



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 Hey

- **R' Acha bar Rav** said to **Ravina**, **Ameimar** came and darshened, that a bechor takes a double portion in the principal of a loan owed to the estate, but not of the interest. **Ravina** said, the Neharda'ei people (**Ameimar and R' Nachman**) share this view. We find that **R' Nachman** said that if the heirs collect land for the loan, the bechor does not get a double portion, but if they collect money he does, and **Rabbah** said that if they collect money he does not get a double portion, but if they collect land he does.
  - **Q: Abaye** said to **Rabbah**, your view is difficult to understand and the view of **R' Nachman** is difficult to understand. According to you, the reason that he doesn't get a double portion of the money is because this is not money that ever belonged to the father (it is the borrower's own money that he is using to repay the loan). With that same logic he should not get a double portion of land either, because that too never belonged to the father!? Furthermore, you (**Rabbah**) agree with the **Rabanan** (in a case to be explained by the upcoming Gemara) in a case where a woman stood to inherit something from a grandmother, but died before she inherited it, and the **Rabanan** said that her husband was not entitled to that inheritance, because a husband only inherits items that are in the possession of the wife at her time of death. Based on this, in the case of the loan, the fact that the borrower did not have to pay back with land means that the land is not considered to be in the estate's possession at time of death, so why do you hold that the bechor gets a double portion!? The view of **R' Nachman** is difficult to understand for the following reason. The reason that he doesn't get a double portion of the land according to **R' Nachman** is because this is not land that ever belonged to the father (it is the borrower's own land that he is using to repay the loan). With that same logic he should not get a double portion of money either, because that too never belonged to the father!? Furthermore, **R' Nachman** said in the name of **Rabbah bar Avuha** that if orphans collect land for a loan that is owing to the estate, a creditor of the estate may then collect that land for his loan. This means that **R' Nachman** considers the land that is paid to an estate as having been part of the estate at the time of death, so why wouldn't a bechor get a double portion of it!? **A: Rabbah** said, my view is not difficult and **R' Nachman's** view is not difficult, because when we discussed whether or not a bechor gets a double portion of the loan repayment we were each giving our understanding of the shitah of the **Rabanan** of EY, but we in fact do not hold that way. We hold that a bechor never gets a double portion of a loan repayment.
    - **Q:** What is the story that took place with the grandmother? **A:** There was a person who said that when he dies his property should go to his grandmother, and after her lifetime it should go to his heirs. This person had only one daughter, who was married and died before her great-grandmother died. When the great-grandmother died, this daughter's husband came and claimed the estate (that was originally his father in law's). **R' Huna** said that the person who gave the property said that after the grandmother's death it should go "to my heirs" which also includes the heirs of the heirs, and the husband should therefore get it. **R' Anan** said that "to my heirs" does not include the heirs of the heirs, and the husband therefore does not get it. They sent a message from EY that the halacha follows **R' Anan**, but not for his reasoning, for according to him even if this daughter had a living son he would not inherit this property (he is "an heir's heir"), but in truth a son would inherit the property. It is only the husband who does not, because a husband only inherits the property that is in the possession of his wife's estate at the time of her death.

- **Q:** This suggests that **R' Huna** holds that a husband even inherits assets that are destined to come into his wife's estate after her death? **A: R' Elazar** said, the reason this case is different is because the person had said "and after her (after the death of the grandmother) it should go to my heirs", and when someone uses such language it is considered to be immediately gifted to the person with the remainder interest. Therefore, it is considered to be in the possession of the daughter's estate and the husband inherits it.
- **Rabbah** said, the reasoning of the **Rabanan** of EY seems more logical than that of **R' Huna**, because if the grandmother would have sold the property during her lifetime it would have been a valid sale and the property would not have gone to the daughter. This shows that the daughter does not have possession of the property during her lifetime.
- **R' Pappa** said, the halacha is, that a husband does not inherit assets of his wife's estate unless they are in possession by the estate at the time of the wife's death, and that a bechor does not get a double portion from property that the estate is not in possession of at the time of the father's death, and that a bechor does not get a double portion from a loan repayment to the estate, whether it was repaid with land or with money. If the bechor owed money to the father, the bechor and the other brothers divide the second portion of the bechor.