

OVERVIEW of the Daf

1) Tzedaka

A Baraisa recounts the great act of tzedaka of Binyomin the Tzadik.

Another Baraisa relates that due to his great act of tzedaka Binyomin the Tzadik merited to live an additional twenty two years.

The Gemara retells an incident involving King Munbaz and a great act of tzedaka that he performed.

2) Becoming a citizen

It is noted that the Mishnah that states that one becomes a citizen immediately upon the purchase of a house is at odds with R' Shimon ben Gamliel who rules that the purchase of any land makes one into a citizen.

A Baraisa is cited that presents a second version of R' Shimon ben Gamliel's position.

The Gemara concludes that there are two versions of the position of R' Shimon ben Gamliel.

3) MISHNAH: The Mishnah discusses the division of different items and when one partner can force the other to divide the possession.

4) Dividing a courtyard

R' Asi in the name of R' Yochanan asserts that the four amos for each partner mentioned in reference to dividing a courtyard excludes the area in front of the doorways.

Proof to this assertion is cited.

A second version of this discussion is recorded.

R' Huna asserts that a courtyard is divided according to its doorways whereas R' Chisda maintains that each doorway is given four amos and the remainder is divided equally.

A Baraisa is cited that is consistent with R' Chisda's position.

Abaye explains a section of this Baraisa.

Ameimar discusses the land that is allotted surrounding a pit of date stones.

R' Huna asserts that an אכסדרה is not given four amos.

R' Sheishes unsuccessfully challenges this ruling.

A Baraisa discusses whether other structures in a courtyard are given four amos.

R' Yochanan asked R' Yannai whether a chicken coop is given four amos.

R' Yannai explained why a chicken coop is not given four amos.

Rava asked R' Nachman whether a house that is only partially covered is given four amos.

R' Nachman explained why such a house is not given four amos.

R' Huna posed two questions to R' Ami, the second of which is related to doorways.

5) Four amos for a mavoi

R' Huna taught that residents of a mavoi can prevent one of

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Distinctive INSIGHT

How do we measure the four amos of a yard?

אין חולקין את החצר עד שיהא ארבע אמות לזה וארבע אמות לזה

The Rishonim discuss how to measure the minimum area necessary of four amos which is needed for each person before the yard can be divided unilaterally. Ri"f, Rashba and Ritva all explain that the dimensions have to minimally four amos by four amos for each of the partners, which is actually a total area of four amos by eight amos. Although this results in sixteen square amos per person, it is not acceptable for the length to make up the difference if the width is too narrow. For example, where each would be receiving an area of three amos by six amos, which is eighteen square amos area, which is more than sixteen square amos, this configuration is not adequate to be defined as a yard which is *יש בה דין חלוקה*. The side that is only three amos long makes this yard ineligible for unilateral division. Ran explains that the reason for this is when there is less than four amos in any direction, there is not enough room to function and perform one's tasks.

Chasam Sofer adds that the four amos by four amos for each partner is aside from the area needed to build the fence. The reasoning for this is that it is not sensible that the area remaining after contributing to building a fence should vary based upon the width of the wall which is built. Rather, the area needed for utility remains constant—four by four—and the place upon where the wall is to be built is aside from the four by four each receives for his private affairs.

In the Gemara, Rav Huna adds that in addition to the four amos by four amos necessary in order for each to perform his functions and personal tasks, it is also necessary to provide each partner with an additional four amos in front of his doorway to enable him to load and unload packages from his donkey. There are various reasons why this additional accommodation is

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REVIEW and Remember

1. How many years did Binyomin the Tzadik's act of tzedaka add to his life?

2. What is the point of dispute between R' Huna and R' Chisda?

3. Why is the owner of a chicken coop not given four amos at the entrance to the chicken coop?

4. How does a community decide how many soldiers each family will house?

HALACHAH Highlight

Giving away more than twenty percent of one's wealth to tzedaka

מעשה במונבו המלך שבזבו אוצרותיו וכו'

There was an incident involving King Munbaz who distributed his treasures etc.

Iyun Yaakov¹ asks why it was permitted for King Munbaz to give away everything that was in his treasuries when the Gemara Kesubos (50a) teaches that a person should not give away to tzedaka any more than one-fifth of his wealth. He answers that a king is an exception to the rule. The reason for the enactment was a concern that if a person gives away more than a fifth of his wealth he risks becoming poor himself. There is no such concern when it comes to a king and thus the restriction does not apply. The author of Teshuvah Ma'ahava² asks the same question and answers that when people are suffering from the pangs of starvation and there is a concern that people may die, a person of means must distribute what has to be done to prevent a tragedy from occurring, even if it entails giving away more than one-fifth of his wealth.

The Gemara Taanis (24a) recounts another incident in which Elazar Ish Barta gave all of his wealth to a tzedaka collector. Sefer Gevuras Ari³ questions the permissibility of Elazar Ish Barta giving away more than a fifth of his wealth. Chofetz Chaim⁴ answers that the restriction against giving away more than a fifth of one's wealth applies only when people in need are not present. When poor people are present and asking for money it is an act of piety to give

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not recorded in the Mishnah. Rashba explains that this additional area is only added in front of doors to houses, and it is for unloading. The yard in our Mishnah may be dealing with a yard which is not immediately in front of any doorways, in which case the only area provided for each is the four by four amos for working. Another approach is that although if the area is large enough, we give each partner room for unloading his packages, if, however, the area is precisely eight amos by four amos, we still divide it, and we expect each partner to unload his packages directly into his house, and not in front of the door. Finally, Ritva notes that the width of doorways varies, which affects the unloading area provided for each. The Mishnah did not want to begin dealing with this aspect of the division and its complications. ■

even more than a fifth of one's wealth. This answer would seem to apply to our Gemara as well. The restriction against giving away more than one-fifth of one's wealth did not apply in the case of King Munbaz since there were poor people present asking for assistance. Another explanation offered by Chofetz Chaim⁵ is that the restriction does not apply to those who are wealthy; accordingly, since King Munbaz was wealthy the restriction did not apply. ■

1. עיון יעקב ד"ה שבזבו.

2. שו"ת תשובה מאהבה ח"ב סי' רפ"ה.

3. גבורת ארי שם.

4. אהבת חסד ח"ב פי"ט סעי' ד'.

5. שם פי"כ סעי' א'.

STORIES Off the Daf

True Wealth

"וואני גנתי במקום שאין היד שולטת..."

When a certain wealthy German Jew was in Poland he decided to visit Rav Michel Zlotchover, zt"l, one of the many famous students of the Baal Shem Tov. The wealthy man figured that Rav Michel must live a very comfortable lifestyle, but when he entered the tzaddik's small, run-down apartment, he was shocked to find that this was not so. Rav Michel received his many visitors while sitting on a dilapidated chair, which stood next to a broken-down table.

The wealthy German could not prevent himself from blurting out, "Why doesn't your honor have a nicer house with nice furnishings as befits someone of your stature?"

"And where are you staying while you visit our town?" Rav Michel asked.

The wealthy man mentioned a certain

kosher inn.

"But how can a wealthy man of your stature stay in such quarters? Surely it is inferior to your home?"

"You are definitely correct." the wealthy man agreed. "At home I have such beautiful furnishings and accoutrements that it is truly pleasing to the eye to visit my wonderful abode. Even from the outside, my home is truly magnificent. But for now I am travelling through a strange country and could not bring my beautifully appointed home with me."

"But I am just like you," Rav Michel answered. "I too have many rooms, filled with the most beautiful and prized possessions, beyond anything we could possibly imagine. I have built a magnificent palace in heaven from the many mitzvos that I have done. But that is all hidden away in another plane. For now, I am traveling in land that is strange to my neshamah. Like you, I do not have my wealth with me and make do with what is available..."

When the Kedushas Tzion of Bobov,

zt"l, recounted this story, he added that we see a similar thing in Bava Basra 11. There we find that King Munbaz emptied his treasuries during two years of famine. He explained that while his fathers had amassed their treasures below, he had amassed his on high. His fathers had left their wealth where it could be stolen but he had sequestered his in a place where no one could reach it.

"We see that through tzedaka and mitzvos, a person is building his home in the next world. These are eternal, where no other person can reach them." ■

1. קדושת ציון, ח"ב ע' צ"ד

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the residents from enclosing the four amos of the mavoi that is in front of his courtyard.

This ruling is challenged and the Gemara concludes that the matter is subject to a dispute between Tannaim.

Rava qualifies one of the rulings mentioned in the previous Baraisa. ■