

By the boundary of **בי נשא**

אמיצרא דבי נשי –

OVERVIEW

A person bought property abutting the property of **בי נשיה** of which he eventually was an heir together with the other siblings. תוספות explains that it depends on the following texts to determine whether **בי נשי** is referring to his father or father-in-law.

אית דגרס בתר הכי אמרי אחוותא¹ –

There are those texts later which read, ‘the sisters said’ -

אם כן **בי נשיה**² היינו חמיו ולא היו לחמיו בנים כי אם בנות³ –

In that case **ביה נשיה** means his father-in-law, for his father-in-law did not have any sons, only daughters -

ואית דגרס אמרי אחי אם כן **בי נשיה**⁴ היינו אביו⁵ [ועיין תוספות שבת כג,ב דיבור המתחיל דבי נשא]:

And some texts read, ‘the brothers said’; in that case **בי נשיה** means his father.

SUMMARY

בי נשי can either mean his father-in-law, or his father.

THINKING IT OVER

Is there any practical difference whether we are discussing his father’s estate or his father-in-law’s estate?⁶

¹ The sisters did not want that he should receive the adjoining property without compensating them.

² The word **נשי** is alluding to נשים women (his wife’s father).

³ **בי נשי** cannot mean his father, for the sisters have no part (nor any say) in the inheritance since he is a son, and a daughter cannot inherit if there is/are son(s). **בי נשי** must mean his father-in-law, who had no sons (only daughters) and his wife’s sisters who were equal heirs with his wife wanted him to pay to receive this adjoining field.

⁴ See שבת קנא, where נשא refers to the father. See also דבי נשיה כג,ב ד"ה אמרי אחיותא that according to the ר"ת the term נשא is used for the father after he passed on; however the רשב"א there citing the גמרא on קנא, maintains that it is used even when the father is alive. See חת"ס ד"ה אמרי אחיותא.

⁵ **בי נשי** cannot mean his father-in-law, for since there are brothers of the deceased father-in-law, his wife (and he) are not heirs at all in this estate.

⁶ See footnote # 4. See also אמר האי רבינו גרשום ד"ה אמר האי רבינו גרשום.