Bechoros – Simanim
פרק ח – יש בכור

Daf 52 – דף נב

1. *Bechor* does not take a double portion in נכסי האם, שבח, or ראוי

The next Mishnah states: הבכור נוטל פי שנים בנכסי האב – *a bechor takes a double share in the father's estate,* but not in the mother's estate. He does not take a double portion בשבח – *in improvements* made to the estate after the father's death, ולא בראוי כבמוחזק – *nor does he take* a double portion in *potential* assets *as* he does *in* his father's *possessed* assets ("potential assets" are those the father stood to inherit or obtain but died before acquiring). A *bechor* does not receive a double portion of his mother's estate because the *passuk* says "ולו משפט הבכורה" – *to him is the law of the firstborn*, implyingלאיש משפט הבכורה – *the law of the firstborn* to receive a double portion *applies to* (the estate of) *the man* (i.e., the father), ואין משפט הבכורה לאשה – *but there is no law of firstborn for* the estate of *a woman* (the mother). He does not receive a double portion in שבח – *improvements* made to the estate after the father's death, because the *passuk* says "בכל אשר ימצא לו" – *in all that is found with him* (i.e., with the father when he died). Similarly, "ראוי" – *potential* assets were not yet the father's when he died.

2. Which land transfers are not returned in יובל?

The next Mishnah records four opinions about which land transfers are not returned to their original owners in יובל. Rebbe Meir says: ואלו שאין חוזרין ביובל – *and these do not return on Yovel:* the *bechor*'s second share, the property inherited from one's wife who died, one's brother property which he received through performing יבום, and a gift. He holds the Torah only requires returning מכר – *a sale*, not inheritances or gifts. The Torah says, regarding a *bechor*'s extra portion, "לתת לו פי שנים" – *to "give" him a double portion;* מתנה קרייה רחמנא – *Hashem calls* [the extra portion] *a "gift."* Rebbe Meir holds ירושת הבעל דאורייתא – *a husband's inheritance* of his wife's assets *is* a *Biblical* inheritance, so the property is not returned. The Torah calls a יבם a "*bechor*," thus comparing the estate received from his brother to a *bechor*'s portion, which is like a "gift," and not returned in יובל. The Chochomim say a gift <u>is</u> returned in יובל, because they *darshen* the superfluous "תשובו" – *you shall return* to include a gift. Still, they agree a *bechor*'s share is <u>not</u> returned, because the expression "פי שנים" – *a double portion* compares the extra portion to the standard portion, considering it ירושה, which is not returned. [The same applies to a יבם, who is called a "*bechor*".] The Gemara explains the last two opinions.

3. Brothers who divide an estate are לקוחות, and return all property in יובל

Rebbe Yochanan said: האחין שחלקו לקוחות הן – *brothers who divided* an estate *are* considered like *purchasers* of the properties they received, because we consider them given in exchange for their respective "true" shares (which cannot be identified, because אין ברירה – *there is no retroactive determination* of their true shares). ומחזירין זה לזה ביובל – Therefore, *they return to each other* any קרקע they originally received, and it is redivided. Rav Hoshaya challenged this from our Mishnah, which taught that a *bechor*'s extra portion is <u>not</u> returned. If brothers who divide an estate are לקוחות, the *bechor*'s received portion should likewise be considered "purchased," and required to be returned in יובל!? Rebbe Elazar answered that the Mishnah only means אין חוזרין לבטלה – [the properties] *do not revert to become nullified*. Although the land is returned and redivided, the *bechor* retains his right to a double portion. Although Rav Sheishess considered it inconceivable that the Tanna who holds the *bechor*'s share is returned in יובל would hold the *bechor* <u>loses</u> his extra portion, Rebbe Elazar's answer is substantiated.

Siman – Newbie to Yiddishkeit

The newbie to *yidishkeit* *bechor* who was disappointed when informed that he could not receive a double portion in his mother's possessions was relieved that he **would not have to return his double portion in his inheritance from his father in יובל for good although he must give it back and then redivide it like לקוחות.**

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3 things to remember

1. ***Bechor* does not take a double portion in נכסי האם, שבח, or ראוי**
2. **Which land transfers are not returned in יובל?**
3. **Brothers who divide an estate are לקוחות, and return all property in יובל**

