

22.9.2

140b (משנה ב) → 141b (למעוטי נפל)

1. וְאֵל בְּנֵי יִשְׂרָאֵל תְּדַבֵּר לֵאמֹר אִישׁ כִּי יָמוּת וְיֵבֵן אִין לֹו וְהִעֲבַרְתֶּם אֶת נַחֲלָתוֹ לְבֵתוֹ: בַּמִּדְבָּר כו, ח
 2. יוֹם עֲבָרָה הַיּוֹם הַהוּא יוֹם צָרָה וּמִצּוּקָה יוֹם שָׂאָה וּמְשׂוּאָה יוֹם חֶשֶׁד וְאֶפְלָה יוֹם עָנָן וְעֶרְפָּל: צַפְנִיָּה א, טו
 3. וְאֶבְרָהִם זָקֵן בָּא בְּיָמִים וְה' בְּרָךְ אֶת אֶבְרָהִם בְּפֶלֶל: בְּרֵאשִׁית כד, א

I ב משנה ב status of טומטום at inheritance

- a If: father left מרובים – נכסים מרובים – boys may deflect טומטום to girls (does not inherit)
 i But if: father left מועטים – נכסים מועטים – girls may deflect טומטום to boys (and neither inherit nor be fed)
 b If: father committed to give any male child his wife bore 100 זוז – if she has a son – he gets 100
 i And if: he committed to give any daughter his wife bore 200 זוז – if she has a daughter – she gets 200
 ii But if: he committed to give 100 to a boy and 200 to a girl – if she had a boy and a girl, each gets their amount
 1 But: if she had a טומטום – gets nothing
 2 However: if he committed to give “anything she bears” – טומטום gets as well
 3 And if: there are no other children – the טומטום inherits all

II Analysis:

- a First clause – boys deflect טומטום to girls
 i Implication: s/he is fed
 ii Challenge: from סיפא – not considered to be a girl either
 1 לאבני: he is “deflected” to girls (away from inheritance) but gets no support either
 2 לבא: he is deflected to girls and is fed
 (a) And: final clause is as per רשב"ג (in תמורה ה:ב) – that a טומטום is considered *sui generis*
 3 Challenge: ruling that a טומטום inherits like a son and is fed like a daughter
 (a) לרבא: it works fine – “inherits like a son” with minimal funds; “fed like a daughter” if the estate is large
 (b) לאבני: “fed like a daughter” has no meaning
 (i) Defense: even רבא must explain “ירוש כבן” as “fitting to inherit but doesn’t”; same for being fed
 b Second clause – offering gift if his wife bears son/daughter (daughter is 200 זוז; son – 100 זוז)
 i From example: implied that a daughter is preferable to a son
 1 Challenge: having no son (only daughters) generates Divine anger, as per vv. 1-2
 2 Answer1: for ירושה, son is preferable; for personal wealth, daughter is more important
 3 Answer2 (שמואל): case is where wife is having first child – as per aphorism יפה לבנים –
 (a) Either because: she helps raise them OR
 (b) Because: it deflects the עין הרע
 4 Answer3: as per רבי יהודה
 (a) Not: referring to ר"י's interpretation of v. 3 – that אברהם had a daughter
 (i) Reason: that just means that he lacked nothing – but sons are preferable
 (b) Rather: his response to ר"מ that if one must feed sons, ק"י he must feed בנות to preserve their dignity
 ii Challenge: ברייתא, commenting on the “deal” made in our משנה, that the male gets 150, daughter gets 50
 1 Case (רב אשי): he said “if a boy is 1st - he gets 200, the girl afterward gets 0; if a girl is first, she gets 100 and a male that follows gets 100
 (a) And: she bore a son and daughter (twins) and we don't know who is first
 (b) Therefore: the male gets 100 in any case, and the other 100 is מוטל בספק and they split (→ 150/50)
 iii Question: the ruling that if it is a boy, he “only” gets 100 – what is the case?
 1 דבינא: that is a case of “המבשרני” (lit. “the one who brings me the news”):
 (a) He said: if someone informs me that my wife bore a בנור-son, he will get 100
 (i) If: she has a son – he gets 100
 (b) And if he said: if someone informs me that my wife first bore a daughter – he will get 100
 (i) If: she has a daughter – he gets 100
 (ii) And if: she bore a son and daughter – he still only gets 100
 1. Question: he never made that stipulation
 2. Answer: we must assume that he also stipulated that if someone informs him that his wife bore a son and a daughter – he will get 100
 3. Question: what is begin excluded (for what will there be no payment of 100?)
 4. Answer: for a נפל (miscarriage)