

# Bekhorot 9 Detailed Summary

Coverage: Bekhorot 9a - 9b

Bekhorot 9 opens with the conclusion of the aggadic encounter involving Rabbi Yehoshua ben Chananya and then turns sharply back to the laws of פטר חמור, the firstborn donkey. The Mishnah presents a series of multiple-birth cases: two males, a male and a female, births from two donkeys, and cases in which one mother had already given birth previously. The central distinction is between religious uncertainty and monetary certainty. A doubtful firstborn may still require redemption in order to remove a possible prohibition, while the Kohen cannot necessarily demand the redemption lamb because monetary extraction requires proof.

The Gemara then probes the physical mechanics behind firstborn status. Can two offspring emerge from the womb at exactly the same moment? Rabbi Yosei HaGelili holds that exact simultaneity is possible, while the Mishnah appears to assume otherwise. The discussion also asks whether one fetus can interpose between another fetus and the womb, leading to the rule מִיֵּן בְּמִינוֹ אִינוֹ חוֹצֵץ. These questions matter because the sanctity of a firstborn depends on being the one that opens the womb, so details of emergence become legal facts.

The final major unit asks what redemption itself tells us about the status of an unredeemed firstborn donkey. Rabbi Yehuda prohibits benefit from it, while Rabbi Shimon permits benefit before עריפה. The Gemara tests their positions against the Torah's verses, the requirement to redeem specifically with a שֶׁה, and the laws of food impurity. By the end of the daf, the discussion has moved from uncertain birth to ownership, prohibition of benefit, and the technical definition of "food," creating the bridge into Daf 10.

**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

### The end of the Athenian episode

The daf begins by completing the narrative from the previous page. Rabbi Yehoshua brings the foreign sages before the emperor and uses elements associated with their homeland to change their behavior and expose them. The episode is not the halachic center of the daf, but it completes the broader theme of the preceding aggadah: Rabbi Yehoshua repeatedly succeeds by understanding the hidden premise of the other side's challenge.

#### Rashi (ד"ה לבי בליעי)

Rashi explains the expression **לבי בליעי** as waters connected with the ocean that receives the waters of the world. The comment clarifies the imagery of the story and the geographical language on which the narrative plays.

### The Mishnah: uncertain firstborn donkey births

חמורה שלא ביכרה וילדה שני זכרים - נותן טלה אחד לכהן. זכר ונקבה - מפריש טלה אחד לעצמו. שתי חמוריו שלא ביכרו וילדו שני זכרים - נותן שני טלאים לכהן. זכר ונקבה, או שני זכרים ונקבה - נותן טלה אחד לכהן. שתי נקבות וזכר, או שני זכרים ושתי נקבות - אין לכהן כלום. אחת ביכרה ואחת שלא ביכרה וילדה שני זכרים - נותן טלה אחד לכהן; זכר ונקבה - מפריש טלה אחד לעצמו.

The Mishnah distinguishes cases in which a firstborn donkey certainly exists from cases in which the obligation is only doubtful. If one donkey that has never given birth produces two males, one of them certainly opened the womb, so one lamb must be given to the Kohen. If the births are one male and one female and we do not know which emerged first, the owner separates a lamb but keeps it himself.

That result reveals a fundamental split between *issur* and *mamon*. The possible firstborn status creates a religious problem that must be removed by redemption, but the Kohen's claim to the lamb is monetary. The owner is therefore not required to surrender the lamb without proof that the male was actually first. The principle is **המוציא מחבירו עליו הראיה**: the person who seeks to extract property bears the burden of proof.

#### Tosafot (ד"ה זכר ונקבה מפריש טלה לעצמו)

Tosafot asks how the Mishnah's requirement to separate a lamb fits with the possibility of exact simultaneity according to Rabbi Yosei HaGelili. Tosafot explains that even when the probability of a true firstborn is reduced by combining several possibilities, the Sages can still require separation of a lamb to address the remaining prohibition doubt.

## Can two offspring emerge at exactly the same moment?

The Gemara asks who authored the Mishnah. Rabbi Yirmeya initially says it does not follow Rabbi Yosei HaGelili, because Rabbi Yosei HaGelili holds אִפְשָׁר לְצִמְצָם - exact simultaneity is possible. If two males emerge together, both may have the status generated by opening the womb together, which would require a different accounting from the Mishnah's ordinary one-lamb ruling.

Abaye attempts to confine Rabbi Yosei HaGelili's view by reading special plural wording elsewhere as limited to kosher firstborn animals. But a baraita explicitly applies the possibility of simultaneous emergence to a firstborn donkey as well, so the attempted limitation cannot stand. The Gemara must therefore analyze the Mishnah without simply assuming that simultaneous birth is impossible.

## Does one fetus interpose for the other?

The discussion then turns from timing to contact with the womb. If two fetuses emerge together, perhaps one blocks the other from touching part of the womb and therefore prevents full firstborn status. Rav answers with the principle מִיֵּין בְּמִינוֹ אֵינוֹ חוֹצֵץ: when the interposing matter is of the same kind, it is not treated as a halachic barrier. The second fetus therefore does not disqualify the first merely by being alongside it.

This is a good example of how abstract rules of *chatzitzah* enter a very concrete birth case. The law of firstborn status depends on the opening of the womb, so exact physical relations between the fetuses become legally meaningful.

## Why redeem if the owner keeps the lamb?

The Gemara asks the most obvious question about the doubtful male-and-female case: if the owner ultimately keeps the lamb, why separate it at all? The answer is לֹא פִּדְיוֹקִי לְאִיסוּרִיָּה מִיֵּנִיָּה - the act of redemption is necessary to remove the possible prohibited status from the donkey. The fact that the Kohen cannot prove a monetary claim does not erase the owner's religious uncertainty.

This answer implies that an unredeemed firstborn donkey is restricted for benefit. That aligns the Mishnah with Rabbi Yehuda, who prohibits benefit from פֶּטֶר חֲמוֹר. Rabbi Shimon disagrees and permits benefit while the donkey is alive and unredeemed. The Gemara now seeks the conceptual and textual foundation of their disagreement.

## The lamb, full value, and the dispute about benefit

Ulla explains Rabbi Yehuda's position from the Torah's insistence that the donkey be redeemed with a שֶׁה, a sheep or goat. A Torah-mandated redemption procedure suggests that the animal carries a restricted status until that procedure is performed. The Gemara later qualifies the special role of the lamb: when redemption is made for less than the donkey's full value, the Torah requires the designated שֶׁה; when full value is given, other property can enter the discussion.

A second textual route compares the firstborn donkey with verses governing a firstborn kosher animal, including the prohibitions of working an ox and shearing a sheep. Rabbi Yehuda and Rabbi Shimon read the

extra wording differently, and the Gemara tests each reading against related cases such as partnership with a non-Jew and the boundaries of firstborn sanctity. The dispute is therefore not a single isolated disagreement; it sits inside the broader structure of what firstborn status means and how Torah language limits it.

### After arifah and the laws of food impurity

Rabba teaches that even Rabbi Shimon, who allows benefit from the living donkey, agrees that after עריפה the animal is prohibited for benefit. The source is a גזירה שוה connecting the word עריפה here with עגלה ערופה, whose carcass is prohibited for benefit after the ritual.

The Gemara then tests this conclusion through the laws of טומאת אוכלין. A baraita groups together several prohibited items and asks whether they are still halachically considered “food” for purposes of impurity. Rabbi Shimon distinguishes between things that cannot legally be fed to anyone and something that once had a period of permitted food status. This technical discussion becomes the transition into the next daf.

### What the daf establishes

Bekhorot 9 shows how halacha can impose an obligation even when a monetary claimant cannot collect. The doubtful donkey must be redeemed because the prohibition doubt belongs to the owner, while the lamb can remain with him because the Kohen has not proven his claim. The daf then grounds that practical rule in deeper questions about simultaneous birth, interposition, redemption, and prohibited benefit. What begins as a Mishnah of complicated birth combinations develops into a conceptual analysis of how sanctity begins, how uncertainty is resolved, and what redemption actually changes.

### Glossary

| Hebrew term              | Transliteration                  | Meaning in this sugya                                                    |
|--------------------------|----------------------------------|--------------------------------------------------------------------------|
| פטר חמור                 | Peter chamor                     | A firstborn male donkey that must be redeemed.                           |
| המוציא מחבירו עליו הראיה | Hamotzi mechaveiro alav haraayah | The claimant seeking to extract property bears the burden of proof.      |
| אפשר לצמצם               | Efshar letzamtzem                | The view that exact simultaneity can occur.                              |
| מין במינו אינו חוצץ      | Min bemino eino chotetz          | Something of the same kind does not create a halachic interposition.     |
| לאפוקי לאיסוריה מיניה    | Le-apukei le-isurei minei        | To remove the donkey’s possible prohibited status through redemption.    |
| שה                       | Seh                              | A sheep or goat used to redeem a firstborn donkey.                       |
| עריפה                    | Arifah                           | Killing an unredeemed firstborn donkey by breaking the back of its neck. |

| Hebrew term  | Transliteration | Meaning in this sugya                                              |
|--------------|-----------------|--------------------------------------------------------------------|
| עגלה ערופה   | Eglah arufah    | The heifer used in the Torah's unsolved-murder ritual.             |
| טומאת אוכלין | Tumat ochlin    | Ritual impurity applying to items halachically classified as food. |

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