

## OVERVIEW of the Daf

### 1) R' Yochanan ben Berokah's position

Rava inquires whether R' Yochanan ben Berokah would issue the same ruling if the person making the statements was healthy.

The two sides of the question are explained.

R' Mesharshiya proves that R' Yochanan ben Berokah would maintain the same position even if it was a healthy person who issued these statements.

R' Pappa asks why Rebbi, quoted in the Baraisa cited by R' Mesharshiya, responded to R' Nosson as he did.

Abaye offers an explanation but then rejects that explanation.

R' Nechumi or according to others R' Chananya bar Manyumi offers a response.

Abaye unsuccessfully rejects this explanation.

### 2) Writing all of one's possessions to his wife

R' Yehudah in the name of Shmuel ruled that one who writes all of his possessions to his wife only made her an administrator of his estate.

The same ruling applies for an adult child but the Gemara is uncertain about the halacha if the recipient is a minor.

Shmuel is quoted as ruling that the same halacha applies if the child is a minor.

Additional applications of this halacha are presented.

Three related inquiries are recorded.

Ravina and R' Avira disagree about Rava's position pertaining to these three inquiries. ■

## REVIEW and Remember

1. Is כתובת בנין דכרין a gift or an inheritance?  
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2. According to R' Meir, is one able to convey property to one who is not yet in the world?  
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3. Why does a wife become the administrator of her husband's estate if he gave her all of his property?  
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4. What is the point of dispute between Ravina and R' Avira?  
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Today's Daf Digest is dedicated  
 In loving memory of  
 Faige Raizel bas Menachem Manush A"H,  
 Mrs. Fanny Inger O.B.M.  
 by her children Dr. and Mrs. Aaron Friedman

## Distinctive INSIGHT

*Are these words true only in regard to a deathly-ill person?  
 כי קאמר רבי יוחנן בן ברוקה בשכיב מרע דבר אורוטי הוא*

**R**' Yochanan ben Berokah said that a person may designate all of his inheritance to one heir out of many. The source of this opinion was the verse in Devarim (21:16), where the Torah describes a person as the one who "bequeaths his possessions." This suggests that the person has a say-so in the matter, and that he may distribute his property according to his wishes. Rava inquires regarding this halacha whether it was said only in reference to a deathly-ill person (שכיב מרע), or if it was said in general, even in reference to a healthy person (בריא).

Rashbam explains the rationale in making a distinction between a sick person who makes such a declaration as opposed to a healthy person who would make such a statement. A person who is on his death bed is in a position to divide his possessions on that very day. This is the situation about which the Torah speaks as it empowers a person to make decisions regarding the inheritance. However, any statement made by a healthy person is just theoretical, as he is not currently dividing his inheritance. This is the basis for the question of Rava whether the rule of R' Yochanan ben Berokah applies to instructions given by a healthy person.

מיגאש explains that we know that a שכיב מרע can give a gift to anyone he wishes, as he is empowered to issue requests which are honored even without the formal legalities which are normally necessary (קנין). Any gift which he grants has the status of inheritance. Similarly, Rava asks that perhaps the rule of R' Yochanan ben Berokah regarding actual inheritance is only an extension of this same set of privileges which a שכיב מרע has, but not a healthy person.

Rashba explains that because a healthy person is not expected to die that day, he is not in a position to bequeath his possessions to anyone, including those who are technically in line to eventually inherit from him. If a healthy person gives instructions saying that all his property should go to one particular son, it is as if he is speaking about someone who is not (yet) eligible to inherit from him.

Rabeinu Yona writes that even if we were to say that a statement of a healthy person who designates all of his inheritance to one heir is valid, this would only be true as long as he did not retract his statement at any point. Ritva and Nimukei Yosef concur with this view. However, Ktzos HaChoshen (283, #3) writes that the Rishonim agree that once the statement regarding inheritance is valid and one

## HALACHAH Highlight

### Honoring a step-mother

A woman with her husband's sons

The Gemara teaches that one who transfers all of his property to his wife has, in fact, appointed her a custodian over his estate. Rashbam<sup>1</sup> explains that since the children are Biblically mandated to honor their mother he appointed her custodian over his estate so that they would honor her. Accordingly, the Gemara wonders whether the same halacha would apply if the man's wife is not the mother of his children. Even though children are Biblically obligated to honor their step-mother, since this obligation is derived from the word "את" of the phrase "כבוד את אביך" it is possible that since the obligation to honor a step-mother is not as strong as the obligation to honor a mother the husband intended to give her his property as a gift rather than merely appoint her as a custodian over his property.

Rav Akiva Eiger<sup>2</sup> questions the explanation of Rashbam that indicates that one is obligated to honor a step-mother even after one's father has died. The Gemara Kesubos (103a) is clear that children are not obligated to honor a step-mother after the death of their father. What then was the uncertainty of the Gemara regarding the father's intent? There is no rea-

ואשה אצל בני הבעל

(Insight...continued from page 1)

person is identified as his sole heir, this designation may not be retracted. Instead of retracting his statement, he could, however, further identify others as also being heirs to receive his estate with the original designee. ■

son to think he gave his wife his estate to encourage his children to honor her if no such obligation exists. This question of whether the obligation to honor a step-mother is an independent obligation or whether it is a subcategory of the obligation to honor one's father has other practical outcomes. One issue discussed by Darchei Moshe<sup>3</sup> is whether the father can grant permission to his children to not honor his new wife. If honoring a step-mother is a derivative of the obligation to honor a father he could forgo that aspect of their obligation but if it is an independent obligation it is not within his domain to permit his children to not honor their step-mother. Another issue would arise if the father was an apostate. If the obligation to honor a step-mother is a derivative of the honor due to the father in a case where there is no obligation to honor the father there would be no obligation to honor their step-mother but if the obligation to honor one's step-mother is an independent obligation it would be in force even if the father was an apostate. ■

1. רשב"ם ד"ה ואשה אצל בני הבעל.
2. גליון הש"ס לסוגיין.
3. דרכי משה יו"ד סי' ר"מ אות ז'.

## STORIES Off the Daf

### A worthwhile investment

פשיטא לבנו הגדול לא עשא אלה אפוטרופוס

Once, a traveler from a distant land came to Europe and was surprised to see a farmer plant wheat kernels into the ground. The stranger came from a country with many natural resources but where wheat was not native. At home, they imported wheat at a very high price. From his point of view, putting valuable kernels into the ground was nothing less than sheer folly and he decided to explain as much to the farmer. "Why waste your food?"

"I plant the seeds to reap a harvest that multiplies my investment many times over if good growing conditions prevail," the farmer replied. "In two or

three months I will know if my efforts have paid off."

The stranger was so intrigued that he decided to stay and see what would become of the wheat. Unfortunately, there was very little rain, and the yield was less than the seeds used to plant.

The stranger pointed this out to the farmer. "Didn't I tell you that you were wasting your time and resources?"

But the farmer disagreed. "Just because I didn't get a harvest this time doesn't mean that everyone who planted was as unlucky. Only the hard labor of the farmers makes it possible for us all to have wheat. If no one planted there would be a terrible famine, since it is only when we plant that we reap the benefits and have enough wheat to eat, sell, and re-plant."

The Arvei Nachal, zt"l, used this parable to explain today's daf. "In Bava Bas-

ra 131 we find that if a father designated all of his property to one son and did not give any to his other children it is clear that he is merely making this son the executor for the will, since how could the father fail to give anything to his other children? The same is true regarding those who are blessed with greater insight and learning. They are given more, so that they have a bounty that they can share with their fellow Jews. Giving spiritual direction to our fellows does not always take root, and seems downright wasteful sometimes. After all, now that he knows Torah, he is no longer an inadvertent sinner. But when a person has the merit, he will also reap the manifold benefits of the rich spiritual harvest of true teshuvah!"<sup>1</sup> ■

1. ערבי נחל, פרשת האזינו