Bekhorot 48

Daf Yomi · Thursday, November 5, 2026 · כ״ה חשון תשפ״ז · Covers 48a (Mishnah on twin sons) through 49a (Rav Huna's teaching)

Summary

Bekhorot 48 deals with births in which one child is certainly a firstborn but no one knows which. If a woman's first birth is twin boys, the father owes the kohen five *sela'im*, since one of them is surely the firstborn. But if one twin dies within thirty days, the father is exempt, for he can say the firstborn is the one who died, and the kohen, as the claimant, must prove otherwise. The Mishnah then asks what happens if the father dies and the twins survive. R. Meir says that if they paid before dividing the estate, it is paid; otherwise they are exempt. R. Yehuda says the estate itself became obligated. If a boy and a girl were born, the kohen gets nothing, since the girl may have come first.

The Gemara struggles to define the dispute. If the father died within thirty days, R. Yirmeyah compares the brothers to two men of the same name who jointly bought a field, from whom a creditor can collect. Rava rejects this: a person's property is his "guarantor," and one cannot claim from a guarantor what cannot be claimed from the borrower. Rava therefore sets the case after thirty days, with an estate worth exactly five *sela'im*. On Rav Assi's view, brothers who divide an estate are half heirs and half purchasers. On Rav Pappa's view, an unwritten debt can be collected from heirs but not from purchasers. The Gemara first suggests the Tannaim disagree whether half the five *sela'im* can be collected. A baraita in R. Yehuda's name refutes this, and the Gemara concludes that they disagree about Rav Assi's and Rav Pappa's principles themselves. A second version of the whole sugya attaches it to R. Yehuda's clause instead.

A second Mishnah multiplies the cases: two wives of one man, two wives of two men, combinations of boys and girls, and a first-time mother alongside a mother who had given birth before. The rules for when the kohen must return money, when he keeps it, and when he gets nothing all follow from one principle: a claimant must prove his case. The Gemara asks why a single kohen who received payment from two fathers must return five *sela'im* if one child died, when he could tell each father "it was not your child who died." Shmuel answers that one father came with a power of attorney from the other. That raises the Nehardeans' rule against such powers for movables, which applies only where the debt was denied. Rav Huna adds one more case that our Mishnah omitted.

Detailed Summary

1. Mishnah: twin sons in a first birth 48a

Background: the previous daf ended the Gemara on the Mishnah of 47b (summary of Bekhorot 47). A father must redeem his firstborn son from a kohen for five *sela'im* once the baby is thirty days old. A recurring principle on this daf is המוציא מחבירו עליו הראיה, "one who would take from his fellow must bring proof": here the kohen is the claimant, so any genuine doubt is resolved in the father's favor.

MISHNAH (BEKHOROT 48a)

מי שלא בכרה אשתו וילדה שני זכרים, נותן ה' סלעים לכהן. מת אחד מהן בתוך שלשים יום, האב פטור. מת האב והבנים קיימים, ר"מ אומר אם נתנו עד שלא חלקו נתנו ואם לאו פטורין. ר' יהודה אומר נתחייבו נכסים. זכר ונקבה אין כאן לכהן כלום.

If a man's wife had not given birth before and she bore two boys, he gives five *sela'im* to the kohen (Rashi: one of them is the firstborn). If one dies within thirty days, the father is exempt (Rashi: he can say the firstborn died; the same applies to the surviving son). If the father died and the sons are alive, R. Meir says: if they paid before dividing the estate, it is paid; otherwise they are exempt. R. Yehuda says: the estate became obligated (Rashi: to the kohen, like a creditor, and both must pay). If a boy and a girl were born, the kohen gets nothing (Rashi: the girl may have emerged first, and the kohen must prove otherwise).

2. When did the father die? R. Yirmeyah and Rava 48a

QUESTION. When did the father die? If after thirty days, would R. Meir say that once they divided they are exempt? The estate was already mortgaged to the kohen (Rashi: it is a real debt)! If within thirty days, why does dividing matter? After division the kohen goes to each brother and is pushed away ("I am not the firstborn; my brother is"). Before division, too, he should go to each and be pushed away!

Tosafot – ד"ה והא אישתעבדי להו נכסי

CLARIFICATION. The question assumes, for now, that brothers who divided count as heirs and that an unwritten debt is collectible from heirs; or that "a debt written in the Torah" is treated like a debt recorded in a document. The Gemara's conclusion, however, is that the dispute turns on exactly these points.

WHY THIS MATTERS. The opening question depends on assumptions the sugya will later revisit.

R. YIRMEYAH. This teaches: two men named Yosef ben Shimon living in one town jointly bought a field; a creditor (holding a note against "Yosef ben Shimon") can collect from it. He tells them: if I am owed by you, I am taking your share; if by your fellow, I am taking his. Rashi:

likewise the kohen takes five *sela'im* from the undivided estate and says: if you are the firstborn, I take from your share; if your brother is, from his; settle it between yourselves. Once divided, each pushes him away.

RAVA'S OBJECTION. A person's property is his guarantor. Is there anything one cannot claim from the person but can claim from the guarantor? We learned: one who lends through a guarantor may not collect from the guarantor, and we hold this means he may not claim from the guarantor first (Rashi: only once the borrower has nothing). Since the kohen cannot claim from either brother, he cannot claim from the property either.

RAVA'S EXPLANATION. The father died after thirty days. If there is ample property, the kohen indeed collects even after division (Rashi: the estate was mortgaged in the father's lifetime, and even an unwritten debt is collected from heirs when the inheritance covers it). The Mishnah speaks of an estate of only five *sela'im*. Everyone holds:

RAV ASSI. האחין שחלקו מחצה יורשין ומחצה לקוחות: "Brothers who divided an estate are half heirs and half purchasers."

Rashi – ד"ה מחצה יורשין ומחצה לקוחות

THE ISSUE. Why "half and half"?

RASHI'S EXPLANATION. Rav Assi is uncertain whether there is *bereirah*, retroactive clarification. If there is, each brother's share is what he inherited from the start, and they are heirs. If not, each received half his portion by exchange with his brother, and to that extent they are purchasers. Being unsure, he treats them as half of each.

WHY IT MATTERS. After division, only half the estate counts as "inheritance" against which the kohen can collect.

And everyone holds: a debt written in the Torah (Rashi: such as the five *sela'im*, which the Torah assigned to the kohen) is not like a debt written in a document. And everyone holds Rav Pappa: an unwritten debt is collected from heirs but not from purchasers.

Tosafot – ד"ה מלוה הכתובה בתורה

QUESTION. What is a "debt written in the Torah"? An ordinary loan is also mentioned in the Torah ("the man to whom you lent," Devarim 24:11).

ANSWER. It means only obligations the Torah itself creates, such as redemption of a son, valuations and damages. An ordinary loan is obviously payable whether or not the Torah mentions it, so its mention does not make it "written."

WHY THIS MATTERS. If the five *sela'im* were like a debt in a document, it could be collected even from purchasers, and the half-purchaser status after division would not matter.

THE FIRST PROPOSAL. They disagree about "five and not half of five." R. Meir holds the Torah requires five, not half of five: after division only two and a half *sela'im* count as inheritance, the other half is "purchase," which an unwritten debt cannot reach, so the kohen takes nothing. R. Yehuda holds five, even half of five: the kohen takes the half that is inheritance.

Tosafot – ד"ה דרבי מאיר סבר חמש

QUESTION. Why is this different from "five cattle" for a stolen ox (Bava Kamma 71b), where even five half-cattle suffice?

ANSWER. There the Torah imposes payments, and one pays what one owes. Here the Torah imposes a mitzvah of five *sela'im*, which cannot be fulfilled with less. Although one could pay ten kohanim a half each in turn, here the estate is only mortgaged for half of five.

WHY THIS MATTERS. It explains why R. Meir could regard a partial payment as worthless here, even though partial units count in damages.

CHALLENGE. If so, R. Yehuda should have said "the man is obligated" (Rashi: partly liable), not "the estate became obligated." Moreover, a baraita: R. Yehuda says, brothers who divided: if there are ten *zuz* for each, they are liable; if not, exempt. Ten *zuz* is two and a half *sela'im*. If both inheritance and purchase portions are counted and R. Yehuda allows half of five, why ten? Even less should suffice! Rather, it must mean ten *zuz* of inheritance for each, which together make five *sela'im* of inheritance. So R. Yehuda too requires five, not half of five.

CONCLUSION. Everyone holds five and not half of five, and they disagree about Rav Assi and Rav Pappa.

Rashi – ד"ה והכא

THE ISSUE. How do Rav Assi and Rav Pappa explain the Tannaim?

RASHI'S EXPLANATION. R. Meir accepts both Rav Assi and Rav Pappa, so with only five *sela'im* in all, the kohen takes nothing. R. Yehuda accepts Rav Assi but not Rav Pappa, holding that an unwritten debt can be collected even from purchasers, so the kohen takes everything; or he rejects Rav Assi, treating all of it as inheritance. The baraita then means: if there are ten *zuz* for each, they must give everything; if not, so that the total is less than five, they are exempt.

WHY IT MATTERS. The Tannaitic dispute becomes a dispute about two general principles of debt collection.

Tosafot – ד"ה ודכולי עלמא מלוה הכתובה בתורה לאו ככתובה בשטר דמיא

QUESTION. Later (49b), the Gemara says R. Yehuda holds that a debt written in the Torah is like one in a document. And if R. Yehuda rejects Rav Pappa, does he hold that an unwritten debt can be collected from purchasers, contrary to the Mishnah in Bava Batra 175a?

ANSWER. Rav Pappa's main point was that an unwritten debt can be collected from heirs, against Rav and Shmuel, who said it cannot be collected from heirs or purchasers.

WHY THIS MATTERS. Tosafot show that the conclusion fits R. Yehuda's stated positions elsewhere only with careful definitions of what each principle claims.

3. A second version: on R. Yehuda's clause 48b

Some taught the whole discussion on the latter clause, "the estate became obligated." When did the father die? If after thirty days, it would imply that R. Meir exempts them once they divided, though the estate was mortgaged. If within thirty days, why does R. Yehuda obligate them after division? The kohen goes to each brother and is pushed away!

R. YIRMEYAH. This teaches: two men named Yosef ben Shimon in one town, one of whom bought a field from the other: the creditor collects from it, saying "if I am owed by you, I take your share; if by your fellow, it was mortgaged to me before you bought it." Rashi: here the brothers who divided are purchasers, since there is no *bereirah*, and so R. Yehuda obligates them.

RAVA. A person's property is his guarantor, and the rest as in the first version: they disagree about Rav Assi and Rav Pappa.

4. Mishnah: many mothers, many children 48b

MISHNAH (BEKHOROT 48b)

שתי נשים שלא בכרו וילדו שני זכרים, נותן י" סלעים לכהן. מת אחד מהן בתוך שלשים יום, אם לכהן אחד נתן יחזיר לו חמש סלעים, ואם לשני כהנים נתן אינו יכול להוציא מידם. זכר ונקבה או שני זכרים ונקבה, נותן חמש סלעים לכהן. שתי נקבות וזכר או שני זכרים ושתי נקבות, אין כאן לכהן כלום.

Two wives (Rashi: of one man), neither of whom had given birth, bore two boys (Rashi: in hiding, and they were mixed up): he gives ten *sela'im*. If one died within thirty days: if he paid one kohen, the kohen returns five (Rashi: it emerged that one was non-viable, and he took it wrongly); if he paid two kohanim, he cannot recover from them (Rashi: each says, "I keep mine for the redemption of the living child"). A boy and a girl, or two boys and a girl: he gives five (Rashi: either way one boy is a firstborn). Two girls and a boy, or two boys and two girls: the kohen gets nothing (Rashi: the girls may have come first).

Tosafot – ד"ה ואם לשני כהנים נתן אין יכול להוציא מידם

QUESTION. If he had not paid, he would not have to pay. Once he has paid, the kohen should be like one who seized property in a doubtful case, from whom we take it back (Bava Metzia 6b).

ANSWER. Since the money was given to him at the outset as a priestly gift, we do not take it back on the strength of a doubt, even though it later emerged that he could not have claimed it.

WHY THIS MATTERS. Money given voluntarily as a gift stands in a stronger position than money a kohen seizes.

MISHNAH (BEKHOROT 48b), continued

אחת בכרה ואחת שלא בכרה וילדו שני זכרים, נותן חמש סלעים לכהן. מת אחד מהן בתוך שלשים יום, האב פטור. מת האב והבנים קיימים, ר"מ אומר אם נתנו עד שלא חלקו נתנו ואם לאו פטורין, ר' יהודה אומר נתחייבו נכסים. זכר ונקבה אין לכהן כלום.

One wife had given birth before and one had not, and they bore two boys: he gives five (one of them is the newly-opening mother's son). If one died within thirty days, the father is exempt (Rashi: he can say the first-time mother's son died). If the father died, the same dispute of R. Meir and R. Yehuda applies. A boy and a girl: the kohen gets nothing (Rashi: the first-time mother may have borne the girl).

MISHNAH (BEKHOROT 48b), continued

שתי נשים של שני אנשים שלא בכרו וילדו ב' זכרים, זה נותן חמש סלעים לכהן וזה נותן חמש סלעים. מת אחד מהם בתוך שלשים, אם לכהן אחד נתנו יחזיר להם חמש סלעים, אם לשני כהנים נתנו אינן יכולין להוציא מידם. זכר ונקבה, האבות פטורין והבן חייב לפדות את עצמו. שתי נקבות וזכר או שתי נקבות ושני זכרים, אין כאן לכהן כלום. אחת בכרה ואחת שלא בכרה של שני אנשים וילדו שני זכרים, זה שלא בכרה אשתו נותן חמש סלעים לכהן. זכר ונקבה, אין כאן לכהן כלום.

Wives of two different men, both first-time mothers, bore two boys: each father gives five. If one died within thirty days: if they paid one kohen, he returns five to them (Rashi: the fathers split it); if two kohanim, they cannot recover. A boy and a girl: the fathers are exempt (Rashi: each tells the kohen "the girl is mine"), and the boy must redeem himself (Rashi: he is certainly a firstborn). Two girls and a boy, or two girls and two boys: nothing. One wife had given birth before and one had not: the husband of the first-time mother gives five. A boy and a girl: nothing.

5. One kohen, two fathers: Shmuel and the power of attorney 48b–49a

QUESTION. Why does it matter that there were two kohanim? Because the father goes to each and is pushed away. With one kohen too, let the kohen push each father away! Rashi: he took from two fathers; when one father comes, the kohen can say, "your child did not die, your fellow's did; you are not my litigant."

SHMUEL. בבא בהרשאה: the case is where one father comes with a power of attorney from the other.

Rashi – ד"ה בבא בהרשאה

THE ISSUE. How does a power of attorney defeat the kohen's defense?

RASHI'S EXPLANATION. The two fathers write powers of attorney to each other, and the holder claims either way: if my child died, return mine; if my fellow's child died, return his, for I hold his power of attorney.

WHY IT MATTERS. Combined, the two fathers become a single claimant with a certain claim, which the kohen cannot deflect.

CHALLENGE. But the Nehardeans said: we do not write an *adrakhta* (power of attorney) for movables! **ANSWER.** That is where the defendant denied the debt; where he did not deny it, we do write one.

Rashi – ד"ה היכא דכפריה · ד"ה אדרכתא

THE ISSUE. Why the Nehardeans' restriction?

RASHI'S EXPLANATION. Movables are not present, so the document may look like a falsehood: perhaps the defendant holds nothing of the principal's, and the witnesses would be signing a lie. Once the borrower has denied the debt, the lender can no longer write a power of attorney over it, since it looks like a falsehood.

WHY IT MATTERS. Here the kohen does not deny holding the money; he only disputes whose it is, so a power of attorney is permitted.

Tosafot – ד"ה אבל בדלא כפריה כתבינן

PRACTICE. It is customary today to write a power of attorney even where the debt was denied. Rabbeinu Tam explains that the Nehardeans' reason was only that it "looks like a falsehood" (Bava Kamma 70a), and Ketubot 85a shows that we are not concerned about mere appearance of falsehood.

WHY THIS MATTERS. Tosafot record how the rule developed in practice, beyond the case in our Mishnah.

6. Rav Huna's additional case 49a

TEACHING. On "a boy and a girl: nothing for the kohen" (two men's wives), Rav Huna taught: two boys and a girl, too, nothing for the kohen.

Rashi – ד"ה תני רב הונא

THE ISSUE. One of the two boys must be a firstborn; why is no one liable?

RASHI'S EXPLANATION. Either one mother bore two boys (the first is a firstborn) or one bore a boy and girl (so the other bore a boy alone, who is a firstborn). Yet each boy can tell the kohen, "perhaps I am not the firstborn, but my fellow," and the fathers are of different families.

WHY IT MATTERS. A certain obligation that cannot be pinned on any specific person cannot be collected.

WHY OUR MISHNAH OMITS IT. It occurs only with two men; with one man and two wives it does not (Rashi: there the one father owes five either way). The Mishnah lists only "nothing for the kohen" cases that apply equally to one man or two.

The next Mishnah, on a son who died within thirty days, begins on 49a and is covered in the summary of Bekhorot 49.

The full picture in plain language

Every case on this daf has the same shape: we know a firstborn exists, but not which child, so the kohen's claim must be pinned on someone who cannot push it away. When one twin dies, or a girl might have come first, the father prevails, since the kohen as claimant bears the burden of proof. The interesting cases arise when the father dies and his sons divide his estate.

R. Yirmeyah thought the undivided estate could be charged like a jointly owned field, but Rava held that property is only a guarantor and cannot owe what no person owes. He reframed the case: the father died after thirty days, leaving exactly five *sela'im*. The question then is how much of a divided estate counts as "inheritance" for an unwritten debt. The Gemara rejects a proposal that the Tannaim differ about collecting half of five, using a baraita in R. Yehuda's name, and concludes that the dispute concerns Rav Assi's "half heirs, half purchasers" and Rav Pappa's rule that unwritten debts reach heirs but not purchasers.

The second Mishnah applies the same burden-of-proof logic across combinations of mothers, fathers and children. A single kohen paid by two fathers must refund only because the fathers joined forces through a power of attorney, which is permitted here since the kohen does not deny holding the money. Rav Huna's added case confirms the pattern: a firstborn who might be either of two strangers' sons owes nothing.

Glossary

Hebrew	Transliteration	Meaning in this sugya
המוציא מחבירו עליו הראיה	*ha-motzi me-chavero alav ha-re'ayah*	The claimant must prove his claim; here the kohen bears that burden.
חמש סלעים	*chamesh sela'im*	The five silver coins paid to a kohen to redeem a firstborn son.
חלקו	*chalku*	"They divided": brothers splitting an inherited estate.
נכסים משועבדים	*nekhasim meshu'badim*	Property mortgaged to a debt, from which a creditor may collect.

ערב	*arev*	A guarantor. One's property is a "guarantor" for one's debts.
ברירה	*bereirah*	Retroactive clarification: treating a later choice as determined from the start.
יורשין ולקוחות	*yorshin ve-lekuchot*	Heirs and purchasers; Rav Assi treats dividing brothers as half of each.
מלוה על פה	*milveh al peh*	An unwritten debt; per Rav Pappa, collectible from heirs but not purchasers.
מלוה הכתובה בתורה	*milveh ha-ketuvah ba-Torah*	A debt created by the Torah itself, such as a son's redemption, valuations or damages.
חמש ולא חצי חמש	*chamesh ve-lo chatzi chamesh*	"Five, not half of five": whether partial payment of the redemption counts.
זוז	*zuz*	A silver coin; four *zuz* make a *sela*, so ten *zuz* are two and a half *sela'im*.
הרשאה, אדרכתא	*harsha'ah, adrakhta*	A power of attorney authorizing one to claim another's rights.
כפריה	*kafreih*	"He denied it": once a debtor denies a debt, a power of attorney over movables is not written.
מטלטלין	*metaltelin*	Movable property, as opposed to land.
תקפו כהן	*tekafo kohen*	A kohen who seized property in a doubtful case; we take it back from him.
במחבא	*be-machaveh*	"In hiding": births without witnesses, so it is unknown which child came first.

Sources: Gemara with relevant Rashi and Tosafot.