

OVERVIEW of the Daf

1) An orphan collecting her dowry from her brothers (cont.)

Rav inquired from Rebbi pertaining to whether an orphan can collect from encumbered property that her brothers sold.

Rebbi ruled that she can collect for her dowry but not for her sustenance from encumbered property.

The Gemara explains why Rav presented his inquiry using the specific language that he chose.

R' Yochanan rules that we do not collect for sustenance or for the dowry from encumbered property.

The Gemara inquires whether R' Yochanan disagreed with Rebbi's ruling or was he merely unfamiliar with the ruling.

An unsuccessful attempt is made to prove that R' Yochanan was familiar with Rebbi's teaching and disagreed.

2) The daughter's right to one-tenth of her father's estate

Ameimar asserts that a girl inherits one-tenth of her father's estate.

R' Ashi unsuccessfully challenges this ruling.

R' Ashi maintains that her right to one-tenth of her father's estate is like the right of a creditor.

It is noted that Ameimar changed his position and agrees that she has the status of a creditor.

The Gemara inquires whether she is a creditor of the father or the brothers.

After clarifying the difference between the two possibilities the Gemara demonstrates that she is the creditor of the brothers. Two related rulings are recorded.

A related incident involving R' Anan and R' Huna is presented. A term mentioned by R' Huna is defined.

On a tangential note the Gemara cites two sources for the ruling that a mourner sits at the head of his table.

Rava issues a final ruling related to the payments that are made to a widow and one's daughters.

3) **MISHNAH:** The Mishnah presents a dispute whether a girl who instructs the trustee appointed by her deceased father to give her money to her husband is obeyed. R' Yosi's lenient opinion is qualified.

4) Clarifying the dispute

A Baraisa elaborates on the dispute between R' Meir and R' Yosi in the Mishnah.

The exact case under dispute is identified.

A disagreement is presented pertaining to which opinion should be adopted as practical halacha.

The Gemara begins to relate an incident involving Ilfa that relates to this topic. ■

Distinctive INSIGHT

Assets from which the dowry may be collected

אמר רב אשי כי הוינן בי רב כהנא הוה מגבינן אפילו מעמלא דביתא

A daughter has the right to collect assets for her dowry. When the father is no longer alive, and the girl is being supported by her brothers from the father's estate, Rebbe had taught (68a) that her dowry is valued at one-tenth of the father's estate.

In our Gemara, Rav Ashi reported that when he was in the academy of Rav Kahana, they would collect the dowry from rent payable for houses in the estate of the father. Tosafos (ד"ה מעמלא דביתא) notes that the dowry cannot be collected from מטלטלין, portable assets, such as cash. We must therefore understand the nature of the rental monies which are collectable. If the rent money is for occupancy that has not yet happened, this would obviously be considered קרקע, as collectable real estate. If the rent money is for occupancy that had already taken place, and if the cash had simply not yet been collected, this is מטלטלין, and is not available for the dowry.

Tosafos answers that the case is where even before the daughter came to collect her "one tenth" of the assets, a lease had been signed to rent the property for a full year, and the tenant had lived there for six months. Now, when the daughter comes, the tenant completes his occupancy and will pay the rent for the entire year. In this case, the entire amount may be collected, and we do not consider any of it to be "cash," as we apply the rule "rental is only due at the end of the term," and at that point the occupancy as a whole is over. Ritva explains that we consider the rental to be the fruit or produce of the land, and it therefore has the status of itself being קרקע.

The K'tzos Hachoshen (95:#5) notes that the halacha actually concludes that rental is not just payable at the end, but rather the payment is due incrementally (ישנה לשכירות) (מתחילה ועד סוף). This means that the payment is due as the usage is being done, and the full amount accrues as a loan which is payable at the end. The rental money is therefore a cash loan (מטלטלין), and should not be available for collection. He therefore explains that when we say that "rental is due incrementally," this is only said after the rental is completed, and we view the accrued amount for rental as having been owed as it took place. However, until the rental period has elapsed, we do not view the money as a loan which is due. This is why it is considered as קרקע. ■

HALACHAH Highlight

How to write divrei Torah

תלה ליה רב לרבי ביני חטי

Rav "hung" between the lines [an inquiry] to Rabbi

Teshuvos Avodas Hagershuni¹ commented that he is particular to write his divrei Torah on a different piece of paper than those on which he writes about worldly matters. His reason is that he does not wish to mingle his Torah with mundane issues. Teshuvos Yehudah Yaaleh² also wrote that he prefers that people write their divrei Torah on one paper and other matters on another piece of paper and to explain he writes that the reason is obvious and understood by itself. Rav Dovid Sperber³, the Afraksta D'anya challenged this practice from our Gemara. Rashi explains that Rav sent a letter to Rabbi to wish him well and between the lines he included a halachic question. This seems to indicate that it is acceptable for a person to write divrei Torah onto a letter. Upon further consideration he suggests that the Gemara may not be a valid proof that it is acceptable since during the time of Rav it was still prohibited to write Torah Sheba'al Peh and that was the reason he included the Torah between the lines.

In a similar matter Rav Yisreol Yaakov Kanievsky⁴, the Steipler Gaon, once apologized to Rav Menashe Klein, the Mishnah Halachos, for sending a letter that included words that were scratched out and small letters inserted between the lines. Mishnah Halachos responded that there is no reason for concern since we find in our Gemara that Rav included ques-

REVIEW and Remember

1. Is R' Yochanan capable of disputing Rabbi?

2. What caused R' Huna to become angry at R' Anan?

3. What is the Gemara's final ruling pertaining to a wife's collecting her kesubah?

4. According to the Gemara's conclusion, what is the dispute between R' Meir and R' Yosi?

tions between the lines. Obviously, if a halachic inquiry was put in between two lines of a letter the words must have been smaller. Therefore, if Rav conducted himself in this way it must be permitted. Steipler Gaon also wrote that sending divrei Torah on ripped paper is inappropriate akin to sending someone half an esrog. Mishnah Halachos responded that the two cases are not the same. When sending an esrog the gift is the esrog, therefore, sending half an esrog is disrespectful. In contrast, when sending divrei Torah it is not the paper that is important, rather it is the Torah. This is similar to the dictum of Chazal not to look at the container but its contents. ■

1. שויית עבודת הגרשוני סי' י"ז.
2. שויית יהודה יעלה ח"א יו"ד סי' י"א.
3. שויית אפרקסתא דעניא ח"א סי' ב'.
4. הובא דבריו בשויית משנה הלכות ח"ט סי' ר"יג-ר"י"ד. ■

STORIES Off the Daf

Honor without Pride

"מאי מרזיחא אבל..."

On today's daf, we find that when Rav Anan sent a messenger to Rav Huna without giving him proper respect, Rav Huna sent back a denigrating message that ended with a question: "Who sits at the head in the house of mourning?"

Rav Yosef Shalom Eliyashev, zt"l, once asked, "Why did Rav Huna choose to mention a mourner in his message that was meant to put Rav Anan in his place? He did this to teach him a lesson. Just as a mourner receives the honor of sitting at the head but feels no pride in this, so too do I, Rav Huna, take you to

task only for the sake of K'vod Hatorah!"

How, though, can a person learn to uphold his honor without falling into pride?

On a certain occasion, when Rav Shmelke of Nikolsberg, zt"l, was honored publicly, many townspeople present noted that the Rebbe did not seem affected one iota by the people's adulation. How could he be so completely unmoved by homage that would have caused anyone else to be carried away by pride? After the public celebration, Rav Shmelke retreated to his room.

One of the followers who had wondered about the Rebbe's comportment happened to be passing in the hallway just outside the room. As he walked past, he heard a strange voice from within. He couldn't help but listen at the door and

was quite shocked by what he heard.

In a sycophantic tone, one voice cooed, "Rebbe, how awesomely great you are! You are the tzaddik of the generation!" Another then said in a sickeningly sweet tone, "Rebbe, your word is like Toras Moshe M'Sinai!"

Thinking that there was a gathering of followers in the chamber, the chossid outside knocked. He was invited in, but was shocked to find that the room was empty, save for the Rebbe himself. Seeing the man's clear discomfort, Rav Shmelke said, "Surely you were puzzled to hear me saying such things to myself?"

The man nodded.

The Rebbe continued, "I always find that verbalizing the words of praise helps me feel how empty they really are!" ■

