Bekhorot 28

Daf Yomi · Friday, October 16, 2026 · ה' חשון תשפ"ז · Covers 28a (Mishnah on slaughtering before showing the blemish) through 29a (Ila's fee)

Summary

Bekhorot 28 asks what happens when the rules about examining a firstborn's blemish are not followed. The first Mishnah treats one who slaughtered a firstborn and only afterward showed its blemish to an expert. R. Yehuda permits it and R. Meir forbids it, since it was slaughtered without an expert. One who is not an expert and permitted a firstborn that was then slaughtered on his word must have it buried and pay from his own pocket. Rabbah bar bar Chana explains that all agree about spots in the eye, which change after death, and that the dispute concerns blemishes of the body. R. Meir forbids these too, as a decree because of the eye. The Gemara proves from the Mishnah's wording that R. Meir's ruling is a penalty, and asks whether all eye spots change. A baraita fixes the non-expert's payment at a quarter for small cattle and half for large, for reasons explained by Rav Pappa and Rav Huna bar Manoach.

The second Mishnah generalizes to judges: one who ruled a case wrongly, acquitting the liable or convicting the innocent, declaring pure what is impure or the reverse, has his ruling stand and pays from his own pocket, unless he is an expert certified by the court. The Gemara asks whether this follows R. Meir's view on indirect damage, and explains each case as one where the judge acted with his own hands. Then comes the story of R. Tarfon, who fed a cow to dogs because its womb had been removed. The Sages in Yavneh permitted such a cow, since Todos the physician testified that the cows of Alexandria routinely had their wombs removed to keep them from breeding abroad. R. Tarfon exclaimed, "Your donkey is gone, Tarfon!" R. Akiva reassured him that a court-certified expert is exempt. The Gemara adds that he could also have said R. Tarfon erred in an explicit Mishnah.

The last Mishnah forbids slaughtering a firstborn on the word of an examiner who takes a fee for examining, unless he is an expert like Ila in Yavneh. The Sages allowed Ila to take four *issar* for a small animal and six for a large one, whether he found it blemished or not. The Gemara explains both rules: a large animal is more work, and taking the fee even when he finds no blemish prevents suspicion. The fee is allowed only once, so that he will not be suspected of declaring animals unblemished in order to be paid again.

Detailed Summary

1. Mishnah: slaughtering before showing the blemish 28a

Background: the first lines of 28a complete the Gemara on the firstborn's year (summary of Bekhorot 27). A blemished firstborn may be slaughtered and eaten only after an expert (*mumcheh*) has examined it and found the blemish permanent.

MISHNAH (BEKHOROT 28a)

השוחט את הבכור ומראה את מומו, ר' יהודה מתיר, רבי מאיר אומר הואיל ונשחט שלא ע"פ מומחה אסור. מי שאינו מומחה ורואה את הבכור ונשחט על פיו, הרי זה יקבר וישלם מביתו.

One who slaughters a firstborn and then shows its blemish (Rashi: after slaughter, and it is found permanent): R. Yehuda permits; R. Meir says, since it was slaughtered not on the word of an expert, it is forbidden. One who is not an expert, who examined a firstborn and it was slaughtered on his word: it must be buried, and he pays from his own pocket.

2. Eye spots and body blemishes 28a–28b

RABBAH BAR BAR CHANA. With spots in the eye, all agree it is forbidden, because they change. They disagree only about blemishes of the body: R. Meir decrees body blemishes because of eye spots, and R. Yehuda does not.

Rashi – ד"ה מפני המשתנין · ד"ה משתנין

THE ISSUE. Why do eye spots matter, and why decree body blemishes?

RASHI'S EXPLANATION. Through the pain of death the eye changes: although the blemish now looks permanent, had it been seen in life it might have looked temporary. Body blemishes, such as a split ear, do not change, but R. Meir decrees them because of the eye spots, which do.

WHY IT MATTERS. R. Meir's ruling is a protective decree, not a doubt about the body blemish itself.

BARAITA. One who slaughters a firstborn and then shows its blemishes: R. Yehuda says, eye spots are forbidden because they change; body blemishes are permitted because they do not. R. Meir says both are forbidden "because they change." Do body blemishes change? Rather: because of those that change.

Tosafot – ד"ה רבי מאיר סבר גזרינן מומין שבגוף כו'

QUESTION. Ketubot 57a says the halacha follows R. Meir in his decrees. Does that apply here?

ANSWER. Rebbi notes that this ruling is called a "penalty" below. The She'iltot of Rav Achai explains that the halacha follows R. Meir in his decrees but not in his penalties. The sugya follows R. Yehuda.

WHY THIS MATTERS. The classification as a penalty determines that the halacha follows R. Yehuda.

RAV NACHMAN BAR YITZCHAK. The Mishnah too implies this: R. Meir says, "since it was slaughtered not on the word of an expert, it is forbidden." This shows that R. Meir imposes a penalty.

Rashi – ד"ה הואיל ונשחט שלא על פי מומחה

THE ISSUE. How does the wording prove it?

RASHI'S EXPLANATION. R. Meir finds no defect in the animal, only that it was slaughtered without an expert. If the case were eye spots, he should have said "forbidden because they change." So the dispute is about body blemishes, and R. Meir penalizes, as a decree because of eye spots.

WHY IT MATTERS. The Mishnah's choice of reason reveals the scope of the dispute.

QUESTION. "Because of those that change": do all eye spots change, or do some change and some not? What difference does it make? To contradict witnesses. If they all change, the witnesses who say this blemish looked the same in life are lying (Rashi: and it is forbidden according to all); if some change and some do not, we rely on them (Rashi: and R. Yehuda, who does not penalize, permits it).

ANSWER. Rabbah bar bar Chana said: R. Yoshiyah of Usha told me, "Come and I will show you eye spots that change." Since he said "come and I will show you," it follows that some change and some do not.

3. The non-expert's payment 28b

QUESTION. "One who is not an expert ... it must be buried and he pays." Shall we say the Mishnah follows R. Meir anonymously? (Rashi: since it must be buried though it now looks permanent.) **ANSWER.** Perhaps it speaks of eye spots, where all agree.

BARAITA. When he pays, he pays a quarter for small cattle and half for large. Why? Rav Pappa: this is a large loss and that a small loss.

Rashi – ד"ה כשהוא משלם

THE ISSUE. Why only a fraction of the value?

RASHI'S EXPLANATION. He pays the kohen a quarter of its value for a small firstborn and half for a large one. It is money held in doubt: perhaps he caused the whole loss, since a true expert would have permitted it and the kohen would have eaten it, while now it must be buried; or perhaps he caused no loss, since a true expert might not have permitted it, and it might never have developed a permanent blemish before dying.

WHY IT MATTERS. The partial payment reflects the uncertainty about whether he caused any loss.

Tosafot – ד"ה רבי"ע לדקה ומחצה לגסה

CLARIFICATION. Although Rashi explains it as money held in doubt, this does not follow Sumchos (who divides doubtful money); it is simply an enactment of the Sages. Alternatively, the Sages assessed that the animal is not worth more while it is still unreleased.

WHY THIS MATTERS. The fraction is a fixed rabbinic measure, not a general rule for doubtful money.

QUESTION. If so, let him pay according to the loss! (Rashi: half the larger value for one, half the smaller for the other.) **RAV HUNA BAR MANOACH CITING RAV ACHA BAR IKA.** They touched on it because of the decree against raising small cattle.

Rashi – ד"ה משום גזירת מגדלי בהמה דקה נגעו בה

THE ISSUE. Why does this reduce the payment for small cattle?

RASHI'S EXPLANATION. Because raising small cattle is very burdensome, and the one who permitted the firstborn spared the kohen great trouble (another expert might not have permitted it, leaving him to care for it until it developed a blemish), so he pays only a quarter. Another explanation: because those who raise small cattle violate the Sages' words (Bava Kamma 79b: one may not raise small cattle in the Land of Israel), the Sages penalized the kohen to receive only a quarter. (Rashi notes this was not from his teacher.)

WHY IT MATTERS. Two explanations: the kohen's saved effort, or a penalty on raising small cattle.

Tosafot – ד"ה משום גזירת מגדלי בהמה דקה

EXPLANATION. The Sages were strict with them, requiring them to raise small cattle only in forests outside settled areas, which is very burdensome, so the animal is worth only a quarter, half less than large cattle. Rashi also explained it by the burden, but did not account for the word "decree."

WHY THIS MATTERS. Tosafot tie the "decree" to the restriction that makes small cattle less valuable.

4. Mishnah: a judge who errs 28b

MISHNAH (BEKHOROT 28b)

דן את הדין, זיכה את החייב וחייב את הזכאי, טימא את הטהור וטיהר את הטמא, מה שעשה עשוי וישלם מביתו. ואם היה מומחה לב"ד פטור מלשלם.

One who judged a case and acquitted the liable or convicted the innocent, or declared impure what is pure or pure what is impure: what he did is done, and he pays from his own pocket. If he was an expert certified by the court, he is exempt from paying (Rashi: the litigant cannot say "why did you judge me, since you are not expert in the law?").

Tosafot – ד"ה דן את הדין כו'

QUESTION. In Sanhedrin 6a this Mishnah is used to show it speaks of a single judge. How do we know, if "judged a case" is singular phrasing that elsewhere (Chullin 44b) does not mean a single judge?

ANSWER. There it is parallel to witnesses. Here the whole Mishnah speaks of one person: the latter clause about an expert, the story of R. Tarfon, and the first clause about one who is not an expert examining a firstborn.

WHY THIS MATTERS. The context of the chapter shows the Mishnah concerns a single judge.

QUESTION. Shall we say the Mishnah follows R. Meir anonymously, who holds one liable for indirect damage (*garmi*)? (Rashi: as in Bava Kamma 100a, causing a neighbor's grain to become forbidden.) **R. ILA'A CITING RAV.** The case is where he dealt with his own hand.

QUESTION. Convicting the innocent works: he took the money with his hand and paid it to the other party. But acquitting the liable: if he said "you are exempt," he did nothing with his hand! **RAVINA.** Where the creditor had a pledge and he took it from him (and returned it to the borrower).

PURITY. Declaring the pure impure: where he touched a creeping creature to it (Rashi: to remove all doubt and uphold his ruling). Declaring the impure pure: where he mixed it with the questioner's produce (Rashi: and an expert later declared it impure, so it defiled the rest).

Tosafot – ד"ה לימא תנן סתמא כרבי מאיר כו'

QUESTION. Why does the Gemara not infer this from the first Mishnah: a non-expert's firstborn "slaughtered on his word" must be buried and he pays? That case cannot be one where he acted with his hand, so it must follow R. Meir on indirect damage. And Bava Kamma 100a found no Mishnah for R. Meir's view, only a baraita.

WHY THIS MATTERS. Tosafot point to a source the Gemara did not use and leave the question open.

5. R. Tarfon and the cow without a womb 28b

MISHNAH (BEKHOROT 28b)

ומעשה בפרה שניטלה האם שלה והאכילה רבי טרפון לכלבים, ובא מעשה לפני חכמים ביבנה והתירוה. ואמר תודוס הרופא אין פרה וחזירה יוצאה מאלכסנדריא של מצרים שאין חותכין האם שלה בשביל שלא תלד. אמר רבי טרפון הלכה חמורך טרפון. אמר לו ר' עקיבא, ר' טרפון, אתה מומחה לב"ד, וכל המומחה לב"ד פטור מלשלם.

It happened that a cow's womb had been removed, and R. Tarfon (asked whether it was a *tereifah*) fed it to the dogs. The case came before the Sages in Yavneh, and they permitted it. Todos the physician said: no cow or sow leaves Alexandria of Egypt unless its womb is cut out, so that it will not give birth (Rashi: they are excellent breeds sold at high prices, and the Egyptians wanted others to keep needing them; the animal survives, so it is not a *tereifah*). R. Tarfon said: "Your donkey is gone, Tarfon!" (Rashi: you will have to sell your donkey to repay the owner.) R. Akiva said to him: "R. Tarfon, you are an expert certified by the court, and every certified expert is exempt from paying."

QUESTION. Let him derive it because he erred in an explicit Mishnah, and one who errs in a Mishnah reverses his ruling!

Rashi explains: the Mishnah in Chullin 54a states that a cow whose womb was removed is kosher, and one who errs in an explicit Mishnah retracts his ruling (Sanhedrin 33a). Had the cow still existed, R. Tarfon could have retracted and permitted it, so his ruling was meaningless, and the owner who fed it to the dogs caused his own loss.

ANSWER. He gave one reason and "furthermore": first, that one who errs in a Mishnah reverses; and furthermore, even if you erred in judgment (*shikul ha-da'at*), you are a certified expert, and every certified expert is exempt.

Rashi – ד"ה אי נמי בשיקול הדעת טעית

THE ISSUE. What is an error "in judgment"?

RASHI'S EXPLANATION. Even if the cow still existed, he could not retract, so his prohibition stands and he caused the loss; even so, he is exempt as a certified expert. An error in judgment (Sanhedrin 6a) is where two Tannaim or Amoraim dispute without a ruling, the general practice follows one, and he followed the other: what he did stands, and he pays from his own pocket (if not certified).

WHY IT MATTERS. R. Akiva's argument covers even the case where the ruling cannot be undone.

6. Mishnah: an examiner who takes a fee 28b–29a

MISHNAH (BEKHOROT 28b–29a)

הנוטל שכר להיות רואה את הבכורות, אין שוחטין על פיו, אא"כ היה מומחה כאילא ביבנה, שהתירו לו ביבנה חכמים להיות נוטל ארבע איסרות לבהמה דקה וששה לגסה, בין תם ובין בעל מום.

One who takes a fee for examining firstborns: one may not slaughter on his word (Rashi: perhaps he declares them blemished for the fee), unless he is an expert like Ila in Yavneh (Rashi: a pious man, not suspected), whom the Sages in Yavneh permitted to take four *issar* for a small animal and six for a large, whether unblemished or blemished.

WHY THE DIFFERENCE? This one is more work, and that one is less (Rashi: a large animal must be thrown down and tied to see its blemish).

UNBLEMISHED TOO. For a blemished animal it makes sense, since he permits it. But why for an unblemished one (Rashi: he gains nothing, since it remains forbidden)? Because otherwise people would suspect him and say: this blemished one was really unblemished, and he permitted it for the fee.

QUESTION. If so, with an unblemished one too, people would say: it is really blemished, and he did not permit it so as to be paid again! **ANSWER.** The Sages allowed him the fee once; they did not allow it twice.

Rashi – ד"ה תרי זימני לא תקינו ליה רבנן

THE ISSUE. How does the one-time rule prevent suspicion?

RASHI'S EXPLANATION. If he said it is unblemished, he took his fee; but however many times it is brought to him again, he takes nothing. So there is no suspicion.

WHY IT MATTERS. He gains nothing by declaring an animal unblemished, so his rulings are trustworthy either way.

Tosafot – ד"ה תרי זימני לא תקינו ליה רבנן

QUESTION. People could still say: this unblemished one was permitted because he did not want to trouble himself examining it a second time.

ANSWER. The Sages did not obligate him to examine again; they only said that if he does, he takes no fee. Moreover, he would never be suspected of permitting a forbidden animal merely to avoid a second examination.

WHY THIS MATTERS. The arrangement removes every financial incentive to rule wrongly.

The next Mishnah, on those who take a fee to judge or testify, begins on 29a and is covered in the summary of Bekhorot 29.

The full picture in plain language

The daf deals with the consequences of skipping or mishandling the expert's examination. A firstborn slaughtered before its blemish was shown is forbidden by all if the blemish is in the eye, which changes at death; R. Meir also penalizes body blemishes, a penalty that the halacha does not follow. A non-expert whose word led to slaughter pays a fraction of the value, fixed by the Sages with an eye to the uncertainty of the loss and the burdens of raising small cattle.

The same principle applies to judges: a judge who errs pays if he acted with his own hand, unless he is certified by the court. R. Tarfon's cow illustrates both defenses: an error against an explicit Mishnah is void, and a certified expert is exempt even when his judgment fails. Finally, an examiner may take a fee only if he is as trustworthy as Ila, and the fee is structured, the same whether he finds a blemish or not and paid only once, so that he has no incentive to rule either way.

Glossary

Hebrew	Transliteration	Meaning in this sugya
מומחה	*mumcheh*	An expert who examines a firstborn's blemish.
מומחה לבית דין	*mumcheh le-veit din*	An expert certified by the court, exempt from paying for errors.
דוקין שבעין	*dukin she-ba-ayin*	Spots or films in the eye, which can change after death.
מומין שבגוף	*mumin she-ba-guf*	Blemishes of the body, such as a split ear, which do not change.
קנס	*knas*	A penalty; R. Meir's ruling here is classified as one.
מגדלי בהמה דקה	*megadlei behemah dakah*	Those who raise small cattle, restricted by the Sages in the Land of Israel.
דינא דגרמי	*dina de-garmi*	Liability for indirect damage, held by R. Meir.
נשא ונתן ביד	*nasa ve-natan be-yad*	"Dealt with his hand": the judge acted physically, not only by ruling.
טעה בדבר משנה	*ta'ah bi-devar Mishnah*	An error against an explicit Mishnah; the ruling is void.
שיקול הדעת	*shikul ha-da'at*	An error in judgment between unresolved views; the ruling stands.
איסר	*issar*	A small coin; Ila took four for a small animal and six for a large one.

Sources: Gemara with relevant Rashi and Tosafot.