

## OVERVIEW of the Daf

### 1) A woman inheriting from her son (cont.)

R' Yochanan challenges the ruling of R' Yehudah ben R' Shimon that, Biblically, a woman inherits from her son.

R' Yehudah ben R' Shimon responds by questioning the authority of the Mishnah since it cannot be attributed to a single Tanna.

The Gemara suggests but rejects the possibility that the Mishnah reflects the view of R' Zecharya ben Hakatzav.

The seemingly contradictory rulings of the Mishnah are resolved.

### 2) MISHNAH: The Mishnah presents the principles for determining who inherits a person's estate.

### 3) Descendants of a deceased heir

A Baraisa presents the exposition that teaches that the descendants of a deceased heir take precedence over other more distant relatives.

A detail of the Baraisa is clarified.

R' Huna in the name of Rav teaches that one who asserts that the daughter of the deceased should inherit together with the daughter of the son of the deceased is expressing a position maintained by the Tzedukim.

A Baraisa retells how R' Yochanan ben Zakkai succeeded at defeating the Tzedukim in a debate pertaining to this matter.

The Gemara interrupts the citation of the Baraisa to answer a challenge to an assumption of the Baraisa.

The Gemara resumes quoting the Baraisa. ■

## REVIEW and Remember

1. What did R' Yehudah ben R' Shimon mean when he said that he does not understand the Mishnah?  
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2. What is the source that grandchildren inherit in the event that the child of the deceased is no longer alive?  
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3. What law was returned on the twenty-fourth of Teves?  
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4. Why was Shmuel called "King Sh'vor"?  
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## Distinctive INSIGHT

### Why is Shmuel referred to as "King Sh'vor"?

אמינא מילתא דלא אמרה שבור מלכא, ומנו? שמואל

Rav Huna said in the name of Rav that someone would be mistaken if he were to say that a daughter should inherit together with the daughter of a son. In fact, this was a claim which the tzeddukim espoused, until Rabban Yochanan ben Zakkai confronted them and publicly discredited their claim. The date of this refutation, the 24th of Teves, was later commemorated as a date of celebration in Megillas Ta'anis.

In his refutation of the position of the tzeddukim, Rabban Yochanan ben Zakkai cited the verses in Bereshis (36:20,24) teaching that ענה received inheritance from צבעון, and that he was both a brother and a son of צבעון. The lessons of these verses are that ענה was a ממזר, as he was born from the union of צבעון and his own mother. Another lesson is that a grandson (ענה, the son of צבעון, the son of שעיר) receives inheritance together with a son (צבעון). In any case, the Gemara notes that these lessons are only valid if the ענה mentioned in the two verses is one and the same person. How do we know that there were not two people, both named ענה? Rabba answered, "I have an answer which even King Sh'vor (referring to Shmuel) did not offer! The verse states, 'He is ענה.' This teaches that this is the same ענה mentioned above."

Why is Shmuel referred to as King Sh'vor? Rashbam explains that King Sh'vor was a king of Persia. The halacha is according to Shmuel in all monetary cases, so it is fitting to refer to him as a king. Rashi (Pesachim 54a) adds that Shmuel was an expert in monetary law. We therefore follow his opinion in this area, and his word is treated as law just as if it would be a ruling issued by a king.

The ערוך explains that Shmuel earned this title because he was well respected and revered, just as King Sh'vor was revered among the nations. Seder HaDoros rejects this approach, as it would not be an honor to compare the erudition of Shmuel and the respect he earned to the honor of a gentile king. Rather, Shmuel was given this title because he was held in high esteem by King Sh'vor, and he was often invited to visit and consult with the king, as we find on several occasions.

It is interesting to note that Shmuel is also called by other names throughout shas. For example, he is called

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# HALACHAH Highlight

## A son taking his father's position

סדר נחלות כך הוא

The following is the order of inheritances

Rambam<sup>1</sup> writes that we use the same order of preference for choosing a replacement king as we use to determine who inherits the property of the deceased. Furthermore, when it comes to any position of authority or official appointment, if the one holding that position passes away it is inherited by his son or grandson. The one qualification to this ruling is that the son/grandson can properly replace his father/grandfather with regards to wisdom and fear of Heaven. An extension of this type of process is mentioned in the Beur Halacha. Beur Halacha<sup>2</sup> cites Rashba who writes that when a chazzan grows too old to continue performing his duties and decides to retire the job is given to his son, assuming that his son can serve as a chazzan, even if there are others who are even more qualified.

Sdei Chemed<sup>3</sup> asserts that Rashba's ruling that the chazzan's son takes over his father's position even if there are others who are more qualified is limited to where the difference between the son and the others is minor. If, however, the other candidates are far more qualified than the son then we will pass over the son, for the benefit of the community and give the position to the one who is so

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much more qualified for the position. He infers this from Rashba's wording. Rashba wrote that the son will replace his father, "even though there are others who are as good as or better than the son – גדולים כמוהו או גדולים ממנו." The very fact that we can assess the qualities of the son and the other candidates together indicates that they are comparable to one another. If there was a great discrepancy between their qualifications it would not even be appropriate to compare them since they are "playing in separate leagues." This proves, concludes Sdei Chemed, that Rashba's ruling is limited to where the skills of the son is comparable to the other candidates but when the other candidates are significantly more skilled they will be chosen to replace the retiring chazzan. ■

1. רמב"ם פ"א מהלי מלכים ה"ז ופ"ד מהלי כלי המקדש ה"כ.  
 2. ביאור הלכה סי' נ"ג ד"ה ש"ץ.  
 3. שדי חמד מערכת חזקה במצות סי' ז' אות י"ג. ■

# STORIES Off the Daf

## The daughter's share

"בן קודם לבת..."

A certain father passed away without leaving a will. Since he had several sons and one daughter it was assumed that the sons would split the entire inheritance between them and the daughter would get nothing. The daughter was in dire straits financially, however, and the father's holdings had been extensive—the sole daughter felt confident that her brothers would at least offer her help. To her surprise,

they refused.

Since she felt that this was a miscarriage of justice, she took them to her local beis din. She explained that in addition to being poor she also had medical problems and she desperately needed financial assistance. The beis din was unsure what to do in this case. Perhaps the woman had some kind of right to money, just as we find regarding a dowry for the unmarried daughter of the deceased. They sent their question to Rav Betzalel Stern, zt"l, and received an astonishing response.

He answered, "On the contrary, from the halachah regarding a dowry we see that this woman has no right to

an inheritance. It was only after the takanah that the unmarried daughter gained the right to money for her dowry. However, there has never been a takanah regarding a daughter inheriting. But that does not mean that the brothers have a right to shirk their responsibility to their sister in need! You should convince the brothers to do the right thing by their sister. And even if they refuse, you are surely aware that beis din can force the unwilling to give charity to the needy. If this situation warrants it, perhaps you should do just that!"<sup>1</sup> ■

1. שו"ת בצל החכמה, ח"ה, סי' ס"ט ■

