

OVERVIEW of the Daf

1) Custody of a daughter (cont.)

The Gemara concludes its defense of R' Chisda's inference that a daughter is always put into the custody of her mother.

2) Rental agreements

The Gemara relates an incident that teaches principles related to rental agreements and when an owner can change the terms of the lease from receiving services to receiving cash.

3) **MISHNAH:** The Mishnah discusses aspects of a widow's right to collect sustenance.

4) A widow's rights

A Baraisa elaborates on a widow's rights to her husband's property after he dies.

R' Yosef notes that if the house is very small the heirs can send her away.

R' Nachman rules that if the orphans sell their father's home the sale is void.

This ruling is unsuccessfully challenged.

Abaye rules that if the widow's house collapses the orphans do not have to rebuild it.

This ruling is supported by a Baraisa.

Abaye inquires about the halacha if the widow repairs the house, and the inquiry remains unresolved.

The Gemara explains why the widow cannot demand that the orphans send her sustenance to her father's house.

A slight limitation to this ruling is noted.

5) The language of the Sages

R' Huna notes that the language of the Sages teaches blessing, wealth and healing.

Examples of each are presented.

6) Rebbe's death

A Baraisa recounts the instructions Rebbe gave his children from his deathbed.

The Gemara elaborates on the different instructions.

Additional sections of the Baraisa are cited and explained.

As part of this discussion the Gemara describes the process of R' Chanina bar Chama taking the position as Rosh Hayeshiva.

The Gemara struggles to explain why R' Chiya was not appointed as Rosh Hayeshiva.

The Gemara resumes its recitation of the Baraisa related to Rebbe's deathbed instructions and the Gemara's explanation of those instructions.

Two Baraisos present contradictory information regarding Rebbe's city of residence.

The Gemara explains that he lived in Beis Shearim but when he got sick he went to Tzipori. ■

Distinctive INSIGHT

Rebbe's instructions regarding his own funeral

סבור מינה משום טירחא הוא דקאמר כיון דחזי דקספדי בכרכים וקאתו כולי עלמא וכו'

When Rebbe died, he left instructions for the sages that no eulogies be delivered for him in the small cities. Those who heard Rebbe give these instructions thought that Rebbe did not want people to be bothered. When the funeral actually took place in the large cities, and not in the small towns, as Rebbe had requested, large masses assembled. Everyone realized that Rebbe's instructions were meant in order to increase the honor of Torah, and not to minimize people's having to expend effort.

When the sages first interpreted Rebbe's words as an expression of concern on his part to avoid an inconvenience, what precisely did they feel was the problem? The people lived in three general population centers. There were small farming villages (כפרים), small cities (עיירות), and large cities (כרכים). Rashi explains that the sages believed that if eulogies would be delivered in the small cities, this would cause the people of the farming villages to be inconvenienced to come and attend. They interpreted Rebbe's concern to be that eulogies should only be said in the larger cities, and the farmers would probably not be able to attend, thus saving them from the hassle. Shitta Mikubetzes explains that the sages felt that Rebbe was worried about the sages themselves. If eulogies would be delivered in the smaller towns, the rabbis would have to officiate at numerous assemblies of smaller groups. One or two larger groupings in the larger cities would make the funeral arrangements easier to administer.

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REVIEW and Remember

1. Is a person ever permitted to change the terms of a lease?

2. Who made kiddush in Rebbe's house after he passed away?

3. Why did R' Chanina bar Chama refuse the position of Rosh HaYeshiva?

4. What did R' Chiya do to assure the continuity of Torah?

HALACHAH Highlight

Honoring an older sister

וי"ו יתירה לרבות את אחיך הגדול

An extra "ו" to include an obligation to honor your elder brother

The Shvus Yaakov¹ was asked whether the Gemara's exposition that one is obligated to honor an older brother is to be understood literally, and excludes an obligation to honor an older sister, or perhaps the reference to an older brother is not specific and one is obligated to honor an older sister as well. Shvus Yaakov responded that he is unaware of any source in the Gemara or the Poskim that would indicate that there is an obligation to honor an older sister. Therefore, one should not add onto the mitzvah with a new obligation. Additionally, Teshuvos HaRosh² explains that the reason one is obligated to honor an older maternal half-brother is because the exposition is derived from the letter "ו" of the word ואת that appears in reference to the mother, i.e. ואת אמך. This implies that were it not for an exposition we would not include an obligation to honor an older maternal half-brother.

Additionally, the rationale behind the mitzvah, as explained by Rambam,³ is that the oldest son inherits his parent's honor and position. Therefore, the younger siblings must honor him since he stands as the one who will fill his father's shoes. That is the reason it is considered part of the honor due to the parents that the oldest son should be hon-

(Insight. Continued from page 1)

ראב"ד writes that the sages felt that Rebbe was concerned for the residents of the smaller cities, for if the funeral would pass through these towns, each place would have to arrange to have the proper flutes and singers of dirges.

When the funeral was held in the big cities and everyone attended, the sages realized that Rebbe had wisely arranged for the greatest display of honor for Torah. ■

ored. This is the rationale behind the ruling of Halachos Ketanos⁴ that the mitzvah is to honor only the oldest brother rather than all of one's older brothers. Following this line of reasoning to its logical conclusion, one is not obligated to honor an older sister since she will not fill her father's shoes and inherit his honor or position.

The Gaon Chida⁵ disagrees with this conclusion and cites the writings of Arizal who maintains that kabbalistically there is no difference between older brothers or sisters regarding this mitzvah. He also writes that regarding this mitzvah there is no difference between the oldest sibling and the rest of the older siblings, and the mitzvah is for a younger sibling to honor all older siblings. ■

1. שו"ת שבות יעקב ח"א סי' ע"ו.
2. שו"ת הרא"ש כלל ט"ו סי' ו'.
3. ספר המצות שורש שני.
4. שו"ת הלכות קטנות ח"א סי' קכ"ג.
5. ברכי יוסף יו"ד סי' ר"מ. ■

STORIES Off the Daf

The Greatness of Kibbud Eim

"...כבד את אביך ואת אמך..."

The famous Yehudi HaKadosh would deliver a regular shiur on Tosafos, and one of his students was an extremely talented boy from Peshischa who was unfortunately orphaned of his father. Once, the Rebbe interrupted their learning so that he could concentrate deeply on a certain subject that was unclear to him. His young student knew well that such a "thinking break" could last an hour or more, so he took advantage of the break to go home to his mother and get something to eat, since he suffered from great weakness of the heart.

The boy ate a quick meal, and hurried out back to the home of the Yehudi HaKadosh, but his mother called out after him that she wanted him to go up to the attic and bring something down for her. He didn't want to remain at home because he was in such a hurry—perhaps the Rebbe had already come back to himself and resumed the shiur. Half-way back to his teacher, the boy had second thoughts—isn't the whole purpose of study to fulfill the mitzvos? And now that he had the opportunity to honor his mother, should he neglect his duty? So he ran home quickly and did what his mother had asked of him.

Afterward, when he opened the door to the house of the Rebbe, the Yehudi HaKadosh snapped out of his contemplation and rose to his full height as a sign of respect. He radiated joy, and

asked his student what mitzvah he had just fulfilled, because it was in its merit that the spirit of the great Amora Abaye accompanied him into the house. As soon as the Yehudi HaKadosh had seen the vision of Abaye, the answer to his question on the Gemara became completely clear to him.

The student told his story, and the Rebbe explained to the group: "It is well known that Abaye was a complete orphan—this is the meaning of his name, which is an acronym of the verse, 'For in You does the orphan find mercy' (Asher B'cha Yerucham Yasom). This is why his spirit accompanies a person who fulfills the mitzvah of honoring his parents—so that he should have a part in a mitzvah that was denied to him. And it was Abaye who answered my question!" ■