## 22.8.4

111b (והאיש את אשתו) → 113a (נחלה הראויה לו וירשה בנו)

1. וְאָם אֵין אַחִים לְאָבִיו וּנְתַתֶּם אֶת נַחֲלָתוֹ לְשָׁאָרוֹ הַקַּרֹב אֵלִיו מִמִּשְׁפַּחְתוֹ וְיָרֵשׁ אֹתָהּ וְהִיְתָה לְבְנֵי יִשְׂרָאֵל לְחֻקַּת מִשְׁפָּט כַּאֲשֶׁר צְּוָה ה' אֶת מֹשֶׁה: במדבר כזיזא 2. וְלַל בָּת יֹרֶשֶׁת נַחֲלָה מִמְּטוֹת בְּנֵי יִשְׂרָאֵל לְאֶחָד מִמְּשְׁפַּחָת מֵטֵּה אָבִיהְ תָּהְיָה לְאשָׁה לְמַעוֹ יִיְדְשׁׁרְ בְּנִי יִשְׂרָאֵל הְמָפֶּטָה אֶל מַטֶּה כִּי אִישׁ בְּנַחֲלָת מֵטֵּה אָבֹר בִי יִשְׁרָאֵל: במדבר פרק לו פסוק ז
בּ וְלֹא תִּסֹב נַחֲלָה מְמִּטֶּה לְמַטֶּה אָל מַטֶּה בִּי אִישׁ בְּנַחֲלָתוֹ יִדְבָּקוֹ מֵטוֹת בְּנֵי יִשְׂרָאֵל: במדבר פרק לו פסוק ז
בּ וְלֵא תִסֹב בְּחָלָה מְמַעֶּה לְמַשְׁרִים וְשָׁלוֹשׁ עָרִים בְּּאָרֶץ הַגְּלְעָד: דבי מִימִים א פרק ב פסוק לג
בּ וְאָרְעָד, בָּן אַהָּרִי אֹת וַאָּרְים וְשָׁלוֹשׁ עָרִים בְּאֶרֶץ הָגָּלְעָד: דבי מִימִים א פרק ב פסוק כב

- Analysis of 2<sup>nd</sup> grouping in משנה; 2<sup>nd</sup> set man inherits from his wife (but not the inverse)
  - a Source: v. 1 שאר meaning "wife"; but she doesn't inherit fromhim as per וירש אותה
  - b Challenge: the text indicates the opposite that his שאר inherits from him, not the reverse
    - i Solution1 (אביי): give it to the closest; (in addition) he inherits from שארו
      - 1 Challenge (דבא): how can you cut up the text in this manner?
    - ii Solution2 (רבא): give the estate of שארו to him
      - l Inference: גורעין, מוסיפין ודורשים maintains that גורעין, מוסיפין we may remove a letter, add to another word
  - c Alternate source (ברייתא):
    - i וירש אותה :ל"ע
    - ii ייי. vv. 2-6- vv. 2-4 focus on concerns of בנית צלפחד that בנית צלפחד, by marrying 'out", will diminish their land
      - 1 V2: may only teach that the son moves the territory away from the tribe, not the husband
      - 2 V3: may only be adding a עשה to the עשה of maintaining territory
      - 3 V4: may be adding a second לאו all still due to the son's causing the transfer
      - 4 V5: may have resulted from אלעזר marrying a woman who predeceased him and his son inherited from her
      - 5 V6: may also be a case of son's inheriting, but then there's no need for another verse describing the same
        - (a) Challenge (2"7): perhaps husband doesn't inherit and all the verses are caused by son inheriting
          - (i) And: both פנחס and יאיר bought the land (not a ירושה)
            - 1. Block: יובל couldn't have bought it; it would return to owners in יובל (including יובל)
            - 2. Rather: perhaps it "fell" to פנחס as part of חרם
        - (b) *Retort (אבניי)*: in any case, the territory in question will change tribal hands (as above, we established this case where her parents are from different tribes) so the ruling to have her intra-marry won't help
          - (i) Block: perhaps this is different as it was already transferred (when her mother died)
          - (ii) Response: we aren't concerned with what has already transpired, only what can be prevented now
            - 1. Note (כבר הוסבה): if we don't accept the concern of כבר הוסבה, the text can be interpreted as focused on either transfer through the son or the husband
              - a. But: if we do accept the concern of בבר הוסבה how does it help for her to intra-marry?
              - b. Answer ("ר" אשי): we have her marry a man whose mother is from her mother's שבט and whose father is from her father's
                - i. Challenge: if so, the text should've stated both of these desiderata
                - ii. Answer: had it said that, we might have allowed the opposite (mix/match) קמ"ל
    - iii ברייתות: supporting the interpretation of ברייתות and סבת הבעל:
      - 1 Son: v. 3 is in re: סבת הבע; v. 4 is סבת הבעל
      - 2 Husband: v. 4 is in re: סבת הבעל, v. 3 is סבת הבן
        - (a) All agree: סבת הבעל is סבת הבעל
          - (i) Connection: "איש"; Challenge: both vv. 3&4 say איש
          - (ii) Connection: ידבקו; Challenge: both vv. 3&4 say ידבקו
          - (iii) Connection: ידבקו מטות (only in v. 4) via marriage
          - (iv) Altearntively (ממטה למטה אחר son isn't considered אחר son isn't considered
- II Associated teaching of רב" (or רב"ל) source for ruling that a husband only inherits ראוי of wife, not ראוי
  - a V. 6 מוריש must have married a woman who died when her מוריש (father) was alive, then father died and יאיר inherited from her(but not her husband, שגוב)
  - b v. 5; אלעזר did the same (same sequence)
    - i *Justification for both prooftexts*:
      - 1 V. 5 א"ד it was a case where יאיר married a woman, who died and he inherited from her → v. 6
      - 2 V. 6 might have been interpreted as land that came to him via שדה חרמים
        - (a) Rejection: the use of בנו indicates that it was land that could have come to father (אלעזר) and son ירש and son ירש