

OVERVIEW of the Daf

1) Giving one's possessions to one's children (cont.)

The Gemara concludes its proof that halacha does not follow R' Illa's ruling that a man who gives all his property to his children is supported by them from that property.

2) Giving more than a fifth of one's money to tzedaka

R' Illa reports that in Usha they enacted that a person may not give more than a fifth of his money to tzedaka.

A Baraisa is cited that supports this enactment.

A verse is cited that serves as an allusion to this enactment.

The exposition is clarified.

R' Shimi bar Ashi makes a tangential comment regarding the three enactments mentioned by R' Illa.

3) Teaching one's children Torah

R' Yitzchok reports the enactment of Usha regarding educating children that are resistant to learn.

This enactment is challenged.

Two resolutions are presented and the second one is supported by a comment from Abaye's nurse.

A second tangential statement from Abaye is cited followed by another statement related to a sick child.

Two versions of R' Katina's statement regarding the effect of starting a child in school before the age of six are presented.

The Gemara explains how both statements are correct.

4) A woman who sells her melog property

R' Yosi bar Chanina reports that in Usha they enacted that a man may repossess the melog property sold by his wife before she died.

A related incident is recorded.

5) Charity and children

The Gemara records expositions of three verses that relate to educating one's children, the charity that one can perform at all times, and how children generate peace.

6) Supporting one's daughters

R' Hamnuna taught that daughters are supported from land the same way sons inherit land.

The implication that sons only inherit land is challenged.

R' Yosef explains R' Hamnuna's intent.

R' Chiya bar Yosef reported that Rav supported orphan girl from the wheat of the aliyah.

The Gemara inquires whether Rav was providing for their dowries or food and explains the meaning of the term aliyah according to both possibilities.

An unsuccessful attempt is made to demonstrate that Rav was providing food.

Four related incidents are presented and discussed. ■

Distinctive INSIGHT

"His righteousness endures forever..."

הוון ועושר בביתו וצדקתו עומדת לעד—רב הונא ורב חסדא, חד אמר זה הלומד תורה ומלמדה לאחרים, וחד אמר זה הכותב תורה נביאים וכתובים ומשאלין לאחרים

Rav Huna and Rav Chisda each elaborate and offer an example to understand the verse in Tehillim (112:3) which states that one who has wealth and riches in his house, but yet his righteousness endures forever. How can a person be righteous and maintain his wealth if his riches remain in his house?

One Amora explains that the verse refers to one who is steeped in Torah, and he teaches to others. Here, his knowledge remains with him, but he attains righteousness by sharing with others, at no loss to himself. The other Amora explains that the verse can refer to a person who writes or obtains scrolls or texts of Torah, and he shares them or lends them to others. Once again, he can hold on to his resource without it becoming depleted, but by sharing with others and allowing them to use his library, he accumulates merit.

Maharsha points out that the verse speaks of riches. Someone who has financial resources, and distributes a portion of his money to tzedakah, not only is not losing his money, but is also gaining a blessing. The Gemara (Taanis 9a) specifically assures us that we can be certain that giving tzedakah leads to prosperity. We also find that not only does one who teaches Torah does not lose, but he also actually gains in Torah knowledge, as we find (Taanis 7a): "I have learned much from my Rabbeim, and even more from my friends and comrades. But I have learned the most from my students."

In a practical sense, anyone who purchases sefarim and donates them to a local yeshiva, Beis midrash or shul is included in this unique blessing of writing or obtaining Torah texts and providing them for others to use. "His righteousness endures forever!" ■

REVIEW and Remember

1. Is it appropriate to force children who are resistant to learn?

2. What is charity that lasts forever?

3. Which property from the father's estate to used to support the daughters?

4. When is acting merciful not appropriate?

HALACHAH Highlight

Giving more than a fifth of one's assets to tzedaka

המבזבז אל יבזבז יותר מחומש

Someone distributing funds to tzedaka may not distribute more than a fifth of his funds

Rav Moshe Feinstein¹ questioned whether the enactment of Usha that one should not give more than a fifth of his assets to tzedaka creates a prohibition or is it merely good advice. It would seem that one can infer from a later Gemara² that it is prohibited. The Gemara challenged Mar Ukva's intent, at the time of his death, to give away half of his estate from the enactment that one is not permitted to give away more than a fifth of his assets. Obviously, if the enactment was only good advice it would seem logical that it should not apply when a person is about to die. Nevertheless, Shulchan Aruch³ seems to indicate that one who has the financial means is obligated to provide money for the poor even if it results in giving more than a fifth of one's assets. In contrast, concludes Rav Moshe, since Rema⁴ cites the enactment it is evident that he disagrees and maintains that it is prohibited to give more

than a fifth of one's assets.

Rav Yitzchok Yaakov Weiss⁵, the Minchas Yitzchok, disagrees with Rav Moshe's ruling. He explains that Rav Moshe's ruling was built on the assumption that when Rema cited the enactment his intention was to disagree with Shulchan Aruch. This is not true, asserts Minchas Yitzchok, because if his intent was to disagree he would have begun his comments with the words, "And there are those that say - ויש אומרים" - which is his style. Furthermore, if one traces this halacha back to its primary sources one will see that Rema's intent was to provide a source and support for Shulchan Aruch's ruling that one who is not wealthy should not give more than a fifth to the poor. He never intended to convey that even those who are wealthy may not give more than a fifth to tzedaka. Therefore, concludes Minchas Yitzchok, since nowadays there are many people who are in need of tzedaka, one who has the financial means is certainly permitted to give more than a fifth of his estate to tzedaka. ■

1. שו"ת אג"מ יו"ד ח"א סי' קמ"ג.

2. גמ' לקמן סו' :

3. שו"ע יו"ד סי' רמ"ט סעי' א'.

4. רמ"א שם.

5. שו"ת מנחת יצחק ח"ה סי' ל"ד. ■

STORIES Off the Daf

Limits of Charity

"המבזבז לא יבזבז יותר מחומש..."

The Baal Shem Tov, zt"l, constantly worked to develop his bitachon, his trust in Hashem. One of his personal practices to bolster his trust was to give away every cent that he had in the house every single day. Someone once asked the Baal Shem Tov, "But in Kesuvos 50a we see that one may not give away more than twenty percent of his earnings, so why do you give all that you have away to the poor?"

The Baal Shem Tov HaKadosh replied, "The language of the כל המבזבז, is literally anyone who spends, but the connotation is one

who wastes. The Gemara is referring obliquely to a person whose giving is an aspect of bizah, he feels as if he has been ransacked by the poor and will feel resentful and exploited if he parts with more than twenty percent of his income. However, one who gives with his whole heart and feels true joy in having given is not included in this proscription at all!"

It is interesting to note that Rav Eliashiv, shlit"א, also concluded that anshei ma'aseh may give more than the twenty percent prescribed by our Gemara. When the Divrei Chaim of Sanz, zt"l, was asked this very same question he responded, "That limitation is only for a person who is doing the mitzvah of tzedakah. But for someone like me who needs to atone for his many sins, how could there be a limit? Is it not fitting that one should

spend every cent to save one's life?"

When people would pester the Av Beis Din of Lodz, Rav Eliyahu Chaim Meisel, zt"l, about this issue he would always crack the same joke, "Since I transgressed the prohibition to give more than twenty percent of my income to tzedakah, I give charity as an atonement. Then I realize that I have again transgressed and again give more to make up for this until I have no more money left!"

When someone asked him seriously about this he replied, "The restriction only concerns money doled out to pay for the goods that a poor person requires. But I give to people who are asking for food. When people are asking for food, one has increased obligations toward them. Naturally, I should feed these hungry unfortunates no matter what it costs!" ■