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Bava Basra Daf 120

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Daf Notes is currently being dedicated to the neshamot of

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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

### **Return to Youth**

Rabbi Eliezer ben Yaakov said that the daughters of Tzelophchad all married at after they were forty. Although Rav Chisda says that a woman who marries after forty cannot bear children, in the merit of their righteousness, Hashem performed a miracle, and they bore children. This was similar to the miracle Hashem performed for Yocheved. The verse says that a man from Levi (*Amram*) went and married the daughter of Levi (*Yocheved*).

The *Gemora* asks how the verse can refer to Yocheved as the “daughter”- connoting a young girl - when she was born to Levi as the Jews were entering Egypt, and thus one hundred and thirty years old at the time of the marriage.

Rav Yehudah bar Zevida says that this indicates that Hashem gave her the signs of youth – the skin was smooth, the wrinkles straightened out, and the youthful beauty returned.

Rav Yehudah bar Zevida says that the verse says that Amram *married* Yocheved, and not remarried, since they made a full wedding, with the older siblings Aharon and Miriam singing and dancing, referring to their mother as *aim habanim semaicha* – *the happy mother of children*. (119b – 120a)

### **Age Before ...**

The *Gemora* says that when relating the marriages of the daughters of Tzelophchad, they are listed in descending age order, but when they asked Moshe their question, they are

listed in order of wisdom. This supports the statement of Rabbi Ami, who says that in matters of Torah assemblage, precedence is given to wisdom, but in gatherings of celebration, precedence is given to age.

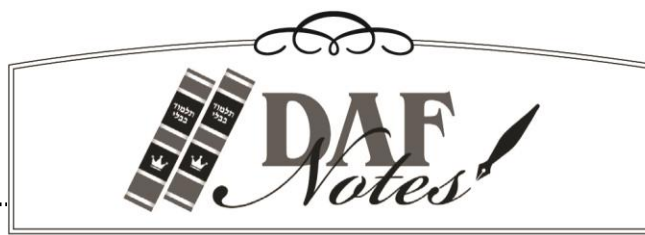
Rav Ashi says that these rules of precedence are only true for one of especially advanced age or extraordinary wisdom.

A Tanna in the Academy of Rabbi Yishmael disagrees and says that the different order in which the daughters are listed indicates that they were equal in wisdom, and therefore can be equivalently listed in any order. Thus, the verse says that *they* were married, and does not list their marriage individually, indicating that they were in the same category of wisdom. (120a)

### **Inheriting Daughters**

Rav Yehudah quotes Shmuel saying that the daughters of Tzelophchad were allowed to marry anyone, as the verse says they should marry to *latov be’ainaihem* - *to whomever is good in their eyes*. When the verse says that they should marry someone from their tribe, this was simply advising them that they marry someone worthy for them.

Rabbah challenges this from a *braisa*. The *braisa* explains that the verse introducing the prohibition of a *Kohen* sacrificing when impure is introduced with the phrase – *emor aleihem* – *say to them* – *l’dorosaichem* – *for your following generations*, to indicate that this prohibition applies to the generation that received the Torah (*alaihem* – *to them*) as well as future generations (*l’dorosaichem* – *for*



your [following] generations).

The verse had to list both groups, since there are some commandments that are applicable only to the generation of the Wilderness (*the fathers*) and some are only applicable to the following generations (*the children*).

The *braisa* uses the prohibition of an inheriting daughter marrying outside of her tribe as an example of a commandment that applied only to the fathers, and says many commandments apply only to the children (e.g., *terumos and ma'asros, which only apply to Eretz Yisroel after it was conquered and divided*). The *braisa's* use of the prohibition of an inheriting daughter marrying out of her tribe indicates that this is a true prohibition, and not just good advice.

Rabbah answers his question by limiting Rav Yehudah's statement to only the daughters of Tzeloachad, but not any other inheriting daughters.

The *Gemora* returns to discuss inheriting daughters. Rava explains that this was limited to the generation entering *Eretz Yisroel*, since the verse says *zeh hadavar – this is the statement*. The use of the word *zeh – this* indicates that it is limited in scope, to only *this* generation.

Rabbah Zuta asked Rav Ashi why this would not apply to the prohibition of slaughtering sacrifices out of the Bais Hamikdash, which is also introduced with the same phrase.

Rav Ashi answered that it is overridden by the phrase *l'dorosam – for their [following] generations* – used in that prohibition. When he asked about the phrase *zeh hadavar* used to introduce the prohibition on breaking an oath, Rav Ashi answered that we use a *gezeira shavah* to equate that with the prohibition on slaughtering a sacrifice outside its place, which has the same phrase.

Rav Ashi explained that only between these two

commandments is a *gezeirah shavah* necessary, to teach us *halachos* that are similar. If a *gezeirah shavah* were used to equate the extent of the prohibition of an inheriting daughter from marrying outside her tribe, it would only teach that it applies for all generations. This could be accomplished simply by not using the phrase *zeh hadavar*, in which case the *gezeirah shavah* would not be needed. Therefore, the phrase *zeh hadavar* must limit its scope in time, and is not used for a *gezeirah shavah* to extend it to later generations.

The *Gemora* cites a *braisa* which explains what is learned via this *gezeirah shavah*. The prohibition of slaughtering outside is stated to Aharon, his sons, and the entire nation, while the prohibition of breaking an oath is stated to the heads of the tribes. The *braisa* says that the *gezeirah shavah* teaches us that both prohibitions are relevant to Aharon, his sons, and the whole nation, and are relevant to the heads of the tribes.

The *Gemora* explains that from the list of Aharon, his sons, and the nation, we learn that oaths can be undone by three simple people, even if they are not expert judges. From the mention of the heads of the tribes we learn that just as oaths can be undone, removing the prohibition, so the consecration of an animal can be undone, removing the prohibition.

Beis Shammai, however, does not agree that consecration can be undone. The *Gemora* explains that according to Beis Shammai, the phrases *zeh hadavar* teach other *halachos*. In the case of slaughtering consecrated animals, this phrase teaches that only slaughtering is prohibited, but not *melikah* (*the method of killing a bird as a sacrifice, using the Kohen's nail*). The phrase used by oaths teaches that the process of undoing an oath must be done using the correct mechanism – invalidation by a sage, and annulling by a husband – but not switching the mechanism. Thus, if a sage states that he is breaking the oath, or a husband states that he is nullifying his wife's oath, the oath is still in effect.

Beis Shammai learns that oaths can be undone by a court of three from the juxtaposition of the section on oaths after Moshe's commanding the nation to keep the holidays. The verse concluding the section of the holidays states the Moshe told the Jews about the holidays of Hashem. The use of the phrase *mo'adai Hashem – the holidays of Hashem*, even though the context would make it clear that this was what Moshe taught, is excluding another area from the rule of the holidays.

Rabbi Yossi Haglili says that the phrase teaches that only holidays require sanctification by the court (*by declaring the start of the month*), but not Shabbos, which arrives once a week, without human intervention.

Ben Azzai says that the phrase teaches that only holidays need expert judges to proclaim the new month, but an oath (*discussed in the next Torah section*) can be undone by a court of simple judges. (120a – 121a)

**INSIGHTS TO THE DAF**

***Age vs. Wisdom***

The *Gemora* discusses the precedence of age vs. Torah wisdom in various settings. The summary of the *halachah*, as ruled in Shulchan Aruch (Y"D 244:18) is:

Older person	Wiser person	Torah setting	General celebration
Advanced age	Extraordinarily wise	Wiser	Older
Advanced age	Wiser	Older	
Older	Extraordinarily wise	Wiser	
Older	Wiser	Older	

The older person takes precedence only if he is somewhat wise in Torah as well.

***Husband vs. Sage in Oaths***

The *Gemora* compares and contrasts *hatarah* and *hafarah*. The mechanism of the two and their parameters are different, and are not interchangeable. A Sage who invalidates an oath does *hatarah*, and by discovering a reason why the person regrets the oath, or would have never made the oath, makes the oath as if it were in error, and never in effect. However, a husband who breaks his wife's oath, since it brings her discomfort, or impacts on their relationship, is empowered by the Torah to do *hafarah*, which removes the oath's prohibition on his wife from this point on.

**DAILY MASHAL**

***Miracle of Yocheved***

The *Gemora* states that Yocheved bore Moshe when she was 130 years old, as Hashem performed a miracle and restored her to a youthful state.

The Ibn Ezra (Braishis 46:23) questions why the Torah does not even mention this miracle, when it goes to such length to describe and expand upon the miracle Hashem did to allow Sarah to conceive at the age of 90.

The Magid Midubno says that at the time of Sarah, it was rare for a woman to miraculously conceive a child under such conditions, and thus the miracle was a rarity and deserving of elaborate mention. However, at the time of Moshe's birth, Chazal tell us that the women gave birth to six children at a time. At a time when miraculous childbirth was so common, the miracle of Yocheved conceiving at the age of 130 was not as outstanding, and therefore is not mentioned explicitly.