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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

**Torah Protection**

Rav Nachman bar Rav Chisda collected the head tax from the Sages. Rav Nachman bar Yitzchak objected, saying that this was contrary to the Torah, the Nevi'im and Kesuvim:

To the Torah, as it is written: Even when He loves the people, all His holy ones – they are in Your hand. Moshe said before the Holy One, Blessed be He: Master of the Universe, even at a time when you cherish the nations (letting them dominate the Jews), all of the holy ones of the Jewish nation will be in Your hand (they will be protected by Hashem's hand).

[The verse proceeds] And they sit at Your feet. Rav Yosef taught: These are the scholars, who pound their feet in going from city to city and from country to country to learn the Torah. Receiving of Your words, alluding to their debating the words of the Omnipresent.

To the Navi, as it is written: Even when they ingratiate themselves with the nations, I will gather them now; and they will be somewhat humbled by the burdens of kings and officers. Ulla said: This verse is written [partly] in Aramaic, [and is to be expounded thus:] If they all study (the Torah while exiled), I will gather them even now, and if only a few of them study, they [those few] shall be free from the burden of king and princes.

To the Kesuvim, as it was written: It shall be unlawful to impose upon them levies, taxes and tithes. And Rav Yehudah said: Levies refers to the king's tax; taxes mean the head tax, and tithes is the annual tithe (of produce and animals).

Rav Pappa collected funds for a new well from orphans' estates. Rav Shisha the son of Rav Idi said to Rav Pappa: Perhaps no water will be found there? — He replied: I will collect the money from them in any case. If water will be drawn, well and good, and if not, I will refund them the money.

Rav Yehudah said: To pay for doors on the city gate, we collect even from orphans, but not from Sages, since they are protected without it. To pay for digging of a well, we collect from all, including the Sages (since they also need water for drinking). This, however, is only when the inhabitants are not called on to go out (in turns) to perform the work (but workers perform the labor), but when the digging is done by the townspeople (in turns), we do not expect the Rabbis to participate (since it is inappropriate for them to do such heavy labor). (8a1 – 8a2)

**For Torah Students Only**

Rebbe once opened his storehouse [of food] in a year of famine, proclaiming: Let those enter who have studied the Scripture, or the Mishnah, or the Gemara, or the halachah, or homiletic literature; there is no admission, however, for the ignorant. Rabbi Yonasan ben Amram pushed his way in and said, "Master, please give me food." He said to him, "My son, have you read the Scripture?" He replied, "No." "Have you learned the Mishnah?" "No." "If so, then how can I give you food?" He said to him, "Feed me as you would a dog or a raven." So he gave him some food. After he went away, Rebbe was sitting and became distressed, and he said: Woe is me that I have given my bread to an unlearned man! Rabbi Shimon son of Rebbe ventured to say to him: Perhaps it is Yonasan ben Amram your student, who all his life has made



it a principle not to derive material benefit from the honor paid to the Torah. Inquiries were made and it was found that it was so; whereupon Rebbe said: All may now enter.

Rebbe [in first refusing admission to the unlearned] was acting in accordance with his own dictum. For Rebbe said: Misfortune comes to the world only on account of the unlearned.

A typical instance was that of the crown for which the inhabitants of Tiberias were called upon to raise the money. They came to Rebbe and said to him, "Let the Rabbis give their share with us." He refused. They said, "Then we will run away." Rebbe responded, "You may." So half of them ran away. Half of the sum demanded was then waived (by the king). The other half then came to Rebbe and said, "Let the Rabbis contribute with us." He again refused. They said, "We will run away." He replied, "You may." So they all ran away, leaving only a certain launderer. The money was then demanded of the launderer, and he ran away, and the demand for the crown was then cancelled. Thereupon Rebbe said: I see that misfortune comes to the world only on account of the unlearned. (8a2 – 8a3)

### **Residency Status**

The *Mishnah* said that one must live in the city for twelve months to be considered a resident, subject to the fees of the city.

The *Gemora* challenges this from the rule of *ir hanidachas* – a city whose majority of dwellers worship idolatry. The Baraisa states: If a caravan of donkeys or camels on its way

from one place to another lodges overnight and they (the people in the caravan) were seduced (into committing idolatry) with them (the residents of the city), they (the members of the caravan) are condemned to be stoned, but their property escapes (destruction);<sup>1</sup> if, however, they have stayed there thirty days, they are condemned to death by the sword and their property is lost.<sup>2</sup> — Rava replied: There is no contradiction. The one period [twelve months is required], in order to make a man a full member of the town, the other [makes him] only an inhabitant of the town,<sup>3</sup> as it was taught in a Baraisa: If a man vows that he will derive no benefit from the men of a certain town, he must derive no benefit from anyone who has resided there twelve months, but he may derive benefit from one who has resided there less than twelve months. If he vows to derive no benefit from the inhabitants of the town, he may derive none from anyone who has resided there thirty days, but he may from one who has resided there less than thirty days.<sup>4</sup>

But is twelve months' residence required for all things? Has it not been taught in a Baraisa: [A man must reside in a town] thirty days to become liable for contributing to the soup kitchen, three months for the charity box, six months for the clothing fund, nine months for the burial fund, and twelve months for contributing to the repair of the town walls? — Rabbi Assi replied in the name of Rabbi Yochanan: Our *Mishnah* also in specifying the period of twelve months was thinking of the repair of the town walls.

Rabbi Assi further said in the name of Rabbi Yochanan: All are required to contribute to the repair of the town walls, including orphans, but not the Rabbis, because the Rabbis do not require protection.

<sup>1</sup> They are punished as individuals, not as residents of the city.

<sup>2</sup> Like the inhabitants of the city. This would show that thirty days' residence is sufficient to enroll a man among the inhabitants of a town.

<sup>3</sup> Rava explains that *ir hanidachas*'s rules apply to *yoshvai ha'ir* – the dwellers of the city, which is a category attained after thirty

days, while the *Mishnah* is referring to a resident, which requires twelve months' residency.

<sup>4</sup> Similarly, if one forswears benefit from *yoshvai ir* – the dwellers of a city – he may not benefit from anyone living in the city at least thirty days, while if he forswears benefit from the people of the city, he is only prohibited from those who lived there at least twelve months.

Rav Pappa said: For the repair of the walls, for the hiring of a horseman and for a weapons guard, even orphans must contribute, but the Rabbis [do not, since they] do not require protection.

The general principle is that even orphans must contribute for any public service from which they derive benefit. (8a3 – 8a4)

### **Charity from Orphans**

Rabbah collected a tax for charity from the orphans of bar Merion's estate. Abaye challenged him from a statement taught by Rav Shmuel bar Yehudah, who forbids collecting charity from orphans, even to redeem captives. Rabbah explained that he did this only to enhance the reputation of the deceased. (8a4 – 8a5)

### **A Big Mitzvah**

Ifra Hormiz, the mother of Shevor the Persian king, gave a purse of money to Rav Yosef, with instructions to use it for a great *mitzvah*. Rav Yosef sat and analyzed what charity would be regarded as a great *mitzvah*. Abaye said to him: From this statement of Rav Shmuel bar Yehudah, who forbids collecting charity from orphans, even to redeem captives, we may derive that redeeming captives is a great *mitzvah* (and used the money for that).

Rava asked Rabbah bar Mari: From where is it derived the maxim of the Rabbis that the redemption of captives is a great *mitzvah*? — He replied: From the verse: And it shall come to pass when they say to you, "To where shall we go forth?" Then you shall tell them, "Thus said Hashem: Those destined for death, to death, and those destined for death by the sword, to the sword, and those destined to death from famine, to famine, and those destined for captivity, to captivity." And [commenting on this] Rabbi Yochanan said: Each punishment mentioned in this verse is more severe than the one before. The sword is worse than death; this I

can demonstrate either from Scripture, or, if you prefer, from observation. The proof from observation is that the sword disfigures but death does not disfigure; the proof from Scripture is in the verse: Precious in the eyes of God is the death of his pious ones.

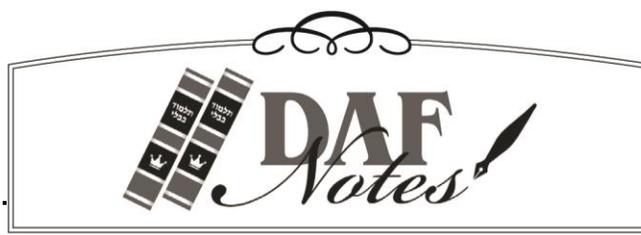
Famine again is harsher than the sword; this again can be demonstrated either by observation, the proof being that the one causes [prolonged] suffering but the other not, or, if you prefer, from the Scripture, from the verse: They that were the victims of the sword are more fortunate than they that be the victims of the famine. Captivity is harsher than all, because it includes the sufferings of all. (8a5 – 8b1)

### **Charity Collection**

It was taught in a Baraisa: The charity fund is collected by two peoples [jointly] and distributed by three. It is collected by two, because any office conferring authority over the community must be filled by at least two people. It must be distributed by three, as it is treated like money cases [which are tried by a Beis din of three]. Food for the soup kitchen is collected by three and distributed by three, since it is distributed as soon as it is collected. Food is distributed every day, the charity fund every Friday. The soup kitchen is for all poor people, the charity fund only for the poor of the city. The townspeople, however, are at liberty to use the soup kitchen like the charity fund and vice versa, and to apply them to whatever purposes they choose. The townspeople are also at liberty to fix weights and measures, prices, and wages, and to inflict penalties for the infringement of their rules.

The Master said above: Any office conferring authority over the community must be filled by at least two people. From where is this rule derived? — Rav Nachman said: Scripture says: And they shall take the gold etc.<sup>5</sup> This shows that they were not to exercise authority over the community, but that they were to be trusted. This supports Rabbi Chanina, for Rabbi Chanina reported [with approval] the fact that Rebbe once appointed two brothers to supervise the charity fund.

<sup>5</sup> The use of the plural indicates at least two people collecting.



What authority is involved [in collecting for charity]? - As was stated by Rav Nachman in the name of Rabbah bar Avuha: Because the collectors can take a pledge for a charity contribution even on the Sabbath eve. - Is that so? Is it not written: I will visit evil upon all that oppress them, and Rabbi Yitzchak bar Shmuel bar Marsa in the name of Rav said: Even upon the collectors for charity!? — There is no contradiction. The one [Rav] speaks of a wealthy man, the other of a man who is not wealthy; as, for instance, Rava compelled Rav Nassan bar Ammi to contribute four hundred zuz for charity.

[It is written:] And the wise shall shine as the brightness of the firmament: this refers to a judge who gives a true verdict on true evidence.

And those who make the many righteous (will shine) like the stars forever and ever: these are the collectors for charity.

In a Baraisa it was taught: They that are wise shall shine as the brightness of the firmament: And the wise shall shine as the brightness of the firmament: this refers to a judge who gives a true verdict on true evidence and to the collectors for charity. And those who make the many righteous (will shine) like the stars forever and ever: these are the teachers of young children. - Such as who, for instance? — Said Rav: To such as Rav Shmuel bar Shilas. For Rav once found Rav Shmuel bar Shilas in a garden, whereupon he said to him, “Have you deserted your post”? He replied, “I have not seen this garden for thirteen years, and even now my thoughts are with the children.” And what does Scripture say of the Rabbis? — Ravina answered: They that love Hhim shall be as the sun going forth in its might. (8b1 – 8b4)

Our Rabbis taught in a Baraisa: The collectors of charity [when collecting] are not permitted to separate from one another, though one may collect at the gate while the other collects at a shop [in the same courtyard]. If one of them finds money in the street, he should not put it into his purse but into the charity box, and when he comes home he should take it out. In the same way, if one of them has lent a man a

maneh and he pays him in the street, he should not put the money into his own purse but into the charity box, and take it out again when he comes home.

Our Rabbis taught in a Baraisa: If the collectors [still have money but] no poor to whom to distribute it, they should change the small coins into larger ones with other people, but not from their own money. If the stewards of the soup kitchen [have food over and] no poor to whom to distribute it, they may sell it to others but not to themselves. In counting out money collected for charity, they should not count the coins two at a time, but only one at a time. (8b4)

Abaye said: At first the master (Rabbah) would not sit on the mats in the synagogue; but when he heard that it had been taught that ‘the townspeople can apply it to any purpose they choose,’ he did sit on them.

Abaye also said: At first the master used to keep two purses, one for the poor from outside and one for the poor of the town. When, however, he heard of what Shmuel had said to Rav Tachalifa bar Avdimi, “Keep one purse only and stipulate [with the townspeople] that it may be used for both,” he also kept only one purse and made this stipulation.

Rav Ashi said: I do not even need to stipulate, since whoever comes [to give me money for charity] relies on my judgment, and leaves it to me to give to whom I will. (8b4 – 9a1)

## INSIGHTS TO THE DAF

### ***Tax Exemptions for Torah Scholars***

The *Gemora* presents the tax exemptions accorded to Torah scholars. The Rishonim discuss the parameters of these tax exemptions.

### ***Who is Exempt?***

The Rosh says that only one who for whom *toraso umnaso* – his Torah learning is his profession, is exempt. The Rosh



explains that even if one learns much Torah and is proficient in Torah, if he spends most of his time working, and less of his time learning, he is not exempt. However, even if one works, if he works only as much as is necessary to support himself and his family, and constantly returns to his Torah study when he is not working, he is exempt.

The Rosh further clarifies (Responsa 15:8) that this exemption applies equally to a Torah scholar who is wealthy, since the exemption is a function of the Torah study, not poverty.

Finally, the Rosh states that if one who studies Torah is not diligent in his performance of *mitzvos*, he is not considered a Torah scholar who is exempt from tax.

The Rama (YD 243:2) quotes the Terumas Hadeshen (342), who further requires that the Torah scholar be well versed in all the standard Torah sources.

The Shach (HM 163:14) quotes Sefer Chasidim that limits the exemption to one who studies at all times, to the exclusion of any work, but says we do not rule like this.

#### **From what are they Exempt?**

The Ramban and Ran state that Torah scholars are only exempt from communal taxes, since they can claim that only the other members of the community are responsible for the existence of these taxes and their payment (*as Rebbe stated regarding the tax levied on Teveria*). However, if the tax is imposed on each person individually, even Torah scholars must pay.

The Rosh and Rambam (Talmud Torah 6:10), however, disputes this position, and state that Torah scholars are exempt from all types of tax, whether imposed communally or individually. The Rosh points out that Rav Nachman makes a categorical statement that obligating a Torah scholar in a tax is a violation of all sections of Torah, and the *Gemora* applies this to *karga*, which was a poll tax assessed

on each individual. These indicate that even individual taxes levied on Torah scholars are the responsibility of the community, and not the Torah scholars.

The Shulchan Aruch (YD 243:2) rules like the Rosh and Rambam. See Tzitz Eliezer 2:25 and Yabia Omer HM 7:10 for a detailed discussion of these parameters, and their applicability in contemporary society.

#### **DAILY MASHAL**

##### ***A Raven and Dog***

When Rabbi Yonasan, Rebbe's student, asked for food from Rebbe, he told him that he should feed him, just as Hashem feeds the raven and the dog. Rashi explains that Hashem specifically tailored the physiology of these animals to account for their lack of food. A dog typically does not have much food, so Hashem ensured that it spends three days digesting its food (Shabbos 155b), while a raven does not have feed its children, so Hashem provides them with insects in their waste, which they can eat to be nourished. Tosfos (8a kekelev) explains that the verse in Tehilim refers to both these animals. The verse says that Hashem is *nosain liv'haima lachma* (*gives to an animal its food*), *livnai oraiv asher yikra'u* (*to the children of the raven that call out*). The Gematria of *behaima* (*animal*) is 52, the same as *kelev* (*dog*).