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

Bechoros Daf Mem Vuv

PEREK YEISH BECHOR -- PEREK SHMINI

MISHNA

- There is a firstborn who is considered to be a bechor for inheritance but not a bechor for the Kohen (i.e. for pidyon haben). There is also a firstborn who is a bechor for the Kohen but not for inheritance. There is a firstborn that is a bechor for inheritance and for the Kohen. There is also a firstborn that is not a bechor for inheritance or for the Kohen.
    - What is the case of a firstborn who is considered to be a bechor for inheritance but not a bechor for the Kohen? This refers to a baby that was born after a neifel (not a full-term baby) that had stuck out its head while it was still alive (and then drew it back in and the twin was then born), or a baby that was born even after a full-term baby had stuck out its head when it was dead, or a baby that was born after its mother had miscarried something that looked like a beheima, chaya, or bird. This last case is the view of **R' Meir**. The **Chachomim** say that the baby born after a miscarriage is not a bechor for the Kohen only if the miscarriage looked like a human form. If a woman miscarries a "sandal" (it has no form of a face), or a "shilya" (an amniotic sac, and we say that there is no such thing as a shilya without there having been a fetus as well, which means it must have dissolved and "been born" for purposes of the Kohen), or the skin in which a fetus develops, or if a fetus comes out in pieces (limb by limb, it is still considered to have "been born" for purposes of the Kohen), the baby that is born after these is a bechor for inheritance but not a bechor for the Kohen.
    - If a man who never had children married a woman who had already given birth, or a woman who gave birth while she was a maidservant and was then freed, or if she gave birth while she was a goy and then converted, and then had this man's son after being freed or after having converted, the son that is born is a bechor for inheritance but not a bechor for the Kohen. **R' Yose Haglili** says the son is even a bechor for the Kohen, because the pasuk says "peter rechem…***b'Yisrael***", which means that the first to open the womb of his mother when she is a Yid must be redeemed.
    - If a man had children and married a woman who never gave birth and they have a son, or if a woman converts to becoming a Yid along with her husband while she is pregnant, or if she was a maidservant and was freed together with her husband while she was pregnant, or if a Yisraelis and a Kohenes both had firstborn sons and they became mixed up, or if a Yisraelis and a Leviyah both had firstborn sons and they became mixed up, or if a Yisraelis had a firstborn and another Yisraelis that already had children both gave birth and the newborn sons became mixed up, and similarly a woman who remarried less than 3 months after a previous marriage and has a firstborn son and we don't know if this is a 9 month baby from the first husband or a 7 month baby from the second husband, in all these cases the baby is a bechor for the Kohen but not for inheritance.

GEMARA

- **Shmuel** said, the emergence of the head of a neifel does not make the twin that is born after it patur from having to be redeemed from the Kohen. This is because the pasuk of "kol asher nishmas ruach chaiym b'apav" teaches that the head of something that is viable and can live has significance, but the head of something that cannot is not viable.
    - **Q:** Our Mishna said a baby that was born after a neifel (not a full-term baby) that had stuck out its head while it was still alive is *not* a bechor for the Kohen!? **A:** The Mishna means that its head along with the majority of its body had emerged.

- **Q:** If that is what the Mishna means it should have said so explicitly!? **A:** The Mishna then gives the case of a baby that was born even after a full-term baby had stuck out its head when it was dead, and in that case the only reason the twin is a bechor for inheritance is because the first baby was dead, but had it been alive when it stuck out its head the twin would not even be a bechor for inheritance. Since it wants to refer specifically to the head in that case it says the head in the first case as well.
    - **Q:** Is the Mishna coming to teach that emergence of the head is considered to be the birth? This is something that is explicitly taught by a Mishna elsewhere!? You can't say that it needed to teach this again here regarding a person (the other Mishna is regarding an animal), because we would have thought that an animal and a human are treated differently for this purpose (if we would only teach this regarding an animal we would say that for an animal emergence of the head is considered birth, because emergence puts it in plain view, whereas by a human emergence is still not in view, because of the mother's legs, and if we would only teach this regarding a human we would say that this is so because the face of a human is its most defining feature, but this may not be true regarding an animal), because another Mishna already teaches this specifically regarding a human baby – that the emergence of most of the head, which is explained to refer to the forehead, is considered to be the birth!? This is a **TEYUFTA** of **SHMUEL**!
    - **Reish Lakish** said, the emergence of the forehead makes the twin that is then born patur from pidyon haben, but it would still be considered the bechor for inheritance. The reason it doesn't prevent the second baby from being a bechor for inheritance is that the pasuk regarding the bechor for inheritance says "yakir", which teaches that a baby is only a bechor for inheritance if it can be "recognized". **R' Yochanan** said that the emergence of the forehead makes the twin that is then born not a bechor for the Kohen or for inheritance.
        - **Reish Lakish** used the terminology that the emergence of the forehead is considered to be a birth "for all purposes" other than for inheritance. The "for all purposes" comes to include the case of a goy who is pregnant and the baby's forehead emerged, and the mother then converted. **Reish Lakish** is teaching that the woman would not be treated as a Yid with regard to the birth for purposes of tumah and taharah, or for purposes of bringing a korbon.
        - **Q:** A Braisa says that "yakir" means the face must be recognizable, which refers to the form of the face with the nose. This refutes **R' Yochanan**!? **A:** The Braisa should be changed to say "***until*** the nose".
        - **Q:** A Mishna regarding testifying about the death of a husband says, the testimony must be that they saw the form of the face including the nose, of the man who they say is dead!? **A:** The Mishna should be changed to say "***until*** the nose".
        - **Q:** A Braisa says, the testimony cannot be regarding having seen the forehead with the form of the face, or the form of the face without the forehead. Rather, the witness must have seen the form of the face and the forehead along with the nose!? **A:** Testimony to permit a woman to marry is treated more stringently by the **Rabanan**.
            - **Q:** A Mishna says that we are *lenient* regarding such testimony, and even permit hearsay, the testimony of a woman, and the testimony of a slave and maidservant!? **A:** The **Rabanan** were lenient at the end (regarding the form of the testimony once a definite identification has

been established), but they were not lenient in the beginning (regarding the identification). **A2:** We can also say that “yakir” may be sufficient with only the forehead, but when recognition is needed for other purposes it would require more.