Bechoros 48 – Good Morning Raboisai

1️⃣ Bechor for Both Nachalah and Pidyon HaBen

The Mishnah discusses a Bechor who qualifies for both:

👉 Bechor L'Nachalah – receiving a double portion of Yerushah.

👉 Bechor L'Kohen – requiring Pidyon HaBen.

Normally, of course, a regular firstborn son can have both. The Mishnah's Chiddush is what happens when there was an earlier unusual pregnancy or miscarriage.

2️⃣ Miscarriages That Do Not Remove Bechorah

If a woman previously miscarried something that does not have the status of a significant birth, the next son can still be a complete Bechor for both purposes.

The Mishnah includes cases such as:

👉 A sac filled with water.

👉 A sac filled with blood.

👉 Unformed material.

👉 Something resembling small creatures.

👉 A miscarriage within forty days of conception.

These do not necessarily remove the next son's status as the Bechor for either Nachalah or Pidyon HaBen.

3️⃣ Yotzei Dofen – Caesarean Birth

A child born by Caesarean section creates a fascinating situation.

According to the Chachamim:

👉 The Caesarean-born first child is not a Bechor for Nachalah.

👉 He is certainly not Peter Rechem for Pidyon HaBen because he did not open the womb.

What about the next son, who is born naturally?

👉 He is also not a Bechor for Nachalah.

The father's first child already existed, even though that first child did not qualify for the double portion.

4️⃣ Rebbi Shimon – Two Different Bechoros

Rebbi Shimon has a remarkable opinion.

He allows the two different aspects of Bechorah to be divided between two children.

👉 The first child, although born by Caesarean, can be the Bechor for Nachalah.

👉 The second child, born naturally, can be the Peter Rechem for Pidyon HaBen.

Thus, according to Rebbi Shimon, one family can effectively have:

👉 One Bechor for Yerushah.

👉 Another Bechor for Pidyon HaBen.

5️⃣ Why Do the Chachamim Disagree?

The Chachamim derive from the Pesukim that Bechorah for Nachalah requires the appropriate form of birth.

A Caesarean delivery does not satisfy that requirement.

But the second child also cannot simply become the Bechor for Nachalah:

👉 He is not the father's Reishis Ono – the first child over whom the father has the status of firstborn.

Pidyon HaBen, meanwhile, specifically requires:

👉 Peter Rechem.

Therefore, each form of Bechorah has its own conditions.

Twins and Pidyon HaBen

6️⃣ Two Male Twins – Which Is the Bechor?

A woman who never previously gave birth has twin boys.

We know:

👉 One of them is definitely the Bechor.

But we do not know which one emerged first.

The father still owes:

👉 Five Sela'im to a Kohen.

Why?

Because whichever son came first, there is definitely a Bechor requiring Pidyon.

7️⃣ What If One Twin Dies?

Suppose one of the two boys dies before the Pidyon.

Now the father can argue:

👉 Perhaps the child who died was the Bechor.

If so, the surviving child does not require Pidyon.

This introduces the principle:

👉 HaMotzi MeChaveiro Alav HaRaayah.

The Kohen must establish that money is actually owed before he can collect it.

The Father Dies

8️⃣ Did the Father Die Before or After Thirty Days?

The Mishnah discusses a case where the father dies and it is uncertain which of the sons is the Bechor.

The timing becomes crucial:

👉 Did he die before thirty days?

or:

👉 After thirty days?

If the Pidyon obligation had already taken effect:

👉 There may already be a Shibud – a lien – upon the father's estate.

That can allow the Kohen to collect from the inherited property.

9️⃣ Before the Brothers Divide the Yerushah

If the estate has not yet been divided:

👉 The property is still held together as the father's estate.

If the Pidyon money is owed from that estate, the Kohen has a stronger claim.

But after the brothers divide the property:

👉 Each brother can potentially tell the Kohen that the other one is the actual Bechor.

This leads into a major discussion about inheritance, liens and doubtful debtors.

🔟 Rebbi Yehudah – The Estate Remains Obligated

Rebbi Yehudah holds that even after the brothers divide the estate:

👉 The Kohen can still have a claim against the inherited property.

The obligation is not merely a personal claim against whichever son happens to be the Bechor.

Rather:

👉 The father's property itself can carry the Shibud.

Two People With the Same Name

1️⃣1️⃣ Yosef Ben Shimon

The Gemara introduces a fascinating comparison.

Two people have exactly the same name:

👉 Yosef Ben Shimon.

One of them borrowed money.

The lender knows that one of them owes him money but cannot prove which one.

Each can say:

👉 You lent the money to the other Yosef Ben Shimon.

Therefore, the lender cannot simply collect from either one individually.

1️⃣2️⃣ They Buy Property Together

Now suppose the two people with the identical name purchase a field together.

The lender can say:

👉 Half of this field certainly belongs to the person who owes me money.

He may therefore be able to collect:

👉 Half of the jointly owned property.

Even though we cannot identify which individual is the borrower, part of the combined property definitely belongs to him.

1️⃣3️⃣ One Sells Property to the Other

The Gemara develops the idea further.

Suppose one Yosef Ben Shimon owned property and then transferred it to the other Yosef Ben Shimon.

The lender can argue:

👉 If you were the borrower, I can collect from your property.

👉 If the other man was the borrower, I had a lien on the property before he transferred it to you.

Either way:

👉 The property can remain exposed to the lender's claim.

The Estate as a Guarantor

1️⃣4️⃣ Nichsei D'Bar Inish Inun Arvin Bei

Rava introduces an important principle:

👉 A person's property acts as an Arev – a guarantor – for his debts.

Normally, however, a lender does not begin by collecting from the guarantor.

He first goes to:

👉 The actual borrower.

Only when payment cannot be obtained from him does the lender proceed against the guarantor or property.

This creates difficulty in our case, because the Kohen cannot identify which son is personally obligated.

How Inherited Property Is Viewed

1️⃣5️⃣ Half Heir, Half Purchaser

The Gemara introduces another major concept regarding brothers dividing an inheritance.

When brothers divide inherited property, Rav Asi treats each brother as:

👉 Half a Yoresh – an heir.

👉 Half a Loke'ach – a purchaser.

Why?

Because when they divide the property, there is uncertainty whether each brother is simply receiving the portion that was always destined for him or whether they are effectively exchanging portions with each other.

1️⃣6️⃣ Milveh HaKesuvah BaTorah

The obligation of Pidyon HaBen comes directly from the Torah.

The Gemara discusses whether:

👉 Milveh HaKesuvah BaTorah – a monetary obligation written in the Torah –

has the collection status of:

👉 A Milveh Al Peh – an oral loan.

This matters greatly when attempting to collect from property that has subsequently passed to others.

1️⃣7️⃣ Collecting From Heirs but Not Purchasers

According to the approach discussed:

👉 A Milveh Al Peh can be collected from inherited property.

But:

👉 It cannot necessarily be collected from property considered sold to purchasers.

Now combine this with Rav Asi:

Each brother's portion is viewed as:

👉 Half Yerushah.

👉 Half Lekuchah.

Therefore, only part of the inherited property may remain available to the Kohen.

1️⃣8️⃣ Five Sela’im or Nothing?

This produces another question.

Suppose the Kohen can only reach property worth:

👉 Half of the full five Sela’im.

Can he collect that partial amount?

Or does the Torah's obligation of five Sela’im mean:

👉 Either he collects the entire five or he collects nothing?

The Gemara initially uses this possibility to explain the Machlokes, before reconsidering whether the dispute actually lies in one of the earlier principles.

1️⃣9️⃣ Where Is the Real Machlokes?

The Gemara shows that there are several places where the disagreement can lie:

👉 Whether brothers who divide an inheritance are half heirs and half purchasers.

👉 Whether a Torah-created monetary obligation is treated like a Milveh Al Peh.

👉 Whether such a debt can be collected from property treated as purchased.

👉 Whether the Kohen can collect less than the full five Sela’im.

The outcome depends on how these principles are combined.

More Cases of Twins

2️⃣0️⃣ Two Wives, Two Firstborn Boys

The Mishnah continues with a man married to two women.

Neither woman previously had a child.

Each gives birth to a boy.

This is simple:

👉 Both boys are firstborns of their respective mothers.

Therefore:

👉 The father must give ten Sela'im – five for each Pidyon HaBen.

2️⃣ 1️⃣ One of the Two Boys Dies

If one of those two boys dies:

👉 There is still definitely one surviving Bechor who requires Pidyon.

Therefore:

👉 The father gives five Sela'im.

The exact financial outcome can depend on whether the money had already been given and whether it was given to one Kohen or to two different Kohanim.

2️⃣ 2️⃣ Money Given to One Kohen

Suppose the father gave money in advance for both Pidyonim to:

👉 One Kohen.

If it later becomes clear that only one Pidyon is required:

👉 The excess money can be reclaimed.

The Kohen cannot retain money that certainly does not belong to him.

2️⃣ 3️⃣ Money Given to Two Kohanim

But if money was given separately to two different Kohanim:

👉 Each Kohen can potentially say that the money he received was for the child who remained obligated.

The father cannot necessarily prove which Kohen received the unnecessary payment.

Again:

👉 HaMotzi MeChaveiro Alav HaRaayah.

2️⃣ 4️⃣ A Boy and a Girl

Two women give birth, but one has a boy and the other a girl.

If we do not know which woman gave birth to which child:

👉 There may be no collectible Pidyon HaBen.

Why?

Because the woman who had never previously given birth may have been the one who gave birth to the girl.

The Kohen cannot prove that there is a male Peter Rechem requiring redemption.

2️⃣ 5️⃣ Two Boys and a Girl

The Mishnah continues through different combinations:

👉 Two boys and one girl.

👉 Two girls and one boy.

👉 Two boys and two girls.

The basic rule remains:

👉 The Kohen can collect only where the facts establish that a male Peter Rechem definitely exists.

Where the females may have been the firstborn children:

👉 The Kohen cannot establish his claim.

2️⃣ 6️⃣ One Woman Had Already Given Birth

If one of the women had already given birth previously while the other had not:

👉 Only the woman who had never given birth can produce a new Peter Rechem.

Therefore, if the identities become mixed:

👉 Everything depends on whether we can establish that her child was a male.

If not:

👉 Ein LaKohen Klum – the Kohen receives nothing.

Two Mothers and Two Fathers

2️⃣7️⃣ Separate Families

The Mishnah then discusses two women married to two different men.

Neither woman previously gave birth, and both now give birth to boys.

Even if the babies become mixed up and nobody knows which boy belongs to which father:

👉 Each father still owes Pidyon HaBen.

Why?

Each man knows that:

👉 His wife gave birth to a firstborn male.

The inability to identify his particular son does not remove the monetary obligation.

2️⃣8️⃣ If One of the Babies Dies

If one of those babies dies:

👉 The situation becomes a Safek for each individual father.

Each can say:

👉 Perhaps my son was the one who died.

If money had already been given to a single Kohen, the financial outcome differs from where the money was given to separate Kohanim.

Once again:

👉 The burden of proof determines who can extract money from whom.

2️⃣9️⃣ The Son May Eventually Redeem Himself

In some doubtful cases the father cannot be forced to pay because:

👉 He can claim that his child may not be the Bechor.

Nevertheless, if the Bechor himself survives and later reaches adulthood:

👉 There can still be an obligation upon him to redeem himself.

The Safek concerning the father's payment does not automatically erase the son's own eventual responsibility.

📌 Key Chazarah

- A miscarriage that is not considered a significant birth may leave the next son a complete Bechor for both Yerushah and Pidyon HaBen.
- A Caesarean-born child is not Peter Rechem.
- According to the Chachamim, a Caesarean firstborn also does not receive the double portion.
- Rebbi Shimon allows the first Caesarean child to be Bechor for Nachalah and the later naturally born child to be Bechor for Pidyon HaBen.
- With twin boys of a first-time mother, the father owes five Sela’im even if we do not know which boy was born first.
- If one twin dies, uncertainty over whether the Bechor survived can remove the Kohen's ability to collect.
- If the father dies after the Pidyon obligation takes effect, his estate may already carry a Shibud.
- Rebbi Yehudah holds that inherited property can remain obligated even after division.
- Two people with the same name can each push off a lender who cannot prove which one borrowed.
- If those two jointly own property, the lender may be able to collect the portion that certainly belongs to his debtor.
- A person's property acts as an Arev for his debts.
- Rav Asi views divided inheritance as half Yerushah and half Lekuchah.
- The Gemara discusses whether Milveh HaKesuvah BaTorah has the status of a Milveh Al Peh.
- This determines whether the Kohen can collect from inherited or transferred property.
- The Mishnah analyzes many combinations of twins, boys and girls, and multiple mothers.
- The underlying principle throughout is HaMotzi MeChaveiro Alav HaRaayah.

- Where a male Peter Rechem definitely exists, Pidyon is required even when his exact identity is unknown.
- Where it is possible that the first birth was female, the Kohen cannot collect without proof.

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