

Bekhorot 13 Detailed Summary

Coverage: Bekhorot 13a - 13b

Bekhorot 13 closes the first chapter by clarifying the timing of פדיון פטר חמור and listing several mitzvot in which one course of action takes priority over another. The mitzvah to redeem a firstborn donkey applies immediately, while the thirty-day period marks the point after which delay becomes a transgression. The Mishnah then compares redemption with arifah, designation of a Hebrew maidservant with redemption, yibbum with chalitzah, and redemption of consecrated property by its original owner with redemption by anyone else.

The daf then opens the second chapter with a new Mishnah about firstborn kosher animals in transactions involving non-Jews. Partial non-Jewish ownership exempts the offspring from בכורה, while Kohanim and Leviim remain obligated in firstborn kosher animals because their tribal exemption applies only to פדיון הבן and פטר חמור. From there, the Gemara asks why the tractate discussed the donkey first and then turns to the much larger question of how ownership transfers between Jews and non-Jews.

The final and longest unit analyzes whether money or משיכה, physical pulling, effects acquisition in a Jew-gentile transaction. Rabbi Oshaya, Abaye, Ameimar, Rabbi Yochanan, Reish Lakish, Rava, Rav Ashi, and Ravina all contribute to the analysis. A baraita about purchasing broken metal that unexpectedly contains an idol becomes the main test case. The daf shows that the firstborn status of an animal can depend on the exact moment ownership changes, so abstract commercial law becomes directly relevant to sacred status.

The detailed summary begins on the next page and follows the daf in sequence, explaining the questions, answers, proofs, distinctions, and conclusions needed to understand the sugya as a whole.

Detailed Summary

Redemption is immediate; thirty days marks the deadline

Rav Sheshet explains that the mitzvah to redeem a firstborn donkey takes effect immediately after birth. A baraita that speaks of thirty days does not mean that the owner should wait before redeeming. Rather, during the first thirty days he has the opportunity to perform the mitzvah without having violated the obligation through delay; after that period, continued failure to redeem becomes a transgression.

Rami bar Chama challenges this reading from a baraita that says the mitzvah applies “all thirty days” and afterward the owner must either redeem or perform arifah. The Gemara answers that “all thirty days” means the mitzvah may be fulfilled throughout that period, not that postponement itself is preferred.

When one mitzvah takes precedence over another

The Mishnah collects several examples of priority within a mitzvah structure. Redemption of the firstborn donkey takes precedence over עריפה, because redemption preserves the animal and provides the Kohen with the redemption lamb. The mitzvah of ייעוד, designating a Hebrew maidservant as a wife, takes precedence over releasing her through monetary redemption. In the original ideal, יבום took precedence over חליצה; when motives were no longer reliably for the sake of the mitzvah, the Sages preferred chalitzah. And when non-kosher consecrated property must be redeemed, the original owner has the first opportunity to redeem it.

These examples are not identical, but together they teach that halachah can establish an ordered preference among two formally valid outcomes. “Valid” and “preferred” are separate categories.

Beginning the second chapter: non-Jewish ownership and firstborn sanctity

הלוקח עובר פרתו של נכרי, והמוכר לו, אף על פי שאינו רשאי, והמשתתף לו, והמקבל ממנו, והנותן לו בקבלה - פטור מן הבכורה, שנאמר בישראל, אבל לא באחרים.

The new Mishnah lists several arrangements in which a non-Jew owns all or part of the cow or fetus: a Jew buys the fetus of a non-Jew's cow, sells a fetus to a non-Jew, forms a partnership, receives an animal under a shared-profit arrangement, or gives his animal to a non-Jew under such an arrangement. In each case the non-Jewish share prevents firstborn sanctity from taking effect, based on the Torah's limitation בישראל - among Israel, and not where an outsider shares ownership.

The Mishnah then emphasizes that Kohanim and Leviim are still obligated in בכור בהמה טהורה. Their wilderness exemption does not extend to every firstborn law; it covers redemption of a firstborn son and the firstborn donkey, not the inherent sanctity of a firstborn kosher animal.

Why the tractate discussed the donkey first

The Gemara asks why the tractate opened with the less severe sanctity of פטר חמור, which is redeemed and whose sanctity is principally monetary, before discussing a firstborn kosher animal with קדושת הגוף. Two answers are given in Eretz Yisrael. The donkey laws were beloved because of the role donkeys played in carrying the wealth of Egypt during the Exodus, or simply because the donkey material was shorter and could be completed before beginning the larger subject.

Rashi (ד"ה דוטרין)

Rashi explains that the matters of the non-kosher firstborn are relatively few, so the tanna finishes that unit and then turns to the more extensive laws of a firstborn kosher animal. The ordering is therefore pedagogic rather than a ranking of sanctity.

When does a Jew acquire an animal from a non-Jew?

Rabbi Yitzchak bar Nachmani transmits in the name of Reish Lakish, citing Rabbi Oshaya, that if a Jew gives money to a non-Jew for an animal according to the legally recognized mode of acquisition, the Jew acquires the animal even before pulling it and its firstborn can become obligated. Conversely, when a non-Jew gives money to a Jew for the Jew's animal, ownership can pass to the non-Jew and the animal becomes exempt from firstborn sanctity.

This is not a side issue in commercial law. The exact instant of acquisition determines who owns the mother when the firstborn is born, and that ownership determines whether בכורה can take effect.

Abaye: “your counterpart” defines the contrast

The Gemara explores what “according to their laws” means and rejects attempts to derive property acquisition directly from the way a person can be acquired as a slave. Abaye instead turns to the verse וְכִי תִמְכְּרוּ מִמֶּכֶר לְעַמִּיתְךָ. The Torah's specification of “your counterpart” teaches one acquisition system for transactions with a fellow Jew and allows a contrasting system for transactions with a non-Jew.

The Gemara tests every possible reading. Perhaps a non-Jew cannot acquire at all; perhaps two acts are required; perhaps either money or pulling is sufficient. The response is that the gentile transaction, like the Jewish transaction, should be completed through one decisive act rather than an accumulation of unrelated formalities.

Tosafot (ד"ה מיד)

Tosafot focuses on the mechanics of the contrast between money and pulling. The derivation is not simply a vocabulary exercise; it asks which concrete act places the object legally into the buyer's domain, because that moment determines the animal's firstborn status.

Ameimar and the Torah-level acquisition debate

Ameimar's position that pulling can acquire from a non-Jew is analyzed against the famous dispute between Rabbi Yochanan and Reish Lakish. Rabbi Yochanan holds that by Torah law money effects acquisition and the Sages shifted ordinary Jewish commerce to pulling in order to prevent abuse. Reish Lakish treats pulling itself as the Torah-level act. Depending on which position Ameimar accepts, the phrase **לעמיתך** must be assigned a different function.

The Gemara also discusses the exclusion of a non-Jew and consecrated property from the laws of **אונאה**, monetary exploitation. That discussion is used to determine whether the verse remains available to teach the method of acquisition.

The broken-metal case and an unexpected idol

A baraita supplies the main practical challenge. A Jew buys broken gold or silver objects from non-Jews and discovers among them an item of idolatry. If he pulled the material before paying, the baraita allows him to return the idol; if he pulled after paying, he must dispose of the prohibited benefit rather than return it. The sequence seems to make both money and pulling relevant, which is difficult for theories that choose only one act as decisive.

The Gemara develops several solutions. One possibility is that the parties accepted Jewish commercial law. Abaye explains the first clause as **טעות טעות**, a mistaken transaction, while Rava argues that both clauses involve mistake but differ in how the transaction appears once money has been paid. Abaye can answer that after payment the buyer should have inspected before pulling, so his later act confirms the transaction more strongly.

Rav Ashi and Ravina read the baraita differently

Rav Ashi says the transaction follows gentile law and that the wording about pulling in the latter clause is included only because the baraita used the same wording in the first clause; pulling itself is not the operative acquisition. Ravina takes the opposite structural approach: the transaction follows Jewish law, pulling is effective, and the first clause should be read as a case in which the buyer has neither paid nor pulled and therefore may retract even from his verbal commitment.

The multiple readings demonstrate the daf's legal method. Rather than treating an awkward baraita as decisive at first glance, the Amoraim ask which words are legally operative, which are stylistic carryovers, and what the parties understood as the governing law of the transaction.

What the daf establishes

Bekhorot 13 is the bridge between the first and second chapters. It closes the laws of the firstborn donkey by defining the timing and preferred form of redemption, then opens the laws of firstborn kosher animals by making ownership the decisive threshold. The extended acquisition debate is therefore directly connected to the tractate's subject: sacred status depends not only on biology and birth but also on who legally owns the animal at the critical moment.

Glossary

Hebrew term	Transliteration	Meaning in this sugya
ייעוד	Yi'ud	Designation of a Hebrew maidservant for marriage to her master or his son.
יבום	Yibbum	Levirate marriage.
חליצה	Chalitzah	The ceremony dissolving the levirate bond.
קדושת הגוף	Kedushat haguf	Inherent bodily sanctity, as in a firstborn kosher animal.
משיכה	Meshichah	Acquisition by physically pulling or taking possession of movable property.
מעות קונות	Ma'ot konot	The principle that monetary payment effects acquisition.
מקח טעות	Mekach ta'ut	A mistaken transaction that can be void because a material fact was unknown.
אונאה	Ona'ah	The Torah's rules against exploitative overcharging or underpaying.

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