

A בס"ד

Intro

Today we will learn בע"ה of מסכת בבא בתרא דף קי"ב
Some of the topics we will learn about include.

A continuation of the Mishnah's Halachah

האיש נוחל את אשתו

A husband inherits the assets of his deceased wife, even if she has sons

רבי ישמעאל's source from the Pesukim that refer to the Issur of הסבת נחלה

If a daughter inherited her father's land, because she has no brothers, she is obligated to marry a husband from the same שבט as her father, so that her father's land is not transferred to another שבט as the Pasuk states לאחד ממשפחת מטה אביה תהיה לאשה

The question in whether

בהסבת הבעל הכתוב מדבר

The concern is for her husband, in that if he was from a different שבט and she dies, HE will inherit the land, and it will be transferred to his שבט,

A

האיש נוחל את אשתו

רבי ישמעאל

הסבת נחלה

בהסבת הבעל
הכתוב מדבר

B OR

בסבת הבן הכתוב מדבר

The concern is for her son, in that if her husband was from a different שבט then their son is also from that שבט, and if she dies, HER SON will inherit the land, and it will be transferred to his שבט, however her husband does not inherit the land.

אבי's question regarding

הסבת נחלת אם

Does the concern for her son apply even regarding נחלת אם, land that a daughter inherited from her mother which her mother had inherited from her father who had no sons, and therefore she must marry someone who both, his father was from her father's שבט and his mother was from her mother's שבט

OR the concern applies only to נחלת אב, land that a daughter inherited from her father, but there is no concern for נחלת אם, and therefore she may marry someone whose father was from her father's שבט even though his mother was not from her mother's שבט.

B

בסבת הבן
הכתוב מדברהסבת
נחלת אם

1 So let's review ...

The Gemara in the previous Daf mentioned רבי עקיבא's source for the Mishnah's Halachah of

האיש נוהל את אשתו

The husband inherits the assets of his deceased wife, even if she has sons, because the Pasuk states ונתתם את נחלתו לשארו הקרוב אליו ממשפחתו וירש אתה

שאריו זו אשתו

מלמד שהבעל יורש את אשתו

The word שארו refers to a wife, and וירש אתה comes to teach that a husband inherits her assets.

The Gemara proceeds with רבי ישמעאל's sources, from the following Pesukim

1.

וכל בת יורשת נחלה ממוטות בני ישראל

לאחד ממשפחת מטה אביה תהיה לאשה

If a woman from one שבט inherits her father's land, she is obligated to marry a husband from the same שבט, to avoid the transfer of her land to another שבט.

בהסבת הבעל הכתוב מדבר

The concern is for her husband, for if he was from a different שבט and she dies, HE will inherit the field, and it will be transferred to his שבט,

Apparently, the husband inherits the assets of his deceased wife.

רבי ישמעאל cites several additional sources, in the following Pesukim:

2.

ולא תסוב נחלה לבני ישראל ממוטה אל מטה

בהסבת הבעל הכתוב מדבר

3.

ולא תסוב נחלה ממוטה למטה אחר

בהסבת הבעל הכתוב מדבר

1

רבי עקיבא

האיש נוהל את אשתו

The husband inherits the assets of his deceased wife, even if she has sons,

because the Pasuk states

וְנָתַתֶּם אֶת נַחְלָתוֹ

לְשָׂאָרוֹ הַקְּרוֹב אֵלָיו מִמִּשְׁפַּחְתּוֹ

וְיָרַשׁ אֶתְּךָ

לארו 15 אלט

נאמך לפקא יורש את אלט

רבי ישמעאל

1

וכל בת יורשת נחלה

ממוטות בני ישראל

לאחור ממשפחת מטה אביה

תהיה לאשה

If a woman from one שבט inherits her father's land, she is obligated to marry a husband from the same שבט, to avoid the transfer of her land to another שבט.

בהסבת הבעל הכתוב מדבר

The concern is for her husband, for if he was from a different שבט and she dies, HE will inherit the field, and it will be transferred to his שבט,

Apparently, the husband inherits the assets of his deceased wife.

2

ולא תסוב נחלה לבני ישראל

ממוטה אל מטה

בהסבת הבעל הכתוב מדבר

3

ולא תסוב נחלה ממוטה למטה אחר

בהסבת הבעל הכתוב מדבר

2

4.

And in the Pasuk in יהושע
 ואלעזר בן אהרן מת
 ויקברו אותו בגבעת פנחס בנו
 פנחס died and was buried in the field of his son
 וכי מנין לפנחס
 שלא היה לו לאלעזר
 אלא מלמד שנשא פנחס אשה ומתה וירשה
 How did פנחס come to possess a field that did not belong
 to his father אלעזר?
 It must be that פנחס married, and when his wife died,
 inherited her field.

5.

And in the Pasuk in הימים
 ושגוב הוליד את יאיר
 ויהי לו עשרים ושלוש ערים בארץ הגלעד
 was the father of יאיר who owned twenty three cities
 in גלעד.
 וכי מנין ליאיר שלא היה לו לשגוב
 מלמד שנשא יאיר אשה ומתה וירשה
 How did יאיר come to possess land that did not belong to
 his father שגוב?
 It must be that יאיר married, and when his wife died,
 inherited her land.

2

4

ספר יהושע

וּאֶלְעָזָר בֶּן אֶהֱרָן מֵת
 וַיִּקְבְּרוּ אוֹתוֹ בְּגִבְעַת פְּנִיחָס בְּנוֹ
 פנחס died and was buried in the field of his son אלעזר
 וְכִי מִנִּין לַפְּנִיחָס
 שֶׁלֹּא הָיָה לוֹ לְאֶלְעָזָר
 אֶלָּא מִלְּמַד שֶׁנִּשְׂא פְּנִיחָס אִשָּׁה וּמָתָה וַיִּרְשָׁה
 How did פנחס come to possess a field
 that did not belong to his father אלעזר?
 It must be that פנחס married,
 and when his wife died, פנחס inherited her field.

5

דברי הימים

וּשְׁגוּב הוֹלִיד אֶת יֵאִיר
 וַיְהִי לוֹ עֶשְׂרִים וּשְׁלֹשׁ עָרִים בְּאֶרֶץ
 הַגְּלָעָד
 יאיר was the father of שגוב
 who owned twenty three cities in גלעד.
 וְכִי מִנִּין לְיֵאִיר שֶׁלֹּא הָיָה לוֹ לְשְׁגוּב
 מִלְּמַד שֶׁנִּשְׂא יֵאִיר אִשָּׁה וּמָתָה וַיִּרְשָׁה
 How did יאיר come to possess land
 that did not belong to his father שגוב?
 It must be that יאיר married, and when his wife died,
 יאיר inherited her land.

3 however questions רבי שמעאל's sources as follows:

1.

Regarding the first Pasuk

וכל בת יורשת נחלה ממוטות בני ישראל
לאחד ממשפחת מטה אביה תהיה לאשה

Perhaps

בסבת הבן קא קפיד קרא
אבל בעל לא ירית

The Torah's concern is for her son;

For if her husband is from a different שבט their son is also from that שבט, and if she dies, HER SON will inherit her land and it will be transferred to his שבט. However, perhaps her husband does not inherit at all?

2.

And regarding the second Pasuk

ולא תסוב נחלה לבני ישראל ממוטה אל מטה

Perhaps

בסבת הבן
ולעבור עליו בלאו ועשה

The Pasuk comes to teach that if one causes land to be transferred to a different שבט, he also transgress a לאו in addition to the previous עשה.

3.

And regarding the third Pasuk

לא תסוב נחלה ממוטה למטה אחר

Perhaps this Pasuk too

בסבת הבן
ולעבור עליו בשני לאוין ועשה

The Pasuk comes to teach that if one causes land to be transferred to a different שבט, he transgress two לאוין along with the עשה.

3

questions רבי שמעאל's sources as follows:

1

Regarding the first Pasuk

וכל בת יורשת נחלה ממוטות בני ישראל
לאחד ממשפחות מטה אביה תהיה לאשה

Perhaps

בסבת הבן קא קפיד קרא
אבל בעל לא ירית

The Torah's concern is for her son;

For if her husband is from a different שבט their son is also from that שבט, and if she dies, HER SON will inherit her land and it will be transferred to his שבט.

However, perhaps her husband does not inherit at all?

2

Regarding the second Pasuk

ולא תסוב נחלה לבני ישראל ממוטה אל מטה

Perhaps

בסבת הבן
ולעבור עליו בלאו ועשה

The Pasuk comes to teach

that if one causes land to be transferred to a different שבט, he also transgress a לאו in addition to the previous עשה.

3

Regarding the third Pasuk

לא תסוב נחלה ממוטה למטה אחר

Perhaps

בסבת הבן
ולעבור עליו בשני לאוין ועשה

The Pasuk comes to teach

that if one causes land to be transferred to a different שבט, he transgress two לאוין along with the עשה.

4

4.
And regarding the Pasuk
'ואלעזר בן אהרן מת וגו'
Perhaps
דנפלה ליה משדה חרמים
The field was given to פנחס, a Kohen, from a ישראל who
made his field into a חרם, which is given to the Kohanim.

5.
And regarding the Pasuk
'ושגוב הוליד את יאיר וגו'
Perhaps
דזבין מיזבן
יאיר bought the land with his own money, and it was not an
inheritance.
=====

4

4

Regarding the Pasuk

ואלעזר בן אהרן מת וגו'

Perhaps

דנפלה ליה משדה חרמים

*The field was given to פנחס, a Kohen,
from a ישראל who made his field into a חרם,
which is given to the Kohanim.*

5

Regarding the Pasuk

ושגוב הוליד את יאיר וגו'

Perhaps

דזבין מיזבן

*יאיר bought the land with his own money,
and it was not an inheritance.*

5

The Gemara proceeds with a discussion of the Pasuk
וכל בת יורשת נחלה ממוטות בני ישראל
לאחד ממשפחת מטה אביה תהיה לאשה
In which the Torah forbids
הסבת נחלה
The transfer of land from one שבט to another;
If a daughter inherits her father's land because she has no
brothers, she is obligated to marry someone from the
same שבט as her father, so that her father's land is not
transferred to another שבט through either her husband or
her son, but now that they are from the same שבט, the field
remains within the שבט, as the Pasuk states
לאחד ממשפחת מטה אביה תהיה לאשה

5

וכל בת יורשת נחלה ממוטות בני ישראל
לאחד ממשפחת מטה אביה תהיה לאשה

The Torah forbids

הסבת נחלה

The transfer of land from one שבט to another;

*If a daughter inherits her father's land
because she has no brothers, she is obligated to marry
someone from the same שבט as her father,
so that her father's land is not transferred to another שבט
through either her husband or her son.*

*But now that they are from the same שבט,
the field remains within the שבט,
as the Pasuk states*

לאחד ממשפחת מטה אביה תהיה לאשה

6

אמר אב"י

סוף סוף הא קא מתעקרא נחלה

משבטא דאימא

לשבטא דאבא

As the Rashbam explains, אב"י asks regarding a woman who inherited land from both her father and mother who came from different שבטים, such as her father was from ראו"ב and her mother from שמעון:

Do we say that the words in the Pasuk מטה אביה exclude אמה, as follows:

בהסבת נחלת אם

לא קפיד

The Torah's concern is only for the transfer of נחלת אם, land she inherited from her father, and she must therefore marry someone whose father also comes from ראו"ב.

However, there is no concern for transfer of נחלת אם, land she inherited from her mother, and she may marry someone whose father was from ראו"ב even though his mother was not from שמעון.

Accordingly, the words in the Pasuk מטה אביה exclude אמה.

OR, the words in the Pasuk מטה אביה do not exclude אמה, as follows:

בהסבת נחלת אם

נמי קפיד

The Torah's concern is also for transfer of נחלת אם, and she must marry someone whose father was from ראו"ב and mother from שמעון.

Accordingly, the words מטה אביה come to teach

דמנסבין לה לגברא

דאבוהי משבטא דאבוה

ואימיה משבטא דאימיה

She may marry only someone whose father was from her father's שבט and his mother was from her mother's שבט, but she may not marry someone who - vice versa - whose father was from her mother's שבט, and his mother was from her father's שבט.

And the Gemara explains the Shailah:

בהסבת נחלת אם

לא קפיד

There is no concern for the transfer of נחלת אם, because

שכבר הוסיבה אמרינן

When her mother died and the daughter inherited her land, at that point it already transferred אב מצד, from her mother's father's side, as the land went from the mother's father's שבט שמעון, to the daughter's ראו"ב. Therefore, there is no concern for a second transfer אב מצד, from the mother's side, and she may marry even someone whose mother was from another שבט such as ראו"ב even though the field is partially transferred from her mother's שבט שמעון to her husband's mother's ראו"ב.

OR

בהסבת נחלת אם

נמי קפיד

There is a concern for the transfer of נחלת אם, because

שכבר הוסיבה לא אמרינן

Even though when her mother died the field was transferred אב מצד, there is still concern for a second transfer אב מצד. Therefore, she must marry someone whose mother was also from שמעון.

As explained earlier, she may marry only someone whose father was from her father's שבט and his mother was from her mother's שבט.

This question remains unresolved.

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6



אמר אב"י

סוף סוף הא קא מתעקרא נחלה משבטא דאימא לשבטא דאבא

As the Rashbam explains,

אב"י asks regarding a woman who inherited land from both her father and mother who came from different שבטים, such as her father was from ראו"ב and her mother from שמעון:

Do we say that the words in the Pasuk מטה אביה exclude אמה, as follows:

בהסבת נחלת אם

לא קפיד

The Torah's concern is only for the transfer of נחלת אם, land she inherited from her father, and she must therefore marry someone whose father also comes from ראו"ב.

However, there is no concern for transfer of נחלת אם, land she inherited from her mother, and she may marry someone whose father was from ראו"ב even though his mother was not from שמעון.

Accordingly, the words in the Pasuk מטה אביה exclude אמה.

OR,

the words in the Pasuk מטה אביה do not exclude אמה, as follows:

בהסבת נחלת אם

נמי קפיד

The Torah's concern is also for transfer of נחלת אם, and she must marry someone whose father was from ראו"ב and mother from שמעון.

Accordingly, the words מטה אביה come to teach

דמנסבין לה לגברא

דאבוהי משבטא דאבוה

ואימיה משבטא דאימיה

She may marry only someone whose father was from her father's שבט and his mother was from her mother's שבט,

but she may not marry someone whose father was from her mother's שבט, and his mother was from her father's שבט.



7 Regarding the earlier discussion of סיבת הבעל
 And
 סיבת הבן
 The Gemara cites two Braisos that cite two Pesukim which indicate that the Torah is actually concerned for both:
 The first Pasuk reads
 ולא תסוב נחלה ממטה למטה אחר
 כי איש בנחלתו ידבקו מטות בני ישראל
 This Pasuk refers to
 סיבת הבעל
 As indicated by the words
 ידבקו מטות
 The two שבטים cleave to each other through the marriage;
 Also, this Pasuk cannot be referring to
 סיבת הבן
 As indicated by the words
 ממטה למטה אחר
 ובן לאו אחר הוא
 Therefore, the second Pasuk
 ולא תסוב נחלה לבני ישראל ממטה אל מטת
 כי איש בנחלת מטת אבותיו ידבקו בני ישראל
 Must be referring to
 סיבת הבן

7

סיבת הבעל – סיבת הבן

The Gemara cites two Braisos that cite two Pesukim which indicate the Torah is actually concerned for both:

The first Pasuk reads

ולא תסוב נחלה
 ממטה למטה אחר
 כי איש בנחלתו ידבקו מטות בני ישראל

This Pasuk cannot be referring to סיבת הבן

Therefore, the second Pasuk

ולא תסוב נחלה לבני ישראל
 ממטה אל מטת
 כי איש בנחלת מטת אבותיו ידבקו בני ישראל
 Must be referring to סיבת הבן