

קריביה דרב אידי שבק דיקלא –

A relative of א"ר left over a tree after his demise

OVERVIEW

The גמרא relates that a relative of רב אידי passed on and left a tree as part of his inheritance. There are two different readings of the texts according to תוספות; one which stated that he left over a tree ‘for his relative’, and the other merely states that he left over a tree (without mentioning a relative). תוספות explains the two גירסאות.

אי לא גרסינן אלא שבק דיקלא צריך לומר שלא היו לו בנים והקרוב יותר יורשו –

If the text merely states that he left over a tree (without mentioning a relative) it will be necessary to assume that the קריביה דר"א had no children, and his closest relative inherits him.

ואי גרס לקריביה¹ יש לומר שהיו לו בנים להכי איצטריך ליה למימר דיקלא לקריביה:
And if the text reads (that he left over the tree) to his relative, one can assume that he had children (who should have inherited his estate [including the tree]), therefore it was necessary for the גמרא to state that he specifically left over the tree to his relative and excluded his children from inheriting it.

SUMMARY

We are גורס לקריביה only if we assume that קריביה דר"א had children.

THINKING IT OVER

There is a ruling² where one said, ‘my estate should go to טוביה’, and there were two people called טוביה; it goes to the one who was a (greater) ת"ח. Why do we not say here as well (according to the גירסא of לקריביה), since he did not specify to which קרוב it should go,³ he obviously meant רב אידי who was the greater ת"ח?!⁴

¹ It is obvious that (even) if we are גורס לקריביה, the קריביה דר"א did not mention any קרוב specifically and it also seems that he did not say להיותר קרוב but merely that it should be inherited by a קרוב. See ‘Thinking it over’.

² כתובות פה,ב.

³ See footnote # 1.

⁴ See בל"י אות קפו.