

22.9.1

139b (משנה א) → 140b (בנכסים מועטין)

- I א משנה א: disbursement of funds upon death of father
- a If: there is enough to feed everyone, the boys inherit and the girls are fed
- b But if: there isn't enough, the girls are fed and the boys must beg (or work etc.)
- i Definition of "enough": רב (as per ר"ג ברבי) – enough to feed everyone for 12 months
- 1 Counter (שמואל): enough to feed everyone until they come of age (confirmed by ר' יוחנן)
 - 2 Challenge (רבא): if there isn't enough to take care of all of them (boys and girls) until maturity, the girls get everything?
 - 3 Rather: in that case, the girls get enough to feed them until maturity and the boys get the rest (as ירושה)
- ii Analysis and application:
- 1 Changed value:
 - (a) Obvious: if the property (at time of death) was "great" and then depreciated, the heirs already were זוכה
 - (i) But: if the property was below "poverty" line and then increased – מזונות or ירושה?
 1. Solution: ruling of ר' יוחנן: if heirs sold property of מועטין – valid
 2. Implication: they're "owners" → if increased, becomes proper ירושה and not claimed by בנות
 - (b) Series of questions asked by ד' אבהו of ר' ירמיה
 - (a) אלמנה: does her presence "cut into" value, reducing it to מועטין מועטין?
 - (i) Lemma1: since she must be fed from estate, it is accounted OR
 - (ii) Lemma2: if she marries, she is no longer fed by estate - doesn't diminish
 - (iii) If: we follow #2 – what about בת אשתו (in case he agrees to feed for 5 years- יא: כתובות יב:
 1. Lemma1: even if she marries, she is still fed OR
 2. Lemma2: had she died, she wouldn't be fed and isn't considered - doesn't diminish
 3. If: we follow #2 – does a בע"ח diminish the value
 - a. Lemma1: if he dies, the money is still owed (to his heirs) OR
 - b. Lemma2: it still hasn't been collected – doesn't diminish
 - (b) (note: this entire line of questioning may have started from the opposite pole – בע"ח)
 - (c) Additional question: if there is only enough to feed widow or daughter – which has claim?
 - (i) Answer (only to final question): ruling that the widow-to-daughter::daughter-to-sons
 1. Just as: daughters are fed and sons must beg
 2. similarly: widow is fed and daughters must beg
- c Dissent: אדמון claims that the boys should at least be fed along with the girls
- i Support: ר"ג confirms אדמון's position
- ii Argument:
- 1 נכסים מועטין תורה, should have first claim on מזונות in case of מועטין מועטין
 - (a) Challenge (רבא): then only studious sons should inherit!
 - 2 דבא: sons have greater claim with large estate, shouldn't be discriminated against in small estate