

OVERVIEW of the Daf

1) Paying for the city wall (cont.)

The reason is explained why Reish Lakish cited a different verse than R' Yochanan to demonstrate that rabbis are exempt from contributing to security measures.

2) Taxes

R' Nachman bar R' Chisda once taxed the rabbis and R' Nachman bar Yitzchok criticized him for it.

R' Pappa and R' Shisha the son of R' Idi discussed taxing orphans to dig a well.

R' Yehudah issued two rulings related to taxes.

An incident related to supporting Torah scholars is presented.

Rebbi's decisions are explained.

3) Citizenship

A Baraisa is cited that contradicts the Mishnah's statement that one becomes a citizen after twelve months.

Rava resolves the contradiction and cites a Baraisa that supports his explanation.

A Baraisa is cited that indicates that one earns privileges of a citizen even before twelve months.

R' Assi in the name of R' Yochanan limits the application of the Mishnah's ruling.

4) Taxes (cont.)

Additional rulings related to taxation are cited.

A related incident is cited.

Another related incident is recounted.

The source that redeeming captives is a great mitzvah is presented.

5) Distribution of tzedaka

A Mishnah and Baraisa are cited that discuss the parameters for collecting and distributing קופה money and food for the תמחוי.

The Gemara elaborates on these rulings.

6) Leadership positions

The source that positions of authority must consist of two people is presented.

The Gemara infers from this that regarding matters of trust

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Distinctive INSIGHT

The radiance of the sky

ומצדיקי הרבים ככוכבים לעולם ועד—אלו גבאי צדקה. במתניתא תנא וכו' ומצדיקי הרבים לעולם ועד—אלו מלמדי תינוקות.

The Gemara discusses the reward in store for tzeddaka collectors. The verse in Sefer Daniel (12:3) is discussing the “end of days” when Moshiach will come: “The wise will shine like the radiance of the **רקיע**, and those who teach righteousness to the multitudes [will shine] like the stars, forever and ever.” According to one source, the radiance of the skies refers to judges, as they enable klal Yisroel to earn the great merit of justice. The analogy of being compared to the stars refers to those who collect tzeddaka, due to the merit they earn by encouraging others to give tzeddaka.

According to a Baraisa, the reference to the skies (**רקיע**) refers to judges as well as to tzeddaka collectors, while the reference to the stars refers to those who teach Torah to children. Tosafos notes that this would mean that collectors of tzeddaka are less meritorious than Torah teachers, as we see that the skies are a dark backdrop to the stars which shine brightly. Tosafos questions this contrast, however, based upon the Gemara in Pesachim (49b) which states that if one cannot find a son of a Torah scholar to marry his daughter, he should then choose the son of a tzedakka collector. If none is available, a person should only then choose the son of a Torah teacher as a husband for his daughter. We see, says Tosafos, that tzeddaka collectors are on a higher level than Torah teachers, which is the opposite of what our Gemara seems to suggest.

Tosafos answers that the **רקיע** actually is much brighter than the stars. Various explanations are given to account for our observation that the sky beyond the stars appears dark. Tosafos says that the **רקיע** in the verse refers to a bright level of the sky above the heads of the **חיות**, and not the dark sky we observe. **תוספות ישנים** explains that there is a curtain (**וילון**) which intercedes between the **רקיע** and us, which prevents the full glow of the sky to be visible.

In his **אמת ליעקב**, R' Yaakov Kaminitzky, zt”l, explains that, in fact, the sky beyond the stars is dark. Yet, the reference of tzeddaka collectors is not to the darkness of the sky, but to the clarity and utter transparency of the vacuum of space. Anything seen through space is unchanged and without distortion. The analogy teaches that a judge and a tzeddaka collector must remain unbiased and fair. A judge must remain impartial and uninfluenced by any external considerations in judgment, and a collector must decide who is a worthy recipient of the funds allotted for justifiable needs. ■

REVIEW and Remember

1. Is a tax for drawing water collected from orphans?

2. What is considered a “great mitzvah”?

3. Why is tzedaka collection considered to be a matter of authority?

4. What is done with extra tzedaka funds?

HALACHAH Highlight

Communal tzedaka collections

תנו רבנן קופה של צדקה נגבית בשנים וכו' תמחוי נגבית בשלשה וכו'
 The rabbis taught: The tzedaka kuppah is collected by two etc. and the תמחוי is collected by three

Shulchan Aruch¹ writes that every city that has Jewish residents must appoint a tzedaka collector (גבאי צדקה). The qualification for this position is that the person must be known to the residents in town and to be trustworthy so that he can visit all the residents to collect what they are obligated to give. There are two types of funds for which donations were collected. One was called קופה. It was money that was collected from the citizens of the city and distributed to the poor on Erev Shabbos. Each poor person was to be given an amount that would be sufficient for their needs for the coming week. Another group of tzedaka collectors would collect bread and other food items and would distribute what was collected to the poor that evening so that they would have food for a day. This collection is called תמחוי. Shulchan Aruch concludes this explanation by noting that every community has a קופה fund but there are some communities that do not have a תמחוי fund.

When² collecting for the קופה fund it is necessary for two people to be present. The basis for this is that we do not establish authority over the members of the community with less than two people. The reason this is considered establishing authority over the members of the community is that the collectors have the right to take something from those people who do not fulfill their tzedaka obligation. Once the money was collected it is permitted for one person to administer the funds since that job does not involve

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even one person is considered trustworthy.

The reason collecting tzedaka is considered a matter of authority is explained by R' Nachman in the name of Rabbah bar Avuha.

This explanation is unsuccessfully challenged and a related incident is cited.

7) Tzedaka collectors

An exposition is cited that highlights the greatness of tzedaka collectors.

A related incident is presented.

The Gemara relates that rabbis are even greater than tzedaka collectors.

Two Beraisos are cited that discuss laws related to tzedaka collectors.

Abaye notes two practices of Rabbah concerning the collection of tzedaka. ■

establishing authority over the members of the community. Regarding the distribution of these funds, Shulchan Aruch³ rules that it must be done with a group of three people. The reason three people are necessary is that the decision of how much to give to each poor person is akin to a monetary dispute that must be heard by a panel of three judges. The only way in which the תמחוי differs is that the collection is done by a panel of three collectors rather than two. The reason three are necessary is that a decision has to be made by the collectors how much to collect from each person since it is not a fixed amount as is the קופה collection. ■

1. שריע יו"ד סי' רנ"ו סעי' א'

2. שריע שם סעי' ב'

3. שריע שם. ■

STORIES Off the Daf

The measure of a scholar

"רב נחמן רמא כרגא ארבנן..."

There have always been various taxes that the Jewish community has imposed on its members for communal purposes. Very often, talmidei chachamim were exempt from these duties.

When the Rosh, ז"ל, was asked to clarify the definition of a talmid chacham that is not obligated to pay taxes he replied, "Someone whose Torah is his occupation... He must learn Torah at all times and he should never waste time on vapid pursuits. Although he must find time to earn a living, as the Mishnah states: 'Torah is good with derech erez,' his mind should nevertheless be focused on his learning. The

moment he is done with work he should immediately go back to the beis midrash."¹

But a bit later a dispute arose regarding what exactly the Rosh had meant. A certain man seemed to fulfill all the criteria of the Rosh. His mind was always on his learning and he used every free instant to learn and never wasted time. But he was not a ba'al hora'ah or any kind of lamdan. The question arose: was this man also exempt from paying his communal taxes just like a bona fide talmid chacham?

The Tashbatz, ז"ל, held that he was exempt, but the Radach, ז"ל, argued that only a ba'al hora'ah is exempt from paying taxes.² The Maharshdam, ז"ל, ruled like the Tashbatz. "He was clearly correct that even one who is less developed in his scholarship is still free from the duty to pay communal taxes. First of all, the general rule is: אחד המרבה ואחד הממעט ובלבד

'One does more, another less, but the main thing is that he direct his heart toward heaven.' Obviously, he must learn every moment that he can and he must not work to become wealthy.

"This is clear from Bava Basra 8. There we find that when Rav Nachman taxed the sages, Rav Nachman bar Yitzchak took him to task. It is well known that anywhere in the Talmud that we find the term 'rabanan' it means even beginning students and not only ba'alei hora'ah. This is even more clear from the sages' teaching that these are itinerant talmidei chachamim. They are clearly students who still require a teacher since ba'alei hora'ah do not generally go traveling around from city to city!"³

1. שו"ת הרא"ש, כלל ט"ו, סי' ז'

2. שו"ת תשב"ץ, סי' תי"ב

3. שו"ת מהרשד"ם, חו"מ, סי' שס"א ■