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

Bechoros Daf Nun Beis

MISHNA

- A son who is a bechor gets a double portion from his father's estate, but not from his mother's estate. He also does not get a double portion from the improvements to the estate that take place after the father's death. He also does not get a double portion in the assets that the estate will get in the future, only in the assets that the estate has at the time of death. A woman also doesn't collect from such assets (the improvements and the prospective assets) from her husband's estate for her kesubah. The daughters also don't collect support from such assets. A yavam also doesn't inherit such assets. All of them don't take from the improvements or from the prospective assets, only from the assets held at the time of death.

GEMARA

- **Q:** Why is it that a bechor does not receive a double portion when inheriting from his mother? **A:** The pasuk regarding the double portion of a bechor says "lo" (referring to the father), which teaches that it only applies to the father's estate, not the mother's estate.
- The bechor doesn't get from the improvements to the estate because the pasuk says "b'chol asher yimatzei lo" (all that is found with him).
- The bechor doesn't get a double share in prospective assets based on the pasuk of "b'chol asher yimatzei lo".
- **Q:** How can we say that the wife does not collect her kesubah from the improvements? **Shmuel** has said that a creditor collects from the improvements!? **A: R' Abba** said that this is a leniency of kesubah debt over other debt.

V'LO HABANOS BIMZONOSEYHEN

- The reason is that this support is a condition of a kesubah, and as such it is treated like the kesubah.

V'LO HAYAVAM

- The reason is that the Torah refers to the yavam as a "bechor", and as such he is treated like a bechor and does not take an extra share from these assets.
    - **Abaye** said, this is only true for the improvements that take place between the time of death of the brother and the yibum. However, with regard to the improvements that take place between the yibum and the division of the estate, the yavam does get an extra share. This is based on the pasuk of "yakum ahl sheim achiv hameis" and he has in fact stepped into the place of his brother. **Rava** said, even with regard to the improvements that take place between the yibum and the division of the estate, the yavam does not get an extra share. This is because the Torah refers to him as a bechor – just as a bechor doesn't get an extra share from the improvements that take place before the division, the same is true for the yavam.

V'KULAM EIN NOTLIN BASHVACH

- This comes to include improvements that happen on their own, like growing produce.

V'LO B'RA'UY K'BIMUCHZAK

- This comes to include assets that the father stood to inherit from the grandfather.

MISHNA

- The following (transfers of land) are not returned at Yovel: the bechor's extra portion, the property that one inherited from his wife, the property that a yavam inherited from his brother, and a gift. This is the view of **R' Meir**. The **Chachomim** say that a gift is like a purchase and must be returned at Yovel. **R' Elazar** says they all are returned at Yovel. **R' Yochanan ben Broka** says, a

husband who inherited land from his wife must return it to her family and he deducts from the price for them.

GEMARA

- **Q:** What is the reason for the view of **R' Meir**? **A:** He says that the Torah required a purchase to be returned at Yovel, not a gift or an inheritance. The extra portion of a bechor is considered to be a gift based on the pasuk of "laseis lo pi shnayim", the inheritance of a wife in his opinion is D'Oraisa and is therefore considered to be an inheritance, and the share of the yavam is not returned because the pasuk refers to him as a "bechor".

VACHACHOMIM OMRIM MATANAH K'MECHER

- They hold that the pasuk of "tashuvu" is extra and comes to include a gift as having to be returned. However, they say that the extra portion of a bechor is considered to be an inheritance, based on the pasuk of "pi shnayim" which compares the extra portion to the regular portion.

R' ELAZAR OMER KULAM CHOZRIM BAYOVEL

- He holds like the **Rabanan**, that the pasuk of "tashuvu" is extra and comes to include a gift as having to be returned. However, he holds that the transfers mentioned in the Mishna are all considered to be gifts. The extra portion of a bechor is considered to be a gift based on the pasuk of "laseis lo pi shnayim", the inheritance of a wife in his opinion is D'Rabanan and is therefore considered to be a gift, and the share of the yavam is not returned, because the pasuk refers to him as a "bechor".
- **R' Assi** said in the name of **R' Yochanan** that when brothers divide their inheritance they are considered to be selling shares to each other.
    - **Q: R' Hoshaya** asked, our Mishna says that the share of a bechor is not returned at Yovel (so the shares of brothers are certainly not considered to be sold to each other)!? **A: R' Elazar** said, the Mishna means that when the shares are returned and then re-divided after Yovel, the bechor does not lose his extra portion, and instead again takes an extra portion from this new division.
        - **Q: R' Sheishes** asked, this means that **R' Elazar** of the Mishna means to say that at Yovel the bechor loses his extra portion!? **A: R' Chama** said that **Ravin in the name of R' Yochanan** said that **R' Elazar** actually does hold that at Yovel the bechor loses his right to the extra portion.

R' YOCHANAN BEN BROKA OMER HAYOREISH ES ISHTO YACHZIR LIVNEI…

- **Q:** If he holds that D'Oraisa a husband inherits his wife, it should not have to be returned to her family at Yovel, and if he holds it is only D'Rabanan, why does the Mishna say that he gets money for returning it – he should have to give it back without any compensation!? **A:** He holds it is D'Oraisa. The case is where he inherited his wife's family's cemetery plots. To prevent a disgrace to the family the **Rabanan** say that he must return the cemetery to the family, but they said that he is to get paid for doing so. When the Mishna says that "he deducts from the price for them" it means that he doesn't get paid for his wife's grave.

HADRAN ALACH PEREK YEISH BECHOR!!!