



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Bava Basra Daf Kuf Chuf Daled

- The Gemara just quoted a Braisa that said that a bechor takes a double portion of the increased value that happens to an estate on its own before the estate is divided. The Gemara now says that this follows the view of **Rebbi** in a Braisa. The Braisa says that a bechor does not take a double portion of the increased value that happens to an estate on its own before the estate is divided, but **Rebbi** says that he does. **Rebbi** agrees that he would not take a double portion of the increased value that happens to an estate based on the efforts of the heirs before the estate is divided. If the estate includes a promissory note among its assets, the bechor would get a double portion when the loan is collected. If the estate is subject to a promissory note (it owes money), the bechor must pay a double portion from his inheritance for that loan. If the bechor says "I will not give a double portion and I will also not take a double portion", he is allowed to do so.
 - The **T"K** holds that the pasuk says "lases lo pi shnayim", which terms the double portion as a gift. Just as a gift cannot be given unless it is actually in the possession of the grantor, the same is true for the double portion of the bechor. **Rebbi** holds that the pasuk says "pi shnayim" which makes a hekesh from the bechor's first portion to his second portion, and teaches that just as his first portion includes items that were not the father's possession before his death, the same is true for the second portion as well.
 - The **T"K** holds that "pi shnayim" teaches that a bechor should be given both his portions along the same boundary. **Rebbi** holds that "lases lo" teaches that a bechor may say "I will not give a double portion and I will also not take a double portion".
 - **R' Pappa** said, if a father left over a palm tree and became stronger after his death, or he left over land and it got more nutrients after his death, all would agree that the bechor takes a double portion of that. The machlokes is when he left small growths and they developed into ears of grain, or a tree of blossoms and they developed into dates after his death. In that case, **Rebbi** holds this increase was automatic, and the bechor therefore gets a double portion of it, whereas the **T"K** holds that this has developed into a new item, and therefore the bechor does not get a double portion of it.
 - **Rabbah bar Chana in the name of R' Chiya** said, if one followed **Rebbi** he has acted properly, and if one followed the **T"K** he has acted properly. He said this because he was unsure whether we only pasken like **Rebbi** when he argues on a singular view, or even when he argues on many.
 - **R' Nachman in the name of Rav** said it is assur to follow this view of **Rebbi**. He holds this way because he holds that the halacha does not follow **Rebbi** when he is argued on by many. **R' Nachman** himself holds that it is mutar to follow **Rebbi**. This is because he holds that we pasken like **Rebbi** even when many argue on him. **Rava** said it is assur to follow **Rebbi**, but if one did follow him, he has acted properly. He holds this way because he holds that when **Rebbi** argues on many, we lean towards the view of the many l'chatchila, but b'dieved if one followed **Rebbi** it is ok.
 - **R' Nachman** taught a Braisa that said, the pasuk says that the bechor gets a double portion "b'chol asher yimatzei lo". This comes to exclude his getting a double portion in the increase in value that the heirs created after the father's death. Now, this would suggest that he would take a double portion from the increase in value that happened on its own, and therefore the Braisa follows the view of **Rebbi**. **Rami bar Chama** taught a Braisa that said, the pasuk says that the bechor gets a double portion "b'chol asher

yimatzei lo". This comes to exclude his getting a double portion in the increase in value that came about on its own after the father's death. Now, this would suggest that he would certainly not take a double portion from the increase in value that was created by the heir after the father's death, and therefore the Braisa follows the view of the **T"K**.

- **R' Yehuda in the name of Shmuel** said, a bechor does not get a double portion of a loan owed to the father that is paid back after his death.
 - **Q:** Who does this follow? It can't follow the **T"K**, because according to him the bechor doesn't even get a double portion from the increase in value of assets that are in possession of the estate at the time of death, so he surely would not get his double portion from a loan!? Rather, you will say that it follows the view of **Rebbi**. However, that would be problematic, because a Braisa brings a view that when a loan document is inherited, the bechor does take a double portion of it. Now, according to what we just said, this Braisa would not follow the view of the **T"K** or **Rebbi**!? **A: Shmuel** said his halacha according to the **T"K**. The reason this had to be said is that we would think that since the father was in possession of the document, it is considered as if he is in possession of the money. **Shmuel** therefore teaches that he is not.
- It was sent from EY, that a bechor takes a double portion of a loan that is repaid after the father's death, but would not take a double portion in the interest that is paid on the loan.
 - **Q:** Who does this follow? It can't follow the **T"K**, because according to him the bechor doesn't even get a double portion from the increase in value of assets that are in possession of the estate at the time of death, so he surely would not get his double portion from a loan!? Rather, you will say that it follows the view of **Rebbi**. However, that would be problematic, because a Braisa says that **Rebbi** says that a bechor gets a double portion of the principal and the interest of a loan!? **A: Shmuel** said his halacha according to the **T"K**. The reason the **T"K** holds that he gets a double portion of the loan is because he holds that since the estate is in possession of the document, we consider it as if it is also in possession of the money as well.