

OVERVIEW of the Daf

1) Clarifying the Mishnah (cont.)

The Gemara continues to examine the exposition that delineates the correct order of relatives who inherit property in the event the deceased did not have children.

Another Baraisa is cited that presents an alternative source that a father inherits ahead of a brother.

This exposition is unsuccessfully challenged.

The Gemara explains how each Tanna explains the verse cited by the other Tanna.

The exposition that assumes that the word שארו refers to the father is unsuccessfully challenged.

The assertion that the term משפחה is only for paternal relatives is unsuccessfully challenged.

Tangentially, the Gemara cites R' Yochanan in the name of R' Shimon ben Yochai that the Torah connects evil with evil people.

R' Yosi bar Chanina derives this lesson from another verse.

2) Connecting to righteous people

R' Elazar emphasizes the importance of connecting with righteous people, and as proof he cites Moshe's descendant from Yisro who was wicked and Aharon's descendant from Aminadav who was righteous.

The Gemara asserts that Pinchas, the descendant of Aharon, was also descended from Yisro and thus R' Elazar's proof is refuted. ■

REVIEW and Remember

1. To whom does the term שארי refer?

2. Pertaining to what matter is it said that the verse are out of order?

3. How do we know that שארי does not refer to the mother?

4. How does R' Elazar prove that one should strive to connect with good people?

Today's Daf Digest is dedicated
 By Dr. and Mrs. Marlon Kleinman
 In loving memory of his father
 הרב נתנאל בן ר' עזריאל הכהן, ע"ה

Distinctive INSIGHT

The father is next in line to inherit after the daughter

אם כן לא נכתוב רחמנא והעברתם

The Gemara cites a Baraisa in which R' Yishmael b. R' Yose teaches a law regarding inheritance. If a man dies and leaves neither a son nor a daughter, the next in line to inherit is the father, before the brothers of the deceased. The Baraisa analyzes the verse in the Torah (Bamidbar 27:8) which states, "When a man dies and he has no son...you shall pass (והעברתם) his inheritance to his daughter." This indicates that when a daughter inherits, presenting her with her father's estate is an act of "passing the inheritance" to her. This suggests that there is another relative who is present who does not receive the inheritance as we pass over him in order to allow us to give it to the daughter. And who is this relative? The Baraisa identifies him as the father. This leads us to conclude that if there is no daughter, it is the father who is next in line.

The Gemara probes that perhaps it is the brother who is being passed over to give the inheritance to the daughter, and not the father. In response to this question, the Gemara answers that if this would have been the case, the verse would not have used the word "והעברתם," but rather "ונתתם."

In the Shitta Mikubetzes, הרא"ם explains what this means. The verses in the Torah mention that the brothers are in line to inherit, but no where in the Torah does the verse state explicitly that the father inherits. The verse here uses the word "והעברתם" which suggests that when the daughter receives her inheritance, we are passing over someone else who is not mentioned in this episode who is a worthy and close relative who will not be receiving a portion as long as there is a daughter. This refers to the father, who is not mentioned in the verse at all. Therefore, we see that the father follows after the daughter. It cannot be, however, that the verse is referring to the brothers, and that the daughter pre-empts them but in her absence the brothers are next. The right of the brothers to receive inheritance is directly written in the Torah, and the verse would not have to refer to this fact at all. It would have simply written that we "give the inheritance" to the daughter, and in her absence it would be obvious that the next step would be to give it to the brothers. Therefore, the fact that the Torah chose to use the word "והעברתם" forces us to say that the father is the one in line who fol-

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HALACHAH Highlight

Who is considered family?

משפחת אב קרויה משפחה משפחת אם אינה קרויה משפחה
 Paternal relatives are considered משפחה but maternal relatives are not considered משפחה

Bach¹ examines the principle that only the paternal side of the family is considered משפחה as opposed to the maternal side of the family that is not considered משפחה. This analysis occurs in the context of a difficult question. A couple was engaged to marry, and as was customary they agreed that if one of them were to cancel the shidduch without justification his/her family would be subject to a fine. Soon after the engagement it was discovered that the chosson's sister's daughter had been unfaithful to her husband, and the father of the kallah wanted to call off the shidduch without being subject to the fine since he felt he had valid grounds to cancel the shidduch. A teshuvah of Rosh² was cited as precedent for this case. Rosh addressed a case of a chosson who discovered after the engagement that his kallah's sister had left Judaism and was practicing another religion. Rosh ruled that the chosson had the right to refuse to go forward with the marriage based on this blemish to the

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lows the daughter, and it is not the brothers.

In Tosafos (ד"ה במקום בת), ריב"ם notes that the father is next after the daughter because he is a closer relative than the brothers. This is because the son who died is his direct descendent. This is why the verse which describes our "passing him over" is referring to the father, when it gives the inheritance to the daughter . ■

family. Seemingly, the same principle could be applied to the case discussed by Bach and the father of the kallah would have justifiable cause to call off the shidduch.

Bach wrote that the two cases are not, in fact, similar. In Rosh's case it was the kallah's sister who caused the family blemish and since the kallah and her sister shared the same father it was considered a blemish of the משפחה which is grounds to call off the shidduch. In Bach's case it was the chosson's sister's daughter who had behaved improperly, and since the one who created the blemish did not share a common father with the chosson, for this matter, they are not considered משפחה and therefore there was no basis for the father of the kallah to call off the shidduch. ■

1. שו"ת הבי"ח ישנות סיי ח'.

2. שו"ת הרא"ש כלל ל"ד סיי א'.

STORIES Off the Daf

Marriage advice

"לעולם ידבק אדם בטובים..."

We find on today's daf that one should make sure to marry into a good family.

A certain student of Rav Eleazar Fleckeles, ז"ל, (Teshuvah M'ahavah) was presented with what appeared to be a strange question. The inquiry was regarding marrying into a family that was affiliated with the infamous sect of Yaakov Frank, who eventually left Judaism entirely.

The rav's reply was quite scathing. "My dear student, my heart is inflamed with anger by your question so you must excuse me if I do not speak kindly. I find the fact that that could even ask such a question very bitter indeed.

These Frankists are obviously unacceptable by any standard, and your claim that their daughter is still young has no relevance at all. What kind of yiras shamayim can a girl have coming from that kind of family? She almost certainly does not have the dedication to Torah that only true yiras shamayim can bring. As my rebbi, the Noda B'Yehudah, ז"ל, wrote, such people are completely uninterested in careful mitzvah observance.

"In short, these Frankists are even worse than the Karaim that Rav Betzalel Ashkenazi absolutely repudiated in his responsa. After all, Karaim do not condone idolatry and they are not known to be as promiscuous as this sect! But these people continue to make a travesty not only of Judaism but of all other religions. Did you fail to hear what the Noda B'Yehudah said to the people of your city regarding a notorious kohen from this same group? He created a

scandal when people noticed that he formed a crucifix with his fingers as he blessed the congregation.

"When they consulted with the Noda B'Yehudah regarding this bizarre practice, he replied that this kohen hedyot not only scoffs his own religion, he also mocks the non-Jews, since duchanin in not a practice they hold to have any religious significance. So if he is some kind of Catholic, why is he in shul doing what they believe is a mistaken practice instead of worshipping as they do? It is as if he wishes to show them the proper way to worship. There is surely no greater mockery than this."

The Teshuvah M'ahavah concluded with the obvious. "I cannot understand how a kosher Jew could consider marrying into such a family. Hashem should save us from such a marked lack of understanding!"¹ ■

1. שו"ת תשובה מאהבה, ח"א, ס' ח' ■