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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

One Fifth to Charity

Rabbi Il’a said: It was decreed in Usha that one who gives liberally to charity should not give more than a fifth of his wealth (*for then, he will be forced to beg for support himself*).

A *Baraisa* is cited to support this ruling: One who gives liberally to charity should not give more than a fifth of his money, for then, he will be forced to beg for support himself. There was an incident with a fellow who wished to give to charity more than a fifth of his wealth and his friend did not allow him to. Who was this friend? Rabbi Yesheivav. Others say: Rabbi Yesheivav wished to give to charity more than a fifth of his wealth and his friend did not allow him to. Who was this friend? Rabbi Akiva.

Rav Nachman, or as some say, Rav Acha bar Yaakov, said: What [is the proof from] Scripture? — And of all that You shall give me I will surely give the tenth to you. But the second tenth, surely, is not like the first one? — Rav Ashi replied: I will . . . give a tenth of it [implies ‘I will make] the second like the first’. (50a1)

Age to Study Torah

Said Rav Shimi bar Ashi: [The number of those who report] these traditions steadily diminishes, and your mnemonic is: ‘The young assigned in writing and spend liberally’.

Rav Yitzchak said: It was decreed in Usha that one should bear with his son who declines to study Torah (*have patience with him and employ gentle means to induce him to study*) until he is twelve years old. Afterwards, he may employ drastic measures (*hitting him with a strap and withholding support to him*) in order to force him to study.

The *Gemora* asks: Can this be correct? But Rav said to Rav Shmuel bar Shilas: Do not accept a student under the age of six; you shall accept a student of the age of six and stuff him like an ox!?

The *Gemora* answers: While it’s correct that a six year old should be stuffed like an ox, but he may not employ drastic measures until after he has reached twelve years of age.

Alternatively, I may say: This is no difficulty, since Rav’s ruling may have referred to studying Scripture, whereas the decree enacted in Usha was referring to the study of *Mishnah*; for Abaye stated: Mother (*referring to his nurse; his mother died while he was an infant, and his upbringing was entrusted to a nurse from whom he learned many proverbs, maxims, legends and folklore*) told me that a child of six is ready for Scripture; a child of ten is ready for *Mishnah*; a child in his thirteenth year is ready for a full twenty-four hours fast, and, in the case of a girl, one who is in her twelfth year (*a girl is not weakened by studying Torah*).

Abaye stated: Mother told me: A child of the age of six whom a scorpion has bitten on the day on which he has completed his sixth year does not survive [as a rule]. What is his remedy? — The gall of a white vulture in beer. This should be rubbed into the wound [and the patient] be made to drink it. A child of the age of one year whom a bee has stung on the day he has completed his first year does not survive [as a rule]. What is his remedy? — Datepalm bast with water. This should be rubbed in and [the patient] be made to drink it.



Rav Katina said: One who brings his son to study Torah under the age of six will run after him, but he will not succeed (*in his efforts to restore his child to his normal health; his health will remain irrevocably ruined*).

Others say: The young boy's friends will run after him, but they will not succeed (*in reaching his level of knowledge and scholarship*).

The *Gemora* comments: Indeed, both versions are correct. He will be weak, but well learned.

Alternatively, you can say that the first version is referring to a boy that is weak; the second version is referring to a healthy one. (50a1 – 50a3)

Wife Selling Melog Property

Rabbi Yosi bar Chanina said: In Usha they decreed that a wife who sells her *melog* property (*usufruct property - the property which the woman brings in with her from her father's house, and which is not recorded in the kesuvah, as well as property which comes to her by inheritance or as a gift after the marriage; this property is hers, and her husband is not responsible for it, since he may only usufruct (the right to use and enjoy the profits and advantages of something belonging to another as long as the property is not damaged or altered in any way) it; the term nikhsei melog is derived from the Aramaic word meligah, plucking, i.e., the husband plucks the property just as a chicken is plucked*) while her husband is alive and she dies, the husband may take the land from the purchasers (*since he is regarded as a purchaser from the time of his marriage; his purchase of the property predates their purchase*).

Rav Yitzchak bar Yosef once met Rabbi Avahu who was standing among a crowd of people in Usha. Rav Yitzchak asked him: who is the master of the ruling of Usha? Rabbi Avahu replied: It is Rabbi Yosi bar Chanina. Rav Yitzchak bar Yosef learned this from him forty times, and afterward it was as if he had put it into his pocket (*he memorized it*). (50a3)

Scriptural Expositions

It is written [Tehillim 106:3]: *Praiseworthy are they that keep justice, who perform charity at all times*. The *Gemora* asks: Is it possible to perform charity at all times? Our Rabbis of Yavneh explained, and others say that it was Rabbi Eliezer: This refers to a man who maintains his sons and daughters while they are still young (*it is regarded as a charitable act since they are not legally obligated to support them*). Rabbi Shmuel bar Nachmeini said: This refers to a man who raises an orphan boy or orphan girl in his house and enables them to marry.

It is written [ibid. 112:3]: *Wealth and riches are in his house, and his charity endures forever*. Rav Huna and Rav Chisda expounded the text in different ways. One said: It refers to a man who studies the Torah and teaches it to others. The other one said: It refers to a man who writes the Torah, Prophets and the Writings scrolls and lends them to others.

It is written [ibid. 128:6]: *And you shall see your children's children; peace upon Israel*. Rabbi Yehoshua ben Levi said: Once your children have children there will be peace upon Israel; for they will not be subject to *chalitzah* or *yibum*. Rabbi Shmuel bar Nachmeini said: Once your children have children, there will be peace for the judges of Israel, for doubtful claimants regarding inheritance will not come to quarrels. (50a3 – 50a4)

Kesuvah for the Male Children

The *Mishnah* had stated: This teaching Rabbi Elozar ben Azaryah taught in front of the sages in Kerem Be'Yavneh: The sons should inherit and the daughters should be supported. Just as sons only inherit after their father dies, so too daughters should only be supported after their father dies.

Rav Yosef sat before Rav Hamnuna, and Rav Hamnuna sat and said: Just like the sons only inherit land from their father, so too, the daughters are supported (*from the male heirs*) only from land.

Everyone shouted at Rav Hamnuna: Do you mean to say that if a father does not leave over land, the children do not inherit anything?

Rav Yosef said to Rav Hamnuna: Perhaps the master was referring to the *kesuvah* for the male children (*if their mother dies first, they have exclusive rights to the land which was guaranteed by their father to their mother in her kesuvah, and they are not required to share this land with children born to their father from a different marriage*)?

Rav Hamnuna replied: Master, who is a great man, knows what I am saying. (50a4 – 50b1)

Supporting Orphan Girls with Moveable Property

Rav Chiya bar Yosef said: Rav would support orphan girls from the wheat of the *aliyah* (*their father had no land and they needed to be maintained*).

They inquired: Did Rav give them from that which they were promised for their dowry (*from their father, which can be collected even from moveable property*) and what is the meaning of *aliyah*? Does it mean that we estimate the upper limit of their father's generosity, and this would follow Shmuel's opinion. For Shmuel said: With regard to a dowry, we estimate according to the disposition of their father (*if he would be liberally generous or perhaps stingy; and accordingly, we can collect even from moveable property since it is not something which was designated in the kesuvah*). Or perhaps, Rav was providing basic maintenance for the orphan girls and *aliyah* would mean according to the good things which were said in the upper chamber? For Rav Yitzchak bar Yosef said: It was decreed upon in the upper chamber that the daughters should be maintained even from moveable property (*unlike all other obligations stipulated upon in the kesuvah, which may only be collected from land*).

The *Gemora* cites the following proof: Rabbi Banai, the brother of Rabbi Chiya bar Abba had moveable property of orphans in his hands. The orphaned daughters came before

Shmuel to claim them. Shmuel told Rabbi Banai: Go and support them (*with the moveable property*). The *Gemora* notes: Are we not speaking about their sustenance, and this would be following the opinion of Rav Yitzchak bar Yosef (*who allows them to collect even from moveable property*)?

The *Gemora* rejects the proof: It is referring to their dowry, and Shmuel is following his own opinion, for Shmuel said: With regard to a dowry, we estimate according to the disposition of their father (*if he would be liberally generous or perhaps stingy; and accordingly, we can collect even from moveable property since it is not something which was designated in the kesuvah*).

The *Gemora* records several related incidents: In Nehardea, they collected moveable property to sustain orphan girls. Rav Nachman, however, said to them: Proceed to withdraw [your orders], otherwise, I shall order the seizure of your mansions.

Rabbi Ami and Rabbi Assi wanted to collect moveable property to sustain orphan girls. They were told: if Rabbi Yochanan and Rish Lakish did not do like this, they shouldn't either.

Rabbi Elozar wanted to collect moveable property to sustain orphan girls. Rabbi Shimon ben Elyakim told him: I know, my teacher that you are not acting according to the line of justice; rather, you are acting with compassion. However, there is a concern that the students will observe your judgment and they will think that this indeed is the correct *halachah*.

Rav Yosef once told inheritors to give dates that are on the mats to sustain an orphan girl. Abaye challenged him: Would you collect from dates for a creditor (*obviously not; you would only collect from land*)?

Rav Yosef responded: I was referring to dates that are fit to be used for mats (*but they are still on the tree and are therefore regarded as land*).



Abaye was not satisfied and he asked him: Since the dates are ready to be harvested, shouldn't they be considered as if they already were harvested?

Rav Yosef replied: I was referring to dates that still require the palm tree. (50b1 – 51a1)

INSIGHTS TO THE DAF

Don't Spend More than a Fifth

Rabbi Ila said: It was decreed in Usha that one who gives liberally to charity should not give more than a fifth of his wealth (*for then, he will be forced to beg for support himself*).

A *Baraisa* is cited to support this ruling: One who gives liberally to charity should not give more than a fifth of his money, for then, he will be forced to beg for support himself. There was an incident with a fellow who wished to give to charity more than a fifth of his wealth and his friend did not allow him to. Who was this friend? Rabbi Yesheivav. Others say: Rabbi Yesheivav wished to give to charity more than a fifth of his wealth and his friend did not allow him to. Who was this friend? Rabbi Akiva.

The Rosh writes that this *halacha* applies by all *mitzvos*; one should not spend more than a fifth of his wealth on any specific *mitzva*, such as esrog or lulav. The Rambam and Rema seem to rule accordingly.

The Rishonim ask: Why would someone be exempt from performing a *mitzvah* just because it costs more than a fifth of his wealth? The Ra'avad answers that this is similar to *halacha* that one should make his *Shabbos* like an ordinary weekday, and not be forced to be supported from charity. This is because poverty is regarded as death, and one is not obligated to give up his life for an ordinary *mitzvah*.

The Ra'avad adds that this *halacha* applies only to a positive commandment; however, one would be required to spend

his entire wealth in order not to transgress a negative precept.

The *Gemora* stated that one should not spend more than a fifth of his wealth to fulfill a *mitzvah*; is one halachically required to spend up to that amount, or is it only regarded as a *mitzvah*?

The Beis Yosef (Y"D; 249) writes that it is considered a *mitzvah* in the preferable manner if one spends up to a fifth of his wealth in order to perform a *mitzvah*. The Beis Yosef adds that although one can imply from the *Gemora* that it is not even a *mitzvah* to spend that amount because the *Gemora* states: One who spends liberally should not give more than a fifth of his wealth; however, even less than that would be regarded as spending liberally, and there would be no *mitzvah* whatsoever to spend that amount. Nevertheless, there is a Yerushalmi in Pe'ah that seems to indicate that there is a *mitzvah* to spend up to one-fifth of his wealth for a *mitzvah*.

In the sefer *Ahavas Chesed*, the Chafetz Chaim cites a Rambam in his explanation to the Mishnahyos, who writes that there is a halachic obligation to spend up to one-fifth of one's wealth for charity. He asks from our *Gemora*, which would seem to indicate that there is no such obligation. He answers that our *Gemora* is discussing a case where the poor people are not present and someone is searching to find them in order to give them charity. In such a situation, there is not even a *mitzvah* to give up to one-fifth. However, the Yerushalmi and the Rambam are speaking about a case where the poor person is in front of you; then, there would be a halachic obligation to give up to one-fifth.

WHEN CAN ONE SPEND MORE THAN A FIFTH?

What if one wants to spend more than a fifth? Is he allowed to? It is evident from the Rambam in his explanation to the Mishnahyos that it is regarded as virtuous (*midas chassidus*) for one to spend more than a fifth. However, it can be

inferred from the Rambam in halachos that one should not spend more than a fifth of his wealth on a *mitzvah*.

The Chafetz Chaim reconciles the two rulings of the Rambam in the same manner as before. If the poor person is present, it would be regarded as *midas chassidus* to spend more than a fifth, and that is what the Rambam in his explanation to the Mishnahyos is discussing. However, when the poor people are not present and one is chasing after them, he should not spend more than a fifth.

The Shitah Mekubetzes writes that one is permitted to spend more than a fifth of his wealth if it is to support the studying of Torah. The Ahavas Chesed explains the reasoning for this. One who supports another fellow to learn Torah is creating a partnership with him; the supporter receives a reward together with the one who is learning the Torah. One is permitted to purchase this reward for himself even if it will cost him more than a fifth.

Reb Moshe Feinstein (Igros Moshe (Y"D, 4:37) rules that this is correct only if the supporter specifically negotiates with the one studying Torah to create a partnership of Yissochar and Zevulun. However, if the provider is just donating money to support Torah, he is not permitted to give more than a fifth.

The Ibn Ezra in Mishlei (4:7) writes that one is permitted to spend more than a fifth of his wealth in order to study Torah himself. The Chafetz Chaim in Likutei Halachos (Yoma 12a) also rules like that. However, the Netziv in the Shiltos states that this is a matter of dispute between two Amoraim. The *Gemora* in Eruvin cites the verse that Torah is not in the Heavens. Rav Avdimi says: If it would be in the heavens, one would be obligated to go there and learn. It is evident that one would be forced to spend more than a fifth of his wealth to study Torah, for otherwise, he could claim that it costs too much to travel to the Heaven. However, Rava disagrees regarding the interpretation of that verse, and according to him, one would not be allowed to spend more than a fifth in order to study Torah.

The Rema (Y"D, 249:1) seems to hold that one can give away more than one-fifth of his wealth to charity right before he dies. It is brought in the name of Rabbeinu Yonah that even then, he should not.

It is written in Ahavas Chesed that one who is a free-spender in regards to himself and his family, i.e., he splurges on expensive clothing, builds for himself a fancy mansion and generally leads a luxurious lifestyle; it is permitted for him to give to charity more than a fifth of his wealth.

Some say that if one finds himself in dire straits, he is permitted to spend more than a fifth with the intention that it should be on account of this deed that he will merit a salvation. It is brought in the name of the Bnei Yissoschar that one who requires atonement on a specific sin is also permitted to give away more than a fifth.

DAILY MASHAL

A well-known Gemora in Taanis (9a) interprets our verse by playing on the similarity between the letters "shin" and "sin," and renders our verse עשר בשביל שתתעשר – tithe and you will become rich. How did the Gemora know that tithing will indeed make a person wealthy?

The Vilna Gaon notes that the Gemora (Bava Metzia 31a) generally understands a repeated verb as requiring a person to do an action even 100 times. If so, our verse should be understood as requiring a person to tithe his money even 100 times. However, the Gemora in Kesuvos (50a) states that the Rabbis instituted that a person shouldn't give more than one-fifth of his money to charity. If so, the Gemora in Taanis questioned how a person could be permitted to tithe, by giving one-tenth of his money, even three times, as this would require him to give more than one-fifth of his assets to charity. To this the Gemora answered that the Torah guarantees that one who does so will become rich and will therefore have enough money to continue tithing, even 100 times, without ever falling below the threshold of having given one-fifth of his original possessions to charity!