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Given Over to a Messenger

A Baraisa taught: If a father delivered his (betrothed) daughter to the agents of her husband, and she committed adultery, her penalty is that of strangulation (which is the penalty administered to a woman who underwent nisuin; for the penalty for a betrothed na’arah is stoning).

The Gemora asks: From where is this ruling deduced?

Rabbi Ami bar Chama replied: Scripture says (regarding a betrothed girl who committed adultery): *To commit adultery in her father's house*; thus excluding one whom the father had delivered to the agents of the husband.

The Gemora asks: Perhaps it excludes one who entered the chuppah, but with whom no cohabitation had taken place?

Rava replied: Ami told me, “A woman who entered chuppah was explicitly mentioned in The Torah: *If there will be a na’arah virgin betrothed to a man*; a ‘na’arah’ but not a bogeres; ‘a virgin,’ but not a woman with whom cohabitation took place; ‘betrothed,’ but not one who was fully married.

Now, what is meant by ‘one who was fully married’? If you will say that it means a nesuah, is she not excluded already when we said: ‘a virgin,’ but not a woman with whom cohabitation took place? Consequently, it must be concluded that by ‘married,’ we meant one who entered into the chuppah, but with whom no cohabitation took place (and, accordingly, the term ‘in her father’s house’ can

exclude one whom the father had delivered to the agents of the husband).

The Gemora asks: But perhaps let us say that if she returns to her father’s house, she reverts to her original state? [How is it known that once she is delivered to the agents of her husband, she never returns to the authority of her father?]

Rava said: The Baraisa taught in the school of Rabbi Yishmael already settled this matter. The school of Rabbi Yishmael taught a Baraisa: It is written: *and the vow of a widow or divorcee (whatever she prohibited on herself) is valid upon her*. What does this teach us? Of course it should be so, as she is out of the possession of her father and any husband (*so she alone is responsible for her vows, for they are no longer empowered to annul her vows*)? It must be teaching us regarding a case where her father gave her over to the messengers of her husband or the messengers of the father gave her to the messengers of the husband and she became widowed or divorced on the road. In whose possession is she considered to be, that of her father or husband? The verse teaches us that once she has left her father’s possession, he is no longer enabled to revoke her vows. [Evidently, once she is delivered to the agents of her husband, she never returns to the authority of her father.]

Rav Pappa says: We have learned a similar teaching in the following Mishnah: If one cohabits with a betrothed woman, he is only liable to be stoned if she is a *na’arah (twelve to twelve and a half)*, a virgin, betrothed, and still living by her father’s house.

Rav Pappa explains his proof: It is understandable when the Mishnah says 'a na'arah', it is excluding a *bogeres* (over twelve and a half). When it says 'a virgin, it is excluding one who previously had relations with a man. When it says 'a betrothed woman,' it is excluding one who was married. What is 'in her father's house' excluding? It must come to exclude a case where the father already gave her over to the messengers of her future husband.

Rav Nachman bar Yitzchak says: We learned this from a different Mishnah as well. One who cohabits with a married woman - as soon as she enters the domain of her husband for the purpose of marriage, even though she has not had marital relations - if one cohabits with her, he is strangled. The terminology "she entered the husband's domain" (instead of i.e. "entering the marriage canopy") implies our teaching (that even if she was given over to the agents of the husband, she is considered in his domain). (48b3 – 49a2)

Mishnah

The Mishnah states: A father is not obligated to provide sustenance for his daughter (while he is alive). This exposition (of the kesuvah document) Rabbi Elozar ben Azaryah taught in front of the sages in the academy of Yavneh: The sons (of this wife) should inherit (the money which is stated in the kesuvah) and the daughters should be supported (from the property of the husband). [The two laws are compared in the following manner:] Just as sons only inherit after their father's death, so too the daughters should only be supported after their father's death. (49a2)

Supporting Children

The Gemora comments: This implies that he is not obligated in supporting his daughters, while he is obligated to support his sons. Additionally, it implies that there is no obligation to support one's daughter, but there is a mitzvah to do so.

The Gemora asks: Who is the author of our Mishnah? It does not seem to be Rabbi Meir, Rabbi Yehudah, or Rabbi

Yochanan ben Berokah, as it was taught in the following Baraisa: It is a mitzvah to support the daughters, and certainly sons, for they study Torah; these are the words of Rabbi Meir. Rabbi Yehudah says: There is a mitzvah to support sons, and certainly daughters, as it is degrading for the girls (if they would be required to beg for food). Rabbi Yochanan ben Berokah says: There is an obligation to support daughters after their father's death, but both (daughters and sons) are not supported (even as a mitzvah) during the father's lifetime.

Who is the author of our Mishnah? It is difficult to say that it follows Rabbi Meir's opinion, as he says it is only a mitzvah (not obligation) to support one's sons (while our Mishnah indicated that there is an obligation). It is difficult to say it follows Rabbi Yehudah's opinion, as he says as well that there is a mitzvah to support one's sons. It is difficult to say it follows Rabbi Yochanan ben Berokah's opinion, as he says that there is not even a mitzvah (to support sons or daughters while the father is alive).

The Gemora answers: If you want to say, the author could be Rabbi Meir. If you want to say, the author could be Rabbi Yehudah. If you want to say, the author could be Rabbi Yochanan ben Berokah.

The Gemora explains: Our Mishnah could be Rabbi Meir, and it would read as follows: A father is not obligated to support his daughter and similarly his son, but there is a mitzvah to support one's daughter and certainly his son. Why did it only say "daughter" in the Mishnah? This teaches us that although there is no obligation to support a daughter, but nevertheless, it is a mitzvah to do so.

Alternatively, the Gemora answers that it could also be Rabbi Yehudah. The Mishnah would read as follows: A father is not obligated to support a daughter and certainly a son, but it is a mitzvah to support a son and certainly a daughter. Why does the Mishnah only discuss a son? This teaches us that there is no obligation to support one's daughter.



Alternatively, the Gemora answers that it could also be Rabbi Yochanan ben Berokah. The Mishnah would read as follows: A father is not obligated to support a daughter or a son, and it is not even a mitzvah to do so. The Mishnah only used the term “obligation” (not to imply it is a mitzvah, but rather) because there is an obligation to support daughters after their father’s death – the Tanna stated that the father is “not obligated” (to support his daughter during his lifetime). (49a2 – 49b1)

Rabbi Il’a said in the name of Rish Lakish who said it in the name of Rabbi Yehudah bar Chanina: In Usha they decreed that a person must support his sons and daughters when they are minors.

The Gemora inquires: Does the halachah follow this decree or not?

The Gemora answers: We can learn this from Rav Yehudah, who would tell people who came before him with this question, “The jackal gave birth, and throws (the needs of their offspring) on the people of the city?!” [This implies that he would shame people in order that they should do so, but he didn’t enforce it.]

Rav Chisda would tell people who came before him: “Turn over a grinder in public; let the father stand on top of it and say: “Even a raven wants its kin, and this person does not want his children!”

The Gemora asks: Does a raven indeed want its kin? But the verse states: *Hashem feeds the young ravens who call out to Him.*

The Gemora answers: This is not difficult, for the verse is referring to white ravens (as ravens, when they are young, are white; the parents therefore do not recognize them as their own, and they separate from them), while Rav Chisda was referring to black ravens (when they become older, their color turns black, and their parents reunite with them and show them much affection).

When a father would come before Rava, he would say: “Are you happy that your children should be supported from charity?”

The Gemora qualifies the above ruling: All of this is only referring to a case where the father is not wealthy. If he is wealthy, we force him to support his children.

The Gemora relates: This is as in the case where Rava forced Rav Nassan bar Ami (regarding giving proper amounts of charity), and took from him four hundred zuzim (type of coins) for charity. (49b1 – 49b2)

Rabbi Il’a said in the name of Rish Lakish: In Usha they decreed that if someone writes that all of his possessions should go to his children (as a gift as of now), he and his wife (nevertheless) can still support themselves from those possessions.

Rabbi Zeira asked, and some say that it was Rabbi Shmuel bar Nachmeini: The Sages said even a greater ruling than this, and that is: A widow is sustained from his property (even though the possessions are inherited by his daughter and her husband); so is it not redundant to say that this applies to him and his wife!?

The Gemora explains the case of the widow: Ravin sent in a letter: if someone died and left a widow and a daughter, his widow is supported from his estate. If his daughter marries (and the husband now controls the estate), his widow still continues to be supported from the property. If the daughter dies, Rav Yehudah, the son of the sister of Rabbi Yosi bar Chanina, said: There was such an incident in my area, and they (the Sages) said that his widow should be supported (*from her son-in-law’s inheritance of the daughter’s estate*). Certainly (*going back to our original question*) this is true regarding the husband himself and his wife!?



The Gemora answers: One might think that in the case of the widow there is no one working hard to support her (as her husband died, and that is why the Sages decreed that she should be supported from his estate), but here (in the case of a man and his wife), let him work for both of them (and they may not be supported from the estate which he gifted away)! This is why Rabbi Il'a needed to teach us (that they both are supported from the estate).

The Gemora inquires: Is the ruling like him, or not like him?

The Gemora answers: Come and hear a proof from the following incident: Rabbi Chanina and Rabbi Yonasan were once standing together when a man approached them, and bent down and kissed Rabbi Yonasan upon his foot. Rabbi Chanina said to Rabbi Yonasan: What is the meaning of this? Rabbi Yonasan said to him: This man assigned his estate to his sons in writing and I compelled them (the children) to maintain him (the father). Now, if it be conceded that this was not in accordance with the law (of R' Il'a), one can well understand why he needed to compel them, but if it be contended that this is the law, would it have been necessary for him to compel them? [Obviously, the law is not in accordance with R' Il'a.] (49b2 – 50a1)

INSIGHTS TO THE DAF

Supporting one's Children

Tosfos comments: If one has children less than six years old, he has an obligation to feed them, and it is enforceable. It would seem that this is a Rabbinical obligation.

Reb Moshe Feinstein in his sefer Dibros Moshe on Gittin (fourth perek; heora 83) writes the following novel halachha: If one has only one son and only one daughter, he is halachically required to support them. His reasoning is as follows: There is a mitzvah of procreation. We hold according to Rabbi Yochanan, who states that if one has children and they die, he has not fulfilled his mitzvah of procreation. Accordingly, if one does not sustain his children and they consequently die, he will be lacking his mitzvah of

peru u'revu. It is therefore incumbent upon him to be concerned about the welfare of these children; not necessarily for their sake, but for his mitzvah.

He adds: When the Mishnah says that one is not obligated to sustain his children - that is only if he has more than one son and one daughter. He concludes that he is bewildered why none of the poskim rule accordingly.

HALACHOS FROM THE DAF

Does a Father have to Support his Son in Kollel?

The Gemora cites Rabbi Meir that says: It is a *mitzvah* for a person to support his daughters and certainly his sons that learn Torah. Our Gemora infers that it is a *mitzvah*, but not a *chovah* (obligation).

At what age is Rabbi Meir referring to? What about the sons that do not learn Torah?

There are three categories:

1) **Children under six years old:** Their father is obligated to support them, even if the children have money (*one of the only ways that money would be theirs and not automatically belonging to their father is if it was from an inheritance*), and even if their mother died. (Shulchan Aruch Even Ha'ezer Siman 71 Sief 1)

2) **Children aged six to Bar/Bas Mitzvah:** Chazal instituted that their father should support them if they don't have money, even if he himself is not wealthy. If he chooses not to, we scream at him and shame him. If this doesn't work, then we take even more drastic measures: We publicly announce that this person is a callous cold-hearted man that refuses to support his own children. However, we cannot actually force him to support them. In a case where the father is wealthy and can easily afford to support his children

and he doesn't, then we forcibly take away money from him to support them (ibid).

3) Children that are over the age of Bar/Bas Mitzvah (gadlus): The father is obligated to support them like any other poor person (Shulchan Aruch Yoreh De'ah Siman 151 Sief 4).

The Bais Shmuel (in Even Ha'ezer ibid) explains that the father's obligation to these children is equivalent to any other of his relatives. However, regarding the children under *gadlus*, the father has a greater obligation towards them than he has to other relatives.

A father that gives money to his children who he is not obligated to support, so that they can learn Torah - that money is considered *tzedakah* (and can be deducted from his *ma'aser*). Furthermore, he must support them before any other *tzedakah*. This is true for any relative that learns Torah, not just a son (ibid Sief 3).

There are many other halachos regarding tzedakah and ma'aser that was not mentioned here. One should always ask a competent Posek in this or any other area of halachah. There are many halachos about the order of tzedakah, how much to give, who should one not give to, etc.

DAILY MASHAL

The Cruel Raven

One who says, "I will donate metal" — others say that he must give at least one amah square. For what is it used? To prevent birds from landing.

The Baraisa states that if someone makes a pledge to give iron to the Beis Hamikdash, the minimum amount of iron he must give is a panel of one amah square. As Rabi Yosef explains, the function of such a plate is that the roof of the Beis Hamikdash was covered with these iron panels. Rashi

explains that the iron had razor sharp edges, and nails were affixed upon them. This layer upon the roof was designed to keep ravens from landing upon the roof.

Ben Yehoyada notes that this arrangement of sharp iron plates actually kept away all birds. Why, then, is this layer specifically referred to as a "raven-chaser" and not simply as a "bird-chaser"?

Our Gemora tells us that the raven is characteristically known as a cruel bird. The verse in Tehillim (147:9) praises Hashem in that He "gives to an animal its food, to young ravens that cry out." Why is the raven mentioned in this verse? It is because the adult bird does not provide for its own young.

The Beis Hamikdash was the institution which represented Hashem's infinite mercy and compassion upon the world and His creations which reside throughout the globe. The prayers and the offerings which the Jews brought induced the kindness of Hashem to spread in Eretz Yisrael and beyond. It would therefore be especially inappropriate for the raven, specifically, to come and rest upon the roof of the Sanctuary.

This is why the "raven-chaser" was known as such, to exemplify the idea that the Beis Hamikdash was a place of peace and harmony, and not a place of cruelty and selfishness.

This is the same concept which we find regarding the altar. The altar's purpose is to extend life and promote vitality in the world. We are commanded not to use iron in building the altar or in cutting the stones used for the altar, because iron represents knives and swords, which are weapons of hostility which shorten life. As our Sages tell us, it is not proper to use iron, which shortens life, to fashion the altar, whose purpose it was to lengthen the days of man.