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Bava Basra Daf 124

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Double Portion in the Appreciation

The *Gemora* asks: In accordance with whose view is the *braisa* (which ruled that a firstborn son receives a double portion in the natural appreciation of a bequeathed estate after the father’s death) following?

The *Gemora* answers: It reflects the viewpoint of Rebbe. For it was taught in a *braisa*: A firstborn son is not entitled to receive a double portion in the appreciation of the estate which accrued after the father’s death. Rebbe said: I say that a firstborn son does receive a double portion in the natural appreciation of an estate which accrued after the father’s death, but not in the appreciation which the orphans brought to the estate after the father’s death. If they inherited a loan document, the firstborn son receives a double portion (when the debt will be collected). [Since there is a document, it is regarded as if the money was in the father’s possession at the time of his death; otherwise, it is merely “a potential inheritance,” and a firstborn will not be entitled to the double portion of that.] If a loan document (for a debt of their father) was produced against them, the firstborn is required to pay a double portion of the debt. If he says, “I will not give double, nor will I take double portion,” he is allowed to do so.

The *Gemora* asks: What is the reason of the *Chachamim* (who maintain that a firstborn son receives a double portion in the natural appreciation of a bequeathed estate after the father’s death)?

The *Gemora* answers: It is written: to give him a double portion. The Torah refers to the double portion as a gift. Just as a gift cannot be given until it comes into his possession, so too, the portion of the *bechorah* (birthright) cannot become his (the firstborn son) until it comes into his father’s possession (but not in something that comes after the father’s death).

But Rebbe maintains that since the Torah says, “a double portion,” the portion of the *bechorah* should be compared to the ordinary portion. Just as the ordinary portion becomes his although it was not in the father’s possession (at the time of his death), so too, the portion of the *bechorah* can become his although it was not in the father’s possession (at the time of his death).

The *Gemora* notes: The *Chachamim* use that expression (a double portion) to teach us that the portion of a field assigned to him as a firstborn and the portion assigned to him as an ordinary son should be portions that share a border. Rebbe uses the verse, to give him, to teach us that that if he says, “I will not give

double, nor will I take double portion," he is allowed to do so.

Rav Pappa said: In the case where a small palm tree was bequeathed and it became stronger (*after the father's death*), or a plot of land and it produced sediment (*thus making it more fertile*), Rebbe and the *Chachamim* agree that the firstborn son receives a double portion (*for although there has been an improvement, it is not regarded as a change at all*). They argue only in the case where shoots of grain turned into ears, or, where date blossoms turned into fully developed dates. Rebbe is of the opinion that this is regarded as natural appreciation (*and it is considered as if it was entirely in the father's possession before he died and therefore the firstborn receives a double portion*), and the *Chachamim* maintain that there has been a transformation (*and the firstborn would not receive a double portion*).

Rabbah bar Chana said in the name of Rabbi Chiya: If one acted according to Rebbe (*that a firstborn son receives a double portion in the natural appreciation of a bequeathed estate after the father's death*), it is fine (*and the ruling stands*), and if one acted according to the *Chachamim*, it is fine.

The *Gemora* explains why this is so: Rabbi Chiya is uncertain if the *halachah* follows Rebbe only when he argues with one *Tanna*, but not when he argues with many, or perhaps the *halachah* is always in accordance with him.

Rav Nachman said in the name of Rav: It is forbidden to act in accordance with Rebbe. Rav must hold that

the *halachah* follows Rebbe only when he argues with one *Tanna*, but not when he argues with many.

Rav Nachman himself said that it is permitted to act in accordance with Rebbe. Rav Nachman must hold that the *halachah* follows Rebbe even when he argues with many.

Rava said: It is forbidden to act in accordance with Rebbe, but if he did, fine (*and the ruling stands*). Rava must hold that we "lean" towards the *Chachamim's* opinion (*but that is only in the first place, but after the fact, it is also fine if they rule according to Rebbe*).

Rav Nachman taught a *braisa* in the "other books of the School of Rav" (*Medrash on Bamidbar*): It is written: *in all that is found with him*. This excludes the appreciation which the orphans brought to the estate after the father's death, but with respect of the natural appreciation of the estate that accrued after the father's death, the firstborn does receive a double portion. And who is the author of this *braisa*? It is Rebbe.

Rami bar Chama, however, taught a *braisa* in the "other books of the School of Rav": It is written: *in all that is found with him*. This excludes the natural appreciation of the estate that accrued after the father's death, and certainly with respect of the appreciation which the orphans brought to the estate after the father's death, the firstborn does not receive a double portion. And who is the author of this *braisa*? It is the *Chachamim*.

Rav Yehudah said in the name of Shmuel: A firstborn son does not receive a double portion in a loan (*which*

is paid to the father after his death, even if it written in a document).

The *Gemora* asks: According to whom was this statement necessary to state? It cannot be according to the *Chachamim*, for they maintain that a natural appreciation, even one which accrues to something in his possession (*at the time of his death*), the firstborn does not receive a double portion, is there any necessity to state that he doesn't receive a double portion in a loan (*where the money was not in the father's possession*)!? Rather, it must be that the statement was required according to Rebbe. If so, the *Gemora* asks, who then is the author of that which has been taught in the following *braisa*: If they inherited a loan document, the firstborn receives a double portion both in the loan and in the interest!? It is neither Rebbe nor the *Chachamim*!?

The *Gemora* answers: This statement was required according to the opinion of the *Chachamim*, for we might have thought that regarding a loan, since the father was in possession of the document, the debt is regarded as if it was collected (*and the firstborn will receive a double portion*); therefore, the *halachah* had to be stated (*that he does not receive a double portion, for it is not regarded as if it was collected*).

They sent the following message from *Eretz Yisroel*: A firstborn receives a double portion from a loan, but not in its interest (*when a gentile borrowed, and it is permitted to lend with interest*).

The *Gemora* asks: According to whom was this statement necessary to state? It cannot be according to the *Chachamim*, for they maintain that a natural

appreciation, even one which accrues to something in his possession (*at the time of his death*), the firstborn does not receive a double portion, is there any necessity to state that he doesn't receive a double portion in a loan (*where the money was not in the father's possession*)!? Rather, it must be that the statement was required according to Rebbe. But, the *Gemora* asks, surely it was taught otherwise in the following *braisa*: Rebbe said: A firstborn receives a double portion both in a loan and in its interest!?

The *Gemora* answers: This statement was required according to the opinion of the *Chachamim*, for regarding a loan, since the father was in possession of the document, the debt is regarded as if it was collected (*and the firstborn will receive a double portion in the loan; the interest, however, is not regarded as if it was collected, and he will not take double from that; this explanation would be in disagreement with that which Rav Yehudah said above in the name of Shmuel*).

Rav Acha bar Rav said to Ravina: Ameimar once came to our place, and expounded that a firstborn receives a double portion in a loan but not in its interest. Ravina said to him: The scholars of Nehardea (Ameimar) follow their own line of reasoning, for Rabbah said: If land was collected for the debt, the firstborn receives a double portion from it (*for since it was mortgaged for the debt to the father in his lifetime, it is regarded as if he actually possessed it*), but if money was collected, he does not receive a double portion from it (*for it is regarded as "potential" property*). Rav Nachman (*also from Nehardea*) said (*the opposite*): If money was collected, he receives a double portion (*for since the father lent money, the money which is being used to*



repay the loan is regarded as being in the possession of the father), but if land was collected, he does not receive double from it. (124a - 124b)

INSIGHTS TO THE DAF

Rebbe – “I Say”

Rebbe said: I say that a firstborn son does receive a double portion in the natural appreciation of an estate which accrued after the father’s death, but not in the appreciation which the orphans brought to the estate after the father’s death.

Many times in Shas, it is found that Rebbe used this terminology, “I say etc.” What was his intention with these words?

Reb Yosef Engel in Beis Haotzar explains that it is known that Rebbe was a tremendously humble person. The *Gemora* in Sotah (49a) states that when Rebbe died, humility ceased. Perhaps what Rebbe was saying was that it appears to him that the *halachah* is like this-and-this, but not that it is most definitely so.

He also writes that it is clear from the *seforim* of the students of the Baal Shem Tov that lofty people are constantly thinking that their words and actions are not emanating from their own power and strength; rather, it is all coming from the Ribbono shel Olam. In *kabbalah*, the *Shechinah* is referred to as “Ani,” “I.” This is the explanation in the *Gemora* Sukkah (53a) when Hillel said, “If I am here, then everyone is here.” The “I” did not refer to himself, for Hillel, we also know was extremely humble. Rather, he was referring to the *Shechinah*. This, perhaps, is what Rebbe was saying

when he said, “I say.” The *Shechinah* which is inside of me is saying that the *halachah* is like this.

DAILY MASHAL

The Letters of “Bechor”

Meoros HaDaf HaYomi cites the Maharal of Prague who states that the root letters of *bechor* (“firstborn”) are all multiples of 2, indicating his right to a double portion of his father’s estate: *beis* = 2; *kaf* = 20; *reish* = 200.

The Vilna Gaon adds that *beis*, *kaf* and *reish* are the only letters having a value double that of those before them in alphabetical order: *alef* = 1; *beis* = 2; *yud* = 10; *kaf* = 20; *kuf* = 100; *reish* = 200; and to indicate this sign, the Torah always spells *bechor* without a *vav* (*cholam*) as *vav* is not twice the value of *hei*, the letter before it.

Other sources cite the Ariz”l that the letters *beis*, *kaf* and *reish* even indicate the *halachah* that a firstborn does not take a double portion of assets to accrue but only of those existing at his father’s demise: Several letters have a value double that of others. *Ches*, for example, = 8 and *dalet* = 4. *Beis*, *kaf* and *reish*, though, are the only ones with a value double that of the letters next to them in alphabetical order, indicating that a firstborn only takes a double portion of the assets **immediately** available (*Telalei Oros* on *Ki Teitzei*).