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Bechoros Daf 47

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Daf Notes is currently being dedicated to the neshamot of

**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h**  
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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

### ***A convert with children***

The Gemora cites a dispute between Raish Lakish and Rabbi Yochanan about whether a non-Jew with children who converted has a first born for purpose of inheritance. Rabbi Yochanan says that he does not, as his first biological child is the only one which can be considered raishis ono – his first strength, the verse’s description of a first born for inheritance. Raish Lakish says that his first born after he converted is considered first born for inheritance, since his conversion is akin to his being born anew.

The Gemora explains that their positions in this dispute are consistent with their dispute about whether such a person has fulfilled their obligation of procreation. Rabbi Yochanan says that his biological children before his conversion fulfill this obligation, as the reason for the obligation is to populate the world, and this was accomplished. Raish Lakish says he has not, as his conversion is akin to his being born anew.

The Gemora explains that both disputes are necessary, to understand the extent of each position. If they only disputed the case of inheritance, we would have thought that only in that case does Raish Lakish consider the convert newly born, as his earlier biological children do not inherit him at all. However, perhaps Raish Lakish would agree that his earlier biological children do fulfill his obligation to procreate, as that has relevance to non-Jews as well. Following the same logic, if they only disputed the issue of procreation, we may have thought that Rabbi Yochanan would agree to Raish Lakish in the case of inheritance.

The Gemora attempts to bring a proof from our Mishna. The Mishna says that if a man without children married a woman who had children while she was a slave or a non-Jew, her first child after

being freed or converting is a first born for inheritance but need not be redeemed from the kohen.

The Gemora asks what type of man the Mishna is referring to. If he is a regular Jew who never had children, the Mishna could have stated a simpler case, where the woman is a Jewish woman with children. The Mishna’s case of a woman who converted implies that the man similarly converted, and is teaching that even though he had children before, his first child is a first born for inheritance.

The Gemora deflects this, saying that the Mishna discussed this type of woman to teach that her first born after conversion is not a first born for redemption, in contrast to Rabbi Yossi Haglili’s position, that it is a first born for redemption. This dispute can only be taught about such a woman.

The Gemora cites a braisa which says that if a convert with children has a subsequent child, it is a first born for inheritance, supporting Raish Lakish.

Ravina (or Rav Acha) deflects this, saying that the braisa follows Rabbi Yossi Haglili. Just as he says that the first child a woman has as a Jew is considered a first born for redemption, he also says that the first child a man has as a Jew is the first born for inheritance. However, the Sages may differ.

### ***A levi’s daughter***

Rav Ada bar Ahava says that if a levi’s daughter has a child, it need not be redeemed.

The Gemora asks what case he is discussing. If the father is a kohen or levi, this is true no matter who the mother’s father is. If the father is not a kohen or levi, we should follow the father for

classifying the child, as the verse mandates that we set genealogy “to their families, the houses of the fathers.”

The Gemora offers two answers:

1. Rav Pappa says that the father is a non-Jew. Even if we associate such a child with his non-Jewish father, he is still considered an unfit levi, exempting him from redemption.
2. Mar berai derav Yosef says that the father is not a kohen or levi, but the child is exempt, as the verse mandates redemption for the “first of the womb,” tying the obligation to the mother.

The Gemora challenges Rav Pappa from the Mishna’s case of children who were mixed up. The Mishna says that if the child born to a kohenes – daughter of a kohen or levia – daughter of a levi got mixed up with someone else’s child, neither child need be redeemed, as we don’t know which one is obligated. The Mishna implies that the child of a kohenes or levia is exempt from redemption. If the father is a kohen or levi, the child would be exempt, regardless of the mother. If the father is a non-Jew, the case of levia can be understood, but not the case of kohenes, as a kohenes who had (forbidden) relations with a non-Jew lost her sanctity. The case of a kohenes must therefore be where the father is a Jew, not a kohen or levi, and yet her child is exempt.

The Gemora answers that the case of kohenes is a Jewish woman and a kohen father. Even though she is not a kohen’s daughter, the Mishna calls her a kohenes since her child is a kohen.

### ***Chalal’s redemption***

The Gemora cites a dispute about a kohen who died, leaving a child who is a chalal – one who is not a kohen (e.g., born from a divorcee, who the kohen may not marry). Rav Chisda says that the child must redeem himself, while Rabba bar Rav Huna says he is exempt.

The Gemora explains that if the father died after the child was thirty days old, then all agree that the child is exempt, as the father already took effective possession of the redemption money. However, if the father died earlier, Rav Chisda says that he must redeem himself, as his father never took possession of the redemption.

Rabba bar Rav Huna says that he is exempt, as he is in place of his father, who no one could have collected redemption money, as he was himself a kohen.

The Gemora challenges Rabba from the Mishna, which says that if a pregnant woman converted, her child must be redeemed. If Rabba is correct, we should exempt the child, as he is in place of his non-Jewish father, who is not obligated in redemption.

The Gemora answers that we do not consider the non-Jewish father to be unrelated in any way to the child, as opposed to the kohen father of the chalal.

The Gemora concludes with a statement of Rabbi Shimon Yasinia in the name of Raish Lakish in line with Rav Chisda’s position.

### ***Whose child, and which first born?***

The Mishna said that if a woman remarried within three months of the end of a previous marriage, her subsequent child is not a first born for inheritance, as we don’t know who his father is.

The Gemora notes that the Mishna implies that he does receive inheritance as one of the children, just not a first born, but asks why this is, as the children of each father can claim that he is not from their father.

Rabbi Yirmiya answers that the Mishna is teaching that the child born next is also not a first born for inheritance, as this first child may have been the first born. We therefore cannot take property away from the other brothers on a doubtful claim.

The Gemora asks why these two children cannot give each other harsha’a - standing in court, enabling either one of them to jointly claim one extra portion as first born.

The Gemora says that the Mishna that doesn’t consider this option supports Rabbi Yanai, who says that a harsha’a is only effective when each party was known at one point, but subsequently got mixed up, but not if it was always unclear who each one was. The Mishna’s case, in which we never knew which was the first-born, therefore does not consider the option or harsha’a.

## ***First born for both, or none***

The Mishna lists cases of a first born for inheritance and redemption. If a woman miscarried, expelling fetal matter full of water, blood, and color, or an embryo that looks like a fish, grasshopper, or an insect, or before forty days from conception, the next child is a first born for everything. If a first child is born via C-section, neither it nor the next child is a first born for inheritance or redemption. Rabbi Shimon says that the first one is the first born for inheritance, and the next one is the first born for inheritance.

The Gemora explains that the first opinion in the Mishna does not consider either one a first born. The first one born is not first for inheritance, as the verse says “and they gave birth for him”, implying a natural birth. It is not first for redemption, as that is only for “the first of the womb”, also implying a natural birth. The second is not first for inheritance, as he is not the father’s “first strength,” and he is not first for redemption, as only one which is first in all ways is redeemed. Rabbi Shimon says that the term “born” includes one born via C-section, and also says that one who is first in even one way (e.g., for natural birth) is first born for redemption. (47a – 48a)

## **INSIGHTS TO THE DAF**

### ***Convert***

The Gemora explains why we need to learn both disputes of Rabbi Yochanan and Raish Lakish about a convert with children, explaining that a non-Jew’s children are not included in the rules of inheritance, but a non-Jew does have the concept of populating the world. The Rishonim differ in their understanding of these statements.

### **Inheritance**

Tosfos (47a d’biyoso) cites Rashi saying that the Gemora means that a non-Jew who converts does not inherit his father. Tosfos disagrees, citing a Gemora in Kiddushin, which states that a non-

Jew does inherit his father’s property. Tosfos therefore explains that the Gemora simply means that a non-Jew has no special inheritance as a first-born.

### **Procreation**

Tosfos (47a veba) says that the Gemora does not mean that a non-Jew is commanded to procreate, but simply that his children are considered related to him, making him similar to a Jew who fulfills the commandment to procreate. Rashi (Yevamos 62a) and the She’iltos say that a non-Jew is commanded to procreate, and that is what the Gemora means here.

### ***Non-Jewish father and levia mother***

Rav Pappa says that if a child is born to a levia mother from a non-Jewish father, it need not be redeemed. He explains that the child is definitely exempt if we *do not* associate him with the non-Jewish father, but even if we *do*, he is exempt as he is considered an unfit levi.

Rashi explains that if we do not associate him with the non-Jewish father, we obviously associate him with his levia mother, and therefore he is exempt. However, even if we do associate him with the non-Jewish father, he is still a levi, albeit an unfit one. Tosfos (47a velo) explains that if we do not associate him with his father, he is a mamzer – illegitimate, due to his being the child of the levia, and therefore definitely exempt. Even if we do associate him with his father, making him legitimate, he still is an unfit levi, and therefore exempt.