

OVERVIEW of the Daf

1) Conveying property to another together with a gift to unborn children (cont.)

R' Yirmiyah went to R' Avin who ruled that the older son does not receive the gift that was given to him with the gift that was given to unborn children since it is similar to conveying property to someone "like a donkey would acquire the property" which clearly is invalid.

2) Acquire like/with a donkey

The previous discussion leads the Gemara into a debate about the meaning of the phrase, "acquire with a donkey."

R' Nachman, R' Hamnuna and R' Sheishes disagree about the halachic ramifications of such a phrase.

R' Sheishes cites proof for his position that the recipient receives the entire gift.

The proof is rejected.

An unsuccessful challenge to those who dispute R' Sheishes is presented.

3) Giving property to one's wife with one's children

R' Yosef ruled that if a man declares that his estate should belong to his wife and her sons the wife is given half of the property. The basis of this ruling is derived from the phrase **והיתה לאהרון ולבניו**.

Abaye challenges this ruling and maintains that the wife receives a portion equal to the portion of the sons.

Abaye's position is unsuccessfully challenged.

R' Yosef's position is unsuccessfully challenged.

The Gemara lists cases when halacha follows R' Yosef's position and this issue is one of those cases.

The Gemara presents a number of cases where there was uncertainty about the intent of a donor.

4) MISHNAH: The Mishnah discusses the question of who

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Distinctive INSIGHT

Items that are appropriate for men or for women

הווא דשדר פיסקי דשיראי לביתיה, אמר רבי אמי הראויין לבנים לראויין לבנות לבנות

The Gemara brings a story of a man who sent pieces of silk fabric as gifts for the members of his family, but did not specify which items were intended for which family members. The Gemara clarifies the halacha in this case.

Rebbe Ami ruled that the pieces that were appropriate to be used for men's clothing were to be given to the boys, and the pieces that were fitting to be used for women's clothing were to be given to the girls. If, however, the man had daughters-in-law, then even the pieces for women's clothing would go to the sons, in order to be used by the daughters-in-law. In case the man had unmarried daughters, then those pieces would go to them, before being given to daughters-in-law. The assumption is that a man first wants his unmarried daughters to be well-dressed in order that they be able to attract men as husbands. After that, a man wishes to supply his daughters-in-law as an extension of the close feelings he has for his sons. Finally, a man wants his own married daughters to enjoy nice clothing, but that responsibility is primarily upon their husbands.

סמ"ג explains that the reference to "items which are fit for men" refers to books or weapons, while "items fit for women" refers to clothing and jewelry. Nimukei Yosef explains that all the items here are clothing, but the difference is in the color. Darker colors are appropriate for men, while certain other colors are not fitting for men, so those cloths or fabrics were for the women. Rambam (Hilchos Z'chiya u'Matana 6:14) also writes that if there are colored silk fabrics and gold trinkets they should be given to the girls, as the assumption is that the father intended these items for them. פרישה (C.M. 247:1) notes that one could argue that the father would have wanted the girls also to receive the darker colored fabrics as well, in order for prospective husbands to be willing to marry them. Nevertheless, we do not award the girls with items which are more appropriate for men.

The Rishonim dispute what is to be done with items which are suitable for both men and for women. The issue is whether the men and women should divide them equally, or perhaps the Gemara clearly says that women only receive the items which are appropriate for them, but they are not to receive anything else, as the rest of it all goes to the men. יד רמה discusses the issue, and he brings several arguments to show that these items should be divided equally among all the children. Rambam (ibid.), however, rules that these items go to the sons only. Magid Mishnah points out that the reasoning for this is that a man is assumed to feel more financially responsible for his son, even to the extent of wishing to supply his daughter-in-law before his own daughter. ■

REVIEW and Remember

1. How does one bear sin for separating terumah?

2. What is derived from the words **והיתה לאהרון ולבניו**?

3. In what cases do we rule in accordance with R' Yosef opinion?

4. When can children keep the increased value of an estate for themselves?

HALACHAH Highlight

Are great-grandchildren the same as grandchildren?

קרו אינשי לבר ברא ברא או לא

Do people call a grandson as "son" or not?

The Gemara presents a dispute whether people refer to their grandson as a "son." Shulchan Aruch¹ follows the opinion that maintains that a grandson is not referred to as a "son" and therefore, if a person declared that his property should go to his "sons" his grandson has no claim to the property. He mentions, however, an opinion that maintains that if the deceased did not have surviving sons the estate would, in fact, go to his grandson.

There was once an incident of a community that sold burial plots to a man and the contract specified that the man, his sons and grandsons could be buried in the purchased plots. After twenty years the community wanted to prohibit the family from burying any more relatives in the cemetery since the contract only mentioned three generations. Since some of the great-grandsons were already buried in the family plot, the community wanted to deny them the right to bury even the grandsons, claiming they had used up their rights. The family argued that great-grandsons are also considered grandsons and thus their burial should be included in the contract. The two parties asked the author of Teshuvos Mabit² to resolve their disagreement. Mabit answered that the matter can not be definitively resolved. A proof that great-grandchildren are

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benefits from increasing the value of property that was received as an inheritance before it was divided amongst the heirs.

5) Sharing the increased value of the estate

Rava asserts that the Mishnah's ruling that the increased value belongs to the estate refers to where the value increased on its own but if someone caused the property to increase in value it is his exclusively.

The Gemara begins to challenge Rava's qualification. ■

considered the same as grandchildren can be found in the verses that enumerate the descendants of Yaakov who went to Mitzrayim. The verse states that it is listing his children and grandchildren and yet it lists **חצרון וחמול** who were great-grandsons of Yaakov. Nevertheless, since it is not clear whether people include great-grandsons in the term grandson, the matter is in doubt and the family remains with their chazakah and the family was allowed to bury the remaining grandsons in this cemetery.

Teshuvos Shvus Yaakov³ was asked a similar question and rejected Mabit's approach of resolving this inquiry from verses since the use of words in the Torah has no bearing on how words are used by people. Furthermore, we see in our Gemara that even grandchildren are not the same as children so certainly it is safe to assume that great-grandchildren are not the same as grandchildren. ■

1. שו"ע חו"מ סי' רמ"ז סעי' ג'.

2. שו"ת מב"ט ח"ב סי' כ"ח.

3. שו"ת שבות יעקב ח"א סי' קע"ג. ■

STORIES Off the Daf

An only survivor

"ובני דן חושים..."

It is hard to comprehend the absolute annihilation of entire families or even towns, during the Holocaust. Some families had the "good fortune" of being survived by one son or daughter. Of course, the mental anguish of survivors, especially lone survivors, is mindboggling. Everyone understood that these people desperately needed chizuk, but many wondered what could be said to comfort someone who endured such an inferno? Interestingly, many of the greatest people in those times gave

them great comfort, often waiting for an opportune moment when their words would help the most.

One such survivor, Rav Eliyahu Tanenhouse, z"l, was from a very distinguished family who had lost everyone besides his lone self. After the war, Rav Eliyahu made aliyah and after adjusting to his new environment, found the right person and got engaged to be married.

When Rav Mottel of Slonim, zt"l, heard about this he was overjoyed. At the Kiddush that the next Shabbos celebrating the engagement, he blessed the new chosson warmly. "Mazel Tov! The verse, 'ובני דן חושים', should be fulfilled in you."

When asked what he meant by this

somewhat eccentric brocha he replied, "In Bava Basra 142 we find that although Dan's only son was Chushim, he is referred to as בני, the plural for children and not the expected בן, which means son. The reason for this is because Chushim had many descendants, who multiplied like bundles of reeds. They had so many children that by the time the Jewish people left Egypt the tribe of Dan was among the most numerous tribes.

In conclusion, Rav Mottel joyously declaimed, "Let us bless our chosson that his descendants also proliferate until they form, once again, a very large family!"¹ ■

1. שבחו של אהרון, עי' קל"ד ■

