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## Stories with a Twist [288]

### **If You Agree That Any Loss Will Be Yours and Any Profit Will Be Shared, then it is Permitted**

(Insights into Jerusalem Talmud Chapter 4, Halacha 2 (10b and 11a))



## Background to Our Story

### Introduction to Chapter 4 of Tractate Shekalim: The Remains of the Chamber.



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This chapter deals primarily with the different uses of the shekels collected yearly and stored in the Temple treasury. In the triannual ceremony of the collection of the chamber, some of the shekels were placed in three baskets. The shekels that were not placed in the baskets were known as the remains of the chamber.

They were used to fund various important projects not necessarily directly connected with the sacrificial service, including the maintenance of the Temple and public works in the holy city of Jerusalem.

The Gemara elaborates on which expenses were borne by each fund, following the fundamental distinction that the collection of the chamber was mostly allocated to the purchase of offerings, while the remains of the chamber were largely dedicated to infrastructure. One topic that receives extensive attention is the payment to all the artisans and workmen who performed their tasks for the Temple. As the money in the treasury was consecrated, there were difficulties that had to be overcome for these payments to be made.

Another issue that is clarified is the correct protocol for surpluses that remained at the end of the year. If more money was set aside in the collection of the chamber than was actually used, there would be leftover money, the use of which needed to be determined. Likewise, if enough shekels had been contributed, it was likely that there would be a surplus of the remains of the chamber. The Gemara addresses what should be done with these surpluses.

Besides the surplus shekels, the chapter also focuses on what should be done with additional monies the Temple received from various donations and investments.

### Maintenance of the Entire City of Jerusalem



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Maintenance of the entire city of Jerusalem was paid for with the remaining funds of the chamber because Jerusalem has sanctity. This sanctity is expressed through the fact that offerings of lesser sanctity and the second tithe may be eaten anywhere in Jerusalem.

### The Text: Jerusalem Talmud Chapter 4, Halacha 2 (10b and 11a)

מוֹתֵר שְׂרִי לְשִׁכָּה מָה הָיוּ עוֹשִׂין בְּהֶן?  
לוֹקְחִין בְּהֶן יַיִנוֹת שְׂמָנִים וְסֻלְתוֹת, וְהַשְּׂכָר לְהַקְדֵּשׁ, דְּבָרֵי רַבִּי יִשְׁמָעֵאל.  
רַבִּי עֲקִיבָא אוֹמֵר: אֵין מִשְׁתַּבְּרִין בְּשֵׁל הַקְדֵּשׁ אִף לֹא מִשְׁל עֲנִיִּים.

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”רַבִּי עֲקִיבָא אוֹמֵר אֵין מִשְׁתַּבְּרִין כּו'. אֵלֹא אִם רָצָה יְהִיָּה הַהֶפְסֵד שְׁלוֹ וְהַשְּׂכָר לְהַקְדֵּשׁ – מוֹתֵר.  
כְּהֵדָא, בַּר זְמִינָא אֵיתַפְקֵד גְּבִיָּה מְדַל דִּיתְמִין, אֵתָא וּשְׂאֵל לְרַבִּי מְנָא, אָמַר לֵיה: אֵין בְּעִית דִּי הַהֶפְסֵדָה  
דִּידָךְ וְאַגְרָה דְתַרְוִיכּוֹן – שְׂרִי. רַבִּי חֲזִיָּה בַר אֲדָא אֵיתַפְקֵד גְּבִיָּה מְדַל דִּיתְמִין, וְעֵבִיד כּו'.

### Jerusalem Talmud, Shekalim Chapter 4, Halacha 2

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What would they do with the leftover remains of the chamber after all the items mentioned above had been attended to?

They would purchase wine, oil, and fine flour and sell them to those who needed them for their private offerings. And the profit from these sales would go to consecrated property, i.e., to the Temple treasury; this is the statement of Rabbi Yishmael. Rabbi Akiva says: One may not generate profit by selling consecrated property, *neither* may one profit from funds set aside for the poor.

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### Jerusalem Talmud, Shekalim 11a

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We learned in the mishna that according to Rabbi Yishmael, the leftover remains of the chamber were used to purchase wine, oil, and fine flour. These items were sold to individuals who needed them for their private offerings, and the proceeds went to the Temple treasury, whereas Rabbi Akiva says: One may not generate profit by selling consecrated property or by using funds set aside for the poor.

The Gemara explains that Rabbi Akiva prohibited doing business with consecrated funds only when there was a risk of loss. However, if the seller of the wine, oil, or fine flour wanted to agree that any loss from the subsequent sale of these items would be his, while any profit gained would go to the Temple treasury of consecrated property, it is permitted. The potential profit or loss would result from fluctuations in the market price of these items.

An example like this can be found in an incident involving bar Zemina. Funds belonging to orphans were deposited with him. He came and asked Rabbi Mana if he was permitted to invest these funds. Rabbi Mana said to him: If you want to agree that any loss will be yours and any profit will belong to both of you to share, then it is permitted. Rabbi Hiyya bar Adda had funds belonging to orphans deposited with him and he did so; he accepted all losses and split the profits with the orphans.



**Explaining the Story** - What is going on in our story? (Explain the sequence of events)

### **Comprehension and Analysis Questions**

**?** Why did Rabbi Yishmael recommend that they use the leftover of the remains of the chamber to purchase wine, oil, and fine flour and sell them to those who needed them for their private offerings, and that the profit from these sales would go to consecrated property, i.e., to the Temple treasury?

**?** Why did Rabbi Akiva originally oppose Rabbi Yishmael's recommendation?

**?** What was the condition set by Rabbi Akiva to allow money from consecrated property and funds belonging to orphans to be invested?


**Extra Bonus** **?** Rabbi Akiva ruled that the investor needed to absorb the losses and direct any profit to the Temple treasury. In a later generation, Rabbi Mana


permitted investing funds belonging to orphans if the investor was ready to take any loss while splitting the profit with the orphans. Why did Rabbi Mana agree to allow the investor to split the profit?

Answer 1 \_\_\_\_\_

Answer 2 \_\_\_\_\_

Answer 3 \_\_\_\_\_

**Extra Bonus**  What can we learn from our story about community leadership?


 **אויף א פרעמדער בארד איז גוט זיך צו לערנען שערן** - *Oyf a fremder bord iz gut zikh tsu lernen shern* - It's good to learn how to barber on someone else's beard (Yiddish folk saying). Why is it good to learn to barber on someone else's beard? What should someone who is a beginner barber (or rabbi, or surgeon, or investor) do?

Answer 1 \_\_\_\_\_

Answer 2 \_\_\_\_\_

Answer 3 \_\_\_\_\_

### **"The Twist" – Or the Lessons We Can Learn from These Texts**

 Beware of those who manage your money, your time, and your future, and have little or nothing to lose.



Our story is about the ethics of money and wealth management, but it is also about moral character, accountability, and communal leadership.

The Sages understood that investments are risky. People who freely invest their own money with the expectation of making a profit know they can win or lose. It is different when the money belongs to the community or to the poor. While Rabbi

Akiva expected the potential investor of community and charity funds to take full risk with zero profit, later generations of Sages understood that people who are ready to invest time and effort to help others could use an incentive. Yet they did not compromise the future of the community or the wellbeing of its most vulnerable members.

Our story teaches us that moral integrity demands that when entrusted with decisions that affect other people's futures, we double our precautions and err on the safe side.

Last but not least, everybody in a position of leadership should know that the stakes are high and that they are accountable to the people they represent. Decision makers who have little or nothing to lose by the decisions they make are very dangerous and will end up jeopardizing the same people who entrusted them with the decision making process.