Daf In Review – Weekly Chazarah

Maseches Bechoros, Daf מג – Daf מט

Daf In Review is being sent l'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H vl'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

----------Daf מג---43----------

PEREK MUMIN EILU -- PEREK SHEVI'I

MISHNA

- The mumin mentioned in the previous perek, whether they are temporary or permanent, would make a Kohen passul to do the Avodah. In addition to these, there are a number of other mumin that make a Kohen passul: the "kilon", the "laftan", the "makvan", and one whose head is "shakut" or "sekifas". With regard to a Kohen who is hunchback, **R' Yehuda** says he is valid but the **Chachomim** say he is passul. A Kohen who is bald is passul. What is considered bald? It is a person who doesn't at least have a row of hair circling from ear to ear. If he has at least that much, he is valid.

GEMARA

- **Q:** Why do we say that all the mumin of an animal apply to a person as well? The pasuk regarding an animal mentions the mum of "yabeles", but doesn't mention that regarding a person!? Also, the mumin of cataracts and a white part of the eye entering into the black of the eye are mumin that are written in the pasuk regarding a person, and should not apply to animals!? **A:** They are learned from each other, as explained in a Braisa. The Braisa says that there is a gezeira shava of "yalefes" and "garav" that are written regarding a person and regarding an animal, and the gezeira shava teaches that the mumin listed by one apply to the other as well.
    - The words used for the gezeira shava must be open and available for drasha, because if they were not we can ask that we can't learn a person from an animal, because the animal is different in that it itself is offered on the Mizbe'ach, and we can't learn an animal from a person, because a person is different in that he is chayuv in many more mitzvos. The Gemara says that the words are indeed extra, for the pasuk could have written "yalefes" and not "garav" and we would know that if yalefes, which is not disgusting, is considered to be a mum, then certainly garav, which is disgusting, is considered to be a mum. The reason that garav was written was to have it open for the gezeira shava.
    - **Q:** Why are many of the mumin written by people and by animals? Why not write all of them by either people or animals, and then write garav and yalefes by both of them and with the gezeira shava we could apply all the mumin to the other one as well!? **A:** If they would all be written regarding a person we would say that the mumin that don't apply by people – like rounded hooves and mum of the upper gums – are not mumin for an animal. If they would be written regarding animals we would say that the mumin that don't apply by animals – like "gibein" and "charum" – are not mumin for people.
        - **Q:** Why not at least write the mumin that apply to both, by only by one of them, and the mumin that are unique to each write by each of them, and then with the gezeira shava learn the common mumin from the one to the other? **A:** Rather, it is as taught by the **Tana Divei R' Yishmael**, who says that at times the Torah repeats an entire parsha just for the sake of one new thing that is written in it (for the mumin that are unique to each).
- **Rava** said, the Torah had to write the concept of mumin for people, for korbanos, and for bechor. If it would have only been written for people we would say it applies to people, because they are chayuv in many mitzvos. We could not learn people from bechor, because the bechor is itself offered on the Mizbe'ach. We could not learn korbanos from bechor, because a bechor is kadosh at birth. A person could not be learned from korbanos, because korbanos are themselves offered on the Mizbe'ach. A bechor cannot be learned from korbanos, because there are many different forms of korbanos. We also can't learn one of these from the other two. If it would not say mumin by bechor we could not learn it from the other two, because their kedusha is great (people have many mitzvos and korbanos have many forms) and also apply to things beyond just firstborns. If it

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would not say it by korbanos we could not learn it from the other two, because their kedusha comes on its own (a Kohen is born with kedusha and a bechor is born with kedusha). If it would not say it by people we could not learn it from the other two, because they themselves are offered on the Mizbe'ach. That is why the Torah had to write the concept of mumin by all three.

YOSER ALEYHEN B'ADAM

- **Q:** How do we know that these other mumin make him passul as well (they are not written in the Torah)!? **A: R' Yochanan** said, the pasuk says "kol ish asher bo mum mizerah Aharon", which teaches that the Kohen must be someone who is physically like the normal children of Aharon (if he does not have the physical characteristics that are common to the children of Aharon he is passul, even without a mum specified in the Torah).
    - **Q:** What is the difference between being passul based on a mum and being passul based on this disqualification? **A:** The difference is that if he has a mum his Avodah is passul, based on the pasuk of "mum bo v'lo yichalel". If he did the Avodah when he had one of the other disqualifications the Avodah is not passul.
    - **Q:** What is the difference between being passul with one of these other disqualifications and being passul based on having a condition that is disgusting to look at (as will be discussed in a later Mishna)? **A:** If he did the Avodah when he had one of the other disqualifications he would be oiver an assei.
- "Kilon" is a person whose head is like the cover of a barrel (narrow on top and wide on the bottom).
- "Lafta" is a person whose head is like the head of a turnip (wide on top and narrow on the bottom).
- A Braisa says, another psul is a person whose neck is positioned under the middle of his head.
- "Makvan" refers to one whose head is like an ax (the back is rounded and narrow).
- A head that is "shakut" refers to a head that is slanted to the front. And "sekifas" is when it is slanted to the back.
- A Braisa says, another psul is someone whose neck is "shakut" – it looks like he has no neck, or "shamut" – a very long neck.

UBAALEI CHATAROS R' YEHUDAH…

- If the hump has a bone all agree that the person is passul. The machlokes is where it does not have a bone – the **Chachomim** say he does not have the physical characteristics that are common to the children of Aharon and is therefore passul, and **R' Yehuda** holds that it is simply extra flesh, which does not make him passul.

HAKEIREI'ACH PASSUL

- **Rava** said, he is only passul if he has no hair in the back, but has a ring of hair in the front. However, if he has in the back and in the front, and certainly if he has only in the back, he is not passul.
    - **Some** say that **Rava's** statement was made on the end of the Mishna which said that if he has a ring of hair from ear to ear he is valid. On that **Rava** said, that is only if he has this hair in the back but not in the front, but if he has hair in the back and the front it is passul. And certainly, if he only has in the front and not in the back, or has none at all, he is passul.
- **R' Yochanan** said, bald people, dwarfs, and people whose eyes constantly tear are passul, because they do not have the physical characteristics that are common to the children of Aharon.
    - **Q:** The rulings regarding baldness and dwarfs are taught in Mishnayos!? **A:** He had to teach regarding the excessive tearing, because that is not mentioned elsewhere. He also had to teach regarding the other two so that we not think that they are passul only because they are disgusting to look at.
        - **Q:** Whenever the basis for a psul is based on the fact that such a thing is disgusting to look at ("maris ayin") the Mishna explicitly says so, as it does regarding one whose eyelashes have fallen out!? **A:** We would have thought that the Mishna's basing that on maris ayin is meant to apply to others as well (hunchbacks and the others that follow).
            - **Q:** The Mishna repeats the reason of maris ayin for other conditions, so we know that it gives the reason every time and should not be thought of as referring back to earlier conditions!? **A:** Rather, the reason **R' Yochanan** had to teach that baldness and dwarfism is passul for not being the physical characteristics that are common to the children of Aharon is to exclude a Braisa which says that they are only passul because of

maris ayin. This Braisa is the view of **R' Yehuda** from another Braisa where he learns from a pasuk that a bald Kohen is valid D'Oraisa to do the Avodah.

MISHNA

- If a Kohen has no eyebrows or only one eyebrow he is passul to do the Avodah, as this is the "gibein" that is written in the Torah as a mum. **R' Dosa** says that "gibein" refers to one with very long eyebrows. **R' Chanina ben Antignas** says, "gibein" refers to a person who has two backs or two spines.

GEMARA

- **Q:** Does "gibein" mean he does *not* have eyebrows? A Braisa says that "gibein" means that he has a lot of eyebrows (one long eyebrow from his two eyebrows becoming attached) and "*oy* gibein" comes to include a person missing one or both eyebrows!? **A: Rava** said, the **T"K** should be read as saying that missing both or one eyebrow is what is learned from the pasuk of "*oy* gibein".

R' DOSA OMER…

- **Q:** Does he mean to say that a person with two backs or spines can live? We have learned that **Rav** said that a woman who miscarries something that has two backs or spines is not considered to have given birth to a child since it could never be a viable child!? **A: Rav** explained to **R' Simi bar Chiya** that the Mishna is referring to a Kohen whose spine is bent so severely that it looks like two backs or two spines.

MISHNA

- A "charum" is passul. What is a charum? It is a person whose nose is so sunken in that he can paint both eyes with one swipe of the hand.
- If both his eyes are above, or both eyes are below, or one is above and one is below, or if he can look at a room on the first floor and the attic at the same time, he is passul. If he cannot look at the sun, or a "zagdan", or a "tziran", he is also passul.
- One whose eyelashes fell out is passul on the basis of maris ayin.

GEMARA

- A Braisa says, a charum is one whose nose is sunken in. How do we know that someone with a very short nose, or with a nose with closed nostrils, or with a long nose that goes beyond his upper lip, are also passul? We learn this from the pasuk of "*oy* charum". **R' Yose** says that charum is a person whose nose is so sunken in that he can paint both eyes with one swipe of the hand. They said to him, you have gone too far with your definition. Rather, it includes someone with a nose that is sunken in to less than that point.

----------Daf מד---44----------

SHTEI EINAV L'MALAH SHTEI EINAV L'MATAH

- **Q:** What does the Mishna mean? It can't be that when it says "both his eyes are above" it means that both always look up and when it says "both eyes are below" it means that both always look down, because then when it says "one is above and one is below" it would have to mean that one eye looks up and the other looks down, which would be the same thing as the next part of the Mishna that says "or if he can look at a room on the first floor and the attic at the same time"!? Rather, when it says "both his eyes are above" it means that his eyes are situated above where they should be, and "both his eyes are below" means that they are situated below where they should be, and "one is above and one is below" means that one is situated above and one is situated below. The Mishna then says, even if they are situated properly, "if he can look at a room on the first floor and in the attic at the same time" it is also a mum.
- **Q:** How do we know that these conditions constitute mumin? **A:** A Braisa says, the pasuk says "b'eino" which teaches that any mum in the eye is a mum that makes him passul. From here we learn that if both his eyes are below, or both eyes are above, or one is above and one is below, or if he can look at a room on the first floor

and the attic at the same time, or if he speaks to one person and seems like he is looking at someone else, he is passul.

- A Braisa says, the pasuk says "iveir" which refers to a person blind in both eyes or even in only one eye. The extra word of "*ish* iveir" teaches that white spots in the eye and an excessively watering eye are mumin when they are permanent conditions.
- **Rava** said, the Torah had to separately write "ish iveir…dak…tivalul b'eino". If the pasuk would only say "iveir" we would say that is a mum because the eye has been removed, but the case of white spots and watering are not mumin. Therefore the pasuk says "ish". If the pasuk would say "ish" we would say they are mumin because they cause total lack of vision, but something that only causes some lack of vision is not a mum. The pasuk therefore says "dak" to include even some lack of vision. We would say that when one part of the eye mixes with the other, which doesn't cause lack of vision, it is not a mum. The pasuk therefore says "tivalul". We would still not know that if the eyes are not situated properly or do not focus properly it is not a mum. The pasuk therefore says "b'eino".
  - **Rava** said, based on this, any mum that causes total blindness is included from "ish", anything with some lack of vision is included from "dak", anything with mixing of the parts of the eye is included from "tivalul", and anything that involves improperly situated eyes or focus of eyes is included from "b'eino".

SACHEI SHEMESH

- **R' Yosef** taught a Braisa that this refers to one who hates the sun.
- "Zagadyan" was explained by **R' Huna** to refer to a person who has two mismatched eyes.
  - **Q:** A Braisa says it means someone with different color eyebrows!? **A:** The word "zagdum" refers to anything that is mismatched and can refer to both these cases.
- "Hatziran" is explained to mean eyes that are round or very round, or eyes that drip to varying degrees.
- A Braisa adds 3 more conditions to the list of mumin: one whose eyes are in constant motion, one who has very long eyelashes, and one who has no eyelashes.
  - **Q:** We have learned that lack of eyelashes is only a mum on the basis of maris ayin, not D'Oraisa!? **A:** When the roots are still there it is only for maris ayin, but when the roots are gone it is a mum even D'Oraisa.

MISHNA

- If a Kohen's eyes are large like those of a calf or they are small like those of a goose, or if his body is too large for his limbs or it is too small for his limbs, or if his nose is too large or too small for his limbs, the Kohen is passul.
- If a Kohen is a "tzimem" or a "tzimeya" he is passul. A "tzimeya" is one with very small ears, and a "tzimem" is one whose ears are shriveled and closed.
- If his upper lip juts out beyond his lower one or his lower one juts out beyond his upper one it is considered a mum.
- If his teeth have fallen out he is passul on the basis of maris ayin.

GEMARA

- **Rav** said, that we see that Moshe Rabbeinu was 10 amos tall from the fact that he spread the covering over the walls of the Mishkan, when the walls were 10 amos tall. **R' Simi bar Chiya** asked **Rav**, the distance from the middle finger to the elbow is an amah. If Moshe was 10 amos tall (10X that length) then his body was disproportionate and he was a baal mum!? **Rav** said, Moshe's amah was longer than the standard amah and was in proportion to the rest of his body.

CHOTMO GADOL…

- A Braisa says that if his nose is longer than normal by even the width of a little finger, he is passul.

HATZIMEM V'HATZIMEYA

- A Braisa says that a "tzimayach" is also a mum.
  - The **Rabanan** did not know what a "tzimayach" was. They heard an Arab merchant announcing that he was selling a "tzimayach" and found that he was referring to a goat with long, hanging ears.

- **R' Chisda** said, a goat that doesn't have horns and a female sheep that has horns are valid to be offered on the Mizbe'ach. A Braisa says this as well. The Braisa says that a goat that doesn't have horns and a female sheep that has horns, and a tzimeyach, a tzimem, and a tzimeya are all valid to be brought on the Mizbe'ach
    - **R' Chisda in the name of Ameimar** said, if the horns of a korbon along with the boney insides were removed, the animal is passul, but it may not be redeemed. If its hooves with the boney insides were removed, they become passul and they may even be redeemed based on this.
        - **Q:** A Braisa says that even when the horns and the boney insides were removed it is passul and it *may* be redeemed based on that!? **A:** The Braisa is discussing where they were totally uprooted and **R' Chisda** is discussing where there were cut but not uprooted.
            - **Q:** A Mishna regarding the parah adumah says that cutting of the horns may be done to a parah adumah, which means that it would certainly not make it passul!? **A: Ze'iri** said, that is referring to cutting it above the level of the boney inside.

MISHNA

- If a Kohen has enlarged breasts, or has an enlarged stomach, or has a bellybutton that sticks out of his stomach, or if he gets seizures even if only once in a while, or he has demons that take hold of him, or he is a "me'ushban" (he has large beitzim), or is a "baal gever" (has a large eiver), he is passul.

GEMARA

- **R' Abba the son of R' Chiya bar Abba in the name of R' Yochanan** said, a talmid chochom may urinate in front of people (if he has the need) but may not drink in front of people.
    - A Braisa says this as well, and then says that it once happened that someone held himself back from urinating and it caused him serious stomach issues.
        - **Shmuel** once needed to do so during the drasha, so someone spread out a garment in front of him to give him some privacy and he relieved himself. His father later told him that it was not good that he only did so after having the privacy, because it would lead people to think that they must wait for privacy as well, and it will cause people to endanger themselves by so waiting.
        - **Mar bar R' Ashi** once relieved himself while standing on a bridge. People told him that his mother in law was approaching. He said, even relieving in front of her was preferable to holding himself back altogether.
        - **Q:** Maybe the person in the Braisa got the stomach issues from swallowing a bug or something? **A:** The case was that his urine flow was also messed up, so it certainly was the result of holding himself back.
- A Braisa says, there are two holes in a person – one to let out urine and one to let out zerah, and the separation between these two places is like the thickness of a garlic peel. If a person needs to relive himself and doesn't, and it causes it to go into the other area, it makes the person sterile.
    - **Reish Lakish** said, the pasuk of "lo yihiyeh bicha akar va'akara ubivhemtecha" teaches that when one doesn't worry about modesty, like animals (and relieves himself as soon as he needs to) he won't become sterile.
        - **R' Yehoshua ben Levi** said this pasuk means that if one relieves himself when he needs to he will never be empty from having talmidim or from having his tefillos answered.
    - **R' Pappa** said a person should not urinate on non-absorbable substances in Bavel, because it will end up in the rivers, whose waters end up in EY.
    - **Abaye** said, a woman should not relieve herself directly in front of a child, but to the side is ok.
    - A Braisa says, **R' Shimon ben Gamliel** said, holding back from having a bowel movement causes stomach sickness, and holding back from urinating causes jaundice.
    - **Rabbah bar R' Huna in the name of R' Katina in the name of Reish Lakish** said, a buildup of blood in the body causes boils, a buildup of zerah causes tzaraas, a buildup of solid wastes causes stomach illness, and a buildup of urine causes jaundice.

- The Mishna listed the mum of a "ruach ketzaris" that comes on a person. A Braisa explains, this refers to the spirit known as "ben nefalim" that takes hold of the person.

HAME'USHBAN UBAAL GEVER

- A Braisa says "me'ushban" refers to enlarged beitzim and "baal gever" refers to an enlarged eiver. **R' Yehuda** explained, the eiver is considered to be enlarged for this purpose if it reaches the knee. A Braisa says, **R' Eliezer ben Yaakov** says, if it reaches the knee he is passul, but if it is above the knee he is valid. **Others** said that the Braisa said, if it reaches the knee he is valid, but if it reaches below the knee he is passul.

MISHNA

- If a Kohen has no beitzim or has only one beitzah, he is what the pasuk refers to as the mum of "maro'ach ashech". **R' Yishmael** says this pasuk refers to one whose beitzim are crushed. **R' Akiva** says it refers to one whose beitzim are swollen. **R' Chanina ben Antignas** says it refers to a Kohen with a dark complexion.

GEMARA

- **R' Yishmael** doesn't agree with the **T"K**, because if he is correct the pasuk should have said "chaser ashech". **R' Akiva** doesn't agree with **R' Yishmael**, because if he is correct the pasuk should have said "mimro'ach ashech". **R' Chanina ben Antignas** doesn't agree with **R' Akiva**, because if he is correct the pasuk should have said "ruach ashech".
- **Q:** How can **R' Chanina ben Antignas** say that a Kohen with a dark complexion is fully passul (and the Avodah would be passul) when a Mishna later says that a Kohen who has that dark complexion would not passul the Avodah that was done!? **A: R' Chanina** did not have the version of the later Mishna like we do, and his version did not say that the Avodah of such a Kohen would not be passul.

----------Daf מה---45----------

MISHNA

- If one is bowlegged (his ankles turn into each other but the knees turn out from each other), or his ankles turn out from each other and his knees turn towards each other, or he has a bulge of flesh in his big toe ("baal hapika"), or one who is "ikeil" – which means, that when he puts his feet together when sitting, his knees don't touch each other, or if his heel sticks out behind him, or his feet are wide like a goose, or his toes ride on top of each other, or if two or more toes are attached, he is passul. If they are only attached until the knuckle he is valid. Even if they were attached more than that and he then cut them to separate them, he is valid. If he had an extra one (e.g. toe) and he cut it off, if there was a bone in it he is passul, if not he is valid.
    - If one has an extra limb in his hands or feet – 6 on each hand and foot, for a total of 24 limbs (fingers and toes), **R' Yehuda** says he is valid and the **Chachomim** say he is passul.
    - One who is ambidextrous, **Rebbi** says he is passul and the **Chachomim** say he is valid.

GEMARA

- A Braisa says, the pasuk says "shever ragel" – a broken leg is a mum. How do we know to also include the person who is bowlegged, or where he is an "ikeil" or has a bulge of flesh coming from his big toe? The pasuk therefore says "*oy* shever ragel".
- A Braisa adds the mumin of "baal hapikin" and "shufnar". **R' Chiya bar Abba in the name of R' Yochanan** said "baal hapikin" is one with large ankles and "shufnar" is one without ankles.

PIKA YOTZA MIGUDALO…

- **R' Elazar** said, the case of the heel behind him is where the leg is situated in middle of his foot.

PARSOSAV RECHAVOS KISHEL AVUZ

- **R' Pappa** said, this means even if the toes are not attached, but they are flat.

ETZBA'OSAV MURKAVOS ZU AHL GAV ZU OY KELUTOS

- A Braisa says, the pasuk says "shever yad" – a broken hand is a mum. How do we know to also include the person who has fingers that ride up on each other, or whose fingers are connected from the knuckle to the palm if it was not cut? The pasuk therefore says "*oy* shever yad".

HUYSA BO YOSERES V'CHATCHA IHM YEISH BAH ETZEM…

- **Rabbah bar bar Chana in the name of R' Yochanan** said, this is only true if the extra finger or toe is in line with the other fingers or toes.
    - A Braisa says, if an extra finger or toe that was taken from a human body has a bone but no nail, it gives off tumah by touching and carrying and by ohel. It also counts towards the 125 bones needed to make up a majority of a human skeleton.
        - **Rabbah bar bar Chana in the name of R' Yochanan** said, this is only true if the extra finger or toe is in line with the other fingers or toes.
    - **R' Chisda** said that **Rav** said that if an extra finger or toe that was taken from a human body has a bone but no nail, it gives off tumah by touching and carrying but not by ohel.
        - **Rabbah bar bar Chana in the name of R' Yochanan** said, this is only true if the extra finger or toe is in line with the other fingers or toes.
        - **Q: R' Chanina** asked, this ruling was said as if they were words of prophecy (requiring no explanation)!? If it is considered a finger or toe it should give off tumas ohel, and if it is not, it should also not give off tumah by touching or carrying!? **A: R' Huna bar Mano'ach in the name of R' Acha the son of R' Ika** said, they treated this like a bone the size of a barley (which gives off tumah by touching and carrying but not by ohel). **A2: R' Pappa** said, they were goizer in a case of where they were not in line with the other fingers and toes for a case in which they were. For this gezeira it was enough to make them tamei by touching and carrying without having to make them tamei even with ohel.
- A Mishna says, if we have the majority of bones that make up the skeleton – based on structure or number, even if it is less than a quarter of a kav, it gives off tumas ohel.
    - A Braisa says, what is the majority of the structure? It is the two shinbones and one thighbone, since that makes up most of the height of a person. The majority based on number is 125 bones.
        - **Q: Ravina** asked **Rava**, is the Tanna teaching us mathematics? **A:** It is teaching us like a Braisa says, that even if the particular meis had less or more bones that the normal person, we still require the 125 bones that make a majority of a normal person (who has 248 bones).
        - **R' Yehuda in the name of Shmuel** said, it once happened that the talmidim of **R' Yishmael** were ordered by the king to boil the corpse of a woman who was executed. They examined and found that the skeleton was made of 252 bones. When they asked **R' Yishmael** he said to them, you must be talking about the skeleton of a woman, which the pasuk teaches has 4 extra bones (which he referred to as 2 "hinges" and 2 "doors"). A Braisa says this as well (regarding the "hinges and doors" of a woman).
        - **Rava** said, these extra limbs of a woman do not give off tumas ohel, because the pasuk says "zos haTorah adam ki yamus b'ohel", which teaches that the regular limbs of a person give off tumas ohel.
            - **Q: Abaye** asked, there are pesukim which refer to the "hinges" of men as well!? **A:** Those are of flesh, not bones. It must be the case, because if not, we will have no person with 248 limbs!

YESER B'YADAV UBIRAGLAV…

- **R' Yitzchak** said, they both darshan the same pasuk. The pasuk tells of the mighty warriors having 6 fingers on each hand and 6 toes on each foot. The **Rabanan** hold that the Torah means to shame them, whereas **R' Yehuda** says the pasuk is praising them.
    - **Rabbah** asked, why is it necessary for that pasuk to say there were 6 on each hand and foot "for a total of 24"? Is it teaching mathematics? If it didn't give the total we would think it meant that one hand and one foot had 6 but the others had 5. If it would have only given the total we would have thought that

one hand had 5 and one had 7. That's why both are necessary. The word "mispar" teaches that the extra limbs were on the row of the other fingers and toes.

- A Braisa says, **R' Yehuda** said there was a person with an extra limb on each hand and foot that went to **R' Tarfon**, who told him "May there be many like you in Klal Yisrael"! We see that it's not a mum. **R' Yose** said this is not a proof. It may be that he was telling the person, "I wish that all mamzeirim and nesinim would have this defect so that people would know to stay away from them".

HASHOLET BISHTEI YADAV

- A Braisa says, if one is a lefty – either with the hand or the foot, he is passul for the Avodah. One who is ambidextrous, **Rebbi** says he is passul but the **Rabanan** say he is valid. **Rebbi** says this comes from a weakness in the right hand and the **Rabanan** say this comes from a strength in the left hand.

MISHNA

- A "kushi", "gichor", "lavkan", "kipei'ach", dwarf, cheireish, shoteh, a drunk, and those having tahor nega'im, all make a person passul but are valid for an animal. **R' Shimon ben Gamliel** says, an animal that is a shoteh is not the choicest of korbanos. **R' Elazar** says, also hanging flesh makes a person passul but does not make an animal passul.

GEMARA

- "Kushi" is one with very dark skin. "Gichor" is one with very white skin. "Lavkan" is one with very red skin.
    - **Q:** A person once asked, "Who wants sheep that are "lavkans?", and he was selling white sheep!? **A:** Rather, kushi is black, gichor is red, and lavkan is white.

KIPEI'ACH

- **R' Zvid** said, this refers to someone who is extremely tall.
    - **Q: R' Avahu** taught a Braisa that darshens a pasuk that seems to praise tall people!? **A: R' Pappa** said, the Mishna is referring to one who is tall and thin and stooped over.
- **Reish Lakish** said, a very tall man should not marry a very tall woman because they may have extremely tall children. A very short man should not marry a very short woman because they may have children that are extremely short. A very white skinned man should not marry a very white skinned woman because they may have children that are extremely white. A very dark skinned man should not marry a very dark skinned woman because they may have children that are extremely dark.

HACHEIREISH HASHOTEH V'HASHIKOR

- The Avodah done by a drunk person is passul, so why do we have to list it as a mum? **A:** The Mishna is referring to one intoxicated from things other than wine. This does not follow **R' Yehuda**, who holds that one who does the Avodah when intoxicated from things other than wine is chayuv malkus (which would mean that he would also hold that the Avodah is passul based on that).

MISHNA

- The following things do not make a man passul, but do make an animal passul: oso v'es beno, being a treifa, being born with a Caesarean Section, the animal having been mezaneh with a person, an animal that killed a person.
- A Kohen who marries a woman who is assur to him is passul to do the Avodah until he makes a neder making her assur b'hana'ah to him. Also, a Kohen who makes himself tamei to the dead may not do the Avodah until he accepts upon himself to no longer become tamei to the dead.

GEMARA

- **Q:** What is the possible case and comparison to a Kohen with the issur of oso v'es beno? It can't refer to Aharon and his sons, because oso v'es beno doesn't apply to a father, only to a mother!? It can't be referring to a woman Kohen and her son, because a woman Kohen can't do the Avodah! **A:** In EY they said in the name of **R' Yose bar Avin** that we see from here that the Tanna of our Mishna is **Chananya**, who says that oso v'es beno applies even to a father and his offspring.

Daf In Review – Weekly Chazarah

V'HANOSEI NASHIM…

- A Braisa says, he makes the neder not to benefit from her, he may then go up and do the Avodah, and then comes down and divorces her.
    - **Q:** Why are we not concerned that he will then go and be matir neder and not divorce her? **A:** Our Mishna holds that one must detail the neder in order to be matir neder and the chochom will not be matir neder when he hears what the neder was.
        - **Q:** How will the Mishna be explained according to the view that one need not detail the neder? **A:** We make him take the neder in public, which makes that it can't be annulled.
            - **Q:** How will the Mishna be explained according to the view that even such a neder may be annulled? **A:** We make him take the neder based on the understanding of the public, in which case **Ameimar** said that all agree that it can't be annulled.
                - **Ameimar's** ruling is true if he wants to be matir neder for an optional reason. However, if he wants to do so for a mitzvah, it may be annulled. We find that **Ravina** did this for a neder not to allow a certain rebbi of children. He did so because there was no rebbi that was as good as him.

V'HAMITAMEI L'MEISIM…

- **Q:** Why is it that regarding the wife he must make a neder and regarding this he only needs to "accept it upon himself"? **A:** In the case of the wife his desire will prevent him from following through unless he makes a neder.

HADRAN ALACH PEREK MUMIN EILU!!!

----------Daf מו---46----------

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.

----------Daf מז---47----------

- If a goy had children and then converted, **R' Yochanan** says the firstborn son he has as a Yid will not be a bechor for purposes of inheritance, because it is not his "reishis ono", and **Reish Lakish** says it will be a bechor for inheritance, because a convert is considered a newborn baby, and any previous children are no longer considered to be his children.
  - They each follow their view of elsewhere. We have learned, if a goy had children and then converted, **R' Yochanan** said he has fulfilled his obligation of "pru urivu" with those children and is not obligated to have more, because he has fulfilled the pasuk of "lo sohu bira'ah lasheves yitzara". **Reish Lakish** said he not fulfilled the mitzvah with those children, because a convert is considered a newborn baby and any previous children are no longer considered to be his children.
    - It is necessary for them to argue in both of these cases. If they would only argue in the case of bechor for inheritance we would say that **Reish Lakish** holds that way there, because a convert's children born prior to his conversion do not inherit him. However, with regard to pru urivu we would say that he agrees with **R' Yochanan** that the children born before the conversion fulfil the pasuk of "lo sohu bira'ah lasheves yitzara" since he has brought inhabitants into the world. And, if we only had the machlokes in the case of pru urivu we would have said that **R' Yochanan** only holds that way in that case for that reason, but in the case of bechor for inheritance we would say that he agrees with **Reish Lakish**. That is why both arguments are needed.
  - **Q:** The Mishna said, 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. Now, who did the goy or maidservant have this child (that the Mishna says is a bechor for inheritance) from? It can't be from a Yid who had not previously had any children, because then there is no reason for the Mishna to give the case of the goy or the maidservant and could have instead given the case of a Jewish woman who had already had children!? Rather, the case must be referring to a woman who had children with her husband when they were both goyim, they both then converted together and then had a son. It is this son that the Mishna refers to and we see that the son is a bechor for inheritance, contrary to **R' Yochanan**!? **A:** The Mishna is referring to a Yid that had not previously had children, and the reason the

Mishna gave the case of the goy is to say that the first son she has as a Yid is not a bechor for a Kohen, which excludes the view of **R' Yose Haglili** who says that it would be a bechor for the Kohen.

- **Q:** A Braisa says, if a man had children while he was a goy and then converted, he can have a bechor for purposes of inheritance. This refutes **R' Yochanan**!? **A: Ravina** (or **R' Acha**) said, this Braisa follows **R' Yose Haglili** who learns from the pasuk that a woman goy who converts, her first son born as a Yid is considered to be a bechor for the Kohen. He then learns a male convert from the female convert and learns that the male convert's first son would similarly be a bechor for purposes of inheritance.

- **R' Ada bar Ahava** said, if the daughter of a Levi has a firstborn son, the son would not have to be redeemed from the Kohen.
  - **Q:** Who is the father of the child? It can't be where the father is a Kohen or a Levi, because in that case even if the woman is a Yisraelis the bechor would be patur from redemption. It also can't be that the father is a Yisrael, because the pasuk of "l'mishpichosam l'beis avosam" teaches that we follow the father to decide what shevet the child belongs to, and as such this child is a Yisrael and should be subject to redemption!? **A: R' Pappa** said, the case is where the father was a goy, and even according to the view that says that this child is a mamzer, it would be a mamzer that is a Levi (there is no Jewish father to follow, so he belongs to the shevet of the mother) and would therefore be patur from redemption. **A2: Mar the son of R' Yosef in the name of Rava** said, the case is that the father was a Yisrael. However, the pasuk says that redemption is dependent on whose womb was opened ("peter rechem") and therefore, when the woman is a Levi her son is patur.
    - **Q:** Our Mishna said, 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. Now, the case of the mixing up of the babies suggests that the son of a Kohenes and of a Leviya are patur from redemption. Who is the husband? It can't be where the father is a Kohen or a Levi, because in that case even if the woman is a Yisraelis the bechor would be patur from redemption! Rather, you will say that the case is where the father was a goy? In that case the son of the Kohenes would not be patur, because **R' Pappa** said that **Rabbah** would test us and say that the son of a Kohenes from a goy would be chayuv in redemption and is different from the case of the son of a Leviya and a goy, because a Kohenes who is mezaneh with a goy becomes passul as loses her kedusha, whereas a Leviya would not! Now, according to **R' Pappa** who said that the case is that the father was a goy, how can he explain the Mishna!? **A:** The Mishna is referring to a case where the father was a Kohen and the mother was a Yisraelis and the reason the Mishna calls her a Kohenes is because she has a son who is a Kohen.

- If a Kohen died and left a son who was a chalal (who does not have the status of a Kohen), **R' Chisda** says the son would have to redeem himself, and **Rabbah bar R' Huna** says he would not have to do so. The Gemara says, if the father died after the son was 30 days old all would agree that the son would not have to redeem himself, because the father had the rights to the redemption money when he was alive (the father is a Kohen, and would therefore have to separate money to redeem his son, but would then keep the money for himself) and he inherits that right from his father. The machlokes is where the father died before the son was 30 days old – **R' Chisda** says he is chayuv because the father never got the rights to the money (the obligation to redeem only begins at 30 days old) and **Rabbah bar R' Huna** holds that he does not have to redeem himself, because he can tell the Kohen "I come from the power of someone that you would not be able to litigate against".

- **Q:** Our Mishna said, if a woman converted while pregnant, the son is a bechor for the Kohen. According to **Rabbah bar R' Huna** he should be able to say, "I come from the power of someone that you would not be able to litigate against"!? **A:** The case of the goy is different, because the son is not considered to be related to the father and therefore doesn't come with his power.
- **R' Shimon ben Yasina in the name of Reish Lakish** said like **R' Chisda**.

V'CHEIN MI SHELO SHAHASA ACHAREI BAALAH…

- **Q:** The Mishna suggests that this questionable son does not get the special portion of a bechor, but would get a regular inheritance. Why is that so? The other children of each husband can push him away and say that he does not share their father!? **A: R' Yirmiya** said, the Mishna means to say that the one who is born *after* him is not a bechor for inheritance.
  - **Q:** Why can't this son and the one that comes after him team up and write a power of attorney from one to the other that would then allow them to come as a bechor with certainty!? We find that a later Mishna refers to a case of where such a method is used, so this Mishna can be discussing the same as well!? **A:** We must say that our Mishna supports **R' Yannai** who says that if the father knew which was his bechor and then the bechor got mixed up, the power of attorney plan can work. However, if the father never knew with certainty, this plan can't work.

MISHNA

- What is the case of a bechor for inheritance and for the Kohen? If a woman miscarries an embryo full of water, or full of blood, or full of different colored substances, or has a miscarriage of something that looks like fish, grasshoppers, shekatzim, or remasim, or if she miscarries on the 40th day from conception, then the son born after them is a bechor for inheritance and for the Kohen.
- A firstborn son born via Caesarian section and the son born after him are not a bechor for inheritance or for the Kohen. **R' Shimon** says the first one is a bechor for inheritance and the second is a bechor for the Kohen.

GEMARA

- The **T"K** holds that the first one is not a bechor for inheritance, because the pasuk says that bechor has to be "v'yaldu lo", which refers to a natural birth. He is also not a bechor for the Kohen, because he is not the "peter rechem". The second son is not a bechor for inheritance, because he is not the "reishis ono" and is not the bechor for the Kohen, because he holds that a bechor can't be a bechor for the Kohen unless he is the "peter rechem" and is also the oldest child. **R' Shimon** says the first one is a bechor for inheritance, because he says the pasuk of "teileid" comes to include a bechor born via Caesarian section, and he holds that the second one is a bechor for the Kohen, because he holds that if a son is the "peter rechem", even if he is not the oldest child, he is a bechor for the Kohen.

----------Daf מח---48----------

MISHNA

- If one's wife had never given birth and then gave birth to twin boys (and he doesn't know which was born first), the father must give 5 sela'im to the Kohen. If one of the babies died within 30 days, the father is patur from giving the 5 sela'im. If the father died, but the sons are still alive – **R' Meir** says, if they gave 5 sela'im from the estate before they divided the estate it is considered properly given, but if they did not give it before they divided the estate they are patur from doing so after. **R' Yehuda** says the estate has become chayuv.
  - If the wife had given birth to twins – a boy and a girl, the Kohen gets nothing at all.

GEMARA

- **Q:** In the case of the Mishna that the father died – when did he die? It can't be that he died after the boys were 30 days old, because in that case his estate has become chayuv to pay the 5 sela'im and therefore **R' Meir** would say that it must be given to the Kohen even after the estate was divided!? If the father died within 30 days of their birth, then even if the estate was not divided, if the Kohen goes to collect from one of the sons he can push

him to his brother, and the other can do the same, so why would they be chayuv to pay!? **A: R' Yirmiya** said, the case is where the father died within the 30 days, and this Mishna teaches that if there are two people in a city with the same name and a loan document against one of them is produced (in which case it can't be used to collect from either, because each one can say it is not him, but the other, who owes the money) and these two people then buy a field in partnership, the borrower can collect from that field. He can tell each of the partners – if you are the one who owes me the money, I am taking from your share of the field, and if it is the other partner, I am taking from his share. That is why in our Mishna the Kohen can collect from the estate while it is still owned by both of them in partnership.

- **Q: Rava** asked, the property of a person acts as the guarantor (the "arev") for that person (which is why one may collect from a field). If one may not collect from the debtor himself he may not collect from the arev! If so, how can it be that the Kohen, who can't collect from either brother, may still collect from their possessions!? **A:** Rather, **Rava** said, the case of the Mishna is where the father died after the boys were 30 days old (and his estate is therefore obligated to pay the 5 sela'im). Now, if the estate was a "large estate" (in this case, at least 10 sela'im) all would agree that the Kohen would collect 5 sela'im from the estate even after it was divided. The case in the Mishna is where there is only 5 sela'im in the estate (with each brother getting 2.5 sela'im). All agree with **R' Assi** that when brothers divide an estate they are viewed as being half heirs and half purchasers of the estate (a machlokes elsewhere whether we say "breira" and each brother gets his inherited share of the estate, or we don't say "breira" and each is viewed as having traded for the share from his brother in exchange for what the brother ends up getting), and therefore each boy only has 1.25 sela'im that are viewed as having been inherited. Everyone also holds that a loan written in the Torah (an obligation, like the obligation to give the Kohen 5 sela'im) is not considered as if it is a debt written in a loan document. Everyone also agrees with **R' Pappa** who says that an oral loan may only be collected from heirs, and not from purchasers (which means that only the 1.25 sela'im of each brother is subject to collection by the Kohen). The machlokes in the Mishna is whether the Torah allows the Kohen to collect less than the full 5 sela'im (in this case he can only collect a total of 2.5 sela'im). **R' Meir** says he may not, and therefore he collects nothing, and **R' Yehuda** says he does, and therefore he collects the 2.5 sela'im.
    - **Q:** If this is correct, the Mishna should not say that **R' Yehuda** argues and holds that "the estate has become chayuv", but should rather say that "the boy is chayuv"!? Also, a Braisa seems to say that **R' Yehuda** would agree that a Kohen may not collect if there is less than the full amount of 5 sela'im available for collection!? **A:** Rather, all agree that a Kohen may not collect less than the full 5 sela'im. The machlokes in the Mishna is either regarding the halacha of **R' Assi** or regarding the halacha of **R' Pappa**.
- **Others** say that this above discussion was originated on the later part of the Mishna, where **R' Yehdua** said that the estate is chayuv to pay even if the estate was already divided. The Gemara asks, if the father died after the boys were 30 days old, why would **R' Meir** say the estate is patur – it became obligated at the 30 days!? Rather, it must be that the father died within the 30 days. If so, when it was divided already why would **R' Yehuda** say it is chayuv? Each boy can push off the Kohen to his brother!? **R' Yirmiya** said, we see from here that if there are two people with the same name in a city and there is a loan document against one of them, and one of these people bought a field from the other, the creditor can then go and collect from that purchased field, because he can tell the owner – if you are the one who owes the money, I am collecting from you, and if it is the other one who owes the money, this field became mortgaged to me before it was sold to you. The same can be said in our Mishna, because each brother is considered to have purchased his share of the estate from his brother. **Rava** asked, the property is only an areiv…and the discussion then continues as it did above.

MISHNA

- If a man had two wives and each gave birth to a firstborn son (but they became mixed up) he must give 10 sela'im to the Kohen. If one of them died within 30 days (and he had already given the money), if he had given

all 10 to one Kohen, the Kohen must return 5 sela'im. If he had given 5 to one Kohen and 5 to another, he cannot demand return from either of them.
    - If one wife gave birth to a boy and the other gave birth to a girl, or if they gave birth to a total of 2 boys and one girl, he gives 5 sela'im to the Kohen.
    - If they gave birth to a total of 2 girls and one boy, or 2 boys and 2 girls, the Kohen does not get anything at all.
- If a man had 2 wives – one that had previously had a child and one that had not – and they each give birth to a boy (and the babies become mixed up), he must give 5 sela'im to the Kohen. If one of the babies died within 30 days, the father is patur. If the father died and the sons are alive, **R' Meir** says, if they gave the Kohen 5 sela'im before diving the estate, it was rightfully given to the Kohen. If not, they are patur. **R' Yehuda** says the estate became chayuv to give 5 sela'im to the Kohen.
    - If they gave birth to a boy and girl (total between the two of them), the Kohen does not get anything at all.
- If there are two wives of two different men and neither have ever given birth and they each have a boy (and they become mixed up), each father must give 5 sela'im to the Kohen. If one of the babies died within 30 days, if they had both given their 5 sela'im to the same Kohen, this Kohen must return 5 sela'im to them. If they had each given to a different Kohen, they cannot demand return of the money from either Kohen.
    - If one woman had a boy and one had a girl, both fathers are patur from giving anything to the Kohen, and the boy is chayuv to redeem himself.
    - If they gave birth to two girls and one boy in total, or to two girls and two boys, the Kohen gets nothing at all.
- If there are 2 wives of different men, one of the woman having already given birth previously and one having never given birth, and they each give birth to a boy (and the babies become mixed up), the husband of the woman who had never yet given birth must give 5 sela'im to the Kohen. If the woman gave birth to a boy and a girl in total, the Kohen gets nothing at all.

GEMARA

- **Q:** In the Mishna's first case, why is it that when they gave it to two different Kohanim each Kohen can refuse to return the money, but when they gave it to one Kohen he must return the money? In this case as well the Kohen should be able to tell each father – you are not the one that deserves the return of the money (and since they can't prove it, he should not have to return it)!? **A: Shmuel** said, the case is where one gave power of attorney to the other, and therefore, the father that demands the money is coming with the power of both fathers.
    - **Q:** In Neharda'ah they said, that we don't write power of attorney for collection of moveable property!? **A:** That is only true where the defendant denies the claim.

ZACHAR UNIKEIVA HA'AVOS PETURIN

- **R' Huna** taught a Braisa that if there are two wives of two men and the wives had never given birth, and then they have 2 boys and one girl between them, the Kohen gets nothing at all.
    - The reason our Mishna does not mention this case is because it can only be true when dealing with two husbands, but not when dealing with 2 wives of one husband, and the Mishna wanted to stay consistent with cases that could apply to cases of where there is even only one husband.

----------Daf מט---49----------

MISHNA

- If a bechor died within 30 days of being born, even if the father already gave the 5 sela'im to the Kohen, the Kohen must return the money. If he died after reaching 30 days old, even if the father had not yet given the money to the Kohen, he must now give the money to the Kohen. If the boy died on his 30th day, it has the status as if he died before the 30th day. **R' Akiva** says, in that case if the father already gave the money he does not take it back, but if he had not yet given it he need not give it.

Daf In Review – Weekly Chazarah

GEMARA

- The **Rabanan** say that the chiyuv begins on the 31st day, because they learn a gezeira shava on "chodesh" from the counting of the bechorim in the Midbar – just as over there it refers to *over* 30 days old, as the pasuk says "miben chodesh vamaalah", so too regarding pidyon haben it refers to *over* 30 days old. **R' Akiva** is uncertain. He says, since the Torah felt the need to write "vammalah" regarding arachin, and didn't learn it from the counting in the Midbar, there are 2 pesukim written teaching the same thing, and when we have two pesukim teaching the same thing we do not learn from them to elsewhere. Or maybe we say that we don't learn from such pesukim to other subjects, but maybe we still can learn for the same subject matter – i.e. bechor. That is why he is uncertain.
    - **R' Ashi** said, all agree that with regard to aveilus, the 30th day (if the baby dies on the 30th day) is treated like before the 30th day (and he is considered to be a neifel in which case aveilus won't apply), because **Shmuel** has said that we always follow the lenient view with regard to aveilus.

MISHNA

- If a father died before his bechor was 30 days old we have a chazaka that the son was not redeemed, until he can bring proof that the father did redeem him. If the father died after the bechor was 30 days old, we have a chazaka that he was redeemed, until they tell him that he was not redeemed.
- If a man has only 5 sela'im and he has to redeem himself (he is a bechor who was never redeemed) and he has a son to redeem, his own redemption takes precedence over his son's redemption. **R' Yehuda** says that his son's redemption takes precedence, because the mitzvah to redeem himself is really on his father, whereas the mitzvah to redeem his son is on him.

GEMARA

- We have learned, if one redeems his son before his son is 30 days old, **Rav** says his son is redeemed and **Shmuel** says he is not.
    - All agree that if the father says the redemptions should take effect "as of now" his son would not be redeemed. All also agree that if he says it should take effect after his son is 30 days old and when that time comes the money is still in existence, the son is redeemed. The machlokes is where he said it should take effect after his son is 30 days old and when that time comes the money is no longer in existence – **Rav** says the son is redeemed just like the case of kiddushin money given to take effect after 30 days, where if at that time the money is no longer in existence the woman is still mekudeshes. **Shmuel** says the case of kiddushin is different, because if he wants he can be mekadesh her now whereas in our case he cannot redeem the son now.
    - Although the general rule is that when **Rav and Shmuel** argue we pasken like **Rav** regarding issurim and like **Shmuel** regarding monetary laws, in this case we pasken like **Shmuel**.
    - **Q:** The Mishna said, if a bechor died within 30 days of being born, even if the father already gave the 5 sela'im to the Kohen, the Kohen must return the money. This suggests that if the son was still alive he would be considered as redeemed!? **A:** The case may be where the money is still in existence.
    - **Q:** The Mishna said that within the 30 days of a child's birth we have a chazaka that the son was not redeemed until he can bring proof that the father did redeem him. We see that if he does bring proof it would be a valid redemption!? **A:** Here too, the case is where the money is still in existence.
    - A Braisa was taught in front of **R' Yehuda**. The Braisa said, if one redeems his son within 30 days of his birth, the son is redeemed. **R' Yehuda** said to the one who taught the Braisa, **Shmuel** says the son would not be redeemed and you are teaching that he would be redeemed!?
        - The Gemara says, although the general rule is that when **Rav and Shmuel** argue we pasken like **Rav** regarding issurim and like **Shmuel** regarding monetary laws, in this case we pasken like **Shmuel**.

HU LIFDOS UBENO LIFDOS HU KODEM LIVNO…

Daf In Review – Weekly Chazarah

- A Braisa says, if a man must redeem himself and has a son who must be redeemed, his own redemption takes precedence over that of his son. **R' Yehuda** says his son's redemption takes precedence, because his own redemption was the obligation of his father, whereas his son's redemption is an obligation on him.
    - **R' Yirmiya** said, all agree that if he only has 5 sela'im, his own redemption takes precedence, because one's own mitzvah comes first. The machlokes is where he has 5 sela'im of unencumbered money, and 5 sela'im in encumbered monies. **R' Yehuda** holds that an obligation in the Torah is like a written loan, and therefore he should use the unencumbered money to redeem his son, and have the Kohen collect the encumbered money for his own redemption. The **Rabanan** hold that such an obligation is not like a written debt. Therefore, he should use the available money for himself, since one's own mitzvah takes precedence.