

שבוע Matters

THE DIMONT FAMILY EDITION

לע"נ אסתר אביגיל בת חיה רבקה וציפורה רחל בת אסתר מחלה

שבת קודש פרשת שופטים | מסכת כתובות דף מ"ט

INSIGHTS FROM OUR CHABUROS

Supporting 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.

STORIES OF THE DAF

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

עורבא בעי בניהו ההוא גברא לא בעי בניה

In one building in Israel there was a man who had a miserly streak regarding paying for the maintenance of his building. 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 Elyashiv, zt"l, "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!"

PARSHA CONNECTION

In this week's daf the Gemara discusses a father's obligation to support his children. פרשת שופטים includes an איסור forbidding the use of one's children for זרה עבודה, as it says: זכרונות פרק יח פסוק י: ולא ימציא בך מעביר בנו ובתו בראש קוסם קסמים מעונן ומנחש ומכשף: (זכרונות פרק יח פסוק י: ומזרעך לא יתן: ומזרעך לא יתן: פרק י"ח פסוק כ"א at פרשת קדושים) which is an individual on the parent, whereas in this week's פרשה it says לא ימציא בך which is telling the כלל there shall not be amongst you someone who does this. Why is this week's פרשה focused on the community?

To understand the difference, we need to look at the full context of this segment in this week's פרשה, which starts with הארץ כי אתה בא אל הארץ and the fact that we are privileged to have the השגחה פרטית and we are entering the land without any resistance because הקב"ה is with us. As the אלשיך הקודש explains, the גוים in those time believed that the creator isn't involved in running the world, but rather he has delegated the daily running of the world to intermediaries. It is for this reason, that they worshipped forces of nature such as fire. The passing of children between two fires, was their way of worshiping fire. It therefore says, in this week's פרשה that we as a community should only believe in the הקב"ה and because of that, we will not have amongst us, anyone who passes their children between two fires. This also explains the next few פסוקים regarding a נביא, which is our channel to the הקב"ה.

HALACHA HIGHLIGHT

Tzedaka for Her Husband

אבל אמיד כפינן ליה על כרחיה

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

The Noda B'Yehudah¹ 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.

The Aruch HaShulchan² qualifies this ruling. In the times of Noda B'Yehudah, when Beis Din had the authority to forcefully collect tzedakah, 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 מהדור"ת י"ד סי' קנ"ח
2. ערוך השולחן י"ד סי' רמ"ח סעי' י"ג
3. שו"ת עצי הלבנון סי' נ"ט

MUSSAR FROM THE DAF

The Bracha of Tzedaka

כי הא דרבא כפייה לרב נתן בר אמי ואפיק מיניה ארבע מאה זוזי לצדקה

The Gemara tells us that Rava forced Rav Nasan to donate 400 zuz to tzedakah. Tosafos asks how that is possible, since we have a כלל that any mitzvah which is מתן שכרה בצדה (The Torah tells us about all the reward one receives who performs the Mitzvah) אין בית דין של מטה מזהרין עליה. We also know that the Torah tells us ט"ו of the great beracha that one receives when one gives tzedekah נתון תתן לו ולא ירע לבבך בתתך לו כי בגלל הדבר הזה יברכך ה' אלקיך בכל מעשך ובכל משלח ירך.

The א"א gives a fascinating answer. He explains that the mitzvah of tzedekah is not always a mitzvah that is מתן שכרה בצדה. As one can infer from the pasuk, if a person gives tzedakah with a "bad heart" then they are not included in the berachos. Now we can understand how Rava was able to force Rav Huna to give Tzedekah. In that case, since he was forced, it doesn't come under the כלל of מתן שכרה בצדה because one is not presumably giving with simcha and a good heart.

We see from this Yesod of the אבני מילואים a very practical lesson. Whenever we have an opportunity to give tzedakah, we should try our best not to simply give because of pressure from others. We should muster up as much שמחה as we can each time we give tzedakah and we can thereby be included in all the berachos the Torah promises!

POINT TO PONDER

The Gemara says that if a father doesn't support his young children we call him out in public, and if he is wealthy we force him to feed them, like רבי נתן בר אמי forced רבא to give צדקה. Forcing someone to give צדקה as תוספות explains is problematic, and they suggest that it means with words. If it's just words, how is a rich man different than everyone else? The Gemara just said that we call out any father who doesn't feed his sons.

Response to last week's Point to Ponder:

The Gemara says that if a husband is נשתטה בית דין can use his assets to feed his wife and children. According to one interpretation they can also buy her cosmetics. Does a husband have a חיוב to buy his wife cosmetics?

The שולחן ערוך אבן העזר סימן עג' סעיף ג' writes that we obligate a husband to give his wife תכשיטים and gives as an example colored clothing and cosmetics. The גר"א cites the הלכה in סימן ע' סעיף ו' which is our Gemara regarding נשתטה, as the source. It would appear that according to the גר"א, our Gemara is the source for this הלכה. (See הלכה ט"ז on this הלכה.)

For more points to ponder by Rabbi Yechiel Grunhaus, or insights by Rabbi Yitzchok Gutterman, please visit our website, dafaweek.org, or download the app

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