

והתנחלתם אותם לבניכם אחריכם¹ מכאן שאין אדם מוריש כולי –

And you shall bequeath them to your children after you; from here we derive that a person cannot bequeath, etc.

Overview

The **והתנחלתם אותם לבניכם וגו'** of פסוק derives from the **ברייא** that a father may give over the rights of **אותם** (עבדים כנענים [which the פסוק is discussing]) to his children, but he cannot give over his rights that he has on his daughter to his children. The children do not inherit the father's rights to his (minor or נערה) daughter. **תוספות** explains why this **לימוד** is necessary and we cannot derive it from elsewhere.

asks: תוספות

הרב רבינו יהודה מקורבי"ל הקשה למה לי והתנחלתם שאין מוריש זכות בתו לבנו פשיטא – אין אדם מוריש זכות בתו לבנו from קורבי"ל asked; why is it necessary to derive the rule of מוריש זכות בתו לבנו from והתנחלתם, when it is obvious that he cannot be מוריש זכות בתו לבנו –

דמהיכא נפקא לן (כתובות דף מו, ב) דמעשה הבת לאב מלאמה² –

Since from where do we derive that the handiwork of a daughter belongs to the father; from the word לאמה –

ואמה גופה אינו יכול להוריש לבנו –

And the master cannot even bequeath the אמה herself to his son –

כדדייק לקמן (דף יז, ב) דאמה אינה עובדת לא את הבן ולא את הבת³ –

As we infer later from the פסוק of תעשה כן ואף לאמתך, that an אמה does not serve neither the son nor the daughter of the deceased master.

answers: תוספות

ויש לומר הני מילי גדולה הוא דנפקא לן מלאמה⁴ –

¹ ויקרא (בהר) כה, מו.

² The תורה writes (שמות [משפטים] כא, ז) that **לאמה** (אמה) is superfluous (it could have said **ואמה**); it comes to teach us that his daughter is like an אמה, just as an אמה, her מעשה ידיה belong to her master, the same applies to a daughter (who is not an אמה) that her מעשה ידיה belong to her father.

³ We derive that מעשה ידיה of the daughter belongs to the father from **אמה העבריה**. By **אמה העבריה** the master's rights are not transferred to his children. Obviously the father's rights over his daughter (which are derived from **אמה**) cannot either be transferred to his children; why do we need **והתנחלתם** to teach this to us.

⁴ The word 'לאמה' is utilized to teach us that even the מעשה ידיה of a נערה (who is considered a גדולה), belongs to her father. Indeed we do not need **והתנחלתם** to teach us that the children do not inherit this right over their נערה sister,

And one can say; this which we derive from לאמה is only regarding a daughter who is a גדולה (a נערה) -

אבל קטנה לא נפקא מלאמה אלא מסברא דהשתא זבוני מזבין לה וכולי -

However regarding a minor daughter, we do not derive from לאמה that her מעשה ידיה belong to her father, but rather we know logically that the מעשה ידיה of a קטנה belong to her father,⁵ for since he can sell her, etc., he surely owns her מעשה ידיה,⁶ -

ולכאפיצטריך והתנחלתם:

So therefore we need והתנחלתם to teach us that even the מעשה ידיה of a קטנה is not transferred to the children of her deceased father.

Summary

We derive that the מעשה ידיה of a נערה belongs to the father, from the פסוק of בתו⁷; we know logically that מעשה ידיה of a קטנה belongs to her father since he can sell her for an אמה (therefore we need the exclusion of והתנחלתם that he cannot bequeath the קטנה to his children).

Thinking it over

1. According to תוספות the פסוק of והתנחלתם is needed to teach us that the מעשה ידיה of a קטנה does not belong to the heirs, but it is not necessary regarding a נערה;⁸ However our גמרא when it cites the exclusion of והתנחלתם is discussing a נערה,⁹ so why mention והתנחלתם?¹⁰

2. The מעשה ידיה of a קטנה belong to the father since he can sell her.¹¹ However the heirs of the father cannot sell his daughter for an אמה (the תורה writes explicitly וכי לאמה , (ימכור איש את בתו לאמה מעשה ידיה of a קטנה does not belong to the heirs?¹²

since it is derived from אמה, it cannot be 'stronger' than אמה.

⁵ Therefore (since it is not derived from אמה) one may have thought that the children do inherit the rights to the מעשה ידיה of their minor sister (since obviously she is more under her father's jurisdiction [for he can sell her as an אמה] than a נערה [whom he cannot sell]).

⁶ It is obvious if he can sell her for an אמה that means he has the rights to her מעשה ידיה; otherwise how can he sell it to someone else!

⁷ See footnote # 2.

⁸ See footnote # 4.

⁹ The גמרא states clearly בסימנין לה דנפקא לה בסימנין.

¹⁰ See מהרש"א.

¹¹ See footnote # 6.

¹² See פני יהושע.