

OVERVIEW of the Daf

1) Sharing the increased value of the estate (cont.)

The Gemara rejects the challenge to Rava's qualification of the Mishnah.

2) Keeping the increased value of the estate

An incident is recorded that teaches that there are times when one keeps the increased value of the estate without the need to articulate that intent.

3) A woman who increases the value of the estate

R' Yirmiyah explains that the Mishnah's case of a woman increasing the value of the estate refers to a woman who is an heir, and the novelty is that we do not automatically assume that she was working in her own self interest.

The novelty of the Mishnah's ruling (that if she specifies, she keeps the increased value for herself) is explained.

4) A son acquiring his wedding house

R' Chanina teaches that if one marries off his oldest son in a house, the son acquires that house.

He further elaborates on the details of this ruling.

The Gemara questions additional applications of this ruling but they are left unresolved.

R' Chanina's ruling is unsuccessfully challenged.

Mar Zutra enumerates three halachos that seem to have no rationale, one of which is R' Chanina's ruling.

5) **MISHNAH:** The Mishnah analyzes additional questions of when profits are considered part of the estate or when they belong to the individual.

6) Clarifying the Mishnah

A Beraisa explains the meaning of the term **אומנות** in the Mishnah.

A Beraisa echoes the same ruling as the Mishnah.

(Continued on page 2)

REVIEW and Remember

1. How did Rava know that R' Safra was working for himself?

2. What are the three halachos that seem to have no explanation?

3. How does a brother who moves away get financial support?

4. What is a groomsman's gift?

Today's Daf Digest is dedicated
לע"נ ר' יהודה בן ר' דוד ע"ה
By the Schwabacher Family

Distinctive INSIGHT

Paying for medical bills

חלה ונתרפא נתרפא משל עצמו

The Mishnah reports that if one of the brothers requires funds to cure a medical condition, the money comes from his personal share of the estate's resources, and not from the common funds of the family. In other words, he must pay for his recovery by himself, and the other brothers are not financially responsible to help him. The Gemara determines that if the illness was not due to his negligence, the brother's recovery is indeed paid by the general fund of all the brothers. The only time the Mishnah rules that the ill brother must pay for his cure from his own funds is when the illness he has was brought upon himself due to his negligence. The Gemara illustrates that an example of this would be if the brother became ill due to his not protecting himself from the cold.

Nimukei Yosef notes that this particular halacha is stated in past tense, "If he was ill and recovered, he pays for it by himself." The point is that even after the fact, if he used the family's money to pay his doctor bills, he would have to reimburse the family for money which he wrongfully took. The brothers do not have to pay for this one brother's negligence, even after the fact. **דרכי משה** (C.M. 177:#1) notes that the reverse is also true. If the illness was as a result of **אונס**, and instead of waiting, the ailing brother used his own funds to obtain a cure, he can still go to the family and recover those funds afterwards.

Tosafos (**ד"ה חלה ונתרפא**) cites the opinion of R' Shimon ben Gamliel in the Tosefta who says that the ill brother must pay for his own bills only when the illness will last only a limited amount of time (**יש לו קצבה**). If, however, the illness is chronic and requires ongoing treatments (**אין לו קצבה**) the family pays for his cure. Tosafos notes that the Gemara in Kesubos (52b) rules according to R' Shimon ben Gamliel. Why, then, does our Gemara not even mention this factor?

ר"י in Tosafos (and Beis Yosef and Shulchan Aruch) explain that if the illness is due to **אונס**, the family pays in all cases, whether the illness is short-term or chronic. This suggests, however, that if the illness is brought about due to the negligence of the ailing brother the family must pay if the illness is chronic. Therefore, the only time the brother must pay from his own funds is when he became sick due to his own negligence and the nature of the illness is that it is short-term.

Tur learns that the difference between a temporary or chronic illness is when the illness came about due to **אונס**. If the ailment was caused due to negligence, in any case the brother is on his own and the family does not have to pay for his irresponsibility. Maharsha explains that this is the intent of Tosafos, as well. ■

HALACHAH Highlight

Reciting Hagomel for a cold

הכל בידי שמים חוץ מצנינים פחים

All is in the hands of Heaven except for cold drafts

The Gemara differentiates between one who becomes ill due to his own negligence and one who becomes ill due to circumstances beyond his control. The example of a person who becomes ill due to negligence is a person who does not properly protect himself from excessive cold. This leads Poskim to question whether it is appropriate for a person who became ill due to negligence to recite the beracha of הגומל for recovering from an illness. Essentially, the question is whether the beracha is recited only when one recovers from an illness that comes from Hashem or does one recite the beracha even for an illness that the person brought upon himself?

Gaon Chida¹ cites opinions that maintain that one does not recite the beracha of הגומל when he endangered himself, since to do so would involve mentioning his sin of putting himself in danger. For that reason, R' Akiva did not recite the beracha of הגומל when he emerged from the Pardes intact, nor did Yitzchok make the beracha following the Akeida since in both cases they endangered themselves. In another work Gaon Chida² mentions that one who didn't pay his taxes, for example, and as a result was imprisoned would also not recite the beracha of הגומל since his crime is what caused his incarceration. Ultimately, he reverses his opinion regarding imprisonment and rules that it should be recited under all conditions.

Teshuvos S'dei Ha'aretz³ also cites opinions that maintain that one should not recite the beracha of הגומל if his illness was the result of his negligence. He disagrees and offers the following rationale. Although it is true that this person's negligence was the cause for his illness, nevertheless, his recovery was

STORIES Off the Daf

"Everything is in the hands of Heaven..."

"הכל בידי שמים חוץ מצנינים ופחים..."

A certain man was indifferent regarding his health. He would leave his house without a coat and would work long hours in the freezing cold, even in the sleet and snow. Although at first he was quite healthy, one day he came down with a nasty cough that soon developed into pneumonia.

He was confined to bed for an extended period and was forced to obey the doc-

tor's orders to the letter. After a long convalescence, he felt better and was very thankful to be alive. He wished to say birkas hagomel as is customary, but was told that he was not permitted to do so. After all, he had caused his own illness due to his extreme stupidity in going around without a coat! As we find in Bava Basra 144, "Everything is in the hands of heaven apart from chills and fever," since a person contracts these due to his own negligence.

When this question came before the S'de Ha'aretz, zt"l, he ruled that hagomel may be said. "Although Rav Yehudah Hakohen, zt"l, ruled that a person who gets sick due to a lack of caution may not

say hagomel, I disagree. What does his negligence or lack thereof have to do with thanking Hashem for healing him from his illness?¹

"The Taz writes that one says hagomel even if there is a well-established medical cure that works in virtually all cases of the illness. As long as the illness fulfills the other conditions of hagomel, he makes the blessing. He explains that even a well-established cure takes effect only due to Hashem's providence and kindness, so why shouldn't he say hagomel in appreciation? The same is true in our case!"² ■

1. ט"ז, או"ח, ס' רי"ט, ס"ק ז'
2. שו"ת שדה הארץ, ח"ג, ס' ז'

(Overview...continued from page 1)

A detail of the Beraisa is clarified.

7) Taking money from the estate

A Beraisa discusses one of the halachos related to someone who wishes to take money from the estate to learn Torah or a profession.

The ruling of the Beraisa is challenged and then explained.

8) Medical costs

Ravin in the name of R' Illa explains that medical costs are paid out of pocket only when the person was negligent but if he became ill due to circumstances beyond his control the estate pays his medical costs.

How a person becomes ill through his own negligence is explained.

9) MISHNAH: The Mishnah discusses different types of gifts and whether they are put into the common estate or not.

10) Groomsman's gifts

A Beraisa is cited that seemingly contradicts the Mishnah's ruling concerning the return of a groomsman's gifts.

R' Assi in the name of R' Yochanan resolves the contradiction.

This resolution is unsuccessfully challenged.

R' Assi offers an alternative resolution.

Shmuel offers his own resolution.

Shmuel's resolution is challenged. ■

achieved through the Hands of Heaven and the expression of thanks is for the recovery. This is similar to the comment of Taz⁴ who writes that even if the recovery involved nothing out of the ordinary (דרך הטבע), one still recites the beracha of הגומל since we attribute any recovery to Hashem's input. ■

1. מחזיק ברכה או"ח ס' רי"ט סק"ב.
2. ברכי יוסף שם סק"ד.
3. שו"ת שדה הארץ ח"ג ס' ז'.
4. ט"ז או"ח הנ"ל סק"ו. ■