

INSIGHTS FROM OUR CHABUROS

Assets from which the dowry may be collected

אמר רב אשי כי הוין בי רב כהא הוה מגבין 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 (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.

POINT TO PONDER

The Gemara says that רב כהנא used to collect from the rental income of the estate's properties. Does this include rent which was earned before the father passed away, or only rentals which started after he passed away?

Response to last week's Point to Ponder:

The Gemara says, וכי עשר בנות וכו', the question is that if each daughter gets one tenth, than in case a person has ten daughters and one son there will be nothing left for the boy. Why is this question only according to רבי? How would the חכמים deal with this situation? They all agree to the principle of עישור נכסים.

According to the חכמים, that each daughter gets a tenth we can understand that if there are 10 daughters each one will get one tenth and the boy will be left with nothing, because that is the תקנה. However, according to רבי that we try to figure out what the father would have wanted, it is not reasonable to assume that he would have been okay with his son getting nothing. This is why the question is more appropriate for רבי. (See בית יעקב).

STORIES OF THE DAF

Honor without Pride

"מאי מדיחא 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 Elyashiv, 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!"

תלה ליה רב לרבי ביי חטי

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

Teshuvav 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. Teshuvav 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. The Afraksa D'Anyav³ 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 The Steipler Gaon⁴ 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 questions 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. שו"ת עבודת הגרשוני סי' י"ד.
2. שו"ת יהודה יעלה ח"א י"ד סי' י"א.
3. שו"ת אפרקסתא דעניא ח"א סי' ב.
4. הובא דבריו בשו"ת משנה הלכות ח"ט סי' ר"ג-ר"ד.

אילפא תלא נפשיה באיסקריא דמכותא, אמר: איבא דאתי דאמר לי מילתא דבי רבי חייא ורבי אושעיא ולא פשיטנא ליה ממתניתין, נפילנא מאסקריא וטבענא

Ilfa suspended himself from the mast of a ship. He said: If one comes, who tells me a matter taught in a baraisa of the school of Rabbi Chiyya and Rabbi Oshaya, and I am unable to show where it is derived from in the Mishna, I will fall from the mast and drown.

The Gemara brings the end of the story of Ilfa and R' Yochanan that is recounted in Masseches Taanis. The two were chavrusas in earlier years and ultimately went their separate ways. R' Yochanan went back to learn in Yeshiva and Ilfa into business to support himself. When Ilfa came back and he heard R' Yochanan was appointed as the Rosh Yeshiva, Ilfa took the dramatic steps quoted above.

What was Ilfa trying to demonstrate? It seems somewhat boastful for him to prove to everybody how much he knows. Also, why did he say he would drown in the sea if he didn't know the answer? We all know that one can never take one's own life. What did he really mean?

Perhaps Ilfa wanted to demonstrate a point to the Yeshiva. He wanted to teach a lesson that would make an impact on the students. What was his secret for success in maintaining his learning, even though he was occupied in business all those years? His secret lied in how he approached his learning. As R' Akiva demonstrated in the Gemara in Berachos 61b, the Torah is life itself and we can't live without it any more then fish can live without water. This is the approach that he lived with everyday in the business world. As Ilfa was working in business, there were certainly days that came when he most likely felt that he just didn't have time or the head space to learn. However, Ilfa explained that he viewed Torah as his life source. Without a day of learning Torah, it would be tantamount to drowning in the sea. He was therefore able to maintain the same level of learning as R'Yochanan. Ilfa was a living example of what Mesilas Yesarim ends by telling us וּכְבֹר יוֹכֵל לְהוֹיֹת, וכבר חסיד גמור איש אשר לא יפסק מפיו הלמוד כמו מי שמפני צרכו הוא בעל מלאכה פחותה, one can be a complete Chasid if he is a man whose mouth does not interrupt from Torah study, just like one who, due to necessity, is a lowly laborer. The lesson from Ilfa is how one who is immersed in the business world should be "Koveah Itim" in learning. He should take his seder seriously and do everything possible to maintain the consistency with the understanding the Torah is life itself.

PARSHA CONNECTION

In this week's daf the Gemara tells us about אילפא who vowed to drown in the water, if he was unable to find a משנה which supports a ברייתא of רבי חייא ורבי פרשת פרעה in פרעה גזירה of גזירה. Drowning every newborn boy in water was the אשיעא. When משה was born his mother hid him for three months, and then put him in a basket in the יאור. Why would she choose to put him in harm's way? Why choose the יאור as a hiding place, knowing that this was specifically פרעה's גזירה? The אברבנאל explains that if she would try to continue hiding him at home, it would potentially endanger the whole family. If the Egyptians were to find Moshe at home they would not only kill the baby, but also kill her and her family for hiding him. Hiding him by the יאור would save her, because they would not know that it's her baby, and the baby may be saved by a passerby finding him. Additionally, the אברבנאל brings a מדרש which explains that she specifically wanted to put him in the water, since that would fool the astrologists into thinking that the savior of the Jews drowned in the יאור, which is precisely what happened. The הקדוש אלשיך adds that perhaps she chose the יאור because she saw משה רבינו will split ים סוף and she was hoping that this זכות will help to save him now.