

**מרבה אני את הבן שכן קם תחת אביו ליעדה<sup>1</sup> ולשדה אחוזה –**

**I include the son since he stands in his father's stead to be her mi'eed and for an inheritance field**

**Overview**

The *Brayta* teaches us that an *ע"ע* serves the son of the master (if the master died), but not the brother of the master. The reason given is because the son is closer to the father (than a brother) since *שדה אחוזה ולשדה*. Our *Tosfos* explains the meaning of *שדה אחוזה* and why the *Brayta* did not mention a different reason.

**פירש בקונטרס המשדה שדה אחוזה<sup>2</sup> פודה בית זרע חומר שעורים<sup>3</sup> בני שקל כסף<sup>4</sup> -**  
**explained, one who is a מקדיש שדה אחוזה, he redeems the field from הקדש** at the rate of one **שקלים בית זרע חומר שעורים**

**ואם לא פדאה ומכרה<sup>5</sup> הגזבר לאחר<sup>6</sup> כשיוצאה מיד הלוקח ביובל<sup>7</sup> מתחלקת לכהנים<sup>8</sup> -**  
**And if the owner did not redeem it and the treasurer of הקדש sold the field to another person [the owner can no longer redeem it], so when the field leaves the possession of the buyer on יובל, it is divided among the כהנים** (and they keep the field). This law is valid if the field was bought by anyone (even the brother) besides the son -

**אבל אם לקחה בנו של המקדיש מיד הגזבר אינה יוצאה מידו ביובל להתחלק לכהנים -**  
**However if the son of the מקדיש bought this field from the hand of the גזבר, it does not leave the son's possession to be divided to the כהנים on יובל -**

**דכתיב<sup>9</sup> ואם מכר את השדה לאיש אחר ולא לבן -**  
**Because it is written, 'and if the גזבר sold the field to another person' then it**

<sup>1</sup> refers to the law of *יעוד* that the master of an *העבריה* can take her as his wife, or he can marry her off to his son (without paying additional *קידושין*..  
 ..(כסף קידושין יעוד) that the master of an *העבריה* can take her as his wife, or he can marry her off to his son (without paying additional *קידושין*..)

<sup>2</sup> A *שדה אחוזה* is an inherited field that was in the family from the time *יהושע* divided *ארץ ישראל* to the *בני ישראל* (as opposed to a *שדה מקנה* which is a field a person purchased [and must return it to the owner by *יובל*]).

<sup>3</sup> *שעורים* (barley). A *בית זרע חומר שעורים* is the size of a field where one can sow a *כור* (thirty *סאה*) of *חומר*. The size of one *בית סאה* is fifty by fifty *אמות* (or twenty five hundred square *אמות*). A *כור* (thirty *סאה*) is seventy five thousand square *אמות* (or roughly a field that is 273x273 *אמות*).

<sup>4</sup> This is the redemption fee if he redeems it right after *יובל*; for every succeeding year it is reduced by about one *שקל* (so if he redeems it ten years after *יובל* he pays (about) forty *שקלים*).

<sup>5</sup> *הקדש* may not have any use for the field, it is simply something which is donated to *הקדש*, so *הקדש* will have money. Either the owner will redeem it, and if not, *הקדש* sells it to the highest bidder and keeps the money.

<sup>6</sup> The *גמרא* amends this to read, (instead of *כשיוצאה מיד*) *לאחר שוב אינו יכול לפדותה וכשיוצאה מיד*.

<sup>7</sup> Just as when a person buys a field it is only his until *יובל* (when it goes back to the seller), the same is if someone buys it from *הקדש*, it returns to *הקדש*; i.e. the *כהנים* (of that *משמר*).

<sup>8</sup> See *ק"ו, ב*, which states, *ויקרא [בהקותי] כז, כ*, which states, *ויקרא [בהקותי] כז, כ*.

<sup>9</sup> *ויקרא [בהקותי] כז, כ*.

goes to the **כהנים** on **יובל**, **but not** if he sold it **to the son** of the מקדיש. In this case it remains by the **בן**, just as if the father was פודה it where it remains by the father. This law applies only to the son, but not to the brother. If the brother purchased the field from הקדש, it is יוצא לכהנים ביובל. This is the advantages of a son over a brother.<sup>10</sup>

תוספות asks:

ואם תאמר אמאי לא קאמר ליה נחלה דבן קודם לאח<sup>11</sup> -

**And if you will say; why does not the גמרא say to him** (the questioner), that **the inheritance of the son precedes the inheritance of the brother**. When there is a son only the son inherits not the brother. That is how we know that a son is closer than a brother.

תוספות answers:

ויש לומר דלא חשיב אלא הנהו דליתנהו באח כלל ואיתנהו בבן<sup>12</sup> -

**And one can say; that the גמרא does not consider only these advantages that are not at all by the brother but are by the son -**

אבל נחלה איתא נמי באח<sup>13</sup> במקום שאין בן ובת:

**However inheritance can also be by the brother, in a case where there is no son or daughter.**

## Summary

The גמרא cites advantages that only the son has like שדה אחוזה שדה ומקדיש שדה אחוזה.

## Thinking it over

Why was it necessary for תוספות to cite פירש"י before asking his question?<sup>14</sup>

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<sup>10</sup> There can be another interpretation of שדה אחוזה in a case where the father sold his שדה אחוזה; the rule is that the closest relative can redeem the field from the buyer. The פסוק in כה,כה (בהר) ויקרא (בהר) כה,כה reads, ויקרא (בהר) כה,כה. We interpret הקרוב to mean the closest relative (the son) has the first right to redeem. However תוספות ignores this explanation and chooses רש"י instead, as will become clear when we see תוספות answer to the following question (see footnote # 13).

<sup>11</sup> This would seem to be a much simpler proof that a son is closer to his father than a brother is.

<sup>12</sup> יעוד and שדה אחוזה (where it is not לכהנים) can only be by a son, but not by a brother.

<sup>13</sup> This is also the reason תוספות did not use the alternate explanation (see footnote # 10) since גאולה can also be done by the brother, if the son is not גואל.

<sup>14</sup> See עצמות יוסף.