

OVERVIEW of the Daf

1) The runaway slave (cont.)

The Baraisa continues to demonstrate that a slave who ran away is obligated to make up the time he was away.

R' Sheishes explains which runaway slave does not receive severance gifts.

It is noted that there seems to be a contradiction whether a slave who was ill for his entire term is obligated to make up the time.

R' Sheishes resolves the contradiction.

A discrepancy between two inferences in the previously-cited Baraisa are noted and resolved.

2) Severance gifts

A Baraisa discusses how much a slave receives for his severance gifts.

A point in the Baraisa is clarified.

R' Meir's opinion from the Baraisa is cited and clarified.

R' Yehudah's opinion from the Baraisa is cited and clarified.

R' Shimon's opinion from the Baraisa is cited and clarified.

The Gemara questions why, according to R' Yehudah and R' Shimon, it was necessary for the Torah to discuss flocks, granaries and wine vats.

A Baraisa is cited to answer the question.

The point of dispute between the Tannaim of the Baraisa is identified.

The necessity for the Torah to mention three different types of gifts is explained.

A Baraisa records a dispute whether severance gifts are given if the household was not blessed during the time the slave was present.

3) Bequeathing a Jewish slave

A Baraisa discusses whether a slave is bequeathed to the heirs of the slave owner.

A Baraisa is cited that identifies the source of the rulings of the previous Baraisa.

A point in the Baraisa is unsuccessfully challenged.

The source that a Jewish maidservant is not bequeathed is identified.

This exposition is unsuccessfully challenged.

The sources are identified that teach that a נרצע and someone sold to an idolater are not bequeathed to their owner's children.

4) A collection of teachings from Rava

Rava asserts that an idolater inherits his father's property Biblically, but a convert inherits his father's property only Rabbinically.

A Baraisa is cited that supports the assertion that a convert inherits his father's property only Rabbinically.

Rava teaches that even Rabbinically an idolater does not inherit the property of his father who converted, nor does the convert who is the son of a convert.

A Baraisa is cited that supports this last ruling.

The ruling of the Baraisa is challenged and the Gemara resolves the contradiction. ■

Distinctive INSIGHT

Inheriting property that is prohibited from benefit

גר יכול לומר לעובד כוכבים טול אתה עכו"ם ואני מעות וכו' ואי ס"ד דאורייתא, כי לא באו לרשותו נמי כי שקיל חילופי עכו"ם הוא דשקיל

The Gemara clarifies a number of issues regarding inheritance from gentiles and from converts. Rava teaches that once a person converts, he is considered as a newborn, unrelated to his gentile family. Therefore, if the convert's biological father dies, the Torah does not recognize the rights of the convert to inherit from him. The rabbis, however, instituted that he may inherit from the natural father. Rava demonstrates his halacha from a Mishnah (D'mai 6:10), where we find two brothers, sons of the same gentile father, one of whom converted. If the father dies, the convert may give instructions regarding the inheritance and say to his brother, "You take the idols, and I will take cash corresponding to their value. You take the יין נסך (the wines which have been used for idolatry), and I will take the corresponding value in fruit." Avnei Milu'im (92:#5, note 1) explains that Rava understands that if such inheritance is recognized by the Torah, the convert would automatically receive a share in the entire estate with the death of the father, and it would then be prohibited to exchange any prohibited items against the property he wishes to receive. This would be considered as if the convert is benefiting from idolatrous property. Since the convert is permitted to exchange items against the idolatrous property, we see that the inheritance from the gentile father is not recognized by the Torah.

Avnei Milu'im writes that the Noda b'Yehuda was asked about someone whose father died erev Pesach after mid-day. Suddenly, the person found himself in possession of an inheritance which included chometz. The question was whether it was necessary for him to destroy the chometz before nightfall in order to avoid the prohibition of בל יראה. Noda b'Yehuda answered that because most poskim hold that chometz is already prohibited from benefit after mid-day on erev Pesach, the chometz is therefore not property of the deceased in order to bequeath it as part of the estate. The chometz is ownerless, and the heirs do not have to destroy it. Avnei Milu'im asks, however, from our Gemara, where other than the fact that a convert can or cannot inherit from his gentile father, there is an element of inheritance even by property from which it is prohibited to benefit.

Kovetz Shiurim (116) explains that there is a difference between the case of chometz, where the item is already prohibited while in the possession of the father himself, as opposed to our Gemara, where the idolatrous items become prohibited as property of the Jewish son who might inherit them. ■

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HALACHAH Highlight

Severance payments

תנו רבנן כמה מעניקים לו

The Rabbis taught: How much do we give to the slave?

Sefer Chinuch¹ writes that although the law of severance applies only to slaves during the era the Beis Hamikdash stands and the laws of Yovel are in force, nevertheless, it is appropriate for an employer to give severance to his employee when his employment comes to an end, regardless of whether he worked for a long or short period of time. Accordingly, Teshuvos Even Shoham² justifies the decision made by his Beis Din to provide a generous severance payment to someone who worked for many years for the Chevras Bikur Cholim once it was no longer possible to retain his employment. Teshuvos Minchas Yitzchok³ wrote that the custom in Eretz Yisroel is for employers to make severance payments when an employee is released but the custom in Eretz Yisroel does not establish the custom for the rest of the world.

Rav Betzalel Stern⁴, the author of Teshuvos B'tzeil Hachochmah, was asked whether a person has the right, according to the Torah, to collect a pension from the community that is terminating his position after working for them for twenty-one years. He answered that according to the Torah an employee that was terminated has no right to collect any additional payment. However, Sefer Chinuch, he notes, writes that it is appropriate for an employer to provide some type of severance for an employee at the end of his employment. Accordingly, it would seem that one cannot obligate the community to provide a type of severance payment if it is not mandated according to halacha. He then notes that Rivash⁵ rules that a community is obligated to go be-

REVIEW and Remember

1. Is a slave who was ill obligated to make up the days he was ill?

2. Why does the Torah give three examples of items that could be used for severance gifts?

3. Is a slave owner obligated to give gifts if his household was not blessed?

4. What is the source that an idolater inherits property from his father?

yond the letter of the law (לפנים משורת הדין) and, as such, they should provide some sort of severance payment for someone who worked for the community for so many years. Teshuvos Yam Hagadol⁶ writes that one cannot invoke the opinion of Sefer Hachinuch to create an obligation since it was written as good advice rather than binding halacha. However, if common business practice includes providing severance payments for employees it is then obligatory since business related matters are determined by common practice. ■

1. ספר חינוך מצוה תפ"ב.
2. שו"ת אבן שוהם חו"מ סי' ק"כ.
3. שו"ת מנחת יצחק ח"ו סי' קס"ז.
4. שו"ת בצל החכמה ח"ג סי' ק'.
5. שו"ת הריב"ש סי' תע"ה.
6. שו"ת ים הגדול סי' כ"ב. ■

STORIES Off the Daf

A convert's dilemma

"כדי שלא יחזור לסורו..."

A convert to Judaism once decided to distance herself from her parents after her conversion—despite living in the same city—since she was afraid they would be a bad influence on her and, if she ever married, her children. Twenty years passed swiftly, during which she found the right shidduch, married, and had several children. She was going about her business when she received a communication that her mother was dying and had a very strong desire to see her only grandchildren.

The convert was at a complete loss and didn't know what to do. On the one hand,

she had kept away so as not to be influenced to go back to her old life. On the other hand, was it right to deny her mother this final honor and pleasure? She consulted with her Rav who contacted Rav Moshe Feinstein, zt"l, regarding her pressing question.

The gadol answered, "She may definitely bring her children for a visit during her mother's final days. Rambam writes that a convert is prohibited from cursing or embarrassing his natural parents but must respect them so people shouldn't say that his origins were holier than his destination, since he used to honor his parents before his conversion. Although the Shulchan Aruch doesn't write that he must respect them, it is not likely that he argues and holds there is no mitzvah for a convert to honor natural parents. Even if he does, there is certainly

no prohibition against honoring them.

He concluded, "Therefore, in our case, refraining from visiting would be a violation of the mitzvah of hakaras hatov, for which Hashem was very demanding with Adam HaRishon and the Jewish people as a whole. Although she cannot always be there since we find that this can cause her to go back to her original ways, as seen in Kiddushin 17, she should not stay away absolutely. Even if there hadn't been this family crisis, she should have visited her parents with the children at distant intervals all along. Failing to do so appears to others as a lack of appreciation for all that her parents have done for her. Furthermore, if she refrains from visiting now, she also violates the prohibition in the Shulchan Aruch for a convert to embarrass her natural parents!"¹ ■

1. שו"ת אגרות משה, חלק יו"ד ב', סימן קי"ל

