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Bava Basra Daf 116

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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

### ***Saving Binyamin’s Property***

*And they said: There must be an inheritance for the remainder of Binyamin, and a tribe shall be not blotted out from Israel. Rabbi Yitzchak of the school of Rabbi Ami said: This teaches that a stipulation was made regarding the tribe of Binyamin that a son’s daughter should not inherit together with the brothers (the sons of the deceased).*

*[We find the incident of the "Pilegesh in Giv'ah." [Shoftim 21: 19 - 20]: A man was traveling with his concubine (Pilegesh, in Hebrew) and servant back to his home. As evening approached, the group of travelers arrived in the city of Giv'ah, in the territory of the tribe of Binyamin, hoping to find a place to stay. Only one old man offered to put the group up. He brought them to his home, and offered them and their donkeys food and drink. As the guests were refreshing themselves, wicked people from the city began banging on the door of the house, demanding that the old man send out the male guests from his house. The old man went out to the crowd, and tried to appease them by offering his own daughter and the man's concubine. He pleaded with them not to do anything disgraceful. The crowd took away the concubine. When she returned the next morning, after being assaulted, she collapsed and died on the old man's doorstep. In the morning, the man discovered his concubine was dead. He took her body*

*with him back home. He then cut her body into 12 pieces, sending each tribe of Israel a piece, to inform them of the abomination that occurred.*

*The whole nation was in an uproar and disgusted by what had happened. Over 400,000 warriors from all tribes gathered to eradicate this evil. The group demanded from the tribe of Binyamin that the evil men of Giv'ah be turned over, but the tribe refused and joined with the inhabitants of Giv'ah to battle against the rest of the nation. On the first two days of the battle, the unified tribes suffered severe casualties. The tribes then offered sacrifices, prayed, cried, and fasted, asking Hashem for His assistance. They asked the Kohen Gadol what should be done. He responded that on the next day, the tribe of Binyamin would be delivered into the hands of the rest of the nation. That is what happened.*

*When the civil war concluded, only six hundred men remained from the tribe of Binyamin. Consequently, each of these six hundred men now owned a huge amount of land (for they inherited all the land from their dead brethren). They were concerned that a daughter or granddaughter from these surviving men would inherit a large portion of land, and if she would marry a man from another tribe, the land would be transferred to a different tribe. They therefore ruled*



*that a granddaughter will not inherit together with the sons of the deceased.] (116a)*

### **Leaving Behind a Son**

Rabbi Yochanan said in the name of Rabbi Shimon ben Yochai: The Holy One, Blessed be He, is filled with anger against any man who does not leave a son to inherit him.

It is written: *That they have no replacements and they fear not God.* Rabbi Yochanan and Rabbi Yehoshua ben Levi argue regarding the exposition of this text. One says: Whoever does not leave behind a son (*a replacement; this shows that he did not fear God completely*). And the other says: Whoever does not leave a disciple.

It may be proven that it was Rabbi Yochanan who said “a disciple,” for Rabbi Yochanan was apt to say, “Here is the bone of my tenth son!” [*Rabbi Yochanan buried ten children in his lifetime. He would carry around the bone of his tenth son in order to comfort others. And obviously, he would not do like that if he considered someone without a son as someone who did not sufficiently fear God.*] Thus it is proven that it was Rabbi Yochanan who said “a disciple.”

The *Gemora* asks: Since Rabbi Yochanan said “a disciple,” Rabbi Yehoshua ben Levi must be the one who said “a son.” But is it not true, however, that Rabbi Yehoshua ben Levi did not go to a house of mourning (*to comfort the mourners*) unless it was to the house of someone who died without leaving any sons (*and obviously, he considered that person righteous!*)?

Evidently, it was Rabbi Yehoshua ben Levi who said “a disciple,” which proves that it was Rabbi Yochanan who must have said “a son.” We now have a contradiction between Rabbi Yochanan’s two statements!?

The *Gemora* answers: There is no contradiction. One statement is his own opinion (*when he would comfort others with the bone of his son; this was because he himself held that a person is God-fearing even if he did not leave behind a son; he is not, however, if he did not leave behind a disciple*). The other statement is that of his teacher (*that one does not fear God if he did not leave behind any sons*).

(Mnemonic: *Hadad, A poor man, a sage.*)

Rabbi Pinchas ben Chama expounded: With regards to the following Scriptural verse: *And when Hadad heard in Egypt that David slept with his fathers, and that Yoav the general of the army was dead.* Why was the expression of “sleeping” used with respect to David’s death, and that of “death” by Yoav? “Sleeping” was used by David because he left a son; “Death” was used with respect to Yoav because he left no son. The *Gemora* qualifies this: David, who left a son similar to himself (*Shlomo*), the expression of “sleeping” was used; with Yoav, although he had a son, he was not comparable to himself, “death” was used.

Rabbi Pinchas ben Chama expounded: Poverty in one’s home is worse than fifty plagues. He cites a Scriptural verse proving this.

Rabbi Pinchas ben Chama expounded: Whoever has a sick person in his house should go to a Sage and he will



pray for mercy on his behalf. He cites a Scriptural verse proving this. (116a – 116b)

### ***Order of Inheritance***

The *Mishna* had stated: This is the rule: Whoever is first to inherit, his descendants are also first to inherit. A father is before all of his descendants (*i.e. to inherit his son or daughter, unless that son has children*).

Rami bar Chama inquired: Who would take precedence: A father's father or a father's brother? For example: Would Avraham (*Esav's father's father*) or Yishmael (*Esav's father's brother*) inherit Esav's property?

Rava said: This can be resolved from our *Mishna* which states: A father is before all of his descendants. [*If Yitzchak would have died leaving an inheritance, Avraham would inherit him before Yishmael. So too here, when Esav died, Yitzchak, his deceased father inherits him, and then, Avraham inherits from him.*] Rami bar Chama did not analyze the *Mishna* well because of his sharpness of mind (*as he was preoccupied with a more difficult inquiry*).

Rami bar Chama inquired further: Who would take precedence: A father's father or a brother? For example: Would Avraham (*Esav's father's father*) or Yaakov (*Esav's father's brother*) inherit Esav's property?

Rava said: This can be resolved from our *Mishna* which states: A father is before all of his descendants. [*Since Yaakov is a descendant of Avraham, Avraham would take first.*]

Rami bar Chama rejects this line of reasoning, for the *Mishna* only meant that the father comes before his own descendants; however, the descendants of his son come before him.

It is logical to say like this, for the *Mishna* states: This is the rule: Whoever is first to inherit, his descendants are also first to inherit. Now, if Yitzchak would have been alive, he would have inherited from Esav before his father Avraham. Now that he is not alive, his son, Yaakov, who is his descendant, would come before Avraham. This is indeed a proof. (116a – 116b)

### **DAILY MASHAL**

#### ***The Tradition that no Tribe ever becomes Extinct***

#### ***What Is a Tribe?***

The above quote from our *Gemora* condenses the entire subject of the twelve tribes of Israel. We understand that our nation is eternal, with no possibility of ever disappearing, but there is also a vital need for the perpetuation of the twelve tribes. Our division into twelve tribes stems from our very essence as a people and cannot be canceled and there will always be at least one person surviving from each tribe to enable their perpetuation. As a source for this principle, the Rishonim cite the verse in Malachi (3:6) that "I, Hashem, have not changed and you, the **sons of Yaakov**, have not become extinct" (Rashbam, s.v. *Amar Abayei* in the name of Rabeinu Chananel; *Yad Ramah* on Sanhedrin 69b).

Israel's division into twelve tribes is hinted in Hashem's promise to Yaakov in Bereishis (35:11): "A **nation** and a community of **nations** will come from you", a double expression that needs clarification.

HaGaon Rav Y.Z. Soloveichik of Brisk zt"l points out Onkelos' translation: "a nation and a collection of tribes" (*Chidushei HaGriz al HaTorah, Vayechi*). In other words, aside from the promise that the Jewish nation will arise from Yaakov's offspring, Hashem promised that that nation will be comprised of tribes.

With the understanding that the twelve tribes are like the vital members of one body, Rav Soloveichik explains the verses in Bereishis 48 concerning the selection of Menasheh and Efrayim as distinct tribes. Yaakov informs Yosef that Hashem told him: "I shall make you fruitful and plentiful and shall allow you to be a community of nations" (again translated by Onkelos as "a collection of tribes") and then adds that Efrayim and Menasheh "will be to me like Reuven and Shimon", blessing them with "the redeeming angel will bless the boys and my name will be called in their midst." Ramban and Rashbam comment on this passage that Yaakov's name being called in their midst refers to the perpetuation of their offspring. Yaakov made Efrayim and Menasheh into **tribes** making them inseparable from the whole nation, essential members of the same body and, consequently, eternal (see more illuminating expansions on the topic, *ibid*).

Now, remarks Rav Soloveichik, we can better understand the meaning of Rabeinu Gershom *Meor HaGolah* in his *Selichos* prayer "Remember the covenant of Avraham and the binding of Yitzchak," said on the eve of Rosh HaShanah and, with expansions, on

the Fast of Gedaliah (*Mateh Efrayim, 603*). We ask Hashem to remember "the covenant of the fathers, the mothers and the tribes." We know about the covenant with the fathers and mothers but what covenant was made with the tribes? Indeed, says Rav Soloveichik, this refers to the tradition recorded in our *sugya* that no tribe ever becomes extinct and we therefore plead: "The covenant of the fathers, the mothers and the tribes, Your mercy and kindnesses with the passage of time, Hashem, remember the stricken and afflicted who are slaughtered for you all the day long."