

And he appeased him with money

ופייסיה בזווי –

OVERVIEW¹

When ש'רעבן creditor came to take away the field from שמעון (who bought it from ש'רעבן) convinced him to take money instead (from שמעון) and leave the field by שמעון. תוספות explains why it was necessary to state the case in this manner.

רבותא נקט אף על פי שנתן מעות לא מצי למימר המעות שנתחייבתי לאביכם² נתתי לו:

He mentioned this detail that שמעון paid the creditor with money (instead of allowing him to take the field) in order to teach an even **greater** novelty, that **even though** שמעון gave money to the creditor, nevertheless שמעון cannot argue and say **I gave the creditor the money which I owed your father**, but rather שמעון is still obligated to pay the heirs the money he owed to ש'רעבן.

SUMMARY

שמעון certainly must pay if the creditor took the field (as payment), and he must also pay, even if he paid off the creditor with money

THINKING IT OVER

There is a rule known as ש'עבודא דר'³; if A owes B, and B owes C, the rule is that C can collect directly from A. Seemingly here too, שמעון owes ש'רעבן (for the field), and ש'רעבן owes the creditor, therefore the creditor can collect from שמעון and the case is closed; no one owes anyone any money. Why does תוספות assume that if the creditor took the field שמעון still needs to pay the heirs?!⁴

¹ See 'Overview to previous באחריות תוס' ד"ה באחריות.

² In the case where the creditor took the field on account of the lien he has on it, שמעון cannot claim I paid your father's debt, because it was not שמעון paying but rather the creditor is taking what is due to him on account of the lien. [שמעון cannot claim restitution on account of his באחריות, since the heirs have no assets from their father.] However since שמעון paid off the creditor with his money, it is like a stranger paying off someone's debt where (according to some opinions) the debtor owes the stranger the money. However in this case since the debtor (ש'רעבן) died and the בע"ה could not collect from the heirs (since there was no 'real' assets), therefore שמעון loses because he should not have paid him at all (with money, since there is no lien on the money).

³ See later on this עמוד.

⁴ See ד"ה ואפ"ל here דבר שמואל (also) ד"ה אמר רבא רע"א and ר"ן כתובות צב, א ד"ה מצו.