

## Bava Basra – Simanim

# Daf 127 – דף קכז

### פרק ח – יש נוחלין

### 1. בכורה is excluded from various *halachos*, such as בכורה

The Gemara teaches five laws which exclude אינו נומצא זכר *umtum whose* covering *was torn off and he was found to be a male*. (1) אינו נוטל פי שנים – *He does not take a double portion* of his father's property, even if he was the firstborn. (2) He is not subject to the law of  $-\mu$  *a wayward and rebellious son*. (3) אינו ממעט חלק בכורה (3) – *a wayward and rebellious son*. (3) אינו ממעט חלק בכורה (4) Rav Shizvi says he is not circumcised on the eighth day if it is Shabbos. (5) Rav Sheravya says his mother does not become *tamei* from his childbirth. This last ruling is refuted from a Mishnah teaching that a woman who miscarries a טומטום must observe the stringencies of a male and female birth (i.e., fourteen *tamei* days, and a *tahor* period only until forty days). This does not refute Rav Shizvi's ruling, although it is based on the same *passuk*, because it is possible that the Tanna is <u>uncertain</u> about excluding a *uncula*.

#### 2. Two infants, one of whom is the *bechor*, but it is not known which

A Baraisa *darshens*: בכור" ולא ספק – the *passuk* says *"firstborn,"* teaching the double portion *is not* given to *a doubtful bechor*. This means to exclude from Rava's ruling: שתי במחבא – two wives of one man who gave birth in hiding, and it is therefore unknown which is the *bechor*, הלזה *cu*תבין הרשאה *it hey may write for each other a* [document empowering the other to collect on his behalf], to be able to collect the extra portion. The above Baraisa teaches that since the *bechor*'s identity was unknown, he is not entitled to the extra portion at all. Rav Pappa told Rava that Ravin sent a ruling from Rebbe Yannai: הוכרו ולבסוף נתערבו – if [the infants] *were* originally *recognized and later became mixed* (i.e., the *bechor*'s identity was initially known, but later the two were confused), they may write a הוכרו ולבסוף כתערבו - but if *they* were not ever *recognized*, they cannot write a הרשאה for each other, because the *bechor* is not entitled to a double portion. Rava had his error announced publicly and corrected it.

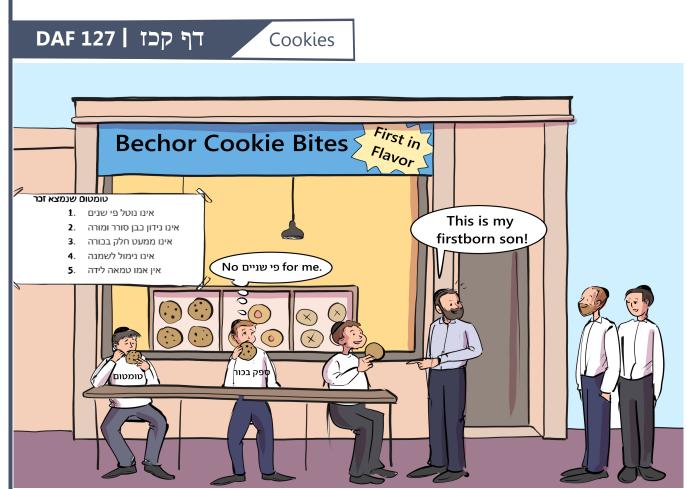
### 3. יביר: *Machlokes* when a father is believed to identify the *bechor*

A Baraisa *darshens* the word "יכיר" – *he shall recognize* (his firstborn son) to teach: שלאחרים – *a person is believed to identify him to others*. From here Rebbe Yehudah said: נאמן אדם לומר זה בני בכור – *a person is believed to say, "This is my firstborn son,"* even when it was presumed otherwise. Similarly, he is also believed to identify his son as a אלי היל היל היל היל היכיר". The Chachomim say he cannot identify his *bechor* against a presumption, nor disqualify his son. Rava explains that they derive from "יכיר" that a father can identify his firstborn son where *identification is needed* (i.e., there is no presumed *bechor*). Although it seems obvious that a father is believed (to entitle him to a double portion of inheritance), since he could simply give him any of his possessions as a gift, a *pasuk* is needed for possessions he obtains <u>after</u> his identification (which he could not give as a gift). According to Rebbe Meir, who holds one may even transfer possessions he later acquires, the *pasuk* is needed for possessions he acquires as a Ou<sub>2</sub> – *dying man*, when he is incapable of transferring them.

#### Siman – Cookies

The sad טומטום שנקרע ונמצא זכר eating cookies to console himself for being excluded from five *halachos*, together with a disappointed *safek bechor* who discovered he can't receive a double portion, was surprised when a father walked up to a friend of his sitting on their bench, and announced, "This is my first-born son."

- מסכת בבא בתרא



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- 1. טומטום שנקרע ונמצא זכר is excluded from various halachos
- 2. Safek bechor does not rece<sup>"</sup>יע שנים
- 3. Machlokes when a father is believed to identify the bechor

