31.8.5 51a (משנה ח) → 52b (סיום הפרק)

- - I משנה ח: legitimate means of payment to
 - a Permitted: anything but slaves, שטרות or land
 - i Note: הקדש has same rule may not be redeemed through these three
 - ii Atttribution: our משנה does not follow רבי
 - 1 Per: רבי ברייתא allows everything but שטרות to be used
 - 2 Source(s): vv. 1-2 generate רביי ומיעוט) or רבי) כלל ופרט
 - (a) רבוי ומיעוט :רבי all but one (שטרות) included
 - (b) כלל ופרט anything similar to כסף instrinsic value and קרקע::עבדים)
 - 3 Challenge: כלל ופרט employs כלל ופרט system, per his read of v. 3 (vs. ר' יוסי בר יהודה
 - (a) Answer: כו"ם usually employs כו"ם; here, per דבוי מיעוט במים במים (v. 4) reads it as רבוי ומיעוט
 - (artificially) between them כלל ופרט וברלל פר when 2 כלל ופרט וכללל (artificially) between them -כלל ופרט וכללל
 - b Therefore: if he writes a טע that he owes the סלע, he must pay him but his son is still not redeemed
 - i Reason: precaution against people thinking that שטר is valid → if he does pay, son is redeemed עולא) מה"ת
 - 1 Note: חלכה פדוי identified our חכמים say that even if he pays not ר' יוסי בר יהודה as תנא say that even if he pays not
 - ii If: the כהן chooses to give it back to him as a gift, he may do so
 - 1 Support: תוספתא ו:יד if he gave it to 10 כהנים together, or to one in installments, or if the מצא returned it
 - (a) Note: ר"ט used to do return it and was praised; ר' חנינא saw someone who gave it to him waiting to get it back, realized that he never intended to fully give it over and ruled that his son was not מדוי
 - c If: he sets aside money for פדיון הבן and it is lost, he is responsible to make up for it
 - i Source: v. 1 יהיה לך must get to him and then he will indeed be redeemed פדה תפדה
 - 1 Note: רשב"ל offered v. 2 (with ערכין) as support; רשב"ל v. 5 (comparison with עולת ראייה
 - (a) Challenge (משנה presented a משנה presented a
 - (b) rather (משנה ו our rule is governed by v. 1; ר"ל and ר' יונתן were suggesting sources for משנה ו if son died after 30 days, father still liable; ארכין from יורשין (just as יורשין are obligated)
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 m II}$ משנה משנה: limitations to בכור's receiving double portion
 - a Does not receive double: of mother's estate, of appreciation (after death of father) or of futures to father's estate
 - i Source: v. 6 אבר (father's); בכל אשר ימצא at time of death (not דור, not אור)
 - b Same limitations apply to: wife collecting כתובה, daughters collecting support and יכם's collection of brother's estate
 - i Challenge: שבח ruled that בע"ח collects
 - 1 תנאי כתובה this is a leniency of כתובה (→daughters' support, which is תנאי כתובה, take same rule)
 - ii בכור reason he is called "בכור" (v. 7; limitations of בכור apply to him)
 - 1 אביי, at this only applies to שבח from death of brother until ייבום; at that point, he sits in lieu of brother (v. 7)
 - 2 שבח all שבח is excluded; just as בכור has no double before distribution of property same here
 - iii Note: mention of שבח extends to automatic שנח (e.g. budding); פגי אבי אבא (who dies afterwards)

- III משנה יובל: those acquisitions that do/do not revert at
 - a בכורה בכורה, man's inheritance of his wife, יבם acquisition of brother's estate (he is called "בכור" [v. 7], gift
 - i Reason: תורה only obligated that מכר revert; not gift (including בנור, per v. 6) nor ירושה (and מר" is ה"עום, מר" מירושה (מר" is ח"ר").
 - b *חכמים*. gifts are considered like sales (→revert at יובל)
 - i Reason: v. 8 adds (superfluous) אירושה פשוט::בכור tut מתנות; but יחושה פשוט::בכור doesn't revert
 - c יובל all of these revert at יובל
 - i Reason: he holds like יבם → (in re: יבם (mcluding) and all of these are מתנות (including) בכורה v. 7 בכורה (including)
 - 1 And: he holds that ירושת הבעל is מד"ס is
 - d יחנן בן ברוקה. if someone inherits from his wife, he must return it to her family and discount the sale
 - i Question: if he holds that מה"ת is ירושת הבעל shouldn't revert; if he holds that it is דמים, no reason to return
 - 1 Answer: he holds that ירושת הבעל דאורייתא; case is where his wife bequeathed him a family plot
 - (a) And: due to פגם משפחה, we force him to sell it back to the family, per ברייתא allowing family to reclaim family plot sold by one member
 - (b) Therefore: he is paid full amount minus value of her grave (which is his financial responsibility)
- IV יוחנן's ruling about status of inheritance divided among brothers
 - a ייבל they are all considered buyers and the inheritance reverts at ייבל
 - i Challenge (ר' הושעיא): our משנה rules that יובל doesn't revert at יובל
 - ii Defense ("don't revert") in our משנה means that the percentages aren't annulled, but the essential division is nullified and they redivide
 - 1 *Challenge (ה' ששת)*: shall we infer that those that are "חוורין" mean the percentages are cancelled (and, for instance, the בכור won't get a double-portion in the redivision)?
 - 2 Critique (מימרות בר חמא): applied v. 9 to מימרות (meaning he should have the wisdom of the מימרות along with the חלה of the ברייתות
 - (a) Background: ר' ששת 'ז hadn't heard the ruling in ר' יוחנן 'ז's name (or "ר"א's name) quoting ר' אלעזר בן שמוע (the משנה) that "חוזרין" means that their status is annulled