



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

Bava Basra Daf Kuf Mem

- **Q:** It is obvious that if the estate was a large estate at the time of death and it then became a small estate (the price of food increased so it could no longer support for the same length of time, or the value of the assets decreased), the heirs have already acquired their piece when it was a large estate, and it cannot be taken from them. What about if the estate was at first a small estate and then became a large estate? Do we say that since it had not yet been given to the daughters, the estate remains in the possession of the heirs and the increase is therefore to their benefit, or do we say that the heirs are considered to be out of the picture (because it was a small estate), and therefore the increase goes to the daughters? **A:** We have learned that **R' Assi in the name of R' Yochanan** said, if orphaned sons sell the small estate that their father left over for them, which prevents their sisters from being supported from the estate and allows the sons to benefit from the money it produced, the sale is effective. We see that even a small estate is considered to be in the possession of the heirs until it is actually given over to the daughters.
- **Q: R' Yirmiya** asked **R' Avahu**, does the claim that a widow has to be supported from the estate have an effect on whether the estate is given the status of a large or small estate? On the one hand the obligation will take money from the estate and decrease it, but on the other hand the obligation ceases when she remarries? If we say that since it may cease it is not taken into account in deciding whether it is a large or small estate, what about the obligation that a man gives to support his wife's daughter for a certain number of years? On the one hand this obligation even continues after marriage, so maybe it is taken into account, but on the other hand, the obligation would cease if she were to die? If we say that it is not taken into account because the obligation would cease if she were to die, what about the obligation to repay a loan from the estate? On the one hand, this must even be repaid if the lender were to die, and therefore it should certainly be taken into account in determining the size of the estate, but on the other hand it has not yet been collected, so maybe it is not taken into account? [There are some who had the order of these questions reversed – beginning by asking about the effects of a debt to be repaid, then asking about the wife's daughter, and then asking about the wife's support]. Finally, between a man's widow and his daughter, whose support obligation comes first? **A: R' Avahu** first told him to return the next day. When he did, he said, we can at least answer the last question from a statement of **R' Abba in the name of R' Assi**, which said that the **Chachomim** treat a widow in relation to the daughter like a daughter in relation to her brothers when there is a small estate – just as there the daughters are supported and the brothers must go and beg for support, so too here, the widow would be supported from the estate and the daughter would have to go and beg for support.

ADMON OMER BISHVIL SHE'ANI ZACHAR HIFSADITI...

- **Q: Admon** seems to suggest that a male should be in a stronger position, not a weaker one. Why should a male be in a stronger position? **A: Abaye** said, because a male learns Torah.
 - **Q: Rava** asked, does that mean that only a male who learns Torah inherits? **A:** Rather, **Rava** said, **Admon** meant that a male is stronger in that he inherits a larger estate. Why should that make him lose when there is a smaller estate?

MISHNA

- If a man died and left behind sons, daughters, and a tumtum, if he left a large estate, the sons can push the tumtum away (from sharing the estate with them) by telling him to go and collect like the daughters. If he left over a small estate, the daughters can push the tumtum away and tell him to go and share with the sons.

- If a man says, “if my wife gives birth to a boy he should take 100 zuz”, then if she has a boy he gets 100 zuz. If he says, “if she gives birth to a girl, the girl should take 200 zuz”, then if she has a girl, the girl would take 200 zuz. If he said, “if it is a boy he should take 100, and if it is a girl she should get 200”, and his wife then gave birth to either a girl or a boy, if it was a boy he takes 100 and if it was a girl she takes 200. If she gave birth to a tumtum, the tumtum would not take anything. If the man said, “whatever my wife gives birth to should take a certain amount”, then even if she gives birth to a tumtum, the tumtum would take that amount. If there is no heir other than the tumtum, he would inherit all of the estate.

GEMARA

- **Q:** Does the Mishna mean that the sons can push him away and he gets supported like a daughter? The end of the Mishna says that a tumtum is not given the status of a boy or a girl (“if she gave birth to a tumtum, the tumtum would not take anything”)!? **A: Abaye** said, the Mishna means that the sons push him away from sharing the estate with them, but the tumtum would in fact not take support like a daughter either (because a tumtum is in a category of its own). **Rava** said, in fact the tumtum would get support like a daughter. The end of the Mishna which seems to say that a tumtum is not considered to be a son or a daughter (but rather a category of its own) would follow the view of **R’ Shimon ben Gamliel**, who holds that way in a Braisa.
 - **Q:** A Braisa on our Mishna says, a tumtum inherits like a son and is supported like a daughter. Now, according to **Rava** the Braisa can be explained to mean that a tumtum inherits like a son when there is a small estate and is supported like a daughter when there is a large estate. How will **Abaye** explain when the Mishna says that the tumtum is supported like the daughters? **A:** Even according to **Rava**, what would it mean that the tumtum inherits like a son? It means that he is fit to do so, but in fact inherits nothing (because when dealing with a small estate the sons don’t inherit anything). We would say similar for **Abaye**, that the Mishna means the tumtum is fit to be supported like a daughter, but in fact would not receive any support.