

OVERVIEW of the Daf

1) The division of Eretz Yisroel (cont.)

Two proofs are presented that demonstrate that Eretz Yisroel was divided by tribes rather than by individuals.

The second proof emerges from a lengthy Baraisa that describes the process of dividing Eretz Yisroel in the time of Yehoshua.

The Gemara clarifies who is going to receive the thirteenth portion of Eretz Yisroel.

The Gemara clarifies whether people were compensated for inferior quality land with money or with land.

The statement that Yehoshua and Kalev did not receive a portion of land by lottery is explained.

R' Elazar clarifies the intent of the Navi who in one place refers to a city with the term סרח and in another refers to it as חרס.

A second version of this discussion is recorded.

The Gemara discusses the parcel of land that was given to Kalev.

2) **MISHNAH:** The Mishnah discusses the difference between inheriting from a father and inheriting from a mother for both a son and a daughter.

3) A son and a daughter inheriting

R' Nachman bar Yitzchok offers an explanation for the Mishnah's statement that sons and daughters share the same law concerning inheritances.

This explanation is rejected.

R' Pappa offers an alternative explanation of the Mishnah.

This explanation is also rejected.

R' Ashi suggests another explanation for the Mishnah's statement.

This explanation is also rejected.

Mar bar R' Ashi gives the definitive explanation of the Mishnah.

4) Double portion for the first-born

A Baraisa presents two ways to calculate the double portion of the first born. ■

Distinctive INSIGHT

How was the land divided?

איבעיא להו ארץ ישראל לשבטים איפלוג או דילמא לקרקף גברי איפלוג? תא שמע בין רב למעט, ועוד תניא וכו' שמע מינה לשבטים איפלוג. ש"מ

The Gemara searches to understand the nature of how Eretz Yisroel was originally divided up among the Jews.

Rashbam explains that one possibility was that the Land was divided up according to tribes, with each of the tribes receiving an equal share regardless of whether one tribe's population was greater or less than another. According to this approach, after each tribe received its fixed section of land, the area was then divided up among its population. Accordingly, a tribe with a large population would give each recipient a relatively small tract of land, while the members of a tribe whose population was smaller would each receive a relatively large piece of land.

On the other hand, it might have been that the Land was initially divided based upon a per-capita basis, with each tribe receiving a share corresponding to its relative size in population. According to this approach, everyone in the nation ended up receiving an equal portion, as each tribe received an area corresponding to its population.

Based upon verses, the Gemara determines that the first method was the one used. The land was divided into twelve equal parts, and each tribe received a share equal to the others. Ramban and Ra'aved (in his 2nd explanation) also learn the Gemara in this manner, and they point out that we must now understand the verse (Bamidbar 33:54) which states, "For the numerous one you shall increase its inheritance, and for the fewer one you shall decrease its inheritance." The verse was not referring to the initial distribution of the land, because that was done in an equal manner. Rather, the verse is refer-

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REVIEW and Remember

1. What was the procedure for dividing Eretz Yisroel?

2. How did Yehoshua and Kalev receive their parcels of land?

3. What are the מזונות allotted a daughter from her father's estate?

4. In what way are sons and daughters the same concerning the halachos of inheritance?

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לע"נ הרבנית הצדקה

מרת שאצא באבטשא, ע"ה

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ובז"ש הגה"צ כ"ק אדמו"ר רבי שמואל שמעלקא פיינטער זצ"ל

נלבע כח' אייר תשע"ב

HALACHAH Highlight

Is a mother obligated to provide her daughter with פרנסה?

והבנות נזונות מנכסי האב ואינן נזונות מנכסי האם

The daughters are supported from their father's estate but not from their mother's estate

The reason daughters are supported (מזונות) from the property of the father and not the mother, explains Rashbam¹, is that the father obligated himself to support his daughters in the kesubah agreement. Since the mother did not sign any such agreement she is not financially obligated to support her daughters. Concerning the obligation to provide daughters with money to marry (פרנסה) there is a disagreement whether this obligation rests solely on the father or the mother is also obligated to contribute. Yad Ramah² writes that פרנסה is different than מזונות since מזונות is a stipulation of the kesubah which is the husband's obligation as opposed to פרנסה which is an enactment of Chazal that was imposed on the father and the mother equally. Ritva³ disagrees and contends that the source for the enactment indicates that it was imposed only on the father. The Gemara Kesubos (52b) cited the pasuk (Yirmiyah ואת בנותיכם תנו לאנשים (29:6) – and your daughters you should give to men – as the source for this enactment. Chazal derive from this verse that a father must give his daughter money so that people will be interested in marrying her. Since the verse addresses men and not women it is logical to conclude that the enactment was only imposed on men. Maharil⁴ proves this position from another Gemara in Kesubos (68b). R' Huna in the name of Rabbi states that פרנסה is not the same as מזונות. As the Gemara explores the meaning of this statement it does not note that מזונות is obligatory only on the father whereas פרנסה is also the obligation of the mother. This indicates that there is, in fact, no

(Insight...continued from page 1)

ring to the second level of dividing the land, that which was done by each tribe among its own citizens. This is where a larger or smaller population divided the land into the tracts of land necessary to accommodate its citizens.

In his first approach, Ra'aved says that the Gemara knew that the tribes were not given areas of equal size. Tribes with larger populations were given larger areas, as the land was to be divided into twelve parts that were not equal, as this is the simple reading of the verse to give larger areas to the tribes which were more numerous. The question of the Gemara was whether it was only the first division of the land which was to be done with a lottery and the Urim v'Tumim, or whether the second division, within the various tribes themselves, should also be done with a lottery and the Urim v'Tumim. The Gemara answers that it was only the first division, that which was "for the numerous and for the fewer" that was done with the Urim v'Tumim. The second division, which was equal portions among the citizens of each tribe, was only done with a lottery, but not with the Urim v'Tumim. ■

difference and both are the exclusive obligations of the father.

Vilna Gaon⁵ proves from a Mishnah in Kiddushin that only fathers are obligated to provide their daughters with פרנסה. The Mishnah (29a) with the Gemara's explanation enumerates mitzvos that a father and not a mother is obligated to do for his son. One of those obligations mentioned in this category is to marry off a son. Since the obligation to marry off a son and daughter are mentioned in the same verse it is logical to conclude that a mother is not obligated to pay for her daughter's פרנסה. ■

1. רשב"ם ד"ה ואינן
2. יש רמ"ה ד"ה אחד וד"ה והא דתנן
3. ריטב"א ד"ה הא
4. מהרי"ל סי' ע"ה
5. גר"א לאהע"ז סי' קי"ג אות ה' ■

STORIES Off the Daf

The lottery

על פי הגורל

A certain town required a new rabbi and they interviewed several candidates. Eventually they narrowed it down to a few possibilities but were hard-pressed to decide which person since each had his own unique merits. After being in a bind for a while, the roshei kahal and other people in charge of making this decision decided to leave it to heaven by using a lottery. The person who was chosen, Rav Shimon, was known to be a straightforward and very

learned scholar whose speeches were truly a wonder to hear. In addition to all this, he was a very humble man with sterling middos—a rare attainment for important people, who are sometimes arrogant precisely because they have attainments to be proud of.

Unfortunately, shortly after he was chosen, a letter reached the community which claimed that he was not eligible to be their rav. The letter gave certain reasons and some of the Roshei Kahal began to regret this appointment. Some of them claimed that a lottery is insignificant since what kind of kinyan is it anyway?

Understandably this caused a tremen-

dous machlokes and eventually they consulted with the Ksav Sofer, ז"ל, regarding this question.

The Ksav Sofer ruled that the lottery was certainly final. "The verse tells us that the land was split up—אך בגורל—even by lots.' This is clearly an inviolable kinyan even regarding money matters as we see in Bava Basra 122 and the Shulchan Aruch. Those who act contrary to it scorn the shevatim.

"But I am certain that the people involved meant no disrespect; they just thought that the lottery was not conclusive. However, they are wrong."¹ ■

1. שו"ת כתב סופר ח"מ תשובות הנוספות תשובה ב'