

## OVERVIEW of the Daf

### 1) The kesubah of male children (cont.)

The Gemara continues to relate the incident involving Yehudah bar Meraimar and Abba Sua'ah that is related to the kesubah of male children.

R' Yaimar Sava asked R' Nachman whether the children of a woman who sold her kesubah to her husband collect the kesubah of male children.

Rava questions why R' Yaimar presented the question in the form that he did rather than asking a slightly different question.

R' Yaimar explains his thinking when he made his inquiry.

Rava rules on two cases and questions a third.

Rava answered his own inquiry.

R' Idi bar Avin unsuccessfully challenges this answer.

### 2) A woman who waives her kesubah

Ravin bar Chanina in the name of R' Elazar rules that a woman who waives her kesubah loses her rights for sustenance when she is widowed.

R' Chisda states that he accepts this ruling only because it was cited in the name of R' Elazar.

### 3) Burying an arusah

A group of Amoraim once ruled that a husband was obligated to bury his arusa.

R' Chiya disagreed with this ruling and the rationale behind his position is explained.

A related incident is recorded.

### 4) The stipulation for female children **בנן נוקבן**

Rav and Levi disagree regarding the exact wording of the Mishnah.

The dispute is narrowed to one particular case.

This dispute parallels a dispute between Tannaim on a similar matter.

R' Yosef cites a Baraisa that uses different language and that language does not provide a clear definition of the parameters of the stipulation.

R' Yosef and R' Chisda disagree whether a girl who is betrothed receives support from her father's estate.

A second version of this exchange is presented.

### 5) Five inquiries related to a daughter's support

R' Sheishes received an inquiry whether a girl who does **מיאון** receives support.

R' Sheishes demonstrates that the matter is subject to a Tannaitic dispute.

Reish Lakish inquired whether the daughter of a yevama receives support from the yavam.

The question is left unresolved.

R' Elazar inquires whether the daughter of a secondary **ervah** receives support. ■

## Distinctive INSIGHT

### Support for the daughter of the yevama

בעי ריש לקיש בת יבמה יש לה מזונות או אין לה מזונות

Reish Lakish presents an inquiry regarding a case where a yavam performed yibum with the yevama, and a daughter was born. If the yavam, her father, now dies, does the daughter receive support from the brothers from the estate of her father? On the one hand, we know that the kesubah of the yevama herself is only collected from the estate of the first husband. This would lead us to say that the second husband, the yavam, is responsible for neither the kesubah nor the conditions of the kesubah (תנאי כתובה), namely, support for the daughter. On the other hand, if the kesubah cannot be collected from the estate of the first husband, for example where there are no assets to be distributed, the obligation for the kesubah reverts to the second husband. This is a rabbinic enactment in order that it not be too easy for the second husband to dismiss the yevama from being his wife. Therefore, perhaps even the conditions of the kesubah are also his responsibility, including support for this daughter. This question remains unresolved (תיקון).

Tosafos notes that the inquiry of Reish Lakish is only posed in reference to support for the daughter of the yevama, but not regarding the yevama. The reason is that it is obvious to Reish Lakish that the yevama certainly receives support from the second husband. In reference to her, we would say תנאי כתובה ככתובה, and that just as the kesubah itself becomes the responsibility of the second husband, he would also assume the ancillary obligations. And, the question is only valid if there are no funds available from the estate of the first husband. If there are funds from the first husband, the daughter would receive support from them.

Tosafos then brings others who explain that the query of Reish Lakish is valid even if funds from the first husband are available. We understand that the first husband only promised to support any daughters which would be his own. However, the second husband might assume responsibility for his own daughter. ■

# HALACHAH Highlight

## Withholding an inheritance from a "bad" son

לא תיהוי בעבורי אחסנתא אפילו מברא בישא לברא טבא

*Do not be present when an inheritance is transferred even from a bad son to a good son*

Rav Moshe Sofer<sup>1</sup>, the Chasam Sofer, explains that the bad son – ברא בישא – does not refer to a son who is a heretic; rather it refers to one who is either not so careful in his fulfillment of mitzvos or is disrespectful to his father. The implication of this comment is that it would be permitted to transfer property away from a child who is a heretic so that he should not receive anything as an inheritance. Rav Moshe Shick<sup>2</sup>, the Maharam Shick, a student of Chasam Sofer, also writes that a father who has a son who is an אפיקורוס or does not practice Judaism does not have to be concerned with the possibility that the child may have children who are deserving since heretics do not raise their children with Torah values. Rav Shlomo Zalman Braun<sup>3</sup>, the Shearim Mitzuyanim B'Halacha disagrees with this conclusion and citing a comment of Tosafos in Avodah Zarah<sup>4</sup> indicates that the restriction against transferring an inheritance from a bad son includes a son who is a heretic.

Rav Moshe Feinstein<sup>5</sup> commented that in his opinion it is obvious that the bad son mentioned in the Gemara refers to one who is not careful in his fulfillment of mitzvos but believes in Hashem and His Torah and sends his children to day school. This type of person may have children who are upright because

# REVIEW and Remember

1. Why did R' Yeimar Sava frame his question in terms of a woman who sold her kesubah to her husband?  
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2. Is a man obligated to bury his ארוסה?  
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3. When does a daughter lose rights to support?  
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4. Does a girl who did מיאון receive support from her father's estate?  
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as wicked as the father may be in certain areas of his life the fundamentals of his Judaism are in place. The children of a heretic, on the other hand, and one who knowingly and intentionally violates Shabbos and does not send his children to day school will almost never end up as upright Jews. Consequently, since the likelihood of one of these children ending up righteous is slim it is permitted to transfer the inheritance to one of the other children. ■

1. שו"ת חת"ס חו"מ סי' קנ"ג.
2. שו"ת מהר"ם שיק חו"מ סי' מ"ג.
3. שערים המצויינים בהלכה סי' קצ"ג קו"א סק"ז.
4. תוס' עבודה זרה כו: ד"ה אני.
5. שו"ת אג"מ חו"מ ח"ב סי' נ'. ■

# STORIES Off the Daf

## "Silence is an Admission"

"סבר מירתח רתח..."

Once, a pair of businessmen who often invested together had a falling out. One was very upset because he felt that he had been cheated. Since the two had trusted each other implicitly up until that point and there was no corroborative documentation, the accuser found that it would be next to impossible to prove his claim in beis din.

After he unburdened his heart to a sympathetic friend, the accuser's friend offered what seemed like a plausible strategy. "Even if you haven't got conclusive proof, you can still outsmart your former partner. As is well known, the

Talmudic rule is 'shetikah k'hodaah' – silence is like an admission. So if you confront him in front of witnesses and he remains quiet, you have him!"

Soon afterward, the man with the grievance confronted his former partner publicly, loudly lamenting, "How could you have cheated me when we have always worked together and been the best of friends? How could things have come to a state where I am forced to summon my former good friend to beis din?" Although even went so far as to specify how much he was owed and exactly how he had been cheated in front of a group of people, the accused remained silent.

When they came to court, the accused denied everything. The plaintiff wanted to know: did his opponent's silence in the face of a public admonition constitute a halachic admission or not?

The Shut Afarkasa D'eyna, zt"l, ruled, "'Shetikah k'hodaah' is definitely not a universal maxim. Silence is not tantamount to admission in this case. One proof is found in Kesuvos 53a. The Gemara tells us that when Rav Pappa coerced Yehuda bar Mareimar to accompany him on a visit to Abba Surah to convince him to give a bigger dowry for his daughter, Yehuda sat in silence. Abba Surah thought Yehuda was silent because he was angry that the dowry Abba was willing to give his daughter was insufficient. Although Abba had a change of heart, it came out that Yehudah's silence was not out of anger at Abba at all! So we see that although sometimes remaining silent is tantamount to outright admission, at other times it is not!" ■

