

Bekhorot 18 Detailed Summary

Coverage: Bekhorot 18a - 18b

Bekhorot 18 resolves the daf-long inquiry into אִפְשָׁר לְצַמְצֵם and then applies ordinary monetary rules to uncertain firstborn animals. The Gemara tests whether people can measure with absolute equality from the altar's midpoint, the dimensions of sacred vessels, a broken earthenware oven, and the case of a corpse found exactly between two cities for the law of עֵגְלָה עֶרּוּפָה. The final proof shows that according to the Sages exact equality cannot be reliably established even by human measurement. Rabbi Yosei HaGelili remains the position that true simultaneity or equality can be recognized.

The daf then clarifies Rabbi Tarfon and Rabbi Akiva's disagreement over twin males of doubtful firstborn status. Rabbi Tarfon assumes the stronger animal probably emerged first and lets the Kohen choose it. Rabbi Akiva places the burden of proof on the Kohen and interprets מִשְׁמַנִּין בִּינִיָּהּ so that the uncertainty in value remains between the parties rather than automatically favoring the priest. The same uncertainty affects the priestly gifts. Rabbi Meir treats the Kohen as having a claim from either side of the doubt, while Rabbi Yosei can exempt where the Kohen has already received the substitute animal, using the principle עָשׂוּ שְׂאִינוּ זֹכָה זֹכָה כְּזֹכָה.

The second half asks what happens when one doubtful animal dies and uses the law of deposits to model the dispute: property held neutrally by a shepherd differs from property standing in the owner's domain. The Gemara locates the dispute in a subtle intermediate case - the animals are in the owner's courtyard, but the Kohen serves as shepherd. Rabbi Tarfon sees the owner as granting the Kohen a share of the courtyard so the mitzvah can be performed; Rabbi Akiva does not assume such a transfer where it may cause loss. A new Mishnah then extends the same firstborn-allocation principles across several combinations of two ewes, males, and females, and the Gemara explains why each seemingly repetitive case is needed.

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 full discussion.

Detailed Summary

Resolving whether human beings can achieve exact equality

The Gemara continues testing the Sages' position on אִפְשָׁר לְצַמְצֵם. The scarlet line around the altar is not decisive because it can be made slightly wide, ensuring that the territory clearly above the band is above the midpoint and the territory clearly below it is below. The precisely commanded dimensions of the Tabernacle vessels and the altar are also not conclusive: where the Torah commands construction, human beings fulfill the command as accurately as they can, even if metaphysical exactness cannot be proven.

Rav Katina cites an impure earthenware oven divided into two apparently equal halves. Both pieces can remain impure because exact equality cannot be determined; Rav Kahana answers that broken earthenware has irregular depressions and protrusions, making that case especially resistant to measurement.

The decisive proof from eglah arufah

The Gemara turns to a corpse found apparently equidistant between two cities. Rabbi Eliezer says both cities bring calves. At first this seems to prove that human measurement can establish exact equality and that “the nearest city” can include two equally near cities. But the Gemara notes that the Tanna Kamma's view must also be explained. If equality were impossible, why would no city perform the rite? The cities could jointly bring one calf with a conditional allocation.

The discussion first suggests that both sides may accept the possibility of equality and dispute whether the singular word הַקְרֹבָה excludes multiple equally near cities. Rav Chiya bar Avin in the name of Rav Amram then cites a baraita: Rabbi Eliezer requires two calves, while the Sages require one jointly owned calf with a condition. That conditional solution makes sense only if the Sages believe exact equality cannot be reliably established even by people. The Gemara concludes: אִי אִפְשָׁר לְצַמְצֵם, וְאִפִּילוּ בִּיְדֵי אָדָם.

Rabbi Tarfon: the stronger animal probably emerged first

The Gemara returns to the Mishnah's twins. Rabbi Tarfon lets the Kohen choose the better animal because he assumes the stronger, healthier fetus was likely to have emerged first. His allocation therefore rests on a factual presumption about birth rather than on simply favoring the Kohen because of sanctity.

Rabbi Akiva disagrees. Rabbi Yochanan explains that the Kohen takes the leaner animal. When Rabbi Chiya bar Abba objects that the Mishnah says מִשְׁמָנִין בִּיְנִיָּהּ, Rabbi Yochanan explains the phrase from the later clause: the “fatness,” meaning the disputed superiority in value, remains between them and is not awarded to the Kohen unless he proves that the better animal is the true firstborn. The owner can say: bring proof that this animal is the firstborn and then take it.

Rashi (ד"ה שומן יהא ביניהן)

Rashi explains that the difference in value between the animals itself becomes the subject of the dispute. The Kohen cannot extract that added value merely from the existence of doubt; as claimant, he must prove that the superior animal is the actual firstborn.

Priestly gifts from the doubtful animal

The Mishnah obligates the remaining animal in the gifts of foreleg, jaw, and maw according to Rabbi Meir, while Rabbi Yosei exempts in the case where the Kohen has already received the other animal. Rabbi Yochanan explains Rabbi Meir: the Kohen can approach the owner from either side of the uncertainty. If the animal now with the owner is the true firstborn, the whole animal belongs to the Kohen; if it is not, then it is ordinary chullin and should yield the standard priestly gifts.

Rava explains Rabbi Yosei through עשו שאינו זוכה כזוכה. Even though the Kohen never literally acquired the doubtful animal now held by the Israelite, the law treats the Kohen as though his potential firstborn right had reached it and he then exchanged or sold it back. A blemished firstborn sold by a Kohen to an Israelite is exempt from those gifts, so the doubtful animal can be exempt as well.

Rabbi Elazar adds that all agree a doubtful firstborn with no corresponding substitute already in the Kohen's hands is obligated in the gifts. Rav Pappa similarly says all agree that doubtful animal tithe is exempt, because a Kohen does not have the same two-sided claim in ספק מעשר. The Gemara briefly considers whether Rabbi Meir's reason might instead be to prevent the law of gifts from being forgotten, but the structure of Rabbi Yosei's stated reason confirms that the core distinction is the Kohen's competing proprietary claims.

When one of the doubtful twins dies

The Mishnah says that if one of the twins dies, Rabbi Tarfon says the surviving animal is divided, while Rabbi Akiva says המוציא מחבירו עליו הראיה. The Gemara asks how Rabbi Tarfon can still split the survivor if he earlier gave the superior animal to the Kohen. If the fat animal died, it should have been the Kohen's; if the lean animal died, the survivor should be the Kohen's. Rabbi Ami answers simply: Rabbi Tarfon retracted his earlier assumption and came to view both parties as sharing uncertainty in both animals.

Rashi (ד"ה חזר בו רבי טרפון)

Rashi explains that Rabbi Tarfon withdrew from the earlier rule that the Kohen chooses the better animal. He now treats both parties as having a potential share in both doubtful animals, which is why the surviving animal can be divided.

The deposit analogies

Rabbi Chiya compares Rabbi Tarfon's rule to two people who deposited animals with a shepherd and one animal was lost: the shepherd stands neutrally between them rather than holding the disputed property for one claimant. Rabbi Akiva's model is one person who deposited an animal with a homeowner who mixed it with his own herd; when one dies, the depositor must prove that the surviving animal belongs to him.

The Gemara objects that the Tannaim should not disagree in those clear cases. Rava, or according to another version Rav Pappa, therefore says they agree on both endpoints. Their real dispute is an intermediate case: the doubtful firstborns stand in the owner's courtyard, but the Kohen is the shepherd.

Rabbi Tarfon assumes the owner grants the Kohen enough rights in the courtyard for the Kohen to acquire firstborn animals immediately, because a person is pleased for a mitzvah to be performed with his property. The courtyard therefore functions like neutral shared custody. Rabbi Akiva responds that where such a grant can cause the owner financial loss, we do not presume he transferred any right; the property remains in the owner's possession, and the Kohen must prove his claim.

(ד"ה אקנויי קא מקני ליה מקום בחצרו) Tosafot

Tosafot explains that the Kohen's acquisition need not depend on a formal new kinyan at the moment of birth. The owner's arrangement and the Kohen-shepherd's practical control of the courtyard can establish the necessary possession, but only if we are prepared to infer that the owner intended to grant it.

A new Mishnah: two ewes and multiple births

שתי רחליו שלא בכרו וילדו שני זכרים - שניהם לכהן... שני זכרים ונקבה - אחד לו ואחד לכהן.

The Mishnah now applies the allocation rules to two ewes. If neither ewe has previously given birth and each produces a male, both males are firstborn and go to the Kohen. If the combined births are a male and female, the male goes to the Kohen. If there are two males and one female, one male certainly belongs to the Kohen while the other remains doubtful; Rabbi Tarfon and Rabbi Akiva apply their respective allocation rules, and the second male grazes until blemished. The dispute about priestly gifts and the case where one animal dies recur.

If the total births include two females and one male, or two males and two females, the Kohen may receive nothing because each ewe may have produced a female first. The Mishnah then considers one ewe that had already given birth and one that had not. If they now produce two males, one male belongs to the Kohen, but uncertainty remains over which one. If they produce a male and female, the Kohen receives nothing because the non-first-time mother may have produced the male while the first-time mother produced the female.

Why the Mishnah repeats the dispute

The Gemara explains that the cases are not redundant. Had Rabbi Akiva's rule appeared only with one ewe producing two males, we might think he relies on המוציא מחבירו עליו הראיה only because both candidates came from one mother and are equally entangled in the same uncertainty. With two ewes and three offspring, one might think Rabbi Akiva would concede to Rabbi Tarfon because the ewe that produced only one animal may be presumed to have produced the stronger male. Conversely, if the ruling appeared only where both ewes were first-time mothers, we might think Rabbi Akiva's doubt is stronger there but that he would concede when one ewe had already given birth. The repeated cases establish that his allocation principle remains consistent across different structures of uncertainty.

Glossary

Hebrew term	Transliteration	Meaning in this sugya
אפשר לצמצם	Efshar letzamtzem	Whether exact equality or simultaneity can be achieved or reliably determined.
עגלה ערופה	Eglah arufah	The calf rite performed by the city nearest an unsolved corpse.
משמנין ביניהן	Meshammnin beineihem	The disputed superior value remains between the parties; the Kohen cannot take it without proof.
מתנות	Matanot	The foreleg, jaw, and maw given to a Kohen from ordinary slaughter.
עשו שאינו זוכה כזוכה	Asu she-eino zokhe ke-zokhe	The law treats one who did not actually acquire as though he acquired for a specified legal consequence.
ספק בכור	Safek bekhor	An animal of uncertain firstborn status.
ספק מעשר	Safek maaser	An animal of uncertain animal-tithe status.
המוציא מחבירו עליו הראיה	Hamotzi mechaveiro alav hara'ayah	A claimant seeking to extract property must bring proof.
חצר	Chatzer	A courtyard that can serve as an instrument of acquisition when legally assigned to a party.

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