

דף יומי • בכורות • דף כ"ח

Daf Yomi • The Full Daf • Elucidated Talmud • Navy & Gold Edition • with Rashi

THE SUGYA

We start off on our daf with the Gemara continuing the shakla v'tarya between Rav Yehuda in the name of Rav and the other Sages of the school of Rav. The discussion centers on the limudim for how long a firstborn animal may be eaten, and from where we derive that a blemished bechor goes to the Kohen. From there, the Gemara transitions into a deep discussion regarding the timeframe for keeping a blemished bechor nowadays when there is no Beis HaMikdash.

The Gemara brings a kasha on how to understand our Mishnah's ruling about keeping a blemished bechor for twelve months. We analyze different braisos to determine if we grant an extra thirty days past the animal's first year to find a Kohen, leading to a discussion on Rabbi Elazar's shitta and a subsequent refutation. Finally, we learn a new Mishnah regarding one who slaughters a bechor before showing its blemish to an expert, which brings out a major machlokes between Rabbi Yehuda and Rabbi Meir.

All introductions, summaries, and contextual notes are the editor's commentary and are not part of the original text.

עמוד א' DAF 28A

ANSWER

ואידה, אי מהתם איכא למימר חזה ושוק של תודה.

And the other Sages of the school of Rav, how do they respond to this? They say that **if** we were to derive the halacha **from there**, from the comparison to peace offerings, **there is room to say** that the Torah is comparing the firstborn to the **breast and thigh of a thanks offering**, which is eaten for only one day and a night, and not for two days and two nights.

ANSWER

ואידה, אמר קרא: "לך יהיה" — הוסיף לך הפתוב הויה אחרת בבכור.

And the other, Rav Yehuda in the name of Rav, how does he answer this? **The verse states: "It shall be yours"**, which is an extra phrase, meaning **the verse added for you another state of being in the case of a firstborn**, to teach that it has an extra day of eating like a peace offering.

ANSWER

ואידה, הא מהתם איכא למימר: האי "יהיה לך" — לימד על בכור פעל מום שנותנו לכהן, שלא מצינו לו בכל התורה כולה.

And the other Sages of the school of Rav, how do they explain this extra phrase? They say **indeed, from there there is room to say** that **this phrase of "it shall be yours" taught about a blemished firstborn, that the owner gives it to the Kohen; as we have not found** this halacha explicitly written **for it in the entire Torah**.

ANSWER

ואידה, אמר "ובשרם" — אחד תם ואחד פעל מום,

And the other, Rav Yehuda in the name of Rav, from where does he derive that a blemished firstborn goes to the Kohen? He says the verse states "And their flesh" in the plural, which implies one that is unblemished and one that is blemished.

ANSWER

ואידך — "ובשרם" דהני בכורות דכולהו ישראל קאמר.

And the other Sages of the school of Rav, how do they respond to this? They say that "and their flesh" is saying this in the plural because it refers to these firstborns of all of Israel, not to include blemished ones.

מִשְׁנָה MISHNAH

MISHNAH

נוֹלַד לוֹ מוֹם בְּתוֹךְ שָׁנָתוֹ, רִשְׁאֵי לְקַיְּמוֹ כָּל שָׁנִים עֶשְׂרֵי חֹדֶשׁ.

We learnt in the Mishnah: If a blemish developed on it within its first year, the owner is permitted to keep it all twelve months.

גְּמָרָא GEMARA

QUESTION

איבעיא להו: היכי קאמר? נולד לו בתוך שנתו, רשאי לקיימו כל שנים עשר חודש, ולאחר שנתו נמי שלשים?

A dilemma was raised before them in the bais medrash: How is the Mishnah saying this? Does it mean that if a blemish developed on it within its year, the owner is permitted to keep it all twelve months, and after its year also for another thirty days?

QUESTION

או דלמא: היכא דנולד בו מום בתוך שנתו, רשאי לקיימו כל שנים עשר חודש ותו לא, והיכא דנולד לו אחר שנתו, אינו רשאי לקיימו אלא שלשים?

Or perhaps, where a blemish developed on it within its year, the owner is permitted to keep it all twelve months and no more; and where it developed a blemish after its year, he is not permitted to keep it except for thirty days?

PROOF

תא שמע, דתנא: בכור בזמן הזה, עד שלא נראה להראותו לחכם — רשאי לקיימו שתיים ושלש שנים,

The Gemara suggests: Come and hear a proof, as it is taught in a braisa: A firstborn nowadays, when there is no Beis HaMikdash, before it is fit to be shown to a Chacham because it has no blemish, one is permitted to keep it two or three years.

PROOF

ומשנראה להראותו לחכם, נולד לו מום בתוך שנתו — רשאי לקיימו כל שנים עשר חודש.

But once it is fit to be shown to a Chacham because a blemish appeared, then if a blemish developed on it within its year, the owner is permitted to keep it all twelve months.

PROOF

אחר שנתו אינו רשאי לקיימו אפילו יום אחד, ואפילו שעה אחת.

But if it is after its year, he is not permitted to keep it even one day, and even one hour.

PROOF

אבל מפני השבת אבידה לבצעלים, אמרו: רשאי לקיימו שלשים יום.

However, because of returning a loss to the owners, to give them time to find a Kohen, they said: He is permitted to keep it thirty days.

QUESTION

ועדיין תיבעי לי: שלשים יום אחר שנתו, או דלמא קודם שנתו?

The Gemara asks: But still, let the dilemma be raised on this braisa itself: Are these thirty days granted when the blemish developed after its year, or perhaps they are granted when it developed before its year and the year ended?

PROOF

תא שמע: נולד לו מום בחמשה עשר יום בתוך שנתו, משלימין לו חמשה עשר יום אחר שנתו.

The Gemara suggests: Come and hear another braisa: If a blemish developed on it fifteen days within its year, we complete for him fifteen days after its year to make a total of thirty days.

PROOF

שמע מינה, מסייע לרבי אלעזר, דאמר רבי אלעזר: נותנין לו שלשים יום משעה שנוולד בו מום.

Hear from this that we do give extra days after the year. This supports Rabbi Elazar, as Rabbi Elazar said: We give him thirty days from the time that the blemish developed on it, even if it extends past the first year.

STATEMENT

איכא דאמרי, אמר רבי אלעזר: מניין לבכור שנוולד בו מום בתוך שנתו שנותנין לו שלשים יום אחר שנתו?

There are those who say a different version: Rabbi Elazar said: From where is it derived for a firstborn that developed a blemish within its year, that we give him thirty days after its year?

PROOF

שנאמר: "לפני ה' אלהיך תאכלנו שנה בשנה", (איזו) [אילו] הן ימים החשובין שנה — הוי אומר אלו שלשים יום.

As it is said: "Before Hashem your Elokim you shall eat it year by year." Which are the days that are considered like a year? You must say these are thirty days, which are sometimes considered a year in halacha.

OBJECTION

מיתיבי: נולד לו מום בחמשה עשר יום בתוך שנתו — משלימין לו חמשה עשר יום אחר שנתו.

The Gemara raises an objection from the braisa: If a blemish developed on it fifteen days within its year, we complete for him fifteen days after its year.

INFERENCE

השלמה — אין, מיהבא — לא!

This implies that to **complete** thirty days from the blemish, **yes**, we allow it; but **giving** a full thirty days after the year when the blemish happened earlier, **no**, we do not!

REFUTATION

תיובתא דרבא אלתער, תיובתא.

The Gemara concludes: **The refutation of Rabbi Elazar is a conclusive refutation.**

משנה MISHNAH

MISHNAH

מתני' השוחט את הבכור ומראה את מומו — רבי יהודה מתיר, רבי מאיר אומר: הואיל ונשחט שלא על פי מומחה — אסור.

MISHNAH: One who slaughters a firstborn and only then shows its blemish to an expert — Rabbi Yehuda permits eating it if the expert finds it was a permanent blemish; Rabbi Meir says: Since it was slaughtered not by the word of an expert, it is forbidden to benefit from it.

MISHNAH

מי שאינו מומחה ורואה את הבכור, ונשחט על פיו — הרי זה יקבר, וישלם מביתו.

One who is not an expert and examines a firstborn, and it was slaughtered based on his word and then found to not have a permanent blemish, behold this animal must be buried, and the non-expert must pay from his house to the Kohen for the damage he caused.

גמרא GEMARA

STATEMENT

גמ' אמר רבה בר בר חנה: בדוקין שבעין — דכולי עלמא לא פליגי דאסור, מפני שהן משתנין.

GEMARA: Rabbah bar bar Channah said: Regarding cataracts in the eye, everyone agrees that it is forbidden if slaughtered before being shown to an expert, **because they change** after death and the expert cannot verify if it was a valid blemish beforehand.

EXPLANATION

לא נחלקו אלא במומין שפגור, דרבא מאיר סבר: גזרינן מומין שפגור אטו דוקין שבעין.

They only argued regarding blemishes on the body, as Rabbi Meir holds: We decree a prohibition on blemishes on the body due to cataracts in the eye,

EXPLANATION

ורבי יהודה סבר: לא גזרינן מומין שבגוף אטו דוקין שבעין.

and Rabbi Yehuda holds: We do not decree a prohibition on blemishes on the body due to cataracts in the eye.

PROOF

תנא נמי הכי: השוחט את הפכור ומראה את מומיו — רבי יהודה אומר: בדוקין שבעין אסור, מפני שהן משתנין, במומין שבגוף מותר, מפני שאין משתנין.

This is also taught in a braisa: One who slaughters a firstborn and shows its blemishes afterward — Rabbi Yehuda says: Regarding cataracts in the eye it is forbidden, because they change; regarding blemishes on the body it is permitted, because they do not change.

PROOF

רבי מאיר אומר: אחד זה ואחד זה אסור, מפני שהן משתנין.

Rabbi Meir says: Both this and that are forbidden, because they change.

QUESTION

מפני שהן משתנין סלקא דעתך? מומין שבגוף מי משתנין?!

The Gemara asks: Can it enter your mind to say "because they change" as the reason for body blemishes? Do blemishes on the body change after slaughter?!

ANSWER

אלא מפני המשתנין.

Rather, Rabbi Meir means: Because of those blemishes that change, i.e., as a Rabbinic decree.

STATEMENT

אמר רב נחמן בר יצחק:

Rav Nachman bar Yitzchak said to explain the braisa:

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INFERENCE

מתניתין נמי דיקא, רבי מאיר אומר: הואיל ונשחט שלא על פי מומקה אסור.

The wording of our Mishnah is also precise in supporting Rabba bar bar Chana's explanation, as it states: Rabbi Meir says: Since it was slaughtered not according to the ruling of an expert, it is prohibited to be eaten.

STATEMENT

שמע מינה קנסא קא קנס רבי מאיר, שמע מינה.

The Gemara notes: Indeed, conclude from it that Rabbi Meir penalizes him for not showing the blemish to an expert, and it is not because we are concerned that the blemish changed. The Gemara confirms: Conclude from it that this is so.

QUESTION

איבעצא להו: מפני המשתנין — דכולהו משתני, או דלמא איכא דמשתני ואיכא דלא משתני?

A dilemma was raised before them, the Sages in the bais medrash: When the Braisa says that we do not permit a firstborn based on a non-expert's examination **due to** blemishes on the cornea **which change** after death, does this mean **that all of them change**, or perhaps there are some that change and there are others that do not change?

EXPLANATION

למאי נפקא מינה? לאכחוישי סהדי.

The Gemara asks: **What is the practical difference** of this inquiry? The Gemara answers: It is **with regard to contradicting witnesses** who testify that the animal had this exact blemish in its eye while it was still alive.

QUESTION

אי אמרת: כולהו משתני — שקרי נינהו, ואי אמרת: איכא דמשתני ואיכא דלא משתני — סמכינן עליהו. מאי?

Because **if you say** that **all of them change** after death, then these witnesses **are liars**, since the blemish we see now cannot be the same one they saw when it was alive. **But if you say** that **there are some that change and there are others that do not change**, then **we can rely on them**, as this might be a blemish that does not change. So, **what** is the halachic conclusion?

PROOF

תא שמע, דאמר רבה בר בר חנה: שח לי רבי יאשיה דמן אושא, בא ואראך בדוקין שהן משתנים.

Come and hear a proof, as Rabba bar bar Chana said: Rabbi Yoshiya from Usha told me, "Come and I will show you corneas **that change** after death."

INFERENCE

מדקאמר ליה "בא ואראך", מכיל דאיכא דמשתני ואיכא דלא משתני.

From the fact that he said to him, "Come and I will show you those that change," we can learn **by inference** that there are **some that change and there are others that do not change**, which is why he had to point out the specific ones that do.

משנה MISHNAH

MISHNAH

מי שאינו מומחה, וראה את הכבד ונשחט על פיו, הרי זה יקבר, וישלם מכיתו.

We learned in our Mishnah: **One who is not an expert**, and he examined the firstborn and it was slaughtered based on his **ruling**, **behold this animal must be buried**, and he **must pay** the value of the loss to the Kohen **from his home**, meaning from his own pocket.

גמרא GEMARA

QUESTION

לִימָא תֵּנּוּ סֵתְמָא כְּרַבִּי מֵאִיר?

The Gemara asks: **Shall we say that we learned this unattributed Mishnah in accordance with Rabbi Meir**, who penalizes and forbids the animal in all cases where it was slaughtered without an expert?

ANSWER

דְּלִמָּא בְּדוּקִין שְׂכַעְיָן, וְדַבְרֵי הַכֹּל.

The Gemara rejects this: No, **perhaps** our Mishnah is talking specifically about **corneas in the eye** which change after death, **and** in such a case it is **the words of all**, even the Rabbis agree that the animal is forbidden because we cannot verify the blemish.

BRAISA

תָּנָא: כְּשֶׁהוּא מְשַׁלֵּם — מְשַׁלֵּם רְבִיעַ לְדָקָה, וּמִחֲצָה לַגֹּסֶה.

A Tanna **taught** in a Braisa: **When he pays** the Kohen, **he pays one-quarter** of the value **for a small animal**, like a sheep or goat, **and half** the value **for a large animal**, like a bull.

EXPLANATION

מֵאִי טַעְמָא? אָמַר רַב פָּפָא: זֶה הֶפְסֵד מְרֻבָּה, וְזֶה הֶפְסֵד מוֹעֵט.

The Gemara asks: **What is the reason** for this difference? **Rav Pappa said:** This large animal represents a **great loss** to the non-expert if he had to pay the full half-value, **and that** small animal is a **small loss**, so the Sages made a distinction to ease the burden on him.

OBJECTION

אִי הָכִי, לְפֻמָּה פְּסִידָא לִישָׁלָם!

The Gemara objects: **If so**, that the Sages were just trying to scale it based on the size of the loss, **let him pay according to the actual loss** proportionally! Why fix arbitrary fractions of a quarter and a half?

RESOLUTION

אָמַר רַב הוּנָא בַּר מְנוּחַ מְשַׁמִּיָּה דְרַב אַחָא בַּר אִיקָא: מְשֻׁם גְּזִירַת מְגִדְלֵי בְּהֵמָה דָּקָה נִגְעוּ בָּהּ.

Rav Huna bar Manoach said in the name of Rav Acha bar Ika: They touched upon it and set the payment for a small animal at only a quarter **because of the decree against those who raise small livestock** in Eretz Yisrael. Since raising small cattle in Eretz Yisrael is discouraged because they destroy the fields, the Sages did not want to make it too profitable or easy for the Kohen to collect on them, so they reduced the compensation to a quarter.

מִשְׁנָה MISHNAH

MISHNAH

מִתְּנִי' דִּין אֶת הַדִּין, זִכָּה אֶת הַחַיִּיב וְחַיִּיב אֶת הַזֹּכֵא, טִימָא אֶת הַטָּהוֹר וְטָהֵר אֶת הַטָּמֵא — מֶה שְׁעָשָׂה עָשׂוֹי, וִישָׁלָם מִבֵּיתוֹ.

MISHNAH: If a judge **judged a case**, and **erred**, and thereby **exempted the liable party** or **obligated the innocent party**, or if he ruled on ritual purity and **declared impure that which was pure**, or **declared pure that which was impure**, what he **did is done** and the ruling stands, **but he must pay** the damages **from his home**, meaning from his own personal funds.

MISHNAH

וְאִם הָיָה מוֹמָחָה לְבֵית דִּין — פְּטוֹר מִלְשָׁלִים.

And if he was an expert recognized by the court, he is exempt from paying.

גְּמָרָא GEMARA

QUESTION

גְּמ' לִימָא תַנּוּ סְתָמָא פְּרָבִי מְאִיר, דְּדָאִין דִּינָא דְגֵרְמִי?

GEMARA: Shall we say that we learned this unattributed Mishnah in accordance with Rabbi Meir, who judges and holds a person liable for **indirect damage**? After all, the judge only spoke words and did not directly damage the property himself.

ANSWER

אָמַר רַבִּי אֵילֶעָא אָמַר רַב: כְּגוֹן שֶׁנִּשְׂא וְנָתַן בְּיָד.

Rabbi Ile'a said in the name of Rav: This is a case where he physically took the object and gave it over with his own hand, which is direct damage, and everyone agrees one is liable for that.

OBJECTION

בְּשָׁלְמָא חַיִּיב אֶת הַזֹּכֵאִי — כְּגוֹן שֶׁנִּשְׂא וְנָתַן בְּיָד,

The Gemara asks: **Granted**, where he obligated the innocent party, we can easily find a case of direct action, such as where he physically took the money from the innocent party and gave it to the other with his hand.

OBJECTION

אֲלֹא זִיכָּה אֶת הַחַיִּיב הִכִּי דְמִי? אִי דָאֻמַּר לֵיהּ "פְּטוֹר אַתָּה" — וְהָא לֹא נִשְׂא וְנָתַן בְּיָד!

But where he exempted the liable party, what are the circumstances of direct action? If he merely said to him, "You are exempt," behold, he did not physically take and give with his hand!

RESOLUTION

אָמַר רַבִּינָא: כְּגוֹן שֶׁהָיָה לוֹ מַשְׁכּוֹן וְנִטְלוּ הֵימָנוּ.

Ravina said: It is a case where the creditor had a collateral belonging to the debtor in his possession, and the judge physically took it from him and returned it to the debtor.

EXPLANATION

טִימָא אֶת הַטְּהוֹר — דָּאֲנַע בְּהוּ שְׂרָץ,

The Gemara asks: If he **declared impure that which was pure**, how did he do this with his own hands? The Gemara answers: **Where he physically touched a dead creeping animal to them**, thereby making them impure.

EXPLANATION

טִיְהַר אֶת הַטָּמֵא — שְׁעִירְכֶן עִם פִּירוֹתָיו.

And if he **declared pure that which was impure**, how did he cause direct damage? **Where he mixed them**, the impure fruits, **with** the owner's other **pure fruits**, thereby rendering the entire mixture impure and unusable.

מִשְׁנָה MISHNAH

MISHNAH

מִתְּנִי וּמַעֲשֶׂה בַּפֶּרָה שְׁנִיטָלָה הָאֵם שָׁלָה, וְהָאֵכִילָה רַבִּי טַרְפוֹן לְכֻלָּבִים,

MISHNAH: And there was an incident involving a cow whose womb was removed, and Rabbi Tarfon ruled that it was a treifah and fed it to the dogs.

MISHNAH

וְכָא מַעֲשֶׂה לִפְנֵי חֲכָמִים בְּיָבְנָה, וְהִתִּירוּהָ.

And the incident came before the Sages in Yavneh, and they permitted it, ruling that an animal without a womb is not a treifah.

MISHNAH

וְאָמַר תּוֹדוֹס הָרוֹפֵא: אֵין פֶּרָה וְחִזִּירָה יוֹצֵאָה מֵאַלְכְּסַנְדְּרִיָּא שֶׁל מִצְרַיִם, שְׂאִין חוֹתְכִין הָאֵם שָׁלָה, בְּשָׁבִיל שְׁלָא תֵּלֵד.

And Todos the doctor said: No cow or pig leaves Alexandria of Mitzrayim without them cutting out its womb, so that it will not give birth and allow others to breed their superior stock, and yet these animals live on.

MISHNAH

אָמַר רַבִּי טַרְפוֹן: הֲלָכָה חֲמוֹרָה טַרְפוֹן!

Upon hearing this, **Rabbi Tarfon said: Your donkey is gone, Tarfon!** He assumed he would have to sell his donkey to pay for the cow he mistakenly ordered to be thrown to the dogs.

MISHNAH

אָמַר לוֹ רַבִּי עֲקִיבָא: רַבִּי טַרְפוֹן, אַתָּה מוֹמָחָה לְבֵית דִּין, וְכָל הַמוֹמָחָה לְבֵית דִּין פֶּטוּר מִלְּשָׁלֵם.

Rabbi Akiva said to him: Rabbi Tarfon, you are an expert recognized by the court, and anyone who is an expert recognized by the court is exempt from paying.

גְּמָרָא GEMARA

QUESTION

גְּמ' וְתִיבּוּק לִיָּה, דְּטָעָה בְּדִבְרֵי מִשְׁנָה, וְטָעָה בְּדִבְרֵי מִשְׁנָה חִזְרָא!

GEMARA: But let him derive his exemption from the fact that he erred in a matter of Mishnah, since the halacha that a womb-less animal is kosher is an established law, and the rule is that if a judge erred in a matter of Mishnah, the decision is reversed and the owner can get his money back from the litigant, so the judge doesn't have to pay!

ANSWER

הָדָא וְעוֹד קָאָמַר: הָדָא — דְּטָעָה בְּדִבְרֵי מִשְׁנָה חוּזֵר,

The Gemara answers: Rabbi Akiva was saying "one thing and another" to reassure him: First, that since you erred in a matter of Mishnah, the decision is reversed and you are not liable,

ANSWER

וְעוֹד — אִי נִמְי בְּשִׁיקוּל הַדָּעַת טָעִיתָהּ, מוֹמְקָה לְבֵית דִּין אַתָּה, וְכָל הַמוֹמְקָה לְבֵית דִּין פָּטוּר מִלְשָׁלָם.

and furthermore, even if you had erred in the weighing of opinions where the decision cannot be reversed, you are an expert recognized by the court, and anyone who is an expert recognized by the court is exempt from paying.

מִשְׁנָה MISHNAH

MISHNAH

מִתְנִי' הַנוֹטֵל שָׂכָר לְהִיּוֹת רוֹאֶה אֶת הַבְּכוֹרוֹת — אֵין שׁוֹחֲטִין עַל פִּיו, אֶלָּא אִם כ�ּן הָיָה מוֹמְקָהּ.

MISHNAH: One who takes payment to examine firstborn animals to see if they have a blemish, we do not slaughter the animal based on his ruling, unless he was an expert as great as Ila in Yavneh, who was permitted to take payment.

SUMMARY

The daf concludes the debate between Rav's talmidim regarding the source that a blemished bechor belongs to the Kohen, either from the word "and their flesh" or from "it shall be yours." The Gemara then clarifies the rules for keeping a blemished bechor nowadays, proving that if a blemish develops close to the end of its first year, we complete a full thirty days for the owner even if it extends into the second year, which refutes Rabbi Elazar's broader ruling. In the next Mishnah, we learn that if one slaughtered a bechor before showing its blemish to an expert, Rabbi Yehuda permits it if the blemish is found to be permanent, while Rabbi Meir forbids it. The Gemara explains that this machlokes is a Rabbinic decree on body blemishes due to cataracts in the eye, which change after death and cannot be properly evaluated post-mortem.

We see in our sugya the beautiful, trembling yiras Shamayim of the great Tanna, Rabbi Tarfon. When he realized he had mistakenly ruled a cow to be treif and had it fed to the dogs, he cried out with real pain, "Halcha chamorcha Tarfon!", "Your donkey is gone, Tarfon!" He was ready to sell his own riding donkey to pay back the owner for his mistake. Even though Rabbi Akiva comforted him that as an official expert of the court he was halachically exempt from paying, Rabbi Tarfon's immediate, instinctive reaction was to take personal responsibility and pay out of his own pocket for the loss he caused.

This is a massive yesod for our own daily avodah. How often do we make a mistake that impacts someone else, whether it is a financial loss, a hurt feeling, or a misunderstanding, and our first reaction is to look for excuses, heterim, or halachic exemptions to get ourselves off the hook? We try to explain why we aren't really to blame, or why we don't legally owe anything.

But a true Torah personality lives with a higher standard of integrity. Like Rabbi Tarfon, our first thought should be: "I caused a loss, how can I make it right?" When we take responsibility for our actions without hiding behind technicalities, we show true gadlus and bring kavod to Hashem's name.

Today, if you realize you made a mistake that caused someone else even a small loss, inconvenience, or distress, do not look for excuses. Step up immediately, apologize, and ask how you can make it right or compensate them.