

**A** בס"ד

Intro

Today we will learn בע"ה of דף קנט of בבא בתרא  
Some of the topics we will learn about include.

The Halachah of

בן שמכר בנכסי אביו בחיי אביו ומת  
If יעקב sold his anticipated share in his father ראוּבן's estate,  
and the son died before the father יעקב;

בנו מוציא מיד הלקוחות  
the son of ראוּבן can extract from the buyer his father's  
share in יעקב's estate, because as the Rashbam explains

מפני שהן ראוי  
ולא באו ליד ראוּבן מעולם

שיזכו בהן לקוחות מכחו  
Since ראוּבן died before the assets came to his possession,  
the sale was not effective, because a buyer can acquire the  
sale item only after it comes into the seller's possession.

The question in whether

וזו היא שקשה בדיני ממונות  
This ruling is most complex and difficult to understand of  
all monetary laws; which depends on

לענין דינא  
מצי אמר מכח אביו דאבא קאתינא

Regarding monetary matters, whether or not a grandson is  
considered a direct heir of his grandfather.

**A**

בן שמכר בנכסי אביו  
בחיי אביו  
ומת

בנו מוציא מיד הלקוחות

מפני שהן ראוי  
ולא באו ליד ראוּבן מעולם  
שיזכו בהן לקוחות מכחו

וזו היא שקשה בדיני ממונות

לענין דינא  
מצי אמר מכח אביו דאבא  
קאתינא

**B** Several other דיני ממונות which are not considered complex.

The question of  
בן מהו שיירש את אמו בקבר  
להנחיל לאחין מן האב

Does a son inherit his mother's assets even after he dies, as  
in a case of

מת הבן  
ואח"כ מתה אמו

If the son first died and then his mother died, are these  
assets inherited by the son's heirs through his father?

OR  
Are they inherited by the mother's heirs through her  
father?

**B**

דיני ממונות  
Several other דיני ממונות  
which are not considered  
complex

בן מהו שיירש את אמו בקבר  
להנחיל לאחין מן האב

מת הבן  
ואח"כ מתה אמו

1 So let's review ...

שלחו מתם  
 בן שמכר בנכסי אביו בחיי אביו ומת  
 If **בן שמכר** sold his anticipated share in his father **יעקב**'s estate,  
 and the son **ראובן** died before the father **יעקב**;  
 בנו מוציא מיד הלקוחות  
 בנו **מוציא** מיד הלקוחות  
 the son of **ראובן** can extract from the buyer his father's  
 share in **יעקב**'s estate, because as the **Rashbam** explains  
 מפני שהן ראוי  
 מפני שהן ראוי  
 ולא באו ליד **ראובן** מעולם  
 ולא באו ליד **ראובן** מעולם  
 שיזכו בהן לקוחות מכחו  
 שיזכו בהן לקוחות מכחו  
 Since **ראובן** died before the assets came into his possession,  
 the sale was not effective, because a buyer can only  
 acquire the sale item after it comes into the seller's  
 possession.

And the message of **מתם** concluded;  
 וזו היא שקשה בדיני ממונות  
 This ruling is most complex of all monetary laws.

As the **Gemara** explains  
 The **שלחו מתם** hold that it's complex and difficult to  
 understand, because the לקוחות can claim to the son **חנן**  
 חנן **חנן** can claim to the son **חנן**  
 אבן מזבין ואת מפיק  
 אבן מזבין ואת מפיק  
 How can you extract from us that which your father **ראובן**  
 sold to us? ®  
 והלא אין אדם יורש מה שמכר אביו  
 והלא אין אדם יורש מה שמכר אביו  
 One does not inherit that which his father has already sold  
 to others?

1

שלחו מתם

**בן שמכר בנכסי אביו בחיי אביו ומת**  
 If **בן שמכר** sold his anticipated share in his father **יעקב**'s estate,  
 and **ראובן** died before the father **יעקב**;

**בנו מוציא מיד הלקוחות**

**בנו** the son of **ראובן**  
 can extract from the buyer  
 his father's share in **יעקב**'s estate,

because as the **Rashbam** explains

מפני שהן ראוי

ולא באו ליד **ראובן** מעולם

שיזכו בהן לקוחות מכחו

Since **ראובן** died before the assets came into his possession,  
 the sale was not effective, because a buyer can only acquire  
 the sale item after it comes into the seller's possession.

And the message of **מתם** concluded;

**וזו היא שקשה בדיני ממונות**

This ruling is most complex of all monetary laws.

And it is complex because...

The לקוחות can claim to the son **חנן**

**אבן מזבין ואת מפיק**

How can you extract from us  
 that which your father **ראובן** sold to us?

והלא אין אדם יורש מה שמכר אביו

One does not inherit that which his father  
 has already sold to others?


2 The Gemara however concludes that this ruling is not complex, because חנוך can claim  
 מכח אבוב דאבא קאתינא  
 I inherited these assets directly from my grandfather יעקב, not from my father; as the Rashbam explains;  
 דבני בנים הרי הם כבנים  
 Since a grandson is considered like a son, חנוך takes over his father's place and inherits that share directly from his grandfather יעקב.

And we find this concept in the Pasuk  
 תחת אבותיך יהיו בניך וגו'  
 Your sons are the successors of your father, who is their grandfather.

While the הלוחו מתם hold לענין דינא לא  
 Regarding monetary matters, a grandson is not considered a direct heir of his grandfather.

And the Pasuk is not a proof, because  
 ההוא בברכה כתיב  
 The Pasuk merely teaches that the righteous people will merit grandchildren who will follow in their good ways.

2



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Since a grandson is considered like a son, חנוך takes over his father's place and inherits that share directly from his grandfather יעקב.

And we find this concept in the Pasuk

תחת אבותיך יהיו בניך וגו'

Your sons are the successors of your father, who is their grandfather.

While the הלוחו מתם hold לענין דינא לא

Regarding monetary matters, a grandson is not considered a direct heir of his grandfather.

And the Pasuk is not a proof, because ההוא בברכה כתיב

The Pasuk merely teaches that righteous people will merit grandchildren who will follow in their ways.

3 The Gemara seeks to bring proof otherwise that לענין דינא  
 מצי אמר מכה אבוב דאבא קאטינא  
 Regarding monetary matters, a grandson IS considered a direct heir of his grandfather; as it seems to be supported by the previous Mishnah;  
 נפל הבית עליו ועל אביו  
 או עליו ועל מורישיו  
 והיתה עליו כתובת אשה ובעל חוב  
 If a house fell upon both ראוּבן and his father יעקב or upon both ראוּבן and another relative from whom he is in line to inherit and they both died, and ראוּבן owned money for a Kesubah or for a debt;  
 It depends:  
 If the son ראוּבן died first, he does not inherit his father יעקב's estate, and there's NO money from which to collect his debts; assuming he has no other assets.  
 If the father יעקב died first, the son ראוּבן does inherit his father יעקב's estate, and there IS money from which to collect his debts.  
 Now, a dispute arises;  
 יורשי האב אומרים  
 הבן מת ראשון ואח"כ מת האב  
 The heirs of the father יעקב claim that the son ראוּבן died first, and therefore, they inherit the estate from יעקב, and the בעלי החוב cannot collect;  
 ובעלי החוב אומרים  
 האב מת ראשון ואח"כ מת הבן  
 His creditors claim that the father יעקב died first, and therefore, the son ראוּבן inherits from him, and they can now collect from the son's estate.

3   
 The Gemara seeks to bring proof otherwise that  
**לענין דינא**  
**מצי אמר מכה אבוב דאבא קאטינא**  
 Regarding monetary matters,  
 a grandson is considered a direct heir of his grandfather;


  
**נפל הבית עליו ועל אביו**  
**או עליו ועל מורישיו**  
**והיתה עליו כתובת אשה ובעל חוב**


If a house fell upon both ראוּבן and his father יעקב or upon both ראוּבן and another relative from whom he is in line to inherit - and they both died, and ראוּבן owned money for a Kesubah or for a debt;

It depends:

If the father יעקב died first, the son ראוּבן does inherit his father יעקב's estate, and there is money from which to collect his debts.

If the son ראוּבן died first, he does not inherit his father יעקב's estate, there is no money from which to collect his debts; assuming he has no other assets.

  
**וקצאי ריחוב אומרים**  
**האב מת ראשון**  
**ואח"כ מת הבן**  
 His creditors claim that the father יעקב died first, therefore, the son ראוּבן inherits from him, and they can now collect from the son's estate.

  
**יורשי האב אומרים**  
**הבן מת ראשון**  
**ואח"כ מת האב**  
 The heirs of the father יעקב claim that the ראוּבן died first, and therefore, they inherit the estate from יעקב, and the בעלי החוב cannot collect.

4 The Gemara initially assumes as follows:  
 In the first case of  
 יורשי האב  
 Refers to  
 בני ראובן  
 The sons of ראובן;  
 And in the second case of  
 מורישיו  
 Would refer to  
 אחי ראובן  
 The brothers of ראובן;

Now, if we are to say  
 לענין דינא  
 מצי אמר מכח אבוה דאבא קאתינא  
 Then the יורשי האב can claim הבן מת ראשון, because since ראובן died first, they inherited these assets directly from their grandfather יעקב not from ראובן, and therefore ראובן's debtors do not have a claim to these assets.

However, if we are to say  
 לענין דינא  
 לא מצי אמר מכח אבוה דאבא קאתינא  
 Then the יורשי האב cannot claim הבן מת ראשון, because even though ראובן died first, they inherited these assets from their father ראובן, and his debtors do have a claim to these assets.

5 The Gemara explains that this is not necessarily so, perhaps  
 יורשי האב  
 Refers to  
 אחיו  
 The brothers of ראובן;  
 And if so, in the second case  
 מורישיו  
 Would refer to  
 אחי דאבוה  
 The brothers of יעקב, the uncles of ראובן;  
 And therefore, the יורשי האב can claim הבן מת ראשון because since ראובן died first, they inherited these assets from their father יעקב, not from their brother ראובן.  
 However, ראובן's sons indeed have no claim, because even if ראובן died first, they inherited these assets from their father ראובן and his debtors do have a claim to these assets.

The Gemara also discusses several other Halachos of דיני כמזונות and concludes that these laws are not קשה בדיני כמזונות  
 =====

4

**נפל הבית עליו ועל אביו או עליו ועל מורישיו והיתה עליו כתובת אשה ובעל חוב**

יורשי האב Refers to בני ראובן The sons of ראובן

מורישיו Refers to אחי ראובן Brothers of ראובן

*If we say לענין דינא מצי אמר מכח אבוה דאבא קאתינא*  
 Then the יורשי האב can claim הבן מת ראשון, because since ראובן died first, they inherited these assets directly from their grandfather יעקב not from ראובן, therefore ראובן's debtors do not have a claim to these assets.

*However, if we say לענין דינא לא מצי אמר מכח אבוה דאבא קאתינא*  
 Then the יורשי האב cannot claim הבן מת ראשון, because even though ראובן died first, they inherited these assets from their father ראובן, and his debtors do have a claim to these assets.

5

~~נפל הבית עליו ועל אביו או עליו ועל מורישיו והיתה עליו כתובת אשה ובעל חוב~~

The Gemara explains that this is not necessarily so, perhaps

יורשי האב Refers to אחיו Brothers of ראובן

מורישיו Would refer to אחי דאבוה The brothers of יעקב, the uncles of ראובן;

And therefore, the יורשי האב can claim הבן מת ראשון because since ראובן died first, they inherited these assets from their father יעקב, not from their brother ראובן.

However, ראובן's sons indeed have no claim, because even if ראובן died first, they inherited these assets from their father ראובן and his debtors do have a claim to these assets.

6 The Gemara continues  
 בעו מיניה מרב ששת  
 בן מהו שיירש את אמו בקבר  
 להנחיל לאחין מן האב  
 Does a son inherit his mother's assets even after he dies, as  
 in a case of  
 מות הבן  
 ואח"כ מתה אמו  
 If the son first died, and then his mother died,

Perhaps,  
 בן יורש את אמו בקבר  
 A deceased son does inherit his mother's estate and these  
 assets are then inherited by the son's heirs from his  
 father's side?  
 OR  
 אין הבן יורש את אמו בקבר  
 A deceased son does not inherit his mother's estate and  
 these assets are inherited by the mother's heirs from her  
 father's side?

6

**?**

*קרו מיניך מריב לל*

**בן מהו שיירש את אמו בקבר  
 להנחיל לאחין מן האב**

*Does a son inherit his mother's assets  
 even after he dies,*

*as in a case of*

**מות הבן  
 ואח"כ מתה אמו**

*If the son first died, and then his mother died.*

<p><b>אין הבן יורש את אמו              בקבר</b></p> <p><i>A deceased son does not              inherit his mother's estate              and these assets are inherited              by the mother's heirs              from her father's side?</i></p>	<p><b>בן יורש את אמו              בקבר</b></p> <p><i>A deceased son does inherit              his mother's estate              and these assets are then              inherited by the son's heirs              from his father's side?</i></p>
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7 The Gemara brings several proofs that אין הבן יורש את אמו בקבר להנחיל לאחין מאב  
 As the Rashbam in דף קי"ד explains  
 כיון דמת פקע לו כחו בירושת אמו  
 Once the son died, he lost the rights to inherit his mother's assets.

And the Gemara brings the Torah source from a גזירה שוה of the word תסוב:  
 Regarding a son's inheritance from his father the Pasuk states  
 ולא תסוב נחלה לבני ישראל ממטה אל מטה  
 And regarding a husband's inheritance from his wife the Pasuk states  
 ולא תסוב נחלה ממטה למטה אחר

מה סיבה האמורה בבעל  
 אין הבעל יורש את אשתו בקבר  
 אף סיבה האמורה בבן  
 אין הבן יורש את אמו בקבר  
 להנחיל לאחין מן האב  
 Just as a husband inherits only those assets that were in his wife's possession at the time she died, but he does not inherit those assets that would come to his wife after she died, as in a case of

מתה  
 ואח"כ מת אביה  
 If the wife first died and then her father died with no sons, her husband does not inherit those assets. Rather, her sons or daughters, or if she has no children, her closest relatives inherit these assets.

So too, a son only inherits his mother's assets when he is alive, but he does not inherit his mother's assets after he dies, and therefore in the case of

מת הבן  
 ואח"כ מתה אמו  
 If the son first died and then his mother died, the son's heirs through his father do not inherit these assets. Rather, the mother's heirs through her father inherit these assets.

The rest of the Daf is reviewed in Daf Lamed.

הדרן עלך פרק מי שמת  
 We have B"ה completed the ninth Perek of בבא בתרא, and in the next Shiur we will begin the tenth Perek, גט, פשוט, B'ezras Hashem.

7

**אין הבן יורש את אמו בקבר להנחיל לאחין מאב**  
 As the Rashbam explains  
 כיון דמת פקע לו כחו בירושת אמו  
 Once the son died, he lost the rights to inherit his mother's assets.

<p>Regarding a husband's inheritance from his wife the Pasuk states</p> <p><b>ולא תסוב נחלה ממטה למטה אחר</b></p> <p>מה סיבה האמורה בבעל              אין הבעל יורש את אשתו בקבר</p> <p><b>A husband does not inherit those assets that would come to his wife after she died</b></p> <p>As in a case of מתה ואח"כ מת אביה              If the wife died and then her father died with no sons, her husband does not inherit those assets.</p>	<p>Regarding a son's inheritance from his father the Pasuk states</p> <p><b>ולא תסוב נחלה לבני ישראל ממטה אל מטה</b></p> <p>אף סיבה האמורה בבן              אין הבן יורש את אמו בקבר</p> <p><b>So too, a son does not inherit his mother's assets after he dies</b></p> <p>Therefore in the case of מת הבן ואח"כ מתה אמו              If the son died and then his mother died, the son's heirs through his father do not inherit these assets.</p>
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**הדרן עלך פרק מי שמת**