

CHABAD LUBAVITCH OF CHAUTAUQUA

23 Vincent Avenue Chautauqua, NY 14722 T: (716) 357 - 3467 W: www.cocweb.org E: rabbi@cocweb.org

Everyday Ethics – Week 8 – 2021

1. **GEMARA:** It has been stated: [In the case when] two brothers divided [an estate between them] and a [third] brother arrived from a country beyond the sea,
Rab said the division is cancelled,
 - a. **RASHBAM:** *And a new division in three parts is to be made, lots being drawn again... in a case where one took more than his proper share, it's an erroneous division and is therefore invalid.*
and Samuel said they relinquish [thirds from their respective shares for the third brother].
 - b. **RASHBAM:** *I.e., the division is valid, but each of the two brothers 'gives up a third of his share in favor of the new arrival. I.e., if they inherited 6 fields and each (2) originally took 3 fields, they now each relinquish 1 field. Now they all have an equal amount of 2 fields each.*
2. It was stated: [In the case where two] brothers divided [an inherited estate between them], and a creditor [of their father] came and expropriated the share of one of them, Rab said: The division is cancelled;
 - a. **RASHBAM:** *And a new division of the remainder of the estate is to be made.*
Samuel said: He [whose share was seized] has forfeited his claim;
 - b. *And the division, therefore, is valid, the other brother retaining his full original share.*
3. ...Rab said that the division was to be cancelled, because he holds the opinion that brothers, even after having divided [their father's estate between them, remain] co-heirs.
 - a. *Hence they remain collectively responsible for the payment of their father's debts.*
Samuel said that he [whose share was seized] forfeited his claim, because he holds the opinion that brothers, after having divided [their father's estate between them], stand to each other in the relationship of vendees, each being in the position of a purchaser without a warranty [of indemnity].
 - b. **TOSAFOT (s.v. Rab said):** It's evident that if he [the heir] wishes to satisfy the creditor [and sustain the original division] he cannot. Therefore, Rab reasoning is 'since they are co-heirs'. Because if they are as vendees with a warranty, why is the division invalid, he can satisfy the creditor with money.
4. R. Papa said: The law in all [the cases dealt with in] these traditions is that [a portion, or portions must be] relinquished. [Like Samuel]
 - a. **RASHBAM:** *The one in possession must give up a portion to him who has been deprived of his share, so that all their respective shares in the estate be equalized. The original division, however, is not entirely upset no new lot taking place and every one retaining a portion of what was originally allotted to him.*
5. Amemar said: The [original] division is cancelled. And the law [is that the original] division is cancelled.
 - a. **RASHBAM:** *An entirely new division must be made, and lots cast again... as they remain co-heirs and not vendees (Talmud, Baba Basra 106b-107a)*
6. When two brothers divided an estate and then a third brother came from overseas, or when three brothers divided an estate and then a creditor came and expropriated the portion of one of them, the division is nullified. They should return and divide the remainder equally. This applies even if originally one brother took land and the other cash. (Maimonides, Laws of Inheritance 10:1)
7. When one of the partners desires to dissolve the partnership without the knowledge of his partner, he should divide the assets in the presence of three people. They may even be unlearned people, provided they are trustworthy and able to evaluate property. If a partner divides the assets in the presence of fewer than three people, his actions are of no consequence.
8. When does the above apply? When he divides produce. If, however, the partnership's assets were money, the money is considered as if it had been already divided. The partner may therefore divide the money outside the presence of a court and then deposit his colleague's share with the court for safe-keeping.

9. When does the above apply? When all the money is of one currency and of equal value. If, however, some coins are new and others old - and needless to say if some are considered desirable and others considered undesirable - the money is also considered as produce and should not be divided outside the presence of a court of three. (Maimonides, Laws of Partnerships 5:9)
10. When two brothers divided an estate and then a third brother came from overseas, the division is nullified.
Even if they inherited three fields, and each one [of the two] took one field and the third was divided between them, and when the third brother arrived his lot was drawn on the third [divided] field, any one of them has the right to nullify the original [lottery] division and they will need to redraw the lottery for everyone.
Even if the third brother agreed to accept a portion from each brother [without nullifying the original lottery-division], even so, each of the brothers can nullify the lottery since it was done by mistake.
(Shulchan Aruch, C.M. 175:3)
11. *Only through lot shall the Land be apportioned; they shall inherit it according to the names of their fathers' tribes. The inheritance shall be apportioned between the numerous and the few, according to lot.* (Numbers 26:55-56)
12. *You shall give the Land as an inheritance to your families by lot; to the large, you shall give a larger inheritance and to the small you shall give a smaller inheritance; wherever the lot falls shall be his; according to the tribes of your fathers, you shall inherit.* (Ibid, 33:54)
13. *The lot is cast in the lap, but all his judgment is from the L-rd.* (Proverbs 16:33)
14. לִי-הָיָה-נְ-הַמְּנַת הַלֵּקִי וְכֹסֵי אֶתֶּה תּוֹמִידָה גּוֹרְלִי -*The L-rd is my allotted portion and my cup; You guide my destiny (lot).* (Psalms 16:5)
15. *In the first month, which is the month of Nisan, in the twelfth year of King Ahasuerus, one cast the pur-that is the lot-before Haman from day to day and from month to month, to the twelfth month, which is the month of Adar.*
a. **RASHI:** *that is the lot:* Scripture explains: and what is the pur? That is the lot. He cast lots [to determine] in which month he would succeed.
b. *from day to day:* in which day of the month he would succeed. (Esther, 3:7)
16. “*Shiviti* - I have set G-d before me at all times.” (Psalms 16:8)
Shiviti is an expression of *hishtavut* (equanimity): no matter what happens, whether people praise or shame you, and so, too, with anything else, it is all the same to you...
Whatever may happen, say that “it comes from [G-d], blessed be He, and if it is proper in His eyes...” Your motives are altogether for the sake of Heaven, and as for yourself nothing makes any difference.
This [sense of equanimity] is a very high level.
17. Also, serve G-d with all your might, because everything is “required [for Above].” G-d wishes to be served in all possible ways. This means the following:
Sometimes one may walk and talk to others and is then unable to study [Torah]. Nonetheless, you must attach yourself to G-d... So also when on the road, thus unable to pray and study as usual, you must serve [G-d] in other ways.
Do not be disturbed by this. For G-d wishes to be served in all possible ways, sometimes in one manner and sometimes in another. That is why it happened that you had to go on a journey or talk to people, i.e., in order that you serve Him in that alternate way. (Tava’at HaRivash 2)

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