

OVERVIEW of the Daf

1) Bechor for inheritance

R' Yochanan and Reish Lakish debate whether someone who had sons before converting can have a bechor for inheritance.

The reason for each of their respective positions is explained and then the Gemara demonstrates that their positions are consistent with another issue about which they disagree.

The necessity for the two disputes is explained.

Two unsuccessful challenges to R' Yochanan's position are presented.

2) The firstborn of a daughter of a levi

R' Ada bar Ahavah rules that the firstborn of the daughter of a levi is exempt from pidyon haben.

R' Pappa gives one explanation of this ruling.

Mar the son of R' Yosef in the name of Rava gives another explanation of this ruling.

R' Pappa's explanation is unsuccessfully challenged.

3) Chalal

R' Chisda and Rabba bar R' Huna debate whether a chalal whose father died is obligated to redeem himself.

The dispute is qualified and explained.

Rabba bar R' Huna's position that he is not obligated to redeem himself is unsuccessfully challenged.

Another ruling is cited that conforms to R' Chisda's position.

4) A son who does not know which of two men is his father

The Gemara challenges the implication of the Mishnah that a child who does not know which of two men is his father inherits like an ordinary son.

R' Yirmiyah explains the Mishnah's case.

This explanation is unsuccessfully challenged.

5) **MISHNAH:** The Mishnah elaborates on the third and fourth category of bechor mentioned at the beginning of the perek.

6) Cesarean birth followed by a natural birth

The Gemara explains the rationales of two opinions in the Mishnah related to the status of two children, the first born by cesarean and the second born naturally. ■

Distinctive INSIGHT

Redemption of the challal son of a kohen

כל היכא דמת האב לאחר שלשים דכולי עלמא לא פליגי דאין הבן חייב לפדות את עצמו שהרי זכה האב בפדיונו

A discussion is presented regarding a kohen who died and left behind a son who was born as a disqualified kohen, the son of a woman who was not eligible to marry a kohen. R' Chisda says that the son must redeem his own self. Rabba b. R' Huna holds that this son does not have to redeem himself.

The Gemara clarifies that if the father died after thirty days from the birth of the son all agree that the son would not have to redeem himself. Rashi explains that the father had the obligation to redeem the son at the thirty-day point, and he would have had to set aside the money, but he could have kept it for himself and he would not have had to give it to any other kohen. Consequently, the father himself merited to keep the money for the redemption, and the son then inherited it from him.

The dispute between these Amoraim is in a case where the father died before his son was thirty days old. R' Chisda says that the father was never obligated to redeem his son, so it is the son who becomes responsible for his redemption after he is thirty days old. He is not a valid kohen, so he must pay the five shekalim to another kohen. Rabba b. R' Huna holds that the son must set aside the money for his redemption, but he does not have to deliver it. He can declare that had his father been alive, his father would not have had to pay the money, so he claims to have the rights of his father in this regard.

In the case where the father died after the thirty-day mark of the son's life, had the son been a complete kohen, the father would not even have to set aside any funds for the re-

Continued on page 2)

REVIEW and Remember

1. Why is it necessary for Reish Lakish and R' Yochanan to dispute the same issue in two different contexts?
2. Under what conditions is the firstborn son of the daughter of a levi exempt from pidyon haben?
3. What is a הרשאה?
4. What is the point of dispute between Tanna Kamma and R' Shimon?

HALACHAH Highlight

Pidyon haben for a child with a gentile father

כהנת שנתעברה מעובד כוכבים מהו

If the daughter is a kohen becomes pregnant from a non-Jew what is the halacha?

A woman became pregnant from a gentile and gave birth to a firstborn son. The question was raised whether that child should have a pidyon haben, who would be obligated to redeem this child and whether a beracha is recited on the pidyon haben. The author of Teshuvos Shevet Halevi¹ cited our Gemara to answer the first question. The Gemara relates that if the daughter of a kohen becomes pregnant from a gentile her firstborn son must have a pidyon haben. The reason is that the halacha is that if a gentile or gentile-slave causes a woman to become pregnant the child is fit to marry other Jews. Since a woman who was with a gentile becomes defiled, she has the halachic status of a regular Jewish woman rather than the status of the daughter of a kohen. As such her firstborn son must have a pidyon haben.

Concerning the question of who is obligated to redeem this child Shevet Halevi ruled that the child will be obligated to redeem himself when he grows older. It is obvious that his biological father is not obligated to redeem him since halachically he is not his father and mothers are not obligated to perform the mitzvah of pidyon haben. Shevet Halevi, however, expresses concern that if they wait for the child to grow older the family members may forget to inform the child that he must redeem himself so he suggested the following resolution. Although the matter is subject to debate² he ruled that the lenient opinion could be followed and one could transfer ownership of five selaim to the child so that he could redeem himself even though he is yet a minor.

STORIES Off the Daf

Old Debts

גר שנתגייר כקטן שנולד דמו

One young non-Jew wanted many things that his parents refused to give him. He found a "solution" for his lack of funds: he began to shoplift from local merchants. He was very good at this and was never caught. Eventually he understood that stealing is wrong and changed his ways, but he never returned what he had appropriated in his youth.

When he grew older he began to notice a deep-rooted longing for something in the depths of his soul but he could not figure out what he lacked. After much searching he began to explore yiddishkeit and found that it resonated in his soul. When he learned Torah he felt like he was home. In his heart he felt that he should convert and did so. But he wondered about all the goods he had taken as a non-Jew. Of course a ger is compared to a newborn baby, as we find on today's daf. Nevertheless, he found it difficult to understand why he was not obligated to repay what he had stolen as

a non-Jew.

When this question reached the Chavas Ya'ar, zt"l, he ruled that the goods must be returned. "Although the rule is that a convert is like a newborn baby, there are exceptions to this rule. If a non-Jew borrowed money or stole goods and then converted, he must still repay the loan or return the stolen goods. This is clear since even as a non-Jew he was obligated to return the stolen goods or repay the loan."¹

1. שו"ת חות יאיר, סי' ע"ט ■

(Insight...continued from page 1)

demption. However, where the son is a challal, a disqualified kohen, the father must set aside the money, although he may keep it for himself and he has no requirement to present the money to any other kohen.

Maharit Algazi cites Rosh who notes that the Gemara earlier (4a) taught that kohanim and levi'im are exempt from redemption of their own first born due to their sanctity, but this does not apply when a son does not possess this sanctity. Accordingly, Rosh writes that if a son is a challal, and the father dies more than thirty days after his birth before having redeemed him, the son must set aside money and redeem himself. Once the money is set aside, the son then inherits the money from his deceased father. Rosh compares this to a case of a yisrael, the grandson of a kohen, who inherits untithed produce from his grandfather. The grandson must designate the various tithes, but the terumah is his, due to his grandfather's possession. He may then sell the terumah to a kohen. Maharit Algazi challenges this comparison, and he discusses the issue at length. ■

Regarding the recitation of the beracha when the pidyon haben ceremony is held Shevet Halevi ruled that the beracha could be recited. Although there are opinions that maintain that the child of a gentile father and Jewish mother is considered a convert and as such it would be incorrect to recite the beracha on the pidyon haben since a pidyon haben is not performed for a convert, nevertheless, he ruled that the beracha should be recited since the majority of Poskim maintain that he is not a convert and Teshuvos Achiezer³ explains why even those who considers the child a convert would agree that the beracha should be recited. ■

1. שו"ת שבט הלוי ח"ג סי' קע"ו.
2. ע"י רמ"א ונושאי כלים ליו"ד סי' ש"ה סעי' י'.
3. שו"ת אחיעזר ח"ב סי' כ"ט אות ד'. ■

