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Two Types of Inheritance Transfer

The Torah uses two verses to prohibit transferring a woman’s inheritance from one tribe to another. The *Gemora* cites two *braisos* that learn two types of prohibited transfer of a woman’s inheritance from these two verses:

1. Transfer to her husband, from a different tribe
2. Transfer to her son, from a different tribe

The first *braisa* cites the second verse, and states that it must be referring to transfer to a son, since the first verse already referred to transfer to a husband, while the second *braisa* cites the first verse, and states that it must be referring to transfer to a son, since the second verse already refers to the transfer to a son.

The *Gemora* discusses why the *braisos* assumed that the first verse specifically refers to transfer to a husband, offering various interpretations:

1. Rabbah bar Rav Sheila says that the use of the word *ish-man*, which also means husband, indicates that it refers to a husband. The *Gemora* challenges this, since both verses use the word *ish*.
2. Rav Nachman bar Yitzchak says that the verb *yidbeku* – *they will cleave* used in this verse indicates a husband, since the Torah refers to a husband cleaving to his wife. The *Gemora* again challenges this, since

both verses use the term *yidbeku*.

3. Rava says that the first verse is the only one that states that the *tribes* should cleave to themselves, indicating that the relationship is one of marriage, while the second verse simply says that the Jews should cleave to their own tribe, not directly addressing the tribes.

4. Rav Ashi says that the first verse prohibits transfer from one tribe to a different (*achair*) tribe. A son, although from another tribe, is not referred to as *achair* – *different* – than the mother, since he is her offspring. (112b – 113a)

Potential Inheritance

Rabbi Avahu quotes Rabbi Yochanan, who quotes Rabbi Yannai in the name of Rebbe (*some say Rabbi Yehoshua ben Karchah*) saying that a husband only inherits property actually owned by his wife when she died, but not her potential property, which she would only inherit after death. He learns this from the two verses cited earlier (*as proofs to a husband’s inheritance*):

1. Seguv fathered Yair, who had twenty-three cities in the land of Gilead.
2. Elozar the son of Aharon died, and he was buried in the valley of Pinchas (*his son*), which was given to him [Pinchas] in the mountains of Efraim.

In both cases, the verse indicates that someone's son owned land that didn't belong to his father. [*The Gemora earlier interpreted both verses as cases where the son married a wife from another tribe, and inherited her land. The Gemora here interprets the verses differently.*] The *Gemora* explains that in both cases, the father married someone from a different tribe and she died. Afterwards, someone in her family died, from whom she would have inherited. Her husband (*the father*) did not inherit this potential inheritance, but her son did, thus leaving the son with property not owned by the father.

The *Gemora* explains that the *braisa* cited two verses to prove this. With only the first one, we may have thought that the son married someone from another tribe, who died, and he therefore inherited his wife's property, without his father receiving a share (*as the Gemora interpreted earlier*). Therefore, the second verse is cited, since it must include another case. To ensure that we don't think that Pinchas received the field from a consecration that was given to his group of *Kohanim*, and not Elozar's, the verse says that Elozar was buried in the field of Pinchas *bno – his son*, emphasizing that it was a field that we may have thought would be owned by Elozar, but in fact was only owned by his son, due to his familial relationship. (113a)

Nephews – or Nieces?

The *Mishna* listed the sons of a woman's sister as ones who receive inheritance, but do not give inheritance.

The *Gemora* cites a *braisa* that explains that only the

sons are listed, but not daughters, to teach us that the sons preempt any daughters. Therefore, if a woman dies, and her sister has sons and daughters, only the sons receive the inheritance.

Rav Shmuel bar Rav Yitzchak explains that the verses that list the heirs are all joined with the letter *vav – and* (e.g., *v'yarash osa – and he inherits it*), to teach us that just as at the first degree of inheritance (*children*), sons preempt daughters, so in all degree of inheritance (e.g., *siblings and their offspring*), sons preempt daughters. (113a – 113b)

“On the Day”

Rabbah bar Chanina taught that the verse describing inheritance says *b'yom hanchilo – on the day that he will give his inheritance*, to teach us that inheritance is given during the day, but not the night.

Abaye challenged him, asking whether one who dies at night is not inherited.

Rather, Abaye asked if he means that the *adjudication* of inheritance cannot be done at night, just like the beginning of any court case, which must be during daytime.

Abaye then quoted a *braisa* and accompanying statements, which discuss this in more detail. The *braisa* says that from the verse that states inheritance is a *chukas mishpat – rule of judgment* we learn that inheritance is considered an area of monetary judgment. Rav Yehudah says that if three people enter to visit a deathly ill person who wishes to distribute his inheritance, they may act as witnesses and write down



his instructions, or as judges, directly implementing his instructions. If two enter to visit, they are not enough to comprise a court, and therefore may only act as witnesses, and write down his instructions.

Rav Chisda explains that Rav Yehudah only allowed the three to act as judges if they entered during the day, but if they entered at night, they may only act as witnesses, since the adjudication of inheritance is considered equivalent to the start of a court case, and may only be done during daytime. Once they have entered in the capacity of witnesses, they may no longer act as judges, since a witness may not simultaneously be a judge.

Rabbah bar Chanina told Abaye that this was his intent when explaining the verse's use of the word *yom* – day. (113b – 114a)

INSIGHTS TO THE DAF

What's in a Sign?

The *Gemora*, before citing the various reasons offered for the second verse referring to a husband, includes the word “*siman*” - sign. This word usually introduces a mnemonic device for the information which will be presented. However, our text of the *Gemora* simply has the word *siman*, with no obvious mnemonic device. Some write that the device was lost. Others offer novel interpretations of what the word *siman* is meant to convey in our *Gemora*. Some say that the word is actually the name of a sage, either Siman or Seemon. Others explain that the word *siman* or a variation are reflective of the answers given (*ish*, *yidbeku*, *matos*, *ben*), while some say that the missing

word of the mnemonic device is *Amar*, for the names of those offering the answers (Rav Ashi, Rav Nachman, Rava).

Transfer to a Son; Transfer to a Husband

The *Gemora* cites two *braisos* that explain the meaning of the two verses that prohibit the transfer of a woman's inheritance to another tribe.

The Rashbam says that the text of the *Gemora* states that we have one *braisa* that focuses on the transfer to a son, and one that focuses on the transfer to a husband. The first *braisa* cited is the one which cites the first verse, and states that it refers to a transfer to a son, since the second verse already refers to a transfer to a husband. The *Gemora* introduces this *braisa* as the one which focuses on the transfer to a son, since it begins with that transfer. The second *braisa* cites the second verse, and states that it refers to transfer to a husband, since the first verse already refers to the transfer to a son. The *Gemora* introduces this *braisa* as the one which focuses on the transfer to a husband, since it begins with that transfer. The *Gemora* then proceeds to discuss why both *braisos* agree that the second verse refers to a transfer to a husband.

Rabbeinu Tam (112b Hachi Garis) disagrees with the Rashbam, and offers a different text of the *Gemora*. The first *braisa* cites the first verse about transfer, and states that it refers to transfer to a husband, *proving* this from the fact that the second similar verse is referring to such a transfer, indicating that both verses, in context, are only referring to a transfer to a

husband. This first *braisa* is introduced as the *braisa* which focuses on the transfer to a husband, since it accepts only such a transfer as forbidden. The second *braisa* cites the second verse, and states that it refers to a transfer to a husband, since the first one already refers to a transfer to a son. The *Gemora* then discusses why both *braisos* – although they differ on the meaning of the first verse – agree that the second verse refers to a transfer to a husband.

Rabbeinu Tam challenges the Rashbam's reading. According to the Rashbam, both *braisos* agree in the meaning of both verses, so there is no reason for the *Gemora* to identify them as focusing on different transfers. Furthermore, the *Gemora* could have stated that both *braisos* agree on the first verse referring to the transfer to a son, and not just to their agreement on the second verse.

Below is the flow of the *Gemora*, according to Rashbam and Rabbeinu Tam:

Rashbam	Rabbeinu Tam
There is a <i>braisa</i> that focuses on transfer to a son, and one that focuses on transfer to a husband	
The one which focuses on a son is:	The one which only forbids transfer to a husband is:
Braisa 1:	
First verse refers to a son, by process of elimination, since second verse refers to a husband	First verse refers to a husband, from the context of the second verse, which refers to a husband
The one which focuses	The one which also forbids

on a husband is:	transfer to a son is:
Braisa 2:	
Second verse refers to a husband, by process of elimination, since the first verse refers to a son	
Both <i>braisos</i> agree that the second verse refers to a husband	
[They differ only in emphasis]	[They differ on the first verse only]

The Kovetz Shiurim discusses what practical difference there between being concerned about a transfer to a husband or if we are also concerned about a transfer to a son. He lists three possible differences:

1. The prohibition of transfer to a husband takes effect as soon as they are fully married, and he inherits her (*nisuin*), while the prohibition of transfer to a son will take effect only upon conception or birth.
2. If a woman is sterile, there will be no prohibition due to transfer to a son, but only due to transfer to her husband.
3. If the husband relinquished his right to inherit his wife, there is no transfer, and the marriage is permitted. However, the prohibition of transfer to the son will still be in effect.

DAILY MASHAL

A Livelihood Right to the Door

Someone came to the Lelover Rebbe zt"l and complained that he had to support a family and his livelihood was just too hard for him. Should he leave for the vast reaches of America, hoping Hashem would

grant him a better livelihood there? "I'll tell you a story," replied the Rebbe, "and you'll understand for yourself."

"A very learned but indigent rabbi lived in a far-flung village. Two wealthy men once came to him and asked him to come to their town on a certain day to serve as a mediator in a *din Torah* between them. They would pay all his expenses and remunerate him generously for his mediation. The rabbi asked them to wait for his decision till after he prayed *minchah*; afterwards he told them that he refused to go to their town. The rebetzin, who had witnessed the proceedings, burst into tears and protested, "How can you refuse to bring some income to our poor home and why did you decide in the negative only after *minchah*?"

"When I came to the blessing of the years," replied the rabbi, "I thought about what we say – Bless this year for the good. All the good will surely come from the throne of His glory straight to my house. The Gemara in Pesachim 94b says that the distance from the earth to the sky is how much it takes to walk 500 years and that from heaven to heaven takes another 500 years and so on. Now, I thought, if Hashem already sends me my livelihood from so far, why should He send it to another town instead of straight here?"

Indeed, after a while the same men returned and agreed to hold the *din Torah* at the rabbi's home and pay him the same high fee (Sheal Avicha Veyagedcha, I, p. 200)."