

OVERVIEW of the Daf

1) A girl who is given to the agent of the husband (cont.)

It is suggested that if the girl given to the agent of her husband returns home she should revert back to the halachos that applied while living in her father's home.

Rava cites a Baraisa that indicates that once she leaves her father's domain she does not return.

R' Pappa cites a Mishnah that also indicates that once a girl is delivered to the agent of the husband she is considered married and would be punished with strangulation if she was to behave adulterously.

R' Nachman bar Yitzchok cites another Mishnah that leads to the same conclusion.

2) **MISHNAH:** The Mishnah teaches that a man is not obligated to financially support his daughters. A related teaching of R' Elazar ben Azaryah is cited.

3) Clarifying the Mishnah

A number of inferences are made from the language of the Mishnah which seemingly leads to the conclusion that that Mishnah is inconsistent with the opinions of R' Meir, R' Yehudah and R' Yochanan ben Berokah.

A Baraisa is cited that presents these three opinions and the Gemara explains why the Mishnah seemingly does not follow any of their opinions.

The Gemara explains how the Mishnah could, in fact, be consistent with any one of the three opinions.

4) Supporting one's children that are minors

R' Illa cites from others an enactment from Usha that a man must support his minor children.

The Gemara inquires whether this is the halacha.

A number of incidents are cited that indicate that a father cannot be compelled to support his children.

This ruling is limited to where the husband is not wealthy. If he is wealthy he may be compelled to support his children.

5) Giving one's possessions to one's children

R' Illa cites from others an enactment from Usha that a man who gives all his property to his children is supported by them from that property.

The necessity for this ruling is unsuccessfully questioned.

The Gemara inquires whether halacha follows this opinion.

The beginning of an attempt to resolve this inquiry is presented. ■

Distinctive INSIGHT

The mitzvah to support sons who toil in Torah

מצוה לזון את הבנות וקל וחומר לבנים דעסקי בתורה

The Mishnah later (108b) features an argument between the Chachamim and Admon regarding the rights of daughters and sons in dividing the assets of their deceased father when the estate will not suffice to support the girls and leave extra for the sons to inherit. The Chachamim hold that the daughters must be supported, while the sons will be left to fend for themselves. Admon argues and claims that the sons should not be at a disadvantage. In explaining the opinion of Admon, Abaye comments that the sons who learn Torah should not have to lose the rights to the inheritance of their father. Rava questions this interpretation, as he wonders, "Could it be that only those who learn Torah deserve to inherit from their father, while those who do not learn Torah should get nothing?"

Tosafos (ibid. ד"ה אמר רבא) refers to our Gemara and notes what might seem to be an inconsistency. Here, we clearly say that there is a greater mitzvah to support sons who toil in Torah. Yet Rava questions this priority system as he immediately asks Abaye how could it be that only those who learn Torah can inherit from their father's estate, and that the others should be left with nothing?

Rabbeinu Tam explains that there is no inconsistency at all. In reference to inheritance, which is a Torah right of any son, Rava notes that it is not reasonable to exclude a son just because he is not learning Torah. However, in our Gemara we are speaking about support. A father has a mitzvah to support his daughters, and it stands to reason that the sons should not be penalized or suffer any disadvantage in any manner, as they toil in Torah, and they are certainly deserving of being supported. ■

REVIEW and Remember

1. How did R' Elazar ben Azaryah demonstrate that a man is not obligated to support his daughter?

2. Explain the dispute between R' Meir, R' Yehudah and R' Yochanan ben Berokah?

3. What was done to convince a man to support his children?

4. Why is a person supported by his children when he gives them all his property?

HALACHAH Highlight

May a wife give tzedaka for her husband when he refuses to give the tzedaka himself?

אבל אמיד כפינן ליה על כרחיה

But if he is wealthy we force him to [support his children] against his will

Rav Yechezkel Landau¹, the Noda B'Yehudah, was asked whether a woman who knows that her husband is stingy when it comes to giving tzedaka is permitted to give tzedaka, consistent with his financial means, even though she knows he would be angered were he to find out what she did. Noda B'Yehudah answered that although Beis Din is authorized to force a person to give tzedaka, nevertheless, who made his wife the judge to decide this matter on her own? Additionally, Beis Din only has the authority to take the money forcefully from a person who does not give to tzedaka voluntarily in his presence, but they are certainly not authorized to take money from him without his knowledge since that would constitute theft. Noda B'Yehudah added that anyone who rules that a wife is permitted to take her husband's money for tzedaka without his permission is only strengthening the hands of sinners and that position does not even deserve a response.

Rav Yechiel Michel Epstein², the Aruch Hashulchan, qualifies this ruling. In the times of Noda B'Yehudah when Beis Din had the authority to forcefully collect tzedaka there was no reason anyone, including one's wife, should take the law into her own hands and take tzedaka from someone without his knowledge. Nowadays, however, if a rov was to determine how much money this person should be giving to tzedaka it may be taken from him even without his knowledge. Why should anyone else suffer because Beis Din no longer has the authority to forcefully collect tzedaka if it can still be obtained? He also disregards the issue of considering the money to be stolen because once it is determined that he owes "x" amount of money there is no reason that it can be taken since from that person's perspective that is the amount he owes towards his tzedaka bill.

Teshuvah Atzei Halevanon³ ruled that if Beis Din imposed a tax that is charged to every person who buys meat there is no problem for a woman to pay that tax even though her husband protests. The reason is that when she gives the tax she is acting as an emissary for Beis Din who are certainly empowered to charge and collect this tax, even forcefully, if necessary. ■

1. שו"ת נודע ביהודה מהדו"ת יו"ד סי' קנ"ח.
2. ערוך השלחן יו"ד סי' רמ"ח סעי' י"ג.
3. שו"ת עצי הלבנון סי' נ"ט. ■

STORIES Off the Daf

"Even the Cruel Raven Feeds Her Children..."

"עורבא בעי בניהו ההוא גברא לא בעי בנייה..."

Unfortunately there are many people who have a miserly bent. Rav Yaakov Galinsky, shlit"a, says about such people, "It's easier for them to give up a limb than money!"

Some people are not quite so pathological, and only act out this negative trait when it comes to paying certain bills. It may be the doctor, lawyer, or any other legitimate expense; a person with such a block simply will not pay until he is forced.

In one building in Israel there was a man who had a miserly streak regarding paying for the maintenance of his build-

ing. To all intents and purposes he was respectable, and even a little learned, but he nevertheless was convinced that the co-op board was taking way too much, that the building didn't really need to be cleaned, and so on. The fact that halachically we follow the majority of tenants in the building and the norms of similar neighborhoods didn't make an impression on him. He refused to pay up.

The person in charge of building maintenance would not take this lying down. After he saw that over a year had gone by and this neighbor still refused to pay, he threatened the man. "If you don't pay up immediately, I will post a sign in the bulletin board of this building that you are in arrears!" The miserly man was very careful about his honor and the manager was sure that this would do the trick.

"What? Are you so wicked that you will embarrass me in public and forfeit

your olam habah for money? I don't believe you would do such a thing!"

The frustrated manager asked Rav Eliashiv, shlit"a, "Do I have the right to post the man's name publicly?"

"Yes," was the gadol's immediate reply.

When asked why he replied, "In Kesuvos 49b we find that a man who refuses to feed his young children would be publicly shamed into doing his duty. They would announce in the market, 'Even the cruel raven feeds her children, but so-and-so refuses!' We learn from this that it is permitted to embarrass someone even to pay what is essentially a moral obligation. How much more fitting is it to embarrass this man! He is wrongfully enjoying the benefit of a well-maintained building without contributing his fair share!" ■

