



Bekhorot 3

Detailed Summary

Coverage: Bekhorot 3a line 3 through 4a line 13

From the repurchase penalty through the complete exemption discussion of Kohanim and Leviim

לעילוי נשמת הרב נחמיה בן הרב יוסף הכהן זייע'יק זצ"ל

A clear guide to rabbinic penalties, mixed ownership, firstborn blemishes, practical safeguards, and the exemptions of Kohanim and Leviim.

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Detailed Summary

The central idea

Bekhorot 3 asks how legal ownership, physical identity, and rabbinic responsibility interact. A tiny gentile share may remove firstborn sanctity, but technical ownership arrangements can still be discouraged when they erase holiness or mislead other people. The daf then explains why Kohanim and Leviim are exempt from redeeming firstborn sons and donkeys.

The continuation from Bekhorot 2

The previous unit distinguished three transactions: selling the mother, selling an existing fetus, and selling only rights to future offspring. Bekhorot 3 begins after that distinction, with the consequence of an improper transfer. When a Jew sells large livestock (בְּהֵמָה גְּסָה) to a gentile in violation of the rabbinic restriction, the court may require him to repurchase it at a dramatically inflated price. The purpose is not ordinary compensation. It is a penalty (סָנֵן) designed to reverse the prohibited transfer and discourage repetition.

Reish Lakish's statement appears in two versions. One version speaks of buying the animal back for as much as ten times its value; another says as much as one hundred times. The Gemara asks whether these numbers are exact ceilings or strong expressions of severity. The comparison to a Canaanite slave shows why the amount cannot be read mechanically. Selling a slave to a gentile prevents the slave from fulfilling mitzvot each day, but redeeming that slave also triggers other consequences, including freedom. The Sages shape a penalty according to the wrongdoing, its frequency, and the consequences already imposed.

Rashi integrated

Rashi explains that “up to ten” or “up to one hundred” may express the court's power to force repurchase even at an extreme price when the gentile refuses a normal offer. The point is restoration and deterrence, not a commercial valuation formula.

The Torah word that creates the central dispute

The Gemara returns to the disagreement between Rabbi Yehuda and the Sages about an animal owned jointly by a Jew and a gentile. Both derive their positions from the phrase “all the firstborn” (כָּל בְּכוֹר), but they begin with opposite assumptions about what the ordinary word “firstborn” means.

- The Sages understand “firstborn” to include even an animal that is only partly Jewish-owned. The added word “all” then narrows the rule: firstborn sanctity applies only when the whole animal belongs within Jewish ownership. Any qualifying gentile share creates an exemption.
- Rabbi Yehuda understands “firstborn” to mean a completely Jewish-owned firstborn. The added word “all” then broadens the rule: even a small Jewish share is enough to create firstborn obligations.

An alternative formulation says that everyone begins with majority ownership. The dispute is whether “all” comes to fill the requirement until complete Jewish ownership is necessary, or to reduce the requirement so that even a smaller Jewish share is enough. Either way, one short Torah word becomes the hinge between inclusion and exclusion.

How much gentile ownership is enough

According to the Sages, the practical question is how large or important the gentile’s share must be. Rav Huna gives the broadest answer: ownership of even the animal’s ear can be enough. Rav Nachman challenges this by asking why the Kohen cannot simply tell the gentile to take his ear while the rest remains a blemished firstborn. The later amoraim offer more functional thresholds.

- Rav Chisda requires ownership of a body part whose removal would make the animal a carcass (גְּזֵלָה) immediately.
- Rava requires ownership of a body part whose removal would make the animal a tereifah (טְרֵיפָה), a mortal defect from which the animal is not expected to survive normally.

Their disagreement reflects a deeper question: Is a tereifah legally expected to live? If a tereifah cannot live, ownership of the life-sustaining part is comparable to ownership of the animal’s essential existence. If it can live for a significant period, only ownership of a part whose loss causes immediate death is strong enough.

Rashi integrated

Rashi turns the abstract ownership question into a functional test. A share in the esophagus or windpipe places the animal’s immediate life in the gentile’s hands. A share in a limb whose loss creates tereifah status controls its long-term viability. The legal importance of the share is measured by what that body part does, not simply by its size or price.

The fetus, the mother, and a nonviable birth

The Sages try to harmonize Rav Huna with Rav Chisda and Rava by saying that ownership of a small part is enough when the gentile owns part of the fetus, while a life-essential part is required when the gentile owns part of the mother. Rav Pappa rejects that split. The Torah uses language of completeness for both the firstborn and the mother. If full ownership matters, the same principle must be taken seriously in both places.

Mar bar Rav Ashi then asks why ownership of an essential part should matter at all. A nonviable newborn (נֶפֶל) can still receive firstborn sanctity even though it cannot live. The answer is that viability is not the only issue. A nonviable fetus can still be wholly within the sacred ownership category. Mixed ownership is different because ordinary, non-sacred ownership (חֻלִּין) is literally combined with the Jewish sacred claim. The phrase “all the firstborn” cannot describe the animal in the same way.

Rabbi Yohanan and a slight blemish

Rabbi Yohanan rules like Rav Huna: even a gentile share whose removal would create only a slight blemish (מום קל) can prevent firstborn sanctity. He then discusses an offspring whose body resembles a different kosher species. A ewe may give birth to an animal that looks partly like a goat, or a goat to one that looks partly like a ewe. If enough signs of the mother remain, firstborn obligations may still apply. Yet the altered form is a permanent blemish (מום קבוע), so the animal cannot be offered on the altar and may eventually be slaughtered outside the Temple by the Kohen.

What counts as a real physical change

The Gemara asks what Rabbi Yohanan adds. We already know that a lamb with a pig-like mouth has a blemish. We also know that one unusually large eye and one unusually small eye create a blemish. The answer requires a careful distinction between fundamental change and ordinary variation.

Two large eyes may reflect unusual strength or health. Two small eyes may reflect unusual weakness. Because both sides match, the animal can still be understood as a natural variation. One large and one small eye show asymmetry that cannot be explained by the animal's overall condition. A cross-species form is an even deeper alteration of identity.

Tosafot integrated

Tosafot warns that not every visible change is automatically a blemish. Halakhah distinguishes a severe change in essential form from symmetrical variation that can still arise naturally. Rabbi Yohanan's case is important because the offspring retains enough maternal signs to be a firstborn, yet its altered form is serious enough to prevent sacrifice.

The convert and the practical ruling

A female convert owned animals together with her gentile brothers, who delivered the animals to her for fattening and shared the profits. She asked Rava whether the offspring were subject to firstborn sanctity. Rava answered that the accepted practice did not follow Rabbi Yehuda's strict view. The gentile partnership exempted the offspring. This story turns the abstract verse analysis into a direct ruling for a real mixed-ownership business arrangement.

Rav Mari bar Rachel and the danger of a technical solution

Rav Mari bar Rachel transferred ownership of the ears of future firstborn fetuses to a gentile so that the animals would not become sacred. Even after arranging the transfer, he personally avoided shearing or working them and still gave them to Kohanim. Nevertheless, his animals died, and the Gemara searches for the reason.

One explanation is that he deliberately removed the animals from firstborn sanctity, including the Kohen's rights. Another is educational: Rav Mari knew how to complete a legally valid transfer, but an observer might imitate him without performing a complete acquisition (קנין גמור). That observer could then treat a true firstborn as ordinary and violate serious prohibitions. A technically correct private solution can be dangerous when its validity is invisible to the public.

Rashi integrated

Rashi emphasizes timing. Before the fetus emerges, firstborn sanctity has not yet begun, so a valid ownership transfer can prevent it from arising. Creating a physical blemish before birth is different: the animal may lose altar fitness, but the Kohen's eventual rights remain. Rav Mari's ownership transfer removed even the Kohen's claim, which made the act more serious.

The Mishnah of Kohanim and Leviim

כֹּהֲנִים וְלֵוִיִּם פְּטוּרִין, מִקָּל וְחוֹמֶר: אִם פָּטְרוּ אֶת שֵׁל יִשְׂרָאֵל בַּמִּדְבָּר, דִּין הוּא שִׁיפְטְרוּ אֶת שֵׁל עַצְמָן.

The Mishnah teaches that Kohanim and Leviim are exempt from redeeming their own firstborn donkeys. Its initial reasoning is a kal vachomer (קל וְחוֹמֶר): if the Leviim helped release the Israelite firstborn in the wilderness, they should certainly release their own firstborn.

Abaye's reading and Rava's challenge

The wording creates a problem. In the wilderness, the Levites themselves replaced the Israelite firstborn people, while the Levites' sheep replaced the Israelites' firstborn donkeys. Abaye therefore reads the Mishnah as saying that the Levites' animals exempt their own animals. Rava objects twice. First, the Mishnah says that "they" exempted, referring to the people. Second, Abaye's logic would seem to exempt the Levites' firstborn kosher animals as well, but the Mishnah elsewhere explicitly says that Kohanim and Leviim remain obligated in the law of a firstborn kosher animal.

Rava's final derivation

Rava rebuilds the argument. The personal sanctity of the Levites replaced the sanctity of the Israelite firstborn people. Therefore, Levi status removes human firstborn obligations from the Levites themselves. The Torah then places the firstborn person beside the firstborn non-kosher animal: "You shall surely redeem the firstborn of man, and the firstborn of the non-kosher animal you shall redeem." From this connection, the Gemara derives that whoever is outside the human firstborn obligation is also outside the firstborn-donkey obligation.

This explains the exact scope. Kohanim and Leviim are exempt from redemption of a firstborn son (פְּדִיּוֹן הַבֵּן) and a firstborn donkey (פֶּטֶר חֲמוֹר), but not from the sanctity of a firstborn kosher animal. The exemption follows the Torah's linkage, not a loose historical analogy.

A tribal status, not an individual reward

Rav Safra tests whether the exemption should belong only to the particular Levi who personally participated in the wilderness exchange. Perhaps only a Levi who owned a sheep should be exempt. Perhaps only a male who was at least one month old and counted should be exempt. Perhaps a Levite woman, or Aaron, who was not included in the count, should remain obligated.

The Gemara rejects that individual accounting. Firstborn status depends on the mother's womb (כְּטָר), so a Levite mother can transmit the exemption. More broadly, the verse says "the Levites" (לְלֵוִיִּם), linking all Leviim to one another. The exemption is a permanent legal status of the tribe, not a reward limited to the individuals whose names or animals performed the original exchange. Kohanim are included because Scripture repeatedly calls Kohanim "Leviim," including "the Kohanim, the Leviim, the sons of Zadok."

Tosafot integrated

Tosafot explains that the one-month question is not claiming that one firstborn Levite personally replaced another firstborn. It asks whether Levi status had reached the legal strength necessary to participate in the replacement. The Gemara's answer is that the Torah assigns the result to the entire Levi class, including members who did not personally perform the historical act.

The full picture in plain language

Bekhorot 3 moves through three levels of responsibility. First, a court can impose a powerful financial penalty when a Jew improperly transfers an animal. Second, the Torah defines firstborn sanctity through complete legal ownership, so even a small but meaningful gentile share may change the result. Third, a technically valid solution is not always wise when it removes sanctity or invites mistaken imitation.

The daf then shows the opposite kind of rule. The exemption of Kohanim and Leviim is not built from each person's private transaction. It is a status shared by the entire tribe. The first half of the daf asks how a tiny ownership share can divide one animal. The final section asks how one shared identity can unite an entire people into one legal category.

Glossary

Hebrew term	Transliteration	Meaning in this sugya
קֶנָס	Kenas	A rabbinic penalty, here requiring an improper seller to repurchase an animal at a sharply inflated price.
כָּל בְּכוֹר	Kol bekhor	"All the firstborn." Rabbi Yehuda and the Sages interpret the word "all" in opposite directions.
שֻׁתָּפוּת גּוֹי	Shutafut goy	Gentile partnership or partial gentile ownership in the mother or firstborn.
מוֹם קָל	Mum kal	A slight blemish. Rabbi Yohanan says even this level of non-Jewish ownership can prevent firstborn sanctity.

Hebrew term	Transliteration	Meaning in this sugya
מום קבוע	Mum kavua	A permanent blemish that prevents an otherwise sacred firstborn from being offered on the altar.
נבילה	Neveilah	An animal that dies without valid slaughter. Rav Chisda uses an immediately life-essential share as his threshold.
טרפה	Tereifah	An animal with a mortal defect. Rava uses a share whose removal creates tereifah status.
חולין	Chullin	Ordinary, non-sacred status. Gentile ownership mixes a chullin element into the animal.
קנין גמור	Kinyan gamur	A complete, legally valid transfer of ownership.
גיזה ועבודה	Gizah va'avodah	Shearing and labor, both prohibited for a sanctified firstborn animal.
קל וחומר	Kal vachomer	An a fortiori argument: if a rule applies in a weaker case, it should apply in a stronger one.
פדיון הבן	Pidyon haben	Redemption of a firstborn son.
פטר חמור	Peter chamor	A firstborn male donkey, which normally requires redemption.
פטר רחם	Peter rechem	The first opening of the womb. The mother's status determines the human firstborn obligation.
הלויים	HaLeviim	"The Levites." The inclusive term links all members of the tribe into one legal status.

Acknowledgment and contact

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The Rashi and Tosafot insights are integrated in English so the document reads as one continuous summary. The Mishnah in the covered range is reproduced in Hebrew.

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