

22.8.17

129a (המחלק נכסיו על פיו) → 130a (וקדושין)

- I Analysis of last clause in הו – if he divides up the property as a gift and apports differently – valid
- a *Note*: as long as he mentions מתנה at the beginning, middle or end – valid
- b *Question*: what is “beginning”, “middle” or “end”?
- i *Answer* (ר' יוחנן as transmitted by ר' דימי):
- 1 *Beginning*: “let it be given to פלוני and he will inherit it”
  - 2 *End*: “let פלוני inherit it and it be given to him”
  - 3 *Middle*: “let פלוני inherit it and it be given to him and he will inherit it”
    - (a) *Caveat*: this only works with a one field and the same person
      - (i) *Meaning*: the word מתנה must be associated with the same field called ירושה and for same person
      - (ii) *But*: 1 person and different fields OR same field and different people – invalid
    - (b) *Dissent* (ר"א): always valid except for 2 fields and 2 recipients
- ii *Alternate transmission*: via רבין
- 1 *If*: it states that פלוני will get field X and אלמוני will inherit field Y –
    - (a) ד' יוחנן valid
    - (b) ר"א invalid
      - (i) *Clarity*: ר"א is clear – this last case is 2 fields and different people – invalid
      - (ii) *But*: ר' יוחנן contradicts himself
      - (iii) *Answer*: ר' דימי and ר' יוחנן disagree about ר' דימי's ruling
    - (c) ד"ל even if he mentions both names and both fields, invalid unless he combines them – פלוני and אלמוני will inherit fields X and Y which I gave them as a gift and they will inherit them.
    - (d) גבל dispute:
      - (i) ד' המנונא only works with 1 person and 1 field (as per ר' דימי's report of ר' יוחנן)
      - (ii) ד' נחמן as per ר"א (only 2x2 is invalid)
      - (iii) ד' ששת even 2x2 is valid
        1. *Support*: ruling that if someone (either שכ"מ or בריא who is leaving for an extended stay) orders that his sons be given a שקל per week (for food) but they deserve more – give more; if he orders that they be given no more than a שקל, that's the limit
          - a. *And*: if he adds that others will inherit in their place if they die – they get 1 שקל either way
          - b. *Argument*: this is like 2x2 – yet it is valid
          - c. *Block (self)*: this could be referring to another legitimate heir, as per ריב"ב
    - (e) *Proof* (ר' אשי): if he gifts his property to someone, stipulating that פלוני will inherit from him, then אלמוני from him,
      - (i) *Then*: once the first one dies, the 2<sup>nd</sup> inherits; when the 2<sup>nd</sup> dies, the 3<sup>rd</sup> inherits; if the 2<sup>nd</sup> predeceases the 1<sup>st</sup>, the property goes back to the heirs of the 1<sup>st</sup>
        1. *Argument*: this is akin to a case of 2x2 – and it is valid
          - a. *Suggestion*: this is also a case where the 1<sup>st</sup> is a proper heir, as per ריב"ב
          - b. *Rejection*: when 2<sup>nd</sup> dies, 3<sup>rd</sup> shouldn't inherit, as per ר' אחא's application of ריב"ב
          - c. *Rather*: this is a rejection of all positions that allow more than 1x1
            - i. *Suggestion*: perhaps this is also a rejection of ר"ל
            - ii. *Rejection*: רבא ruled like ר"ל in 3 cases, of which this is one
            - iii. *Resolution*: if he included them all כדי דיבור, it is valid,
            - iv. *Reason*: ע"ז and קידושין תוך כ"ד is considered one phrasing except in case of ע"ז