

OVERVIEW of the Daf

1) Dividing a field (cont.)

The Gemara explains how to divide a field that borders a river and a canal.

2) Property too small to divide

R' Yehuda and R' Nachman disagree whether one partner can demand that a price be set for half of the property when it is too small to divide.

Rava unsuccessfully challenges R' Nachman's position that one partner can insist on retaining the partnership of a property that is too small to divide.

Two unsuccessful challenges to R' Yehudah's position are presented.

A challenge to R' Nachman's position leads the Gemara to suggest that there is a dispute between Tannaim that parallels the dispute between R' Yehudah and R' Nachman.

The suggestion that the dispute between the Tannaim relates to this matter is rejected.

Abaye suggests that R' Yehudah was following the position expressed by his rebbi Shmuel.

Abaye's suggestion is rejected.

Ameimar issued a ruling consistent with R' Yehudah's position and when asked he explained that he disagrees with R' Nachman's position.

Ameimar's rejection of R' Nachman's position is unsuccessfully challenged.

3) Attaching a Torah to Nevi'im and Kesuvim

A Baraisa presents a disagreement between R' Meir and R' Yehudah regarding the permissibility of attaching

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REVIEW and Remember

1. Explain גוד או אגוד אגוד.
2. How does the case of someone who is half free and half slave seemingly refute R' Yehudah's position?
3. What is the point of dispute between Tanna Kamma and R' Shimon ben Gamliel?
4. How much space is there to be between one book of the Chumash and the next?

Distinctive INSIGHT

The requirement to settle the world—לשבת יצרה

יבטל? והלא לא נברא העולם אלא לפריה ורבייה שנאמר לא תהו בראה לשבת יצרה

In the discussion of the topic of גוד או אגוד, the Gemara cites the Baraisa with the dispute between Beis Hillel and Beis Shammai regarding a person who is a half-slave half-free man. While Beis Hillel is content to say that he should work for his master one day, and for himself one day, Beis Shammai points out that this only accommodates the arrangement vis-à-vis the owner. The person himself would not be able to marry a maidservant, due to his being half free, nor a Jewish woman, due to his being a half-slave. Beis Shammai requires that the slave therefore buy out his value as a half-slave and that he be freed by the owner, which enables him now to marry a Jewish woman.

Tosafos (ד"ה שנאמר) quotes Riva"m who notes that Beis Shammai brought the verse "לשבת יצרה" (Yeshayahu 45:18), which refers to the requirement to settle the world, but Beis Shammai did not bring the classic reference to פרו ורבו (Bereshis 1:28), which is the Torah commandment to procreate and populate the world. The reason for this is that as a half-slave, the only requirement to have children is that of settling the world, which is indicated in the verse from Yeshayahu. The mitzvah to have children is only applicable to Jewish men, and not to slaves.

The Gemara in Yevamos (66a) discusses a woman who was a half-maidservant and half free, and the only reason her master was forced to free her was due to "נהגו בה מנהג הפקר," she was being treated disrespectfully in her having an uncertain status. The master was not compelled to release her due to the verse in Yeshayahu, because even after being freed, as a woman she was exempt from the mitzvah of פרו ורבו, and there was no indication that she would succeed in pursuing the mitzvah of פרו ורבו and in settling the world (לשבת). The slave, however, once freed, would be commanded to fulfill פרו ורבו, and he thereby also fulfills לשבת.

ר"י explains that the reason we do not mention the mitzvah of פרו ורבו in reference to the half-slave is that it is beyond his control to fulfill this mitzvah (he is אנוס), and he is exempt from this mitzvah as long as he is owned by his master. In fact, if we held him responsible for this mitzvah, all masters would have to free all slaves in order for them to fulfill פרו ורבו. The Gemara does, however, bring the verse of לשבת from where we see that this mitzvah is so great that the entire world was created in its merit. ■

HALACHAH Highlight

Accepting gifts

ואי במתנה לא ניחא לי דכתיב שונא מתנות יחיה

And if it is to be given as a gift I am not interested since the verse states, "One who despises gifts will live."

Shulchan Aruch¹ writes that it is an act of piety for a person to avoid accepting gifts and instead he should place his trust in Hashem that He will provide him with what he needs. The basis of this approach is the verse **שונא מתנות יחיה** – The one who despises gifts will live. S"ma² suggests that the intent of this ruling was to address the nature of people to pursue receiving gifts thinking that this gift will allow the recipient to support himself and his family. Therefore we are taught that the opposite approach should be pursued and it is the one who despises and avoids gifts who will live. The reason accepting gifts is seen so negatively is that people who pursue gifts feel compelled to flatter potential gift givers and will thus refrain from offering words of rebuke. The association between avoiding gifts and the concern about the recipient's inability to give his benefactor rebuke leads Minchas Pitim³ to an interesting conclusion. Since there is no obligation to rebuke gentiles it is permissible to accept gifts from them.

Dovev Meisharim⁴ notes that an incident involving Avrohom Avinu seems to indicate that one is not permit-

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a Torah to Nevi'im and Kesuvim together with other halachos related to a kosher scroll.

Another Baraisa related to combining different books together is recorded. ■

ted to accept gifts from gentiles. Avrohom Avinu told Sarah to identify herself as his sister so that he will be given presents⁵. Why was Avrohom looking for presents? Dovev Meisharim suggests that Avrohom Avinu wanted to be offered presents to that he could refuse them and thereby fulfill the verse that states that those who despise presents will live. The fact that Avrohom Avinu refused to accept presents from gentiles points to the fact that accepting gifts from gentiles should be avoided. He rejects this understanding and explains why this conclusion is incorrect. The mission of Avrohom Avinu was to teach the world about Hashem and to do so it was necessary for him to be able to give words of rebuke. Since he was in that unique position of giving gentiles words of rebuke it was necessary for him to avoid accepting gifts. Others who do not share that mission and are not obligated to give gentiles words of rebuke may accept gifts from them. ■

1. שוייע חוי"מ סי' רמ"ט סעי' ה'.
2. סמ"ע שם סק"ד.
3. מנחת פתים או"ח סי' תצ"ח סעי' י"א.
4. דבריו מובא בקובץ דרך כוכב מיעקב כרך ג' דף כ"ז.
5. רש"י בראשית י"ב: י"ג. ■

STORIES Off the Daf

Returned to sender

"שונא מתנות יחיה..."

On today's daf we find a reference to the verse that one who despises gifts will live.

When the Chofetz Chaim, זת"ל, was young he was forced to teach to make a living. Although he could certainly have held a respectable position as the rav of a town, he was unwilling. He also refused to teach those who were older than himself. This left him with very few possibilities for parnasah and he eventually found a job teaching gemara to older bochurim.

When his admirers noticed how absolutely destitute the Chofetz Chaim was, they pleaded with him to accept a monthly stipend to alleviate his poverty. They tried all sorts of ways to give the money to the Chofetz Chaim in a very respectable manner, but to no avail. Even at a young age he was already resolved not to take money from others. He literally preferred to go hungry.

When he was older and already famous, Rav Meir Hillel Kolotzky, one of the most respectable people in Grodno, wished to donate a sizable sum of money for the Chofetz Chaim's personal use. But he already knew that the Chofetz Chaim never agreed to take gifts from others, so he planned to

send the money anonymously so it could not be returned.

He sent the money to his mother in Eishishok to send it off to the Chofetz Chaim in an unmarked envelope with a note that said that the money was a gift freely given for the Chofetz Chaim's use. But the Chofetz Chaim refused to use the money. He left it on one side for almost two years until he finally uncovered a tenuous clue that helped him determine from where the money had come. The moment he understood who the donor had been he sent it back. Exactly two years after the gift had been sent, every penny was returned to the disappointed donor."¹ ■

1. הנהגות החפץ חיים, עי' רל"ח-רל"ט.