

22.9.4; 142b (אמר רבי יצחק אמר רבי יוחנן) → 143b (המודר הנאה מבנים - מותר בבני בנים)

1. ולא תשארו עליו חטא בהרימכם את חלבו ממנו ואת קדשי בני ישראל לא תחללו ולא תמותו: במדבר יח, לב
 2. והיתה לאהרן ולבניו ואכלהו במקום קדש כי קדש קדשים הוא לו מאשי ה' חק עולם: ויקרא כד, ט
 3. ובני דן חטים: כראשית מו, כג
 4. ובני פלוא אליאב: במדבר כו, ח
 5. ובני איתן עזריה: דה"א ב, ח

I Continued discussion of לעובר – granting to the unborn

- a קנין ruling – invalid – ר' יוחנן
 i Challenge: our משנה (where father grants money to his unborn child)
 ii Answer: that case is unique as a man feels close to his son
- b ר' יוחנן rules in favor of position that המזכה לעובר קנה – but הלכה is as per ר' יוחנן
- c Case: man told his wife (not currently pregnant) that he was granting all of his funds to any children she'd bear
 i History: he had a son from a previous marriage who complained that he was being cut out
 1 Father's response: he will get along with the rest
 (a) Ruling: the sons (to come) certainly get nothing – they didn't exist (even *in utero*) at the time
 (b) Question: does this older son get a portion?
 (i) ד' ירמיה (ודעמיה) he gets a portion
 (ii) ד' אבהו (ודעמיה) he doesn't get a portion
 1. Argument: it is similar to קני וחמור – should be no קנין for person (since חמור cannot be קונה)
 (c) Discussion: קנין no - קני וחמור
 (i) But: קני את וחמור
 1. קונה ד' נ' he is ½
 2. קונה ד' המנונא he isn't at all (since חמור cannot be קונה)
 3. קונה ד' ששת he is it all (since חמור cannot be קונה – it all comes to him)
 a. Argument: from position of ר' יוסי vis-à-vis taking תרומה from cucumbers (of which the middle is bitter); he must add from the outer section (to get the right amount), and it is valid even though it includes the bitter inside (את וחמור)
 i. Rejection: even if he gave the bitter inside, מה"ת, it is valid, per אילעא ר' אילעא's take on v. 1
 b. Challenge: if one gives קידושין to 5 women, including 2 sisters, the others are מקודשות
 i. Answer: as per ר' ה"ב's dream – case where he said "only those who are לביאה"
- ii case: a man told his wife that she and their children get his property
 1 דב יוסף she gets half, they share half, as per v. 2 (re: לחם הפנים) – אהרן – (כה"ג) אהרן – gets ½, his sons (משמרת) get ½
 2 Challenge (אב"י): in that case, "אהרן" is כהן, the text is granting him ½;
 (a) Here: she isn't a בת ירושה; his statement included her as one son (gets חלק)
 (b) Challenge: in נהרדעא, שמואל collected ½ (so did ר"י in טבריה) and – case in א"י where government taxed the rich and the city council and רבי told them to split the liability
 (i) Rejection: in that case, government knew that the wealthy would help the council; their writing "wealthy" was unnecessary and was there to place 50% liability on them
 3 Challenge (ר' זירא): if someone volunteers to bring 100 עשרון in 2 כלים, he brings 60 (the max) in 1, 40 in other
 (a) If: he brought 50 in each – יצא (but לכתחילה should bring 60/40)
 (i) Block: we see that he wanted to bring a generous קרבן; he only said "כלים 2" since he knew that he couldn't bring the entire קרבן in one → he should bring as much in one as possible
 (ii) Final ruling: we follow רב יוסף (in disputes in בבא בתרא) in שדה (יב:), ענין, קנין (יב:) and here
- iii Case: a man sent strips of silk to his home –
 1 Ruling (ר' אמ"י): whatever is fit for boys' clothes – to the sons; for daughters' clothes – to בנות
 (a) Caveat: only if he doesn't have daughters-in-law (it goes to them)
 (i) Exception: if he has unmarried daughters, they receive ahead of the כלות
- iv Case: man said that he grants his property to his "sons" – but he only had one, and a daughter
 1 Question: would a person call his one son "my sons", to exclude daughter from getting her עישור נכסים
 (a) Or: would he intend the daughter as well, in order to give her more
 (b) Answer: from vv. 3-5 – he means his one son
- v Case: man said נכסאי לבנאי – but he had one son and a grandson; are grandchildren called "son"?
 1 Answer: they are not, as per ruling in re: נדרים;
 (a) If: someone is מודר הנאה from his son, no איסור from grandchildren