

Daf Notes

Insights into the Daily Daf
Bava Basra Daf 139

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Daily Daf

Mishna

If someone left adult and minor sons after he died, the adult sons cannot take their expenses from the estate at the expense of the minors, and the minors cannot take their food at the expense of the adults. Rather, the estate should be equally divided. If the adult sons married, and their marriage was paid for by the estate before the estate was divided, the minor sons should have an equal amount set aside from the estate for their marriage before the estate is divided. If the minor sons claim that they should receive money for their weddings before the estate is divided based on how much was spent on their brother's weddings (*during their father's lifetime, see Gemora below*) we do not listen to them. Whatever their father spent on the weddings of their older brother is inconsequential (*to the division of the estate*).

If someone left adult and minor daughters after he died, the adult daughters cannot take their expenses from the estate at the expense of the minors, and the minors cannot take their food at the expense of the adults. Rather, the estate should be equally divided. If the adult daughters married, and their marriage was paid for by the estate before the estate was divided, the minor daughters should have an equal amount set aside from the estate for their marriage before the estate is divided. If the minor daughters claim that they should receive money for their weddings before the estate is divided based on how much was spent on their sister's weddings during their father's lifetime, we do not

listen to them. Whatever their father spent on the weddings of their older sister is inconsequential (*to the division of the estate*).

The stringency of girls over boys is that girls are supported from the estate when they inherit with boys, while if they do not have any brothers, the girls do not get supported from the estate. (139a)

Funds from the Estate

Rava says: If the oldest child buys clothing at the expense of the estate (*in order to be dressed appropriately when dealing with the finances of the estate*), what he has done is done. [*He does not have to reimburse the estate for the expenses, although it would be appropriate for him not to do so.*]

The *Gemora* asks: Didn't the *Mishna* say that the adults should not take their expenses from the estate at the expense of the minors?

The *Gemora* answers: Our *Mishna* is referring to someone who is not working (*and the estate does not benefit from his purchase of the clothing*).

The *Gemora* asks: If this is the case, it is obvious! [*Why would the Mishna bother saying this?*]

The *Gemora* answers: One might think it is beneficial that the children should not look disgusting (*and therefore the estate should pay for their clothes*). This

is why the *Mishna* must say that the clothes are not paid for by the estate.

The *Mishna* says: If the adult sons married...the minor sons should have an equal amount set aside from the estate for their marriage.

The *Gemora* asks: What does the *Mishna* mean?

Rav Yehudah answers: The *Mishna* means as follows: If the adult sons married after their father's death, and their marriage was paid for by the estate before the estate was divided, the minor sons should have an equal amount set aside from the estate for their marriage before the estate is divided. If the minor sons claim that they should receive money for their weddings before the estate is divided based on how much was spent on their brother's weddings during their father's lifetime, we do not listen to them. Whatever their father spent on the weddings of their older brother is inconsequential (*to the division of the estate*). (139a)

Husband: Buyer or Inheritor?

The *Mishna* says: If someone left adult and minor daughters after he died etc.

Avuha bar Geneiva sent the following question to Rava. Rabbi, teach us: If she borrowed, ate, got up, and got married, what is the law? Is the husband considered a purchaser or inheritor? Is he a purchaser, and consequently, creditor's cannot collect from oral loans, or, is he considered an inheritor from whom a creditor can collect an oral loan?

He answered: We already learned in the *Mishna* that if the adult girls got married, the minors may also marry (*in that fashion*). This implies that just as the adults married a husband, the expenses of the minors should be paid for by their husband (*and not separately by the estate*)!

The *Gemora* answers: This is not a proof. The *Mishna* means that just as the adults married a husband, the minors should marry their husband (*and have their expenses paid for by the estate*).

The *Gemora* asks: Is this so? Didn't Rabbi Chiya teach: Just as the adults married a husband, the

expenses of the minors should be paid for by their husband!?

The *Gemora* answers: The support given for marriage is different, as it becomes well known. [*Therefore, even if a husband is like a buyer, one can take from a buyer in this case unlike a regular loan.*]

Rav Pappa says to Rava: Isn't this what Ravin sent in his letter? He sent a case of someone who died and left a widow and a daughter. His widow is supported from his estate. If the daughter gets married, the widow still is supported from the estate (*despite the fact that the daughter brought the estate into her marriage*). If the daughter then dies, Rav Yehudah the son of the sister of Rabbi Yosi the son of Rabbi Chanina says that this indeed occurred. The ruling was that the widow is still supported from the estate. If one will say that the husband is considered an inheritor, it is understandable why she still is supported. However, if he is a buyer, why is she still supported from the estate? [*Doesn't the Mishna say in Gittin (48b) that we do not take away support money from an estate from buyers? This proves he is considered to be an inheritor.*]

Abaye says: If Ravin would not have said this, wouldn't we know it anyway? The *Mishna* says that the portion of the firstborn in an estate and one who inherits his wife does not go back to their owners on *Yovel* (*the jubilee year*). [*If he is a buyer, he would get back his inheritance from his wife on Yovel!*]

Rava countered: Now that Ravin sent us this letter, do we indeed know that the husband is an inheritor? Didn't Rabbi Yosi the son of Rabbi Chanina say that they decreed in Usha that if a woman sells the possessions she brings into a marriage and then dies during her husband's lifetime, the husband is able to take the possessions back from their buyers? [*This implies he is a buyer!*]

Rather, Rav Ashi answers: A husband was determined by the Sages to be both an inheritor and a buyer. They determined his status based on what was good for him. Regarding *Yovel*, the Sages ruled he is an inheritor to prevent his losses. Regarding Rabbi Yosi the son of Rabbi Chanina's case (*above*), the Sages ruled he is a buyer to prevent his loss. Regarding Ravin's case (*the support of the widow*), the Sages ruled he is an inheritor due to her loss.

The *Gemora* asks: In the case of Rabbi Yosi the son of Rabbi Chanina, the buyers lose. Why, then, do the Sages determine him to be a buyer? [If they considered the loss of the widow, they should consider the loss of the buyers!]

The *Gemora* answers: The buyers caused their own loss. Being that this woman has a husband, they should not have bought from her (*without consulting the husband*). (139a – 139b)

WE SHALL RETURN TO YOU, YEISH NOCHALIN

Mishna

If someone died and left sons and daughters, when there are a lot of possessions in the estate, the sons should inherit and the daughters should be supported. If there are very few possessions, the daughters should be supported and the sons should go begging. Admon says: Because I am male I have lost?! Rabban Shimon ben Gamliel says: I see Admon's position. (139b)

A Lot of Possessions

The *Gemora* asks: What is "a lot of possessions"?

Rav Yehudah says in the name of Rav: It is enough, so that all the children can be supported for twelve months.

When I said this before Shmuel, he said that these are the words of Rabban Gamliel bar Rebbe. However, the *Chachamim* say: It is enough, so that they can all be supported until they become adults. (139b)

HALACHOS OF THE DAF

What Is Included In Mezonos?

When a man dies and is survived by sons and daughters, there is a system in place to ensure that the daughters (*who don't inherit when there are sons*) are supported. The *Mishna* has two scenarios; a) the inheritance is a large amount - there is enough money

to support all the children until they reach maturity (12 and a half years for a girl and 13 years for a boy) or until the daughters get engaged (*whichever is first*); b) the inheritance is a small amount - the money is insufficient to support all the children until maturity.

In the first scenario, the sons inherit and support their sisters. In the second scenario, the daughters get supported from the inheritance, and the sons go begging from the community.

Shulchan Aruch (Even Ha'ezer Siman 112 Seif 11) explains that this is only when there is no money left over after supporting the daughters; however, even in the second scenario, if there is money left over after the daughters are supported, then, that goes to the sons.

The question that needs to be addressed is: What constitutes support? The *Mishna* uses the term "mezonos," which usually translates as food. Is this the meaning here as well? What about clothing? How about a place to live?

The Shulchan Aruch (Even Ha'ezer Siman 112 Seif 6) rules that the daughter gets food, clothing and a place to live. This is the opinion of the Tur and the Rambam (Hil. Ishus Perek 19 Hal. 11).

The Rashbam on our *Mishna* defines *mezonos* as food and *parnasas nisu'in* - money for her marriage needs.

Tosfos argues that the term *mezonos* and *parnasah* are two separate categories. The former refers to food and drink, and the latter to clothing and marriage needs.

It is interesting to note that according to Tosfos, the daughters would only get food, and not clothing, not like the Rambam and Tur who rule that they get both.

The Chelkas Mechokek rules that the daughters get food, clothing and a place to live; however, they don't get money towards their marriage needs.