Bechoros 52 – Good Morning Raboisai

1️⃣ The Bechor Takes Pi Shnayim

The Mishnah teaches:

👉 A Bechor receives Pi Shnayim – a double portion – in his father's property.

For example, if a father leaves three sons:

👉 The estate is divided into four portions.
👉 The Bechor receives two.
👉 Each other brother receives one.

The Daf notes a fascinating hint in the word Bechor – Beis, Chaf, Reish:

👉 Beis is double Aleph.
👉 Chaf is double Yud.
👉 Reish is double Kuf.

Each letter hints to the Bechor receiving double.

2️⃣ Only From the Father – Not the Mother

A Bechor receives Pi Shnayim only from:

👉 His father's estate.

He does not receive a double portion from:

👉 His mother's estate.

The Gemara derives this from the Pasuk describing the double portion as:

👉 Mishpat HaBechorah – connected specifically to the father's Bechor.

Therefore, if the mother leaves substantial property:

👉 All the sons divide it normally.

Muchzak, Shevach and Ra'ui

3️⃣ The Bechor Takes Double Only in What the Father Had

A major principle of the Daf is that the Bechor receives Pi Shnayim in:

👉 Property already Muchzak – actually possessed by the father at the time of death.

But he does not receive Pi Shnayim in:

👉 Shevach – subsequent added value of certain property.

Nor does he receive double in:

👉 Ra'ui – property that was only expected to come to the father later.

4️⃣ Fruit That Grows After the Father Dies

Suppose the father dies leaving a tree with tiny, undeveloped fruit.

Before the brothers divide the estate:

👉 The fruit grows and becomes significantly more valuable.

The Bechor does not receive a double portion in that added growth.

Why?

At the time of the father's death:

👉 That later Shevach was not yet present in its developed form.

The Bechor receives Pi Shnayim in what the father actually left, not necessarily in subsequent growth.

5️⃣ What if the Property Itself Simply Goes Up in Value?

The Daf distinguishes actual physical growth from an increase in market value.

Suppose the brothers inherit an apartment.

At the father's death it is worth one amount, but before they divide it:

👉 Property prices rise by twenty percent.

The apartment itself has not changed.

It did not physically grow or improve.

👉 Only its market value increased.

This is different from fruit physically developing on a tree.

Therefore, the Bechor can receive his double portion including the increased market value.

📌 The Distinction

Fruit that physically grew:

👉 The asset itself changed.

A house or diamond whose market price increased:

👉 The asset remained exactly the same.

Ra'ui – Property That Arrives Later

6️⃣ A Loan Owed to the Father

Another example is money owed to the father.

At the time he dies:

👉 The borrower has not yet repaid the loan.

The money is therefore not presently in the father's possession.

This can be treated as:

👉 Ra'ui rather than Muchzak.

The Bechor does not receive Pi Shnayim in Ra'ui.

7️⃣ The Grandfather Dies Afterwards

Suppose:

👉 The father dies first.

At that point his own father – the children's grandfather – is still alive.

Later:

👉 The grandfather dies and leaves an inheritance.

Had the father still been alive, he would have inherited it.

But at the time the father himself died:

👉 He did not yet possess that inheritance.

Therefore it is:

👉 Ra'ui.

The Bechor does not receive a double portion in this later inheritance.

Kesubah and Shevach

8️⃣ A Woman Does Not Collect Her Kesubah From Shevach

The Mishnah teaches that a woman collecting her Kesubah does not collect from:

👉 Shevach.

The Gemara asks:

Why should Kesubah be different from an ordinary debt?

A regular creditor can sometimes collect property together with the value subsequently added to it.

So why not a Kesubah?

9️⃣ Mekulei Kesubah Shanu Kan

The Gemara answers:

👉 Mekulei Kesubah Shanu Kan.

There are particular leniencies built into the laws of Kesubah.

A Kesubah is not treated in every respect like an ordinary loan where money was actually lent and must now be repaid.

Therefore:

👉 The woman does not collect the added Shevach in this case.

🔟 A Daughter's Mezonos

The Mishnah also discusses a daughter who is entitled to support under the Kesubah arrangements.

She similarly does not collect:

👉 From Shevach or Ra'ui.

The reason is connected to the same principle:

👉 Her right to support comes through the Kesubah.

Therefore, the relevant limitations of Kesubah apply here as well.

Yavam and the Bechor

1️⃣1️⃣ A Yavam Inherits His Brother

When a man dies without children and his brother performs Yibum:

👉 The Yavam has a special right to the deceased brother's inheritance.

The Torah describes the Yavam using the concept of:

👉 Bechor.

Therefore, certain rules of Bechor apply to him.

1️⃣2️⃣ The Yavam Does Not Take Shevach or Ra'ui

Just as a Bechor does not receive Pi Shnayim in certain Shevach or Ra'ui:

👉 The Yavam likewise does not receive these additions through his special inheritance right.

The Torah's comparison of the Yavam to a Bechor establishes this limitation.

1️⃣3️⃣ What if the Property Increased Before Yibum?

The Gemara discusses property that increased in value between:

👉 The brother's death

and:

👉 The actual Yibum.

Abaye reasons that once the Yavam performs Yibum:

👉 He steps into the deceased brother's position.

It could therefore make sense for him to receive the increased value.

Rava disagrees.

Since the Torah compares him to a Bechor:

👉 His rights follow the limitations of a Bechor.

Just as the Bechor does not acquire his special portion in the relevant Shevach before the division:

👉 Neither does the Yavam.

Shevach That Happened Automatically

1️⃣4️⃣ No One Improved the Property

The Mishnah repeats that the Bechor does not receive Pi Shnayim in Shevach.

The Gemara explains that the repetition teaches an important Chiddush.

Even where the improvement happened:

👉 Automatically.

For example:

👉 Produce naturally matured.
👉 Dates developed on their own.
👉 No brother invested effort or money.

We might have thought:

👉 Since nobody caused the improvement, the Bechor should receive double.

The Mishnah teaches:

👉 Even this Shevach is excluded from his double portion.

A New Mishnah – What Returns at Yovel?

1️⃣5️⃣ Sedeh Achuzah and Yovel

The Daf moves to the laws of Yovel.

A Sedeh Achuzah is ancestral land received through the original division of Eretz Yisrael.

If such land is sold:

👉 At Yovel it returns to its original family ownership.

The Mishnah asks whether various forms of acquisition are treated like a sale and therefore return at Yovel.

These include:

👉 A Bechor's extra portion.
👉 A husband inheriting his wife.

👉 A Yavam inheriting his brother.
👉 A Matana – a gift.

Does the Bechor's Extra Portion Return?

1️⃣6️⃣ The Tanna Kamma – The Bechor Keeps It

According to the Tanna Kamma:

👉 The Bechor's extra portion does not return to the brothers at Yovel.

The Torah describes the extra portion as:

👉 A Matana – a gift given to the Bechor.

Under this view, the relevant inheritance rights remain with him and are not treated as an ordinary sale that is cancelled by Yovel.

1️⃣7️⃣ A Husband Inheriting His Wife

The Mishnah also discusses a husband who inherits his wife's property.

If his inheritance is:

👉 Yerushah Min HaTorah,

then it is an inheritance rather than a sale.

Therefore:

👉 It does not automatically return to her family at Yovel under this view.

1️⃣8️⃣ The Yavam's Portion

The Yavam is called a Bechor by the Torah.

His special inheritance is therefore connected to:

👉 The Bechor's special portion.

According to the view that this right is treated as a special Torah acquisition rather than a sale:

👉 It does not return in the ordinary manner of a sold field.

What About a Gift?

1️⃣9️⃣ Rebbe Meir – A Matana Does Not Return

Rebbe Meir distinguishes:

👉 A sale from a gift.

The Torah specifically commands property sold to return at Yovel.

A genuine Matana remains:

👉 A Matana.

Therefore, according to Rebbe Meir:

👉 A gift does not return at Yovel.

2️⃣0️⃣ The Chachamim – "Tashuvu" Includes a Gift

The Chachamim disagree.

They derive from the additional wording of:

👉 Tashuvu

that Yovel also includes:

👉 A Matana.

Therefore, even property given as a gift can return to its original owner at Yovel.

Rebbe Elazar – Everything Returns

2️⃣1️⃣ Even the Bechor Can Lose His Extra Portion

Rebbe Elazar gives the most far-reaching opinion:

👉 All these properties return at Yovel.

This includes even:

👉 The Bechor's special portion.

According to this view, when Yovel arrives:

👉 The Bechor can lose the extra portion he had received.

The Gemara emphasizes that this is a major Chiddush.

2️⃣2️⃣ Does “Return” Mean Only Redividing?

The Gemara considers whether “return” might simply mean:

👉 Put the property back together and divide it again.

Perhaps the Bechor would still retain his entitlement to two portions, but the particular land assigned to him would be reconsidered.

However, the Daf brings the view that according to Rebbe Elazar:

👉 The Bechor actually loses the special extra portion when Yovel arrives.

He emerges from the redistribution like the other brothers.

Brothers Who Divide an Inheritance

2️⃣3️⃣ Is Division Clarification or a New Transaction?

The Daf touches on a fundamental question concerning brothers dividing inherited property.

Suppose two brothers inherit two different pieces of land.

One takes:

👉 Property A.

The other takes:

👉 Property B.

What exactly happened?

Possibility one:

👉 Yesh Bereirah.

The division reveals retroactively that each brother had inherited the property he now received.

Possibility two:

👉 Each brother originally owned a share of everything and they effectively exchanged their shares.

That would mean:

👉 Their division resembles a sale.

2️⃣4️⃣ Why This Matters at Yovel

If division is treated like a sale:

👉 Yovel can require the land to return and the division to be reconsidered.

The properties could therefore return to the common pool:

👉 And the brothers divide again.

This does not necessarily mean that every underlying inheritance right disappears.

It means:

👉 The particular division can be treated as an exchange subject to Yovel.

A Husband and His Wife's Family

2️⃣5️⃣ Rebbe Yochanan Ben Beroka

The Mishnah discusses a husband who inherited property from his wife.

Rebbe Yochanan ben Beroka says:

👉 The property can return to her family.

However:

👉 They compensate him appropriately.

The Gemara explains this in connection with preserving the dignity and integrity of the family.

The Family Burial Plot

2️⃣6️⃣ Pegam Mishpachah

The Gemara gives a powerful example.

Suppose someone owns a grave in the family cemetery and sells:

👉 His grave.
👉 The pathway leading to it.
👉 The place used for standing or Hespedim.

Even though he sold these rights:

👉 His family can bury him there against the purchaser's wishes.

Why?

👉 Mishum Pegam Mishpachah.

Allowing the family burial place to pass permanently to outsiders would be considered a disgrace to the family.

2️⃣7️⃣ The Husband and His Wife's Grave

This principle explains the Mishnah's case involving a husband and his deceased wife's family property.

The family can reclaim the burial property because of:

👉 Pegam Mishpachah.

However, the husband receives compensation except for:

👉 The value of his wife's actual grave.

Why?

👉 Providing her burial was already his responsibility.

He cannot demand reimbursement for an expense that he himself was obligated to provide.

📌 Key Chazarah

- A Bechor receives Pi Shnayim in his father's estate, but not his mother's.
- The letters Beis-Chaf-Reish themselves hint to doubling.
- Pi Shnayim applies to property that was Muchzak in the father's possession.
- The Bechor does not receive double in certain Shevach or Ra'ui.
- Fruit that physically develops after death is Shevach.
- A mere rise in the market value of an unchanged property is different from physical growth.
- An inheritance that reaches the family only after the father's death can be Ra'ui.

- A Kesubah and a daughter's Mezonos have limitations regarding collection from Shevach and Ra'ui.
- A Yavam is compared by the Torah to a Bechor and shares limitations concerning Shevach.
- Even Shevach that develops automatically can be excluded from Pi Shnayim.
- The Daf then discusses whether a Bechor's portion, a husband's inheritance, a Yavam's inheritance and a Matana return at Yovel.
- Rebbe Meir distinguishes a genuine Matana from a sale.
- The Chachamim derive that a Matana can also return at Yovel.
- Rebbe Elazar holds that even the Bechor's extra portion can ultimately return.
- The status of brothers dividing inherited land depends on whether the division is retroactive clarification or resembles an exchange.
- Family burial property receives special protection because of Pegam Mishpachah.
- Even if a grave was sold, the family can retain burial rights to protect the family's dignity.

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