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Bava Basra Daf 122

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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

Dividing the Land

The *Gemora* inquires: How was *Eretz Yisroel* divided? Was it divided according to the tribes (*split into twelve equal portions and then they gave it out to each member of the tribe*), or was it divided according to people (*split into 600,000 portions*)?

The *Gemora* attempts to answer this question. The verse states regarding the division of *Eretz Yisroel* among the tribes: *Whether large or little.* [This implies that the tribes each got an equal portion, whether there were many people in the tribe or few people in the tribe.]

Additionally, the *braisa* states: In the future, *Eretz Yisroel* will be divided into thirteen portions. Originally it was only divided into twelve portions.

Originally, it was divided with money, as the verse states: *Whether large or little.* [The *Rashbam* explains that the *Gemora* at this point understands that this means that a tribe that received land in *Yehudah* would pay money to compensate those who received a portion in the *Galil*. The verse “large or little” means that a person who got a “large” (i.e. better and therefore more valuable) portion would pay money to those who got a little portion (that was worth less). This is evident from the following statement of Rabbi *Yehudah*.] Rabbi *Yehudah* says: A *se’ah* in *Yehudah* is worth five *se’ah* in the *Galil*.

The land was divided with a lottery. This is as the verse says: *Only with a lottery.* It was also done with the *Urim v’Tumim* (names of Hashem written and inserted in the breastplate of the High Priest), as the verse says: *On the mouth* (indicating the

message displayed by the Urim v’Tumim) of the lottery. How did this work? *Elozar* would wear the *Urim v’Tumim*, and *Yehoshua* and all of *Bnei Yisroel* would stand before him. There would be a basket with lots that had the names of the tribes, and a basket with lots that had the names of the various portions before him. The *Urim v’Tumim* would indicate, foretelling the future with Divine Inspiration, that *Zevulun* would be picked along with his portion of *Akko*. They would then pick a lot out of the tribe basket and it would be that of *Zevulun*, and pick a lot out of the portion basket and it would be that of *Akko*. The *Urim v’Tumim* would again indicate, foretelling the future with Divine Inspiration, that *Naftali* would be picked along with his portion of *Ginosaur*. They would then pick a lot out of the tribe basket and it would be that of *Naftali*, and pick a lot out of the portion basket and it would be that of *Ginosaur*. This is how it would be with every tribe.

However, the dividing of the portions in this world is unlike that of the World to Come. In this world, if a person received a regular field, he did not receive an orchard. If he received an orchard, he did not receive a regular field. However, in the World to Come, everyone will have portions in the mountains, low areas, and valleys. This is as the verse says: *The gate of Reuven is one, the gate of Yehudah is one, the gate of Levi is one.* Hashem will give these portions out himself, as the verse states: *And these are their divisions, are the words of Hashem.*

In any event, the beginning of this *braisa* states that *Eretz Yisroel* was originally divided up into equal portions for each tribe. This teaches us that it was divided equally according to tribes (*and was then split up based on the amount of people in the tribe*).

Mar (*the previous braisa*) stated: In the future, *Eretz Yisroel* will be divided into thirteen portions.

The *Gemora* asks: Who will get this extra portion?

Rav Chisda answers: It will go to the prince (*i.e. Mashiach*). This is as the verse states: *And the worker of the city (Rashbam explains this is Mashiach, as the people are dependent on him), they will serve him from all of the tribes of Israel.*

Rav Pappa said to Abaye: Perhaps this verse just means that they will work for him like day laborers (*not give him a major piece of their inheritance*)?

The *Gemora* answers: You should not think this. This is as the verse says: *And the leftovers to the prince from this one and that one, besides for the place of the Beis Hamikdash and the city. [This implies he receives a portion.]*

The *braisa* stated: Originally it was divided with money, as the verse states: *Whether large or little.*

The *Gemora* asks: How did this work? If it was so that a person would literally pay more to someone who had a less valuable portion, are we talking about fools (*who would take an equal amount in Galil as others received in Yehudah because they would be paid*)? Rather, it is referring to land closer and further from Yerushalayim. [*The Rashbam explains that this is not comparing Yehudah and Galil, but rather is stating that the people who had a portion close to Yerushalayim would pay those in Yehudah who were further away from Yerushalayim. Rabbi Yehudah's statement regarding five se'ah in Galil for one in Yehudah refers to the fact that people in the Galil received five times as much land as people in Yehudah.*]

This is part of the following argument among the *Tannaim*. Rabbi Eliezer says: They made up the difference (*in Yehudah*) with money (*as described above*). Rabbi Yehoshua says: They made up the difference (*in Yehudah*) with land.

The *braisa* stated: The land was divided with a lottery. This is as the verse says: *Only with a lottery.*

Another *braisa* states: *Only with a lottery.* This excludes Yehoshua and Calev (*who did not need a lottery*).

The *Gemora* asks: What does this mean? If it means that they did not receive a portion, this cannot be, as since they even received the portions of others (*i.e. the spies, as stated earlier*), they certainly took their own portions!

Rather, the *Gemora* answers: It means that they did not take through a lottery, but through a direct commandment of Hashem. Regarding Yehoshua, the verse states: *By the word of Hashem they gave him the city he asked for, Timnas Sarach in the hill of Efraim.*

The *Gemora* asks: In one verse it says, (*Timnas*) *Sarach*, and in another verse it calls this place, (*Timnas*) *Cheres*. [*Why is it called by two different names?*]

Rabbi Elozar answers: It means to say that before Yehoshua received it, its fruits were hard like earthenware. After he received it, they would smell strongly if left out because they were so juicy. Others say: Originally they spoiled quickly, and after Yehoshua took it, the fruits stayed fresh for a long time like earthenware.

Calev also received his portion by the word of Hashem. This is as the verse states: *And they gave Calev the city of Chevron as Moshe stated. And he drove away from there the three sons of the giant.*

The *Gemora* asks: Wasn't Chevron a city of refuge? [*How can we say it was Calev's portion?*]

Abaye answers: The villages and fields outside of the city were Calev's portion. This is as the verse states: *And the field of the city and its yards were given to Calev ben Yefuneh as his portion. (121b – 122b)*



Mishna

The son and daughter are the same in inheritance (*the Gemora will explain this statement*). However, the firstborn son inherits a double portion of the father's possessions but not his mother's possessions. Daughters are supported from the father's possessions but not from the mother's possessions. (122b)

Explaining the Mishna

The *Gemora* asks: What does the *Mishna* mean when it says that the son and daughter are the same in inheritance? It cannot mean that they take equal portions, as the *Mishna* states that a son takes (*the entire inheritance*) before a daughter, and that all of his descendants come before the daughter!

Rav Nachman bar Yitzchak says: It means that both a son and daughter inherit what in the future will belong to the estate, as they do the possessions currently owned by the estate.

The *Gemora* asks: This was already taught in a *Mishna* that said that the daughters of Tzelophchad inherited three portions, including the portion of their father who went out of Egypt and the portion of their father in Cheifer's portion (*their grandfather*)! [*This is despite the fact that Tzelophchad had not yet inherited anything from his father, making it property that would in the future go to his estate.*] Additionally, why does our *Mishna* use the word "however?" [*One would expect the Mishna to continue by saying that a son inherits while a daughter does not.*]

Rather, Rav Pappa says, this is what the *Mishna* means: Both a son among other sons and a daughter among other daughters (*when there are no sons*), if the father says that they should inherit all of his possessions (*leaving none to the other siblings*) his words are valid (*as long as he does not bequeath it to someone who is not his heir*).

The *Gemora* asks: Whose opinion does this follow? It follows Rabbi Yochanan ben Berokah's opinion. Don't we have a *Mishna* later that already says this? The *Mishna* states: Rabbi Yochanan ben Berokah states that if he said this regarding a person who is fit to inherit him, his words are valid, and if he says it about someone who is not fit to inherit him, his words are invalid. If you will tell me that the *Mishna* is making a general statement according to Rabbi Yochanan ben Berokah to teach that the law follows his opinion, this cannot be correct. This would be a general *Mishna* before a *Mishna* containing an argument, which we know means that the law does not follow the general *Mishna*! Additionally, the question asked above concerning the meaning of the word "however" has still not been answered!?

Rather, Mar bar Rav Ashi says: This is what the *Mishna* means to say: Both a son and a daughter (*when there is no son*) inherit the possessions of a father and mother. However, a firstborn son only takes two portions of his father's possessions and not his mother's possessions. (122b)

INSIGHTS TO THE DAF

A Portion for Levi

The Rashbam and Tosfos write that in the Messianic era, the division of *Eretz Yisroel* will be different in two respects.

1. The Tribe of Levi will receive a portion along with the other tribes.
2. Menasheh and Efraim will receive a portion as one tribe – the sons of Yosef; and not as two different tribes.

The Ra"n, Maharsha and others all challenge this from the verses in Yechezkel which clearly indicate that Yosef will receive two portions. It is also evident from there that Levi will not receive a portion at all!?

The verse that mentions Levi and also mentions Yosef as one is referring to the twelve gates that will be in Yerushalayim corresponding to the twelve tribes.

The Minchas Chinuch asks: How can it be that in the future, the prohibition against giving the Tribe of Levi a portion in *Eretz Yisroel* will be violated? A prophet does not have the right to institute any new commandments, so how could Yechezkel negate this prohibition explicitly written in the Torah?

Reb Dovid Pavarsky answers that the prohibition was not that Levi should not receive a portion; rather, it was that Levi should not take a portion that was not his. In the future, they will not be taking a portion that does not belong to them! It will be rightfully theirs!

DAILY MASHAL

The assignment of new front seats in an expanded synagogue

A Hungarian community decided to make extensive renovations to their synagogue and the *gabaim* used the opportunity to expand the prestigious *mizrach* side to accommodate more congregants who deserved the honor. Nine seats were now available on either side of the *aron hakodesh* instead of the previous six but the *gabaim*, who had hoped the extension would bring peace and tranquility, were disappointed to learn that the intended improvement only caused some bitter altercations. All agreed that the six members who had sat next to the *aron*, three on the left and three on the right, would retain their places but the question arose about the other six who had occupied the outer seats, three to the far left of the *aron* and three to the far right. Some asserted that they continue to be at the corners of the *mizrach*, making room for the newly honored members in the three middle places. Others supported the veterans' demand to continue to occupy their closer seats, long held with reverence by their forefathers, assigning the newly added corner seats to the new honorables. The local rabbi, confronted by the crossfire of claims, decided to turn to the Chasam Sofer zt"l, who addressed "this issue which so confused the public" (Responsa *Chasam Sofer*, O.C. 29).

They're right but they have to pay! No one could have guessed the Chasam Sofer's solution: The six veterans may indeed continue to occupy their closer seats but must pay the synagogue for their **increased** value as since more seats have been added at the ends, the seats closer to the *aron* are now more prestigious. The Chasam Sofer based his ruling on the decision of the *Magen Avraham* in *Shulchan 'Aruch* (O.C. 150, S.K. 5) and on the Rashbam of our *sugya*: Our *sugya* treats the division of Eretz Israel among the 12 tribes as determined by the lots described in the book of Yehoshua. Rabbi Eliezer states that any tribe that received a more valuable portion had to pay the difference to those tribes which received lesser portions. As Rashbam explains (s.v. *Lakerovah*), the greater value of any portion in this discussion was due to its proximity to Yerushalayim. Living farther away is disadvantageous for two reasons; one of them is being farther from the holy *beis hamikdosh*... Now, says the Chasam Sofer, Yerushalayim was only chosen as the eternal location for the Temple in King David's era and was not known as such in Yehoshua's time. Our Gemara means, then, that the tribes closer to Yerushalayim compensated the farther ones only later, when their proximity to Yerushalayim became an obvious asset, although they had long been owners of that portion. Similarly, the veteran occupiers of the corner *mizrach* seats must now pay the synagogue administration for the obvious improvement of their places despite their previous occupancy of the same positions.