen. Adults would then mean over twenty.] Some reject this ruling totally. Others apply it to a case where the father left money that may or may not have been designated for this. [If it was not designated, there might still be a type of lien on all his possessions.]

The poskim debate whether the officials can force this father to pay his child's coins,

by taking collateral. They also debate the basis for the continuing obligation of the father. Some compare it to a *neder*, undertaking. One cannot take collateral for this. It can also be annulled at a later date. Others consider it a Rabbinical obligation on the father.

Accordingly, the modern day *minhag* should follow the basic original *mitzvah*. In practice, the poskim recommend giving the modern day *machatzis hashekel* for everyone, including women, children, and even, according to some, the unborn. [See Shekalim 1:3-4, commentaries, Yerushalmi, Menachos 21b, Poskim. Rambam Shekalim 1:7, commentaries. Tur Sh Ar OC 470 694:1, commentaries. Be'er Yitzchok OC 20. (Zera Avraham and) Gur Arye Yehuda, Moadim Shekalim 20:2. Moadim Uzemanim II:157.]

C) Giving on behalf of others

Assuming that the father has adopted a practice that he must keep up, his giving on behalf of his adult children might not work for them. They have their own obligations. His obligation might just be another personal undertaking. In addition, his donation on their behalf might not even work if he had never started his own practice. This *mitzvah* might be incumbent on the person himself, if he is able. The children could give him their own money, or he could designate the money for them, at their request. He could then act as their agent. However, he might still be obliged to give his own additional coin based on his old practice. In the original *mitzvah*, there are guidelines for this. One may give on behalf of others, usually with their knowledge. We have also learned that according to one view, one need not continue the practice after the child reaches adulthood. Accordingly, the father should ask the adult children whether they wish to have him serve as their agent. If he started the practice without their knowledge after they turned adults, he should continue. They might not have fulfilled their obligation. He has adopted a *neder* like practice. However, in this case, this is the only reason he must continue. Therefore, he may have his *neder* annulled. Some say that he should only give the basic single coin for all the extra people that he undertook. If he undertook the practice for his first son, he would be considered having begun to follow this *minhag*. He really should continue for subsequent children. If he wishes to back out, he may annul the vow. This will work for future children. He will still need to follow the practice for the first son, based on the other view of the practice. He need not give on behalf of a married daughter. Her husband is now responsible for her, if he wishes. [See references as above. Mikdash Yisroel 56-60.]

In conclusion, the father need not give the *machatzis hashekel* for adult children. If he started this practice, he should annul his vow. If he wishes to begin the practice anyhow, he should only give the basic single shekel on behalf of the adults. If a father undertook the practice for one child, he should do so for subsequent children. However, he may annul his vow for the subsequent children. One need not give on behalf of a married daughter, even if he had been giving for her after her *bas-mitzvah*.

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