

**A** בס"ד

Intro

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

סדר נחלות כך הוא

The sequence of ירושה, inheritance is as follows;

1.

בן ויוצאי חלציו

The son of the מת or his descendants;

Then

בת ויוצאי חלוציה

The daughter or her descendants;

2.

Then the assets move up to

האב

The father

Then the assets move down to

אחי המת ויוצאי חלציו

The brothers of the מת or his descendants;

Then the assets go to

אחות המת ויוצאי חלוציה

The sister of the מת or her descendants;

**B** 3.

Then the assets move up to

אבי האב

The grandfather of the מת;

Then the assets move down to

אחי אביו ויוצאי חלציו

The father's brother, the uncle of the מת, or his descendants.

Then the assets go to

אחות אביו ויוצאי חלוציה

The father's sister or her descendants;

נחלה ממשמשת והולכת עד ראובן

This pattern repeats itself, up to the father then down to his sons and daughters etc., until it reaches the patriarch of the שבט such as ראובן.

However, it does not move up farther till יעקב אבינו, because

גמירי דלא כלה שבטא

Hashem promised that a שבט will not be completely eliminated

**A**

סדר נחלות כך הוא

בן ויוצאי חלציו

בת ויוצאי חלוציה

האב

אחי המת ויוצאי חלציו

**B**

אחות המת ויוצאי חלוציה

אבי האב

אחי אביו ויוצאי חלציו

אחות אביו ויוצאי חלוציה

נחלה ממשמשת והולכת עד ראובן

גמירי  
דלא כלה שבטא

1 So let's review ...

Zugt Di Mishnah

סדר נחלות כך הוא

The sequence of ירושה, inheritance, is as follows;

1.

The first Pasuk states

איש כי ימות ובן אין לו

והעברתם את נחלתו לבתו

If a person dies, his assets go to his son, and if he has no son, then the assets go to his daughter

בן קודם לבת

כל יוצאי יריכו של בן קודמין לבת

The son comes before the daughter;

And even if the son is no longer alive, all the son's

descendants come before the daughter of the deceased.

2.

בת קודמת לאחין

יוצאי יריכה של בת קודמין לאחין

If the son has no descendants, the daughter comes before the father, and certainly before the brothers of the deceased;

And even if the daughter is no longer alive, all the daughter's descendants come before the father and brothers of the deceased.

3.

אחין קודמין לאחי האב

יוצאי יריכו של אחין קודמין לאחי האב

If the daughter has no descendants, the assets go the father of the deceased, and if the father is no longer alive, then the brothers of the deceased come before the grandfather, the father's father, and certainly before the uncles, the father's brothers.

And even if the brother of the deceased is no longer alive, his descendants come before the grandfather and uncles.

זה הכלל כל הקודם בנחלה

יוצאי יריכו קודמין

The general rule is that if one has precedence to an inheritance, when he dies, all his descendants maintain this precedence even though they are a later generation than the siblings of the deceased.

והאב קודם לכל יוצאי יריכו

And a father has precedence over his children, the siblings of the deceased.

1

משנה

סדר נחלות כך הוא...

איש כי ימות ובן אין לו  
והעברתם את נחלתו לבתו

If a person dies, his assets go to his son,  
and if he has no son, the assets go to his daughter

1

בן קודם לבת  
כל יוצאי יריכו של בן קודמין לבת

The son comes before the daughter;  
And even if the son is no longer alive, all the son's descendants  
come before the daughter of the deceased.

2

בת קודמת לאחין  
יוצאי יריכה של בת קודמין לאחין

If the son has no descendants,  
the daughter comes before  
the father, and certainly  
before the brothers  
of the deceased;

And even if the daughter  
is no longer alive,  
all the daughter's descendants  
come before the father  
and brothers of the deceased.

3

אחין קודמין לאחי האב  
יוצאי יריכו של אחין קודמין לאחי האב

If the daughter  
has no  
descendants,  
the assets go  
to the father  
of the deceased.

And if the father  
is no longer alive,  
the brothers of the  
deceased come  
before the  
grandfather,  
the father's father,  
and certainly before  
the uncles,  
the father's brothers.

And even if the  
brother of the  
deceased is no  
longer alive,  
his descendants  
come before the  
grandfather  
and uncles.

זה הכלל כל הקודם בנחלה  
יוצאי יריכו קודמין

The general rule is  
If one has precedence to an inheritance,  
when he dies, all his descendants maintain this precedence  
even though they are a later generation  
than the siblings of the deceased.

והאב קודם לכל יוצאי יריכו

And a father has precedence over his children,  
the siblings of the deceased.

2 The Gemara proceeds with a Braisa with the source for כל הקודם בנחלה יוצאי יריכו קודמין

The Pasuk states איש כי ימות ובן אין לו

בן  
אין לי אלא בן  
The word בן implies that only the son has precedence over the daughter, his sister, but his descendants do not.

However, the redundant word אין comes to teach

אין לו  
עיין עליו

We also consider the son's descendants, such as

בן הבן  
The son of the son;  
בת הבן  
The daughter of the son;  
בן בת הבן  
And the son of the son's daughter;

As the Rashbam explains;

יו"ד יתירא קא דריש

The Yud in word אין is redundant because the Pasuk could have stated אן without the letter Yud, as it states elsewhere מאן בלעם.

2  
כרייתא  
איש כי ימות ובן אין לו

עיין עליו

בן הבן

The son of the son;

בת הבן

The daughter of the son;

בן בת הבן

And the son of the son's daughter;

As the Rashbam explains;

יו"ד יתירא קא דריש

The Yud in "אין" is redundant because the Pasuk could have stated אן without the Yud, as it states elsewhere

מאן בלעם.

3 Similarly, in the following Pasuk

ואם אין לו בת ונתתם את נחלתו לאחיו

The word בת implies, only the daughter has precedence over the father and brother, but not her descendants.

Therefore, the redundant word אין teaches

אין לו  
עיין עליו

We also consider the daughter's descendants such as

בת הבת  
The daughter of the daughter;  
ובן הבת  
The son of the daughter;  
ובת בן הבת  
And the daughter of the daughter's son.

3  
ואם אין לו בת ונתתם את נחלתו לאחיו

עיין עליו

בת הבת

The daughter of the daughter;

ובן הבת

The son of the daughter;

ובת בן הבת

And the daughter of the daughter's son.

4 The Braisa concludes:

הא כיצד  
נחלה ממשמשת והולכת עד ראובן  
If the deceased's children have no descendants, the estate moves upward to the next levels until it reaches ראובן בן יעקב.

As the Rashbam explains with the following example: (לפי הגהות הב"ח)  
had four sons, חנוך, פלוא, חצרון, וכרמי

Then פלוא had one son, אליאב;  
And אליאב had three sons, נמואל, דתן, ואבירם

1.  
מת בנו של נמואל בלא זרע  
נמואל ירשו  
If נמואל's son died without any children, the assets move UP to נמואל the father of the מת.

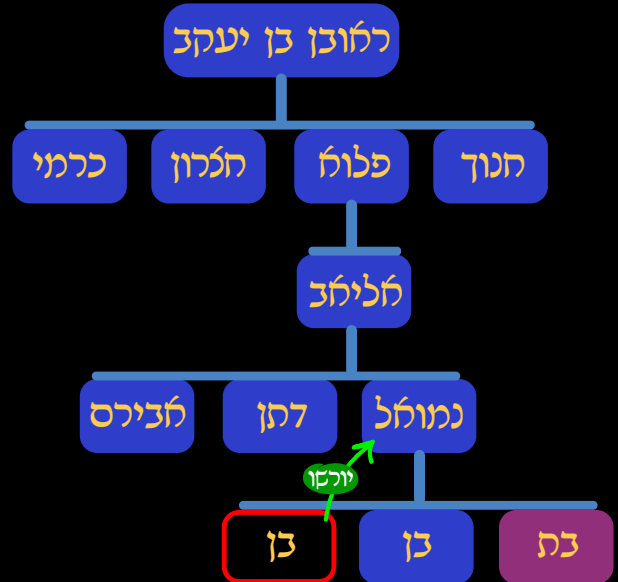
אם אין נמואל קיים  
אחיו דהיינו בני נמואל ירשין אותו  
If נמואל the father was not alive, the assets go DOWN to his sons, the brother's of the מת or to their descendants.

4

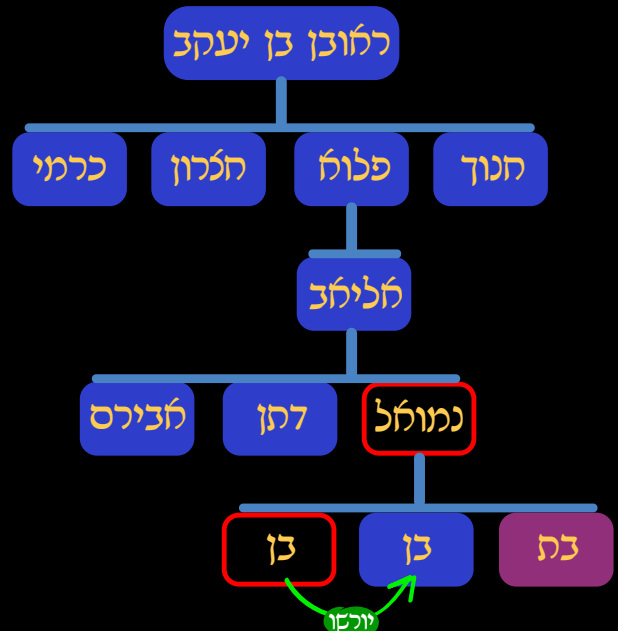
הא כיצד  
נחלה ממשמשת והולכת עד ראובן

If the deceased's children have no descendants, the estate moves upward to the next levels until it reaches ראובן בן יעקב.

As the Rashbam explains



מת בנו של נמואל בלא זרע  
נמואל יורשו



אם אין נמואל קיים  
אחיו דהיינו בני נמואל ירשין אותו

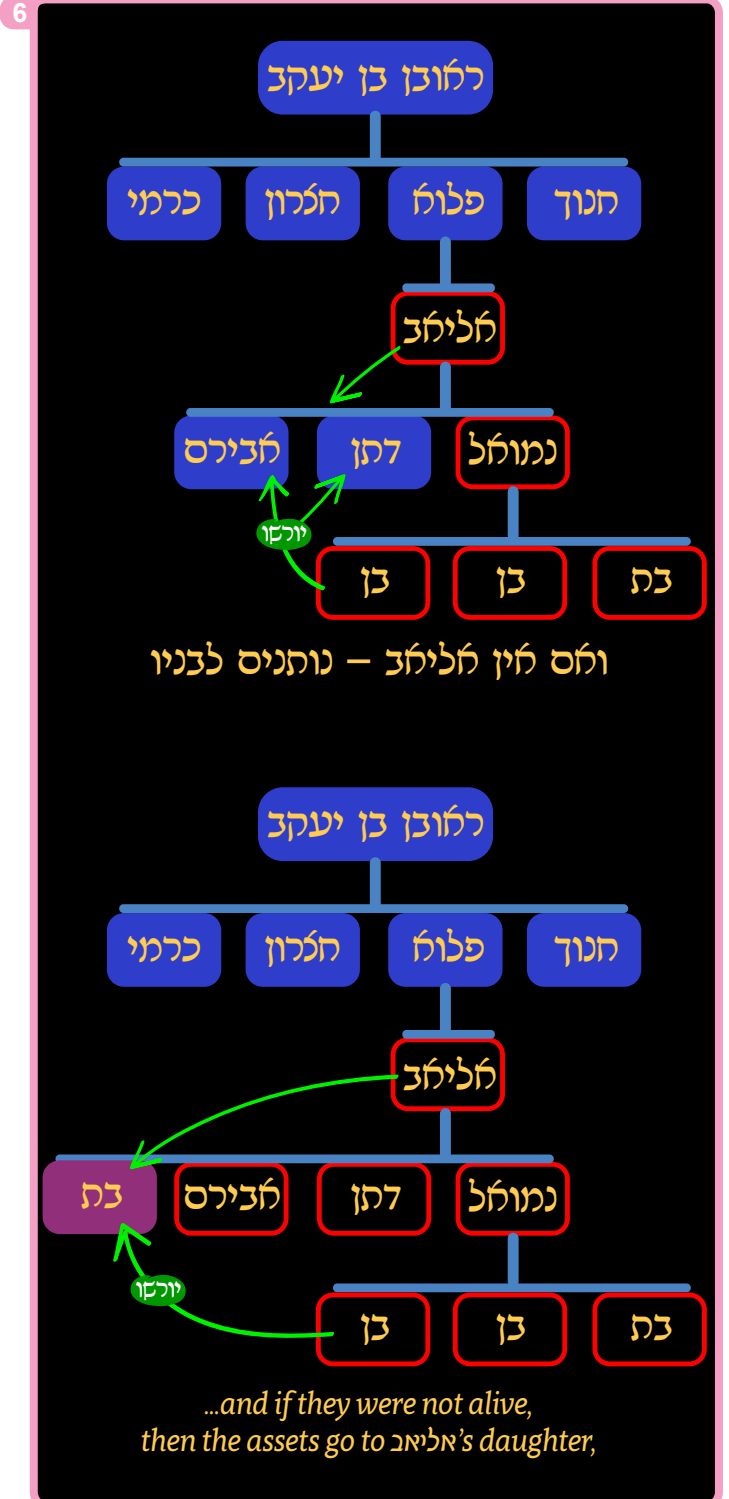
5 ואם אין לו אחים  
נותנים לאחותו  
If the מת has no brothers and they had no descendants, the  
assets go to the sister of the מת or to her descendants.

2. ואם אין לו אחות  
ונתתם נחלתו לאליאב אבי אביו  
If the מת has no sisters either and they had no descendants,  
the assets move UP to אליאב, the grandfather, the father's  
father.



6 ואם אין אליאב  
 נותנים לבניו, דהיינו אחי אביו דתן דודו או בניו  
 If the grandfather was not alive either, the assets go  
 DOWN to his son דתן, the uncle of the מת or to his  
 descendants

and if they were not alive, then the assets go to אליאב's  
 daughter, the aunt of the מת or to her descendants.



7 3. מת אליאב בלא בניו ובני בניו חוזרים אצל פלוא  
 If אבא the מת's grandfather has no living descendants, the assets move UP to his father פלוא, the great-grandfather of the מת.

4. If פלוא the great-grandfather is no longer alive, being that he had no other sons and descendants, the assets move UP to ראובן the great-great-grandfather of the מת.



8 The Gemara continues with that which the Mishnah taught  
בן קודם לבת  
כל יוצאי יריכו של בן קודמין לבת  
The son comes before the daughter;  
And even if the son is no longer alive, all the son's  
descendants come before the daughter of the deceased.  
Therefore if a person dies with no sons, but he had a  
daughter, and his deceased son also had a daughter, the  
son's daughter comes before the deceased's own daughter.

Regarding this Halachah,

אמר רב הונא אמר רב  
כל האומר תירש בת עם בת הבן  
אפילו נשיא שבישראל

אין שומעין לו שאינן אלא מעשה צדוקין  
If a Nasi were to rule otherwise, that the deceased's  
daughter and the son's daughter both inherit equally, his  
ruling is disregarded, because this was the ruling of the  
צדוקין, as the Braisa elaborates:

8 **בן קודם לבת**  
**כל יוצאי יריכו של בן קודמין לבת**  
*The son comes before the daughter;  
And even if the son is no longer alive,  
all the son's descendants  
come before the daughter of the deceased.*  
*Therefore if a person dies with no sons, but he had a  
daughter, and his deceased son also had a daughter, the  
son's daughter comes before the deceased's own daughter.*  
**אמר רב הונא אמר רב**  
**כל האומר תירש בת עם בת הבן**  
**אפילו נשיא שבישראל**  
**אין שומעין לו**  
**שאינן אלא מעשה צדוקין**  
*If a Nasi were to rule otherwise,  
that the deceased's daughter and the son's daughter both  
inherit equally, his ruling is disregarded,  
because this was the ruling of the צדוקין.*

9 The צדוקין ruled  
תירש הבת עם בת הבן  
The deceased's daughter and the son's daughter inherit  
equally based on a וְחֹמֶר קל:  
ומה בת בנו הבאה מכח בנו תירשנו  
בתו הבאה מכחו לא כל שכן  
If the son's daughter inherits even though her rights to the  
inheritance are merely through her father, the son of the  
deceased, then certainly a daughter inherits because her  
rights are directly through her father, the deceased.

However, רבן יוחנן בן זכאי refuted this וְחֹמֶר קל as follows:

מה לבת בנו  
שכן יפה כחה במקום האחין  
תאמר בבתו  
שהורע כחה במקום אחין

The son's daughter has a stronger right to inherit from her  
grandfather, because she inherits even if the deceased has  
other sons.

However, the daughter has a weaker right to inherit from  
her father, because she does not inherit if the deceased has  
other sons.

ונצחום

ואותו היום עשאוהו יום טוב

The צדוקין were defeated on this day, the 24th day of טבת,  
and it was designated in מגילת תענית as a Yom Tov on  
which fasting is forbidden.

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9 *The צדוקין ruled*  
**תירש הבת עם בת הבן**  
*The deceased's daughter and the son's daughter inherit  
equally based on a וְחֹמֶר קל:*

בתו  
הבאה מכחו  
לא כל שכן



ומה בת בנו  
הבאה מכח בנו  
תירשנו

*Then certainly a daughter  
inherits because her  
rights are directly  
through her father,  
the deceased.*

*If the son's daughter inherits  
even though her rights to the  
inheritance are merely  
through her father,  
the son of the deceased,*

*קל וחומר רבן יוחנן בן זכאי*

תאמר בבתו  
שהורע כחה  
במקום אחין



מה לבת בנו  
שכן יפה כחה  
במקום האחין

*However, the daughter has  
a weaker right to inherit  
from her father, because she  
does not inherit if the  
deceased has other sons.*

*The son's daughter has a  
stronger right to inherit from  
her grandfather, because she  
inherits even if the deceased  
has other sons.*

**ונצחום**

**ואותו היום עשאוהו יום טוב**

*The צדוקין were defeated on this day,  
the 24th day of טבת,  
and it was designated in מגילת תענית as a Yom Tov  
on which fasting is forbidden.*