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Bava Basra Daf 111

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

### ***Inheriting From a Mother***

The *Mishna* had stated: A man inherits from his mother etc.

The *Gemora* asks: How do we know this (*that a son inherits his mother even if there is a daughter*)?

The *Gemora* answers: We know this from a *braisa*. The *braisa* states: *And any daughter inheriting a legacy from the tribes of Bnei Yisroel*. How does a daughter inherit from two different tribes? It must be that the case is where her mother and father are from two different tribes. After they died, she inherited both of them. We only know this is true regarding a daughter. How do we know that this also applies to a son? We can answer that this should be derived using a *kal vachomer*. If a daughter, who is known to have a lesser power of inheritance (*than sons*), inherits her mother; then sons, who have a strong power of inheritance regarding their father’s estate, should certainly inherit their mother. And then we may derive as follows: Just as a son takes precedence over a daughter when it comes to inheriting a father, so too, he should take precedence over a daughter when it comes to inheriting a mother.

Rabbi Yosi the son of Rabbi Yehudah and Rabbi Elozar the son of Rabbi Yosi say in the name of Rabbi Zechariah ben HaKatzav: A son and a daughter are equal when it comes to inheriting a mother (*they divide the property between them*). Why? This is because we cannot derive something from a *kal vachomer* and make it have greater power than where we are deriving from. This principle is known as “*da’yo*” -- “it is enough (*to derive that they should have the*

*same law*).” [*If the daughter cannot inherit the entire estate, the son cannot either.*]

The *Gemora* asks: Does the *Tanna Kamma* not agree to the principle of *da’yo*? *Da’yo* is a Biblical principle! This is indicated by the following *braisa*: What is an example of the *kal vachomer* derivation? The verse states: *And Hashem said to Moshe, “and if her father would surely spit in her face she would be embarrassed for seven days.”* One would think this means that if she would be humiliated (*confined*) for seven days for such behavior towards her father, she should be humiliated for fourteen days for such behavior towards Hashem! However, we say that it is enough to derive from the source that this should share the same law (*and therefore she should only be confined for seven days*). [*This shows da’yo is a Biblical principle, and this is why Miriam only had to be outside the camp for seven days.*]

The *Gemora* answers: The *Tanna Kamma* usually does use the rule of *da’yo*. Our case is different, as the verse states, “tribes.” This implies that we should compare the “tribe” of the mother to the “tribe” of the father. Just as regarding the inheritance from the tribe of the father, a son takes precedence over a daughter, so too regarding the inheritance from the tribe of the mother, a son takes precedence over a daughter.

Rav Nitai thought to rule in a case as per the opinion of Rabbi Zechariah ben HaKatzav. Shmuel told him: You are going to rule according to Zechariah? Nullify Zechariah’s opinion (*and rule like the Tanna Kamma*)”

Rabbi Tavla ruled in an incident as per the opinion of Rabbi Zecharyah. Rav Nachman asked him: What is this? He answered: Rav Chinana bar Shelamya said in the name of Rav that the law follows Rabbi Zecharyah ben HaKatzav. Rav Nachman replied: Retract your ruling. If you don't, I will take Rav Chinana bar Shelamya's ruling out of your pocket (*make you pay for the loss of money (see Rabeinu Chananel)*!)

Rav Huna bar Chiya thought to rule in a case as per the opinion of Rabbi Zecharyah ben HaKatzav. Rav Nachman asked him: What is this? He replied: Rav Huna said in the name of Rav that the law follows Rabbi Zecharyah ben HaKatzav. Rav Nachman said: I will send a message to Rav Huna that you have said this in his name. Rav Huna bar Chiya became embarrassed (*as he thought it is possible that Rav Huna retracted his ruling or never said that this is how the law should be enacted*).

Rav Nachman said to him: Now if Rav Huna would have died, you would have argued with me (*as I would not be able to confirm that he does not indeed hold this way*).

The *Gemora* asks: Who does Rav Nachman hold like?

The *Gemora* answers: He holds like Rav and Shmuel who say that the law does not follow Rabbi Zecharyah ben HaKatzav.

Rabbi Yannai (*who was old and couldn't see well*) was leaning on and being led by Rabbi Simlai, his helper. Rabbi Yehudah Nesiah came before him. Rabbi Yannai said to his helper: The man coming to greet us is important, and he has the important cloak of a Torah scholar. When Rabbi Yehudah Nesiah came close to him, he felt his cloak. He remarked: This requires the amount of material needed for a sack to contract impurity (*he was saying that it was equivalent to an unimportant sack*). [*There is an argument among the commentaries whether this was a positive or negative comment (see Meiri).*]

Rabbi Yehudah Nesiah asked Rabbi Yannai: How do we know that a son inherits his mother before a daughter?

Rabbi Yannai answered: The verse states, "tribes." This implies that we should compare the "tribe" of the mother to the "tribe" of the father. Just as regarding the inheritance from the tribe of the father, a son takes precedence over a daughter, so too regarding the inheritance from the tribe of the mother, a son takes precedence over a daughter.

Rabbi Yehudah asked: If so, just as from the "tribe" of a father, a firstborn son receives a double portion, so too from the "tribe" of a mother, a firstborn son should receive a double portion!?

Rabbi Yannai told his helper: Pull me away, as this one does not want to learn.

The *Gemora* asks: What indeed is the reason?

Abaye answers: The verse states regarding firstborn inheritance: *In all that will be found to him*. This implies he receives double from "him" but not from "her" (*his mother*).

The *Gemora* asks: Perhaps this only excludes a case where she has more than one firstborn son from each marriage, such as a case where a single man married a widow. However, if both parents only married once (*an unmarried man marries a virgin*), how do we know that he shouldn't receive a double portion from his mother?

Rav Nachman bar Yitzchak answers: The verse states: *His first strength (seed)*. This implies that only a firstborn from a father, not from a mother, receives a double portion. [*Otherwise, it should have merely said, "The first seed."*]

The *Gemora* asks: This verse is required to teach us a different lesson, namely that a son can still be regarded as a firstborn if he was born after children that did not live for thirty days! The verse implies that only someone who one



worries about (*i.e. are considered healthy and therefore cause new worry if they fall ill*) is a firstborn, not a son who one does not worry about.

The *Gemora* answers: If this was the only teaching, the verse should have merely said: *For he is the first seed*. Why say: *his first seed*? This implies that we also derive that a firstborn son does not inherit from a mother.

The *Gemora* asks: Perhaps this still only excludes a case where he has more than one firstborn son from each marriage, such as a case where a widower married a virgin. However, if both parents only married once (*an unmarried man marries a virgin*), how do we know he shouldn't receive a double portion from his mother?

Rather, Rava answers: The verse states: *To him is the law of the firstborn*. The double portion of the firstborn only applies when inheriting from a father, not a mother. (110b – 111b)

### ***Inheriting From a Wife***

The *Mishna* had stated: A man inherits his wife, but a wife does not inherit her husband.

The *Gemora* asks: How do we know this law?

The *Gemora* answers its question from a *braisa*. The *braisa* states: "*His relatives*" refer to his wife. This teaches that a husband inherits his wife. Perhaps she also inherits him? The verse says, "*And he will inherit her*." This teaches that he inherits her, while she does not inherit him.

The *Gemora* asks: The verse doesn't say this!? [*The verse states, "And you will give his inheritance to his relatives," which seemingly means his wife!?*]

Abaye says: Read the verse in the following manner: And you will give his inheritance to the one close to him; and his

wife, he will inherit." [*In other words, there should be two separate sentences.*]

Rava says: Do you cut the verses with such a sharp knife?!

Rather, Rava answers: The verse means as follows: *And you will give the inheritance from his wife to him*. Rava holds we subtract, add, and derive. [*We take the "vav" from "nachalaso" and the "lamed" from "l'shi'airo" and combine these letters after the verse to read, "lo" -- "to him." This produces Rava's explanation of the verse.*]

The following *Tanna* derives this law from a different source. The *braisa* states: *And he inherits her*. This teaches us that a husband inherits his wife. These are the words of Rabbi Akiva. Rabbi Yishmael says: This teaching is unnecessary. The verse states: *And any daughter inheriting a legacy from the tribes of Bnei Yisroel to someone from a family* etc. This is discussing inheritance transferring to a different tribe due to a husband inheriting his wife (*and this is why there is a prohibition to marry a woman from a different tribe*). The verse continues: *And you should not transfer the inheritance of Bnei Yisroel from tribe to tribe*. It also says: *An inheritance should not be transferred from one tribe to another*. The verse also says: *And Elozar the son of Aharon died, and they buried him on the hill of Pinchas, his son*. How did Pinchas have a hill if Elozar himself did not have his own portion (*as they were Kohanim*)? Rather, it must be that Pinchas married a woman who died, and he then inherited this land from her. Another verse states: *And Seguv gave birth to Yair, and he owned twenty-three cities in the Land of Gilead*. Now, how could Yair own cities that did not belong to his father Seguv? Rather, it must be that Yair married a woman who died, and he then inherited this land from her. (111b – 112a)

### **INSIGHTS TO THE DAF**

#### ***Hashem's Kal Vachomer***

Why did Hashem respond to Moshe through a *kal vachomer* (*and not any other way*)?

The Baal Shem Tov answers that Moshe Rabbeinu *davened* to Hashem to heal Miriam by saying: “*Keil na, refa na lah*” – Please Hashem, heal her now. It is known that the thirteen principles of biblical hermeneutics correspond to the Thirteen Attributes of Mercy. The first of the biblical hermeneutics is a *kal vachomer*. It corresponds to “*Keil*” of the Thirteen Attributes of Mercy. Since Moshe opened his *tefillah* with “*Keil*,” Hashem responded with a *kal vachomer*.

**When Rabeinu Gershom Sat a Double Shiv’ah for his Son**

The Rishonim relate the sad story that the son of Rabeinu Gershom *Meor Hagolah* together with his mother, Rabeinu Gershom’s second wife, left the Jewish faith. Subsequent *halachic* authorities record that Rabeinu Gershom sat *shiv’ah* for his son for a period of 14 days.

Maharam of Rottenberg remarks in his Responsa (§544) that there is no obligation to sit *shiv’ah* for those who convert to another religion (*Shulchan Aruch, Y.D. 340:5*) but that Rabeinu Gershom did so out of his extraordinary sorrow.

Radvaz confirms the fact that Rabeinu Gershom sat *shiv’ah* for his son, not mourning his death but rather that his son had not repented while alive (Responsa Radvaz, III, 558).

Other sources, though, report that he mourned for his son while he was still alive and as for the 14-day period, the *Or Zarua* (II, 428) offers an explanation in the name of his mentor, Rabbi Shimshon zt”l: Rabeinu Gershom learnt his behavior from our *sugya* concerning Miriam. Hashem’s honor is double that of even a parent and if a person mourns seven days for a human who has left this world, one should surely mourn 14 days for the loss of a soul to Hashem by apostasy.

The Gerer Rebbe zt”l, author of *Imrei Emes*, wondered about this reasoning: According to our *sugya*, Hashem Himself ruled that even though by ordinary logic, His honor is double that of a parent and Miriam should have been

punished for 14 days – still, “*da’yo...*” - that which is learnt from another instance should not be more severe” and she was therefore punished for only seven days. Why, then, did Rabeinu Gershom mourn for 14 days? The *Imrei Emes* explains in the name of his brother-in-law, the Rabbi of Bendin zt”l, that only Hashem could apply “*da’yo*” to forgo His honor whereas **we** cannot ignore Hashem’s honor and the logic of extending the mourning to 14 days still holds for us [*Michtvei Torah*, 55-56].

**DAILY MASHAL**

***The firstborn Takes a Double Portion***  
**2, 20, 200**

According to the Maharal of Prague, the root letters of *bechor* (“firstborn”) – i.e., *beis*, *kaf* and *reish* – hint at his right to a double portion of his father’s estate as all their numerical values are multiples of 2: *beis* = 2, *kaf* = 20 and *reish* = 200! Others point out that *beis*, *kaf* and *reish* can be rearranged to spell *berech*, “a knee”: Just as our knees support our whole body, a firstborn supports his father.

***And if her Father Spat in her Face***

HaGaon Rav M.M. Krenkel zt”l expressed a wonderful idea about the story of Miriam described in our *sugya*: The Midrash (*quoted by Rashi on Shemos 2:1*) relates that when Pharaoh decreed for every newborn son to be thrown into the Nile, Miriam’s father Amram left his wife Yocheved and all the Israelites followed suit. Miriam, though, protested to Amram that his decree was worse than Pharaoh’s: “Pharaoh issued a decree against the sons but you issued a decree against both sons and daughters!” Miriam thought she was justified in admonishing her father as, in her opinion, he had transgressed the Torah: after all, according to Beis Shamai, a person has fulfilled the *mitzvah* to be fruitful and multiply only if he begets two sons and, at that time, Moshe had not yet been born. Still, when many years later Miriam complained about Moshe because he isolated himself from his wife, she was also punished for upbraiding her father as Moshe already had two sons, Gershom and Eliezer.