

**A** בס"ד

Intro

Today we will learn בע"ה of דף קל"ד of בבא בתרא  
Some of the topics we will learn about include.

The incident of

מעשה באדם אחד שלא היו בניו נוהגין כשורה  
עמד וכתב נכסיו ליונתן בן עוזיאל

There was a person whose sons did not act appropriately  
and he assigned his entire estate to יונתן בן עוזיאל

The greatness of רבן יוחנן בן זכאי in Torah, as well as his vast  
knowledge;

The Mishnah's Halachah of

האומר זה בני

נאמן

If a person states that פלוני so and so is my son, he is  
believed. However,

זה אחי

אינו נאמן

If he testifies that פלוני is my brother, he is not believed

As the Gemara explains this Halachah applies in two  
areas.

1.

Regarding

ליורשו

To receive portion in the inheritance;

2.

And regarding

יבום

If a person dies with no children, the widow is obligated to  
marry his brother.

**B** The Machlokes regarding

בעל שאמר גרשתי את אשתי

Whether or not a person is believed to claim that he  
divorced his wife, thereby removing the יבום obligation  
from her?

The distinction in רבי יוחנן's opinion

כאן למפרע

כאן להבא

Regarding the past he is not believed, but regarding the  
future he is believed.

The Machlokes regarding

פלגינן דיבורא

Whether a single statement can be divided into its  
separate components to allow each one to be effective  
individually? As in the case of

אמר למפרע

מהו להימוניה להבא

If a person testified that he previously divorced his wife,  
does Bais Din accept his claim regarding future matters.

**A**

מעשה באדם אחד  
שלא היו בניו נוהגין כשורה  
עמד וכתב נכסיו ליונתן בן עוזיאל

The greatness of  
רבן יוחנן בן זכאי

האומר זה בני  
נאמן

זה אחי  
אינו נאמן  
ליורשו יבום

**B**

בעל שאמר  
גרשתי את אשתי

כאן למפרע  
כאן להבא

פלגינן דיבורא

אמר למפרע  
מהו להימוניה להבא

1 So let's review ...

The Gemara in the previous Daf discussed a Machlokes regarding

הכותב את נכסיו לאחרים והניח את בניו ולא היו בניו נוהגים כשורה

If a father assigned all his assets to a stranger and left nothing for his sons, because his sons were not acting appropriately;

אין רוח חכמים נוחה בן גמליאל holds זכור לטוב

He is praiseworthy.

While the חכמים hold

אין רוח חכמים נוחה הימנו

He is not praiseworthy, because ®

דלמא נפקא מיניה זרעא מעליא

Perhaps his future descendants will act appropriately.

1

הכותב את נכסיו לאחרים  
והניח את בניו

ולא היו בניו נוהגים כשורה

If a father assigned all his assets to a stranger and left nothing for his sons, because his sons were not acting appropriately;

While the חכמים hold

holds רבן שמעון בן גמליאל

אין רוח חכמים נוחה  
הימנו

זכור לטוב  
He is praiseworthy.

He is not praiseworthy,

דלמא נפקא מיניה

זרעא מעליא

Perhaps his future descendants  
will act appropriately.

2 The Gemara proceeds with such an incident:

ת"ר מעשה באדם אחד שלא היו בניו נוהגין כשורה עמד וכתב נכסיו ליונתן בן עוזיאל

There was this person whose sons were not acting appropriately and he assigned his entire estate to בן יונתן בן עוזיאל.

מה עשה יונתן בן עוזיאל

מכר שלישי

והקדיש שלישי

והחזיר לבניו שלישי

יונתן בן עוזיאל went and sold one-third, donated one-third to הקדש, and returned one-third to the sons of the deceased.

The Rashbam explains as per the Gemara later that בן יונתן בן עוזיאל was able to go against the father's wishes that his sons not get his ירושה, because סתמא קיהיב ליה

ולא פירש ע"מ שתהנה בהן אתה ולא בני

הלכך לגמרי יהיב ליה לעשות בה כרצונו

When the father gave בן עוזיאל the gift he did not specify that this was on condition that his sons do not benefit. Therefore, we assume that he gave בן עוזיאל a complete gift, for him to do as he pleases.

As opposed to the case the Gemara cites from a Mishnah in מסכת נדרים in the case of

מעשה דבית חורון

Where the gift was given on condition, and was therefore an incomplete gift and not effective.

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2

ת"ר

מעשה באדם אחד שלא היו בניו נוהגין כשורה עמד וכתב נכסיו ליונתן בן עוזיאל

This person whose sons were not acting appropriately assigned his entire estate to בן עוזיאל.

מה עשה יונתן בן עוזיאל

מכר שלישי

והקדיש שלישי

והחזיר לבניו שלישי

יונתן בן עוזיאל went and sold one-third, donated one-third to הקדש, and returned one-third to the sons of the deceased.

The Rashbam explains

that בן עוזיאל was able to go against the father's wishes that his sons not get his ירושה,

because

סתמא קיהיב ליה

ולא פירש ע"מ שתהנה בהן אתה ולא בני הלכך לגמרי יהיב ליה לעשות בה כרצונו

When the father gave בן עוזיאל the gift he did not specify that this was on condition that his sons do not benefit.

Therefore, we assume that he gave בן עוזיאל a complete gift, for him to do as he pleases.

As opposed to the case the Gemara cites from a Mishnah in מסכת נדרים in the case of

מעשה דבית חורון

Where the gift was given on condition, and was therefore an incomplete gift and not effective.

3 Since **בן עוזיאל** was mentioned, the Gemara cites a well-known Braisa:  
 שמונים תלמידים היו לו להלל הזקן  
 שלשים מהן ראויים שתשרה עליהן שכינה כמשה רבינו  
 שלשים מהן ראויים שתעמוד להן חמה כיהושע בן נון  
 עשרים בינוניים  
 גדול שבכולן יונתן בן עוזיאל  
 קטן שבכולן רבן יוחנן בן זכאי  
 And proceeds to describe the greatness of **רבן יוחנן בן זכאי** in Torah, as well as his vast knowledge; and  
 מאחר דקטן שבכולם כן  
 גדול שבכולם על אחת כמה וכמה  
 That level of greatness in Torah certainly applies to **בן עוזיאל** as well.  
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3

**שמונים תלמידים היו לו להלל הזקן**

<b>שלשים מהן ראויים שתעמוד להן חמה כיהושע בן נון</b>	<b>עשרים בינוניים</b>	<b>שלשים מהן ראויים שתשרה עליהן שכינה כמשה רבינו</b>
<b>קטן שבכולן רבן יוחנן בן זכאי</b>		<b>גדול שבכולן יונתן בן עוזיאל</b>

And proceeds to describe the greatness of **רבן יוחנן בן זכאי**, as well as his vast knowledge; and  
**מאחר דקטן שבכולם כן גדול שבכולם על אחת כמה וכמה**  
 That level of greatness in Torah certainly applies to **בן עוזיאל** as well.

4 Zug Di Mishnah

האומר זה בני  
נאמן  
If a person states that פלוני, so and so, is my son, he is believed. However,  
זה אחי  
אינו נאמן  
If he testifies that פלוני is my brother, he is not believed

As the Gemara explains this Halachah applies in two areas.

1.  
ליורשו  
To get a share in the inheritance;  
זה בני  
נאמן  
In his own assets, פלוני does get a share through his claim, because as the Rashbam explains  
מיגו דאי בעי יהיב ליה במתנה  
כי אמר בני הוא ויירשנו נאמן  
Since he has the ability to give his assets to פלוני as a מתנה, he is believed to say that his assets shall be given to פלוני as a ירושה.

However  
זה אחי  
אינו נאמן  
In his father's assets, פלוני does not get a share like one brother, because ®  
שהרי אין מכירין אותו  
The other brothers do not recognize פלוני as their brother.  
®

However  
ויטול עמו בחלקו  
This brother must give פלוני part of his own share in the father's ירושה, because he admitted that פלוני is his brother.

As the Rashbam explains:  
וראובן ושמעון  
Ruvain identified לוי as their brother while Shimon claims that he does not know.  
Now, their father left an estate of three fields.  
If there are 2 brothers, they each get 1½ fields.  
If there are 3 brothers, they each get 1 field.  
Therefore, in this case, Ruvain must relinquish half a field to Levi, because according to him Levi is their brother and is entitled to the third field. Shimon, however, does not have to relinquish half a field to Levi, because according to him Levi is NOT their brother and is NOT entitled to the third field.  
So, Ruvain is left with 1 field, Shimon with 1½ fields and Levi with ½ a field.

4

מלך

<p><b>זה אחי</b> <b>אינו נאמן</b> If he testifies that פלוני is my brother, he is not believed</p>	<p><b>האומר זה בני</b> <b>נאמן</b> If a person states that פלוני is my son, he is believed.</p>
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1

**ליורשו**

To get a share in the inheritance;

In his father's assets, פלוני does not get a share like one brother, because  
**שהרי אין מכירין אותו**  
The other brothers do not recognize פלוני as their brother.

However  
**ויטול עמו בחלקו**  
This brother must give פלוני part of his own share in the father's ירושה, because he admitted that פלוני is his brother.

In his own assets, פלוני does get a share through his claim, because  
מיגו דאי בעי יהיב ליה במתנה  
כי אמר בני הוא ויירשנו נאמן  
Since he has the ability to give his assets to פלוני as a מתנה, he is believed to say that his assets shall be given to פלוני as a ירושה.

As the Rashbam explains:  
ראובן ושמעון, וראובן זכיר ושמעון אינו זכיר;  
Ruvain identified לוי as their brother while Shimon claims that he does not know.  
Now, their father left an estate of three fields.  
If there are 2 brothers, they each get 1½ fields.  
If there are 3 brothers, they each get 1 field.

Therefore, in this case...

<p>Ruvain must relinquish half a field to Levi, because according to him Levi is their brother and is entitled to the third field.</p>	<p>Shimon, however, does not have to relinquish half a field to Levi, because according to him Levi is not their brother.</p>
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Ruvain is left with 1 field, Shimon with 1½ fields, and Levi with ½ a field.

5

2.

And regarding

יבום

Generally, if a person dies with no children, his widow is required to undergo יבום or חליצה, to marry his brother or perform חליצה. However, if he states

זה בני

נאמן

אע"ג דמוחזק לן באח

Even if he was known to have a brother but he was not known to have a son, and his widow is בחזקת יבום, required to undergo יבום or חליצה; nevertheless, he is believed to say that פלוני is his son, thereby releasing her from this requirement.

However

זה אחי

אינו נאמן

אע"ג דלא מוחזק לן באחי ובבני

If he was not known to have a brother or son, and his widow is בחזקת פטור מיבום, not required to undergo יבום or חליצה, he is not believed to say that פלוני is his brother to require her to undergo יבום or חליצה.

=====

5

2

יבום

Generally, if a person dies with no children, his widow is required to undergo יבום or חליצה, to marry his brother or perform חליצה

However

However, if he states

זה אחי

זה בני

אינו נאמן

נאמן

אע"ג דלא מוחזק לן באחי ובבני

אע"ג דמוחזק לן באח

If he was not known

Even if he was known

to have a brother or son, and his widow is בחזקת פטור מיבום, not required to undergo

to have a brother but he was not known to have a son, and his widow is בחזקת

חליצה, or יבום,

required to undergo

he is not believed

חליצה, or יבום;

to say that פלוני is his brother to require her to undergo

nevertheless, he is believed to say that פלוני is his son,

חליצה or יבום.

thereby releasing her from this requirement.

6 The Gemara now elaborates in the Halachah of

זה בני נאמן  
לפטור את אשתו מן היבום

א"ר יהודה אמר שמואל  
מפני מה אמרו זה בני נאמן  
הואיל ובידו לגרשה

A person is believed to claim that he has a son, thereby removing the יבום obligation from his wife, because he has a מיגו in that he has the ability to do so now by divorcing her.

השתא דאמרת אמרינן הואיל  
בעל שאמר גרשתי את אשתי נאמן  
הואיל ובידו לגרשה

By the same reasoning, a person is also believed to claim that he divorced his wife, thereby removing the יבום obligation, because he has the ability to divorce her now.

רבי יצחק בר יוסף אמר רבי יוחנן  
בעל שאמר גרשתי את אשתי  
אינו נאמן

A person is NOT believed to claim that he divorced his wife, because as the Rashbam explains

דאם דאיתא דגרשה קלא אית לה למילתא  
If he actually did divorce her, the news of the divorce would have spread, and since there was no קול  
כמה לי לשקר במקום עדים דמי

We cannot accept his מיגו, because the lack of a קול contradicts his claim.

6

זה בני נאמן  
לפטור את אשתו מן היבום

א"ר יבוכבב אמר שמואל

מפני מה אמרו זה בני נאמן  
הואיל ובידו לגרשה

A person is believed to claim that he has a son, thereby removing the יבום obligation from his wife, because he has a מיגו in that he has the ability to do so now by divorcing her.

השתא דאמרת אמרינן הואיל

בעל שאמר גרשתי את אשתי נאמן  
הואיל ובידו לגרשה

By the same reasoning, a person is also believed to claim that he divorced his wife, thereby removing the יבום obligation, because he has the ability to divorce her now.

רבי יצחק בר יוסף אמר רבי יוחנן

בעל שאמר גרשתי את אשתי  
אינו נאמן

A person is NOT believed to claim that he divorced his wife, because

דאם דאיתא דגרשה קלא אית לה למילתא

If he actually did divorce her, the news of the divorce would have spread, and since there was no קול

כמה לי לשקר במקום עדים דמי

We cannot accept his מיגו,

because the lack of a קול contradicts his claim.

7 The Gemara mentions a contradicting statement of רבי יוחנן  
 והא א"ר חייא בר אבין אמר רבי יוחנן  
 בעל שאמר גרשתי את אשתי  
 נאמן  
 holds that a person IS believed to claim that he  
 divorced his wife.

And the Gemara reconciles the two statements of רבי יוחנן:  
 That it depends:

לא קשיא

כאן למפרע

כאן להבא

Regarding the past, he is not believed.

Regarding the future, he is believed

למפרע

אינו נאמן

It he testified on the first day of Iyar that he divorced his  
 wife earlier on the first day of Nissan, and then עדים testify  
 that she was מזונה during the month of Nissan, Bais Din  
 does not believe his claim and she is guilty as an אשת איש,  
 because as the Rashbam explains

שהרי אין כאן מיגו

He has no מיגו, since at the time of his testimony in Iyar he  
 does not have the ability to divorce her retroactively from  
 the month of Nissan.

However

להבא

נאמן

It he testified on the first day of Iyar that he divorced his  
 wife today, and עדים testify that she was מזונה later during  
 the month of Iyar, Bais Din does believe his claim,  
 because

אי בעי מגרש לה בפנינו

He has a מיגו since at the time of his testimony he does  
 have the ability to divorce her.

7 The Gemara mentions a contradicting statement of  
 רבי יוחנן



וכא א"ר חייא בר אבין אמר רבי יוחנן  
**בעל שאמר גרשתי את אשתי**  
**נאמן**

holds that a person is believed to claim  
 that he divorced his wife.

**לא קשיא**

**כאן להבא**

Regarding the future,  
 he is believed

**כאן למפרע**

Regarding the past,  
 he is not believed.

**למפרע – אינו נאמן**

It he testified on  
 the first day of Iyar  
 that he divorced  
 his wife earlier on  
 the first day of  
 Nissan,

And then  
 עדים testify  
 that she was  
 מזונה during  
 the month of  
 Nissan,

Bais Din does  
 not believe  
 his claim and  
 she is guilty  
 as an  
 אשת איש,

Because as the Rashbam explains

שהרי אין כאן מיגו

He has no מיגו, since at the time of his testimony in Iyar  
 he does not have the ability to divorce her retroactively  
 from the month of Nissan.

**להבא – נאמן**

It he testified on  
 the first day of Iyar  
 that he divorced  
 his wife today,

And עדים testify  
 that she was מזונה  
 later during the  
 month of Iyar,  
 because

Bais Din  
 does believe  
 his claim

אי בעי מגרש לה בפנינו

He has a מיגו since at the time of his testimony  
 he does have the ability to divorce her.



- 8 The Gemara proceeds with a Machlokes רב מארי ורב זביד regarding  
regarding  
אמר למפרע  
מהו להימוניה להבא  
If he testified that he previously divorced his wife, does  
Bais Din accept his claim regarding future matters?  
חד אמר  
פלגינן דבורא  
A statement CAN be divided into separate components.  
Therefore, Bais Din accepts his claim regarding the  
future, but not regarding the past.  
חד אמר  
לא פלגינן דבורא  
A statement CANNOT be divided into separate compo-  
nents. Therefore, Bais Din cannot accept his claim even  
regarding the future, since it cannot be applied to the past.

8

רב מארי - ורב זביד

**אמר למפרע  
מהו להימוניה להבא**

*If he testified that he previously divorced his wife,  
does Bais Din accept his claim regarding future matters?*

<p><b>חד אמר לא פלגינן דבורא</b></p> <p><i>A statement CANNOT be divided into separate components. Therefore, Bais Din cannot accept his claim even regarding the future, since it cannot be applied to the past.</i></p>	<p><b>חד אמר פלגינן דבורא</b></p> <p><i>A statement CAN be divided into separate components. Therefore, Bais Din accepts his claim regarding the future, but not regarding the past.</i></p>
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