

A בס"ד

Intro

Today we will learn בע"ה of דף ק"ח of בבא בתרא and begin the eighth Perek of בבא בתרא, which deals primarily with the Halachos of ירושה, inheritance.

Some of the topics we will learn about include.

The Mishnah lists four categories of relatives regarding their rights to ירושה, to inherit the assets of a deceased relative.

The source through the word לשארו to the Halachah of האב נוהל את הבנים
A father inherits the assets of his deceased son, only if the son had no children, but if the son did have children, his children inherit his assets, not the father, which is based on the concept of

קראי שלא כסדרן כתיבי

The Pesukim regarding ירושה are not in sequential order.

Therefore the order of ירושה goes by

קרוב קרוב קודם

A closer relative comes before a more distant relative, and the order is

בן, בת, אב, אח, אחי האב

First the son, then the daughter, the father, the brother, and then the father's brother;

A

Four categories of relatives
regarding their rights to
ירושה

לשארו

האב נוהל את הבנים

קרוב קרוב קודם

בן, בת, אב, אח, אחי האב

B יבום

If a person dies with no children, his brother is obligated to marry his widow.

יעוד

If a person bought an אמה עבריה, a Jewish maidservant, he is obligated to either marry her, or his son should marry her, and the son's Kiddushin is accomplished through the money that the father initially paid to buy her.

מקדיש שדה אחוזה

If a person places a הקדש on his שדה אחוזה a field that he had inherited, and then הקדש sells the field to another person even to his brother, when יובל arrives, the שדה אחוזה is NOT returned to the original owner, but rather it is given to the Kohanim.

However if הקדש sells the field to his son, when יובל arrives the שדה אחוזה is returned to the original owner.

B

יבום

יעוד

מקדיש שדה אחוזה

1 So let's review ...

The Mishnah lists four categories of relatives regarding their rights to ירושה, to inherit the assets of a deceased relative.

Zugt Di Mishnah

1.

יש נוחלין ומנחילין

There are relatives that both inherit, and bequeath to, each other, as the Mishnah says

ואלו נוחלין ומנחילין

האב את הבנים

והבנים את האב

If a son dies with no children his assets go to his father who inherits his deceased son, and vice versa if a father dies his assets go to his sons who inherit their deceased father.

והאחין מן האב

נוחלין ומנחילין

Brothers from one father also inherit, and bequeath to, each other.

If one brother dies with no children and the father is no longer alive, the other brothers inherit the assets of their deceased brother.

2.

ויש נוחלין

ולא מנחילין

There are some who only inherit from their relative, but if they die their relative does not inherit from them. As the Mishnah says

האיש את אמו

A son inherits the assets of his deceased mother; and

והאיש את אשתו

A husband inherits the assets of his deceased wife; and

ובני אחיות

נוחלין ולא מנחילין

A nephew inherits the assets of his deceased uncle, his mother's brother.

1

יש נוחלין

The Mishnah lists four categories of relatives regarding their rights to ירושה, to inherit the assets of a deceased relative.

1

יש נוחלין ומנחילין

There are relatives that both inherit, and bequeath to, each other,

ואלו נוחלין ומנחילין

האב את הבנים

והבנים את האב

If a son dies with no children his assets go to his father who inherits his deceased son, and vice versa if a father dies his assets go to his sons who inherit their deceased father.

והאחין מן האב

Brothers from one father also inherit, and bequeath to, each other.

If one brother dies with no children and the father is no longer alive, the other brothers inherit their deceased brother's assets.

נוחלין ומנחילין

2

ויש נוחלין

ולא מנחילין

There are some who only inherit from their relative, but if they die their relative does not inherit from them.

האיש את אמו

A son inherits the assets of his deceased mother;

והאיש את אשתו

A husband inherits the assets of his deceased wife;

ובני אחיות

A nephew inherits the assets of his deceased uncle, his mother's brother.

נוחלין ולא מנחילין

2

3.
 However vice versa,
 מנחילין ולא נוחלין
 If they die their relative inherits from them, but if that
 relative dies, they do not inherit from the relative, such as
 האשה את בניה
 A mother does not inherit the assets of her deceased son;
 and
 והאשה את בעלה
 A wife does not inherit the assets of her deceased
 husband; and
 ואחי האם
 מנחילין ולא נוחלין
 An uncle does not inherit the assets of his deceased
 nephew, his sister's son.

4.
 לא נוחלין ולא מנחילין
 There are some relatives who both, do not inherit, nor
 bequeath to, each other, as the Mishnah says
 והאחין מן האם
 לא נוחלין ולא מנחילין
 Brothers from only one mother, but different fathers, do
 not inherit each other.

2

3

מנחילין ולא נוחלין

*If they die their relative inherits from them,
 but if that relative dies, they do not inherit from the relative,*

האשה את בניה

A mother does not inherit the assets of her deceased son;

והאשה את בעלה

A wife does not inherit the assets of her deceased husband;

ואחי האם

*An uncle does not inherit the assets of his deceased nephew,
 his sister's son.*

מנחילין ולא נוחלין

4

לא נוחלין ולא מנחילין

*There are some relatives who both, do not inherit,
 nor bequeath to, each other,*

והאחין מן האם

לא נוחלין ולא מנחילין

*Brothers from only one mother, but different fathers,
 do not inherit each other.*

3 The Gemara proceeds with two sources for the Mishnah's Halachah of

האב נוחר את הבנים

A father inherits the assets of his deceased son, only if the son had no children, but if the son had children, his children inherit his assets, not his father.

In Parshas פנחס there are four Pesukim that discuss those eligible for ירושה, but they do not mention אב, the father.

In the first Pasuk (פרק כ"ז פסוק ח)

איש כי ימות וכן אין לו והעברתם את נחלתו לבתו

If a person dies with no sons, his daughter inherits his estate.

In the second Pasuk (פסוק ט)

ואם אין לו בת ונתתם את נחלתו לאחיו

If he also has no daughters, his brothers inherit his estate.

In the third Pasuk (פסוק י)

ואם אין לו אחים ונתתם את נחלתו לאחי אביו

If he has no brothers, his uncles, his father's brothers, inherit his estate.

In the fourth Pasuk (פסוק י"א)

ואם אין אחים לאביו ונתתם את נחלתו לשאריו וירש אותה

If his father has no brothers, שארו inherits his estate.

The sequence of ירושה in the Pesukim is

בן, בת, אח, אחי האב

The Braisa states

שארו זה האב מלמד שהאב קודם לאחין

The word שארו refers to the father, and teaches that the deceased's father comes before אחיו, the deceased's brother, and certainly before אחי אביו, the deceased's father's brother.

3

האב נוחר את הבנים

A father inherits the assets of his deceased son, only if the son had no children, but if the son had children, his children inherit him.

Four Pesukim discuss those eligible for ירושה, but they do not mention אב, the father.

פסוק ח
בן
איש כי ימות וכן אין לו והעברתם את נחלתו לבתו
If he dies with no sons, his daughter inherits his estate.

פסוק ט
בת
ואם אין לו בת ונתתם את נחלתו לאחיו
If he also has no daughters, his brothers inherit his estate.

פסוק י
אח
ואם אין לו אחים ונתתם את נחלתו לאחי אביו
If he has no brothers, his uncles, his father's brothers, inherit his estate.

פסוק י"א
אחי האב
ואם אין אחים לאביו ונתתם את נחלתו לשאריו הקרוב אליו ממשפחתו וירש אותה
If his father has no brothers, שארו inherits his estate.

שארו זה האב

מלמד שהאב קודם לאחין

The deceased's father comes before the deceased's brother, and before אחי אביו

4 As the Gemara in the next Daf explains; Even though the Pasuk mentions שארו only AFTER אחיו ואחי אביו? קראי שלא בסדרן כתיבי The Pesukim are obviously not in sequential order, because as the Rashbam explains אב קדים לאחי האב דקאתי מוכח האב A father certainly comes BEFORE אחי האב, his own brothers, because their right to the inheritance comes only through him, the deceased's father. Therefore, it must be לא דקדק הכתוב בסדרן ומעצמך תסדר אותם כפי קורבתן The Pasuk was not in any particular order, and the sequence of ירושה is as per the closest relative.

And therefore, since we already know that אב is before אחי האב, the additional word לשארו teaches that the אב is moved up one more level to before אח, and the sequence of ירושה is בן, בת, אב, אח, אחי האב

4

Even though the Pasuk mentions שארו only after אחיו ואחי אביו?
קראי שלא בסדרן כתיבי
 The Pesukim are obviously not in sequential order, because as the Rashbam explains
 אב קדים לאחי האב
 דקאתי מוכח האב
 A father certainly comes before אחי האב, because their right to the inheritance comes only through him, the deceased's father.
 Therefore, it must be
 לא דקדק הכתוב בסדרן
 ומעצמך תסדר אותם כפי קורבתן
 The Pasuk was not in any particular order, and the sequence of ירושה is as per the closest relative.

פסוק ח
בן
 פסוק ט
בת
 פסוק י
אח
 פסוק י"א
אחי
האב

Therefore, since we already know that אב is before אחי האב, **אב** →

← **אב** The additional word **לשארו** teaches that אב is moved up one more level

5 However, the אב is not moved up completely to even before בן ובת because the word הקרוב teaches קרוב קרוב קודם
 A closer relative comes before a more distant relative. And בן ובת, a son and daughter, to their deceased father are considered closer relatives than אב a father to his deceased son,

Because בן ובת are considered successors of their father regarding יבום, in that

במקום שאין בן יש יבום
 הא יש בן אין יבום

The obligation for one to marry the widow of his deceased brother applies only if the deceased had no children, but יבום does not apply if the deceased had either a son or daughter, because the children are the successors of their deceased father.

Also

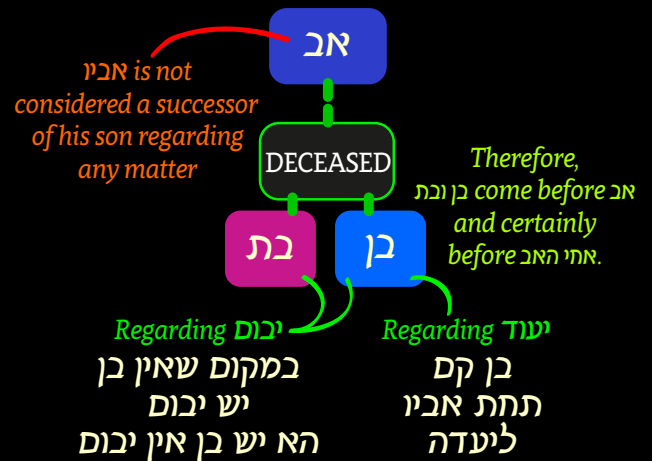
בן קם תחת אביו ליעדה

A son is also considered a successor of his father regarding יעוד.

If the father bought an אמה עבריה, a Jewish maidservant, he is obligated to either marry her, or his son should marry her, and the son's Kiddushin is accomplished through the money that the father initially paid to buy her, because the son is a successor of his father.

However, אביו is not considered a successor of his son regarding any matters. Therefore, בן ובת come before אב and certainly before אחי האב.

5 However,
 the אב is not moved up completely before the בן ובת
 because the word
 הקרוב
 teaches
 קרוב קרוב קודם
 A closer relative comes before a more distant relative.



6 And בן ובת come before אב because בן ובת are considered closer relatives than אב. And even though אב does have an obligation for יבום while בן ובת do not?

However,

במקום שאין בן יש יבום
הא יש בן אין יבום

Only when there was no בן ובת, does אב have an obligation, but when there is a בן or בת, then אב does not have an obligation, because בן ובת are considered the successors of their deceased father, but an אב is not a successor of his deceased brother.

The next in the order after בן ובת is אב who comes before אב, because of the Pasuk לשאריו.

And אב comes before אחי האב because he is somewhat a successor regarding

שכן קם תחת אחיו ליבום

A brother is obligated to marry the widow of his deceased brother with no children, but אחי האב is not at all a successor of a nephew, because an uncle does not have an obligation of יבום.

6



And בן ובת come before אב because they are considered closer relatives than אב.

Even though אב does have an obligation for יבום while בן ובת do not?

However,

**במקום שאין בן יש יבום
הא יש בן אין יבום**

Because בן ובת are considered the successors of their father, but an אב is not his successor.

Next in the order after אב is אב who comes before אב, because of the Pasuk לשאריו

And אב comes before אחי האב because he is somewhat a successor regarding שכן קם תחת אחיו ליבום