

## OVERVIEW of the Daf

### 1) Clarifying the Mishnah (cont.)

An unsuccessful attempt is made to resolve the inquiry whether the Mishnah should read *הניזונת* or *ניזונת*.

### 2) A widow's obligation to her husbands heirs

R' Yosi bar Chanina presents the principle that guides a widow's obligation to her husband's heirs.

R' Yehoshua ben Levi presents a similar principle concerning a student's obligation to his rebbi.

Two qualifications to R' Yehoshua ben Levi's ruling are presented.

R' Chiya bar Abba in the name of R' Yochanan explains why it is important for a student to serve his rebbi.

### 3) A widow's right of support

R' Elazar rules that a widow who seizes movable property for her support is allowed to keep that property.

A related Baraisa and incident are recorded.

Ravina qualifies this ruling.

Despite Mar bar R' Ashi's objection, others support Ravina's position.

R' Yochanan in the name of R' Yosi ben Zimra rules that a widow who allows two or three years to pass without collecting sustenance loses her right to support.

An unsuccessful challenge to this ruling is presented.

(Continued on page 2)

## REVIEW and Remember

1. What tasks must a widow perform for the orphans?
2. What type of woman loses her right to support after only two years?
3. How does the Gemara initially understand the dispute between R' Yehudah and R' Yosi?
4. Which person is able to transfer property through a mere declaration?

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## Distinctive INSIGHT

### *The widow should not specify her intent*

רבי יוסי אומר מוכרת וכותבת סתם וכן כחה יפה

R' Yose suggests that the widow should sell the property of her departed husband to raise money for her needs, but that she should not record the specific reason for the collection. Rashi explains that by not specifying the nature of why she is collecting, she can later maneuver into a legal position of best advantage. If she writes that the sale was in order to collect her kesubah, when she later comes to collect money for her sustenance (*מזונות*) she might fail to collect. If there are no assets of the husband remaining with the orphans, the rule is that funds for sustenance cannot be collected from property that was sold (*משועבדים*). However, now that she will not state that the previous collection was for her kesubah, she can claim that what she has already collected was for the sustenance, and that she is now coming to collect her kesubah. The kesubah can be collected from *משועבדים*. Therefore, by not specifying her intent, she can now present the claim that is to her best advantage in terms of collecting.

R' Yose recommends this approach to provide an advantage for the widow, although it seems to be designed in order to allow her to misrepresent what her previous intent actually was. She will say that she collected for her sustenance when, in truth, she collected kesubah. Tosafos (*ד"ה ור' יוסי סבר*) explains why this is not considered lying. The reason the woman cannot collect for her *מזונות* from the purchased properties is only because the necessary funds represent a sum that is unspecified (*אין להם קצבה*). In our situation, the buyers in any case should have had to leave enough property with the estate at least to pay for the woman's kesubah. Now that the buyers acted irresponsibly by not leaving enough funds with the orphans to even pay for the kesubah, they are subject to forfeiting the land they purchased to pay the woman what is due to her.

Tosafos (also Ramban and *רבינו קרקש*) explain that the *כח* of the widow is not vis-à-vis the buyers, but rather in regard to the orphans. The Gemara (*עמוד א'*) taught that after a woman consumes *מזונות*, she forgoes her right to collect from them if she does not claim reimbursement from the orphans for a year or two. If a year had already past, the deadline will pass soon, unless she can claim that her selling of the property was for sustenance. In this way, she can show that she did pursue collection of the funds for her food, and her window of opportunity to get reimbursed will not expire. ■

## HALACHAH Highlight

### *A widow who is nursing her infant daughter*

אמר ר' יוסי בר חנינא כל מלאכות שהאשה עושה לבעלה אלמנה עושה ליורשים וכו'

*R' Yosi bar Chanina said: All tasks that a woman does for her husband, a widow does for the heirs etc.*

There was once a man who died leaving behind a widow and three children. The two older children were adult males and the third child was a girl who was only three months old. After four months the sons paid the widow her kesubah so that she would no longer receive sustenance from the estate they inherited. The widow claimed that since she is no longer receiving sustenance from the orphans she should be paid to continue nursing the baby. The orphans disagreed and argued that she is obligated to nurse the child for twenty-four months and had no claim to reimbursement. The parties turned to Mahari ben Lev to decide which party was correct in their claim.

Mahari ben Lev<sup>1</sup> began by stating that at first glance it would appear that the orphans have the stronger claim. The reason is that there are a number of differences between a widow and a divorcée found in the Gemara related to nursing. One difference is that a divorcee cannot be compelled to nurse her baby, even if she will be reimbursed, if the child does not recognize her and will be able to nurse from a nursemaid.<sup>2</sup> In contrast, our Gemara indicates that a widow is obligated to perform for the orphans all the tasks she was responsible to do for her husband, and one of those tasks was to nurse his children. A second difference is that a divorcée can collect compensation for nursing if she is obligated to nurse because the

(Overview. Continued from page 1)

Rava qualifies R' Yochanan's ruling.

R' Yochanan inquires who has the burden of proof when the widow and orphans disagree whether she received sustenance.

A proof is presented that the burden of proof rests upon the orphans.

R' Shimi bar Ashi suggests that the matter is a dispute between Tannaim.

R' Shimi bar Ashi's suggestion is refuted in favor of an alternative explanation of the dispute.

Support for this alternative explanation is presented.

An alternative explanation to the dispute is suggested. ■

child recognizes her and refuses to nurse from a nursemaid.<sup>3</sup> On the other hand, there is no source that indicates that a widow receives compensation for nursing. These, in addition to other sources, indicate that a widow is obligated to nurse under all conditions, and does not receive compensation for nursing, regardless of whether she has received payment for her kesubah or not.

Upon further review, however, this conclusion is incorrect. Magid Mishnah<sup>4</sup>, in fact, writes explicitly that a widow has the right to insist on compensation for nursing and the rationale, explains Mahari ben Lev, is that once the kesubah has been paid and she no longer receives funding for her sustenance, there is nothing that prevents her from being able to demand compensation since she is no longer financially tied to the orphans. ■

1. שו"ת מהר"י בן לב ח"ב סי' ל"ב.

2. גמ' לעיל נט' :

3. גמ' שם.

4. מגיד משנה פי"ח מהל' אישות ה"ו. ■

## STORIES Off the Daf

### *The Rosh Yeshiva's Shoes*

כל המונע תלמידו מלשמשו כאילו מונע ממנו  
חסד

Someone once asked Rav Chaim Kanievsky, zt"l, "In Kesuvos 96a it says that a Rebbi who prevents his student from serving him withholds kindness from the student. On the way back from the funeral of Rebbetzin Shach, a"h, the Rosh Yeshivah needed to remove his shoes as part of his obligations as a mourner. I bent down to help him, but he rejected my assistance despite this

being obviously difficult for him. Why were so many gedolei Yisrael so set against accepting aid from anyone? This appears on the surface to be against the simple meaning of the Gemara and Shulchan Aruch?"

Rav Chaim Kanievsky answered, "You are correct. Many greats were exceedingly careful not to accept any help from anyone if this could be avoided in any way. My father, the Steipler, zt"l, was very fastidious in this regard. He would not even allow his grandchildren to assist him!" While verifying that the questioner's observation was correct, Rav Chaim avoided answering the question directly.

When Rav Wolbe, zt"l, was asked this same question he answered, "It is difficult for my own service of Hashem if people honor me, so I am an really an אונס, I am caught under mitigating circumstances. That is why I cannot comply with that particular halacha in Shulchan Aruch. You can't do a chessed for a student at the expense of becoming arrogant!"

Perhaps this is why Rav Chaim did not answer the question directly, and he contented himself with merely saying that his father was very careful in this regard. He didn't want to speak poorly of his father. ■