Bekhorot 37

Daf Yomi · Sunday, October 25, 2026 · י״ד חשון תשפ״ז · Covers 36b (Mishnah on three members of the synagogue) through 38a (the drill and its widening)

Summary

Bekhorot 37 opens with the Mishnah that a firstborn with an obvious blemish, such as a blinded eye or a broken leg, may be slaughtered on the word of three ordinary members of the synagogue, while R. Yose requires an expert. The Amoraim limit this to obvious blemishes outside the Land of Israel and to places with no expert. They add that three may also release a vow where there is no Sage, and rule against R. Yose. A further Mishnah covers one who slaughtered a firstborn and sold its meat without showing it to an expert, and a cow sold as kosher that turned out to be *tereifah*. A baraita adds R. Shimon b. Elazar's distinction between forbidden foods that people find repulsive and those they do not. With this the chapter *Kol Pesulei ha-Mukdashin* ends.

The sixth chapter, *Al Eilu Mumin*, lists blemishes on which a firstborn may be slaughtered, beginning with the ear: nicked in the cartilage, split, pierced the size of a vetch, or dried out. The Gemara derives the rule from "lame or blind" through a general-specific-general reading. Blemishes must be visible and permanent. They need not stop the animal from working, but they must be "bad," that is, disfiguring. A passing blemish does not count, since it does not even allow redemption.

The Gemara defines the size of a nick and a hole, compares the vetch and the lentil, and reconciles R. Yose b. R. Yehuda's view with the law of piercing a slave's ear: some blemishes disqualify an animal from the altar without permitting its slaughter. Rav Hoshaya's question whether the vetch must pass freely through the hole leads to a long discussion of the hole in a skull. Beit Shammai require the size of a drill and Beit Hillel a sela. Rav Tachlifa insists, as firmly as the testimony of Chizkiya father of Ikkesh, that Beit Shammai meant a drill together with its widening.

Detailed Summary

1. Mishnah: three members of the synagogue 36b

The preceding lines of 36b complete the Mishnah that everyone is trusted about blemishes of animal tithe (summary of Bekhorot 36).

MISHNAH (BEKHOROT 36b)

בכור שנסמית עינו ושנקטעה ידו ושנשברה רגלו הרי זה ישחט על פי ג׳ בני הכנסת. רבי יוסי אומר אפילו יש שם כ״ג אינו נשחט אלא על פי מומחה.

A firstborn whose eye was blinded, whose foreleg was cut off, or whose leg was broken (Rashi: obvious blemishes) may be slaughtered on the word of three members of the synagogue (Rashi: who are not Sages). R. Yose says: even if twenty-three are there, it is slaughtered only on the word of an expert.

OUTSIDE THE LAND. R. Simlai and R. Yehuda Nesia both said in the name of R. Yehoshua b. Levi (or R. Simlai and R. Yehoshua b. Levi in the name of R. Yehuda Nesia): releasing a firstborn outside the Land of Israel may be done by three members of the synagogue (Rashi: since it is not fit to be offered). Rava: and only with obvious blemishes. What does this add to the Mishnah? From the Mishnah I might say that outside the Land even non-obvious blemishes suffice, and that it mentions obvious ones only to show the strength of R. Yose's view. It teaches us otherwise.

Tosafot – ד״ה התרת בכור בחוצה לארץ על פי שלשה בני הכנסת

CLARIFICATION. We could not learn this from the Mishnah, which could be speaking of our time. When the Temple stood, one might have decreed against the leniency outside the Land because of the Land itself. Also, one view in Temurah 21a holds that firstborns from outside the Land that arrive unblemished are offered.

WHY THIS MATTERS. The Amoraim extend the Mishnah's leniency to Temple times outside the Land.

WHERE THERE IS NO EXPERT. Rav Yehuda citing R. Yirmeya b. Abba, unsure whether in Rav's or Shmuel's name: three may release a firstborn where there is no expert. What does this add to the Mishnah? From the Mishnah I might say even where there is an expert. It teaches: where there is no expert, yes; where there is one, no.

VOWS TOO. Rav Chiya b. Amram: three may release a firstborn where there is no expert; three may release a vow where there is no Sage. The first excludes R. Yose's view. Three may annul a vow where there is no Sage, excluding R. Yehuda: a baraita says vows are annulled by three, and R. Yehuda says one of them must be a Sage. "Where there is no Sage": like whom? Rav

Nachman: like me. "R. Yehuda says one of them must be a Sage": does that imply the others may be anyone (Rashi: even amei ha-aretz)? Ravina: the Sage explains to them and they understand.

Tosafot – ד"ה מפירין את הנדר

THE WORD. The baraita uses the Torah's word "annul," though for a Sage the proper word is "release," as in Bava Batra 74a, "now that I have sworn, who will annul it for me?"

WHY THIS MATTERS. The terminology is borrowed from the verse and does not change the law.

THE RULING. Rav Chananel citing Rav: the halacha does not follow R. Yose. Obviously, since an individual against the majority loses! One might say his reasoning is with him (Rashi: Gittin 67a, R. Yose always gives a reason, so we follow him); it teaches us otherwise. Resolve from this that the earlier unsure statement was in Shmuel's name, since if it were Rav's, why say it twice? One of them was stated as implied by the other.

2. Mishnah: slaughtered without showing it 37a

MISHNAH (BEKHOROT 37a)

השוחט את הבכור ונודע שלא הראהו, מה שאכלו אכלו ויחזיר להם הדמים, ומה שלא אכלו הבשר יקבר ויחזיר את הדמים. וכן השוחט את הפרה ומכרה ונודע שהיא טרפה, מה שאכלו אכלו, ומה שלא אכלו הם יחזירו לו את הבשר והוא יחזיר להם את הדמים. מכרוהו לעובד כוכבים או הטילוהו לכלבים ישלמו דמי טרפה.

One who slaughtered a firstborn (Rashi: and sold its meat), and it became known that he had not shown it (Rashi: to a Sage): what the buyers ate, they ate, and he returns the money to them (Rashi: as a penalty). What they did not eat, the meat is buried (Rashi: an unblemished firstborn is forbidden in benefit), and he returns the money. Likewise one who slaughtered a cow and sold it, and it became known that it was *tereifah*: what they ate, they ate; what they did not eat, they return the meat to him and he returns the money. If they sold it to a gentile or threw it to dogs, they pay the price of *tereifah* meat (Rashi: cheaply, and he returns the rest).

BARAITA. One who sells meat to another and it turns out to be firstborn meat, produce that turns out to be *tevel*, or wine that turns out to be idolatrous libation wine: what they ate, they ate, and he returns the money. R. Shimon b. Elazar says: for things people find repulsive (Rashi: the soul loathes them), he returns the full price (Rashi: they had no benefit once they learned); for things people do not find repulsive, he deducts (Rashi: he keeps part). Repulsive things: carcasses, *tereifot*, vermin and creeping things. Not repulsive: firstborns, tevel and libation wine.

Tosafot – ד"ה ויין נסך

QUESTION. Horayot 11a treats one who drinks libation wine like one who eats carcasses.

ANSWER. Even so, it is not considered something people find repulsive. Moreover, the conclusion here sets it in a mixture.

WHY THIS MATTERS. The category is about how people feel about the food, not how severe the prohibition is.

WHY MAY HE KEEP PART? Firstborn: let the buyer say, "What did I cause you to lose?" (Rashi: the meat would have had to be buried anyway). It is needed where he sold him the place of the blemish (Rashi: the kohen sold the blemished part), and he says: had you not eaten it, I would have shown it to an expert and he would have permitted it, like R. Yehuda (28a). Tevel: "I would have fixed it and eaten it." Libation wine: through a mixture (Rashi: ordinary wine mixed with libation wine), like Rabban Shimon b. Gamliel. The Mishnah teaches: libation wine that fell into a pit, all of it is forbidden in benefit; Rabban Shimon b. Gamliel says it may all be sold to gentiles except for the value of the libation wine in it.

With this the chapter *Kol Pesulei ha-Mukdashin* ends (הדרן עלך כל פסולי המוקדשין).

3. A new chapter: blemishes of the ear 37a

MISHNAH (BEKHOROT 37a)

על אלו מומין שוחטין את הבכור: נפגמה אזנו מן החסחוס אבל לא העור, נסדקה אעפ"י שלא חסרה, ניקבה מלא כרשינה או שיבשה. איזהו יבשה, כל שתנקב ואינה מוציאה טיפת דם. ר' יוסי בן המשולם אומר יבשה שתהא נפרכת.

On these blemishes a firstborn may be slaughtered: its ear was nicked in the cartilage (Rashi: the lobe), but not in the skin (Rashi: which heals); it was split, even if nothing is missing; it was pierced the size of a vetch; or it dried out. What is "dried out"? Any ear that, if pierced, does not release a drop of blood. R. Yose b. HaMeshulam says: dried out means it crumbles (Rashi: when touched).

4. Visible and permanent 37a–37b

THE QUESTION. Why? It says "lame or blind" (Devarim 15:21) (Rashi: as the blemishes on which a firstborn is slaughtered, and nothing else).

THE DERIVATION. It also says "if it has a blemish." Say: "if it has a blemish" is general, "lame or blind" is specific, and a general followed by a specific includes only the specific. But "any bad blemish" returns to the general. A general, a specific and a general: you include only what resembles the specific. The specific is explicitly visible and does not return; so too every visible blemish that does not return.

MUST IT STOP WORK? Say: the specific is visible, keeps the animal from its work (Rashi: lameness from walking, blindness from seeing), and does not return. Then why is a nick in the ear's cartilage a blemish (Rashi: it does not stop hearing)? "Any bad blemish" is an inclusion (Rashi: "any" is not read as a general-specific clause). If so, hidden blemishes too should count! But we learned: outer gums that were nicked or scraped, and inner gums that were uprooted; uprooted yes, nicked or scraped no. We need a "bad blemish," and that is lacking (Rashi: "bad" means visible and disfiguring).

Tosafot – ד"ה מה הפרט מפורש מומין שבגלוי ואינן חוזרין

QUESTION. Kiddushin 24b expounds the slave's tooth and eye this way. Why, then, is it not a blemish here when an animal's tooth falls out? It is visible and does not return. A kohen without teeth is disqualified (44a) only because of appearance, implying an animal is fit. Likewise, why is deafness a blemish that frees a slave but not one for an animal (45b)?

ANSWER. With a slave, the Torah revealed that even a minor defect counts as a blemish to free him. Teeth also normally fall out with age, so their loss is not like lameness or blindness, though another reason is needed, since eyes also weaken with age.

WHY THIS MATTERS. The definition of a blemish differs between the slave laws and the laws of sacrifices.

A PASSING BLEMISH. If so, a passing blemish should count too. Why did we learn "but not in the skin"? A passing blemish is excluded by reasoning: now that we do not redeem (disqualified sacrifices) on it, shall we slaughter (a firstborn outside) on it? A baraita teaches: "And if it is any impure animal, of which they may not offer a sacrifice to the Lord" (Vayikra 27:11): the verse speaks of blemished animals that were redeemed. You say blemished animals, or perhaps literally an impure species? When it says "if it is of the impure animal" (27:27), an impure species is already stated. How do I explain "of which they may not offer"? These are blemished animals that were redeemed. Might they be redeemed on a passing blemish? The verse says "of which they may not offer a sacrifice," one that is not offered at all; this excludes one not offered today but offered tomorrow. Or, if you prefer: if so, why say "lame and blind" (Rashi: which implies permanent blemishes)?

Tosafot – ד"ה השתא מיפרק לא פרקינן עילוי' כו'

QUESTION. According to the first answer, which excludes a passing blemish by a fortiori reasoning, what do "lame and blind" add?

ANSWER. Without them, we would include a passing blemish from "any bad blemish," and say the verse comes to override the a fortiori argument; nor would we exclude hidden blemishes.

WHY THIS MATTERS. Both sources are needed to define a blemish fully.

5. Split, nicked and pierced 37b

SPLIT. A baraita: a split of any size; a nick, whether by a person or by Heaven. That implies a split by Heaven (Rashi: from birth) is not a blemish? Rather: split and nick, whether by Heaven or by a person. How large is a nick? Enough for a fingernail to catch (Rashi: as when checking a knife).

PIERCED. A baraita: how large a hole in the ear? The size of a vetch. R. Yose b. R. Yehuda says: like a lentil. What is "dried out"? If pierced, it does not release a drop of blood. R. Yose b. HaMeshulam says: dried out so that it crumbles. It was taught: their words are close to being equal. Whose? If the first Tanna and R. Yose b. HaMeshulam, there is a great difference. Rather the first Tanna and R. Yose b. R. Yehuda (Rashi: a vetch is only slightly larger than a lentil).

THE AWL. A lentil yes, less than a lentil no? But a baraita says: "an awl" (Devarim 15:17): from where to include a sharp stick, a thorn, a needle, a drill and a stylus? "You shall take": anything taken by hand, says R. Yose b. R. Yehuda. Rebbi says: just as an awl is metal, so anything metal. The end of that baraita: R. Yudan b'Rebbi expounded that they pierce only on the earlobe (Rashi: the soft part); the Sages say a Hebrew slave who is a kohen is not pierced because he becomes blemished. If they pierce on the lobe, how does he become blemished (Rashi: it heals)? So they must pierce only at the top of the ear (Rashi: the cartilage); yet a needle, smaller than a lentil, makes a blemish!

RAV CHANA B. KETINA. It is not difficult: here it is to slaughter; there it is to disqualify (Rashi: many blemishes disqualify an animal from the altar without permitting its slaughter outside).

Tosafot – ד"ה כאן לשחוט כאן לפסול

CLARIFICATION. Since it disqualifies a kohen, it seems to be a Torah blemish. Perhaps one may not slaughter on it because it is not clearly visible, and the Sages decreed because of hidden blemishes. Alternatively, a kohen is disqualified only because he is not like the rest of the seed of Aharon; or it is a passing blemish, and the Torah wants the slave not disqualified even temporarily, since he must "return to his family."

WHY THIS MATTERS. It explains why the same hole can disqualify without permitting slaughter.

6. How large is a vetch? 37b–38a

THE SIZE. What is a vetch? Rav Sharbia: *hinda*. Rav Hoshaya asked Rav Huna Rabbah: a vetch that passes in and out, or one that stands stuck (Rashi: fits only tightly)? He said: this I did not hear; something similar I heard.

THE SKULL. The Mishnah teaches: a spine or skull that is missing a part, how much must be missing so that it does not convey impurity in a tent? For the spine, Beit Shammai say two vertebrae, and Beit Hillel one. For the skull, Beit Shammai say the size of a drill, and Beit Hillel enough that if removed from a living person, he would die. Rav Chisda sat and asked: how much is that? Rav Tachlifa b. Avudimi said: so said Shmuel, a sela.

THE OBJECTION. Rav Chisda said to him: then you have made Beit Shammai and Beit Hillel the same! The Mishnah teaches: a window not made by a person, its size is a large fist; a window made by a person, its size is the hole of the large drill of the chamber (Rashi: kept in the Temple chamber), which is like an Italian *pondion* and a Neronian sela, the size of the hole in a yoke (Rashi: so a drill is a sela). Rav Tachlifa was silent. Rav Chisda said: perhaps "a drill and its widening" was taught (Rashi: after drilling, the hole is widened so the drill moves freely, which is more than a sela).

Rashi – ד"ה כיוצא בה שמעתי

THE ISSUE. How does the skull case answer Rav Hoshaya?

RASHI'S EXPLANATION. It follows from the end of the discussion, which concludes that "a drill and its widening" was taught, meaning a size through which the drill passes in and out.

WHY IT MATTERS. By analogy, the vetch must pass freely through the hole in the ear.

RAV TACHLIFA. He said: do not say "perhaps"; certainly "a drill and its widening" was taught, and one may rely on it as on Chizkiya father of Ikkesh. He testified before Rabban Gamliel in Yavneh in the name of Rabban Gamliel the Elder: any earthenware vessel that has no inside has no back to distinguish; if its inside became impure, its back became impure, and if its back became impure, its inside became impure.

Tosafot – ד"ה צריך אתה לתלות כחזקיה שהוא אבי עקש

EXPLANATION. You must exert yourself to make sense of it rather than reject it because of a question, since it is clear to me that Shmuel said so, just as Chizkiya's testimony, though its wording is difficult, was accepted and explained.

WHY THIS MATTERS. A reliable tradition is interpreted, not discarded.

CHIZKIYA'S TESTIMONY EXPLAINED. But an earthenware vessel depends on its inside (Rashi: it becomes impure only from within). R. Yitzchak b. Avin: it means a wooden vessel that corresponds to an earthenware vessel with no inside has no back to distinguish. Why tie it to earthenware? To teach that a wooden vessel with an inside is like earthenware: if its inside became impure, its back did, but if not its inside, not its back. This refers to the rabbinic impurity of liquids, which the Sages modeled on earthenware so that people would notice the difference and not burn terumah or sacrifices on its account. A flat wooden vessel is not susceptible by Torah law unless, like a sack, it is carried full and empty, or is fit to be sat on; and earthenware is not susceptible to sitting impurity.

RAV PAPPA AND RAV NACHMAN. Rav Pappa: we learned "the large drill," implying an ordinary drill is smaller than a sela. That works for R. Meir, who says Beit Shammai meant the small drill of physicians, but not for the Sages, who say the large drill of the chamber. Even for R. Meir, Beit Shammai would then be lenient, and that case is not in the list of their leniencies. Rav Nachman: we learned "a Neronian sela," which is like the large drill; an ordinary sela is smaller than an ordinary drill.

The next Mishnah, on blemishes of the eye, begins on 38a and is covered in the summary of Bekhorot 38.

The full picture in plain language

The end of the chapter *Kol Pesulei ha-Mukdashin* deals with who may release a firstborn and what happens when the release is skipped. Ordinary people may rule on an obvious blemish when no expert is available, and R. Yose's demand for an expert is rejected. A seller of meat from an unreleased firstborn returns the money as a penalty. R. Shimon b. Elazar lets a seller keep part of the price when the buyer suffered no real disgust and the seller could have made the food permitted.

The new chapter defines a blemish. It must be visible, permanent and disfiguring, like the Torah's examples of lameness and blindness, but it need not stop the animal from working. A small nick or split in the ear's cartilage qualifies, as does a hole the size of a vetch or an ear that has dried out. Some blemishes disqualify an animal from the altar without allowing it to be slaughtered as ordinary meat. The discussion of sizes leads to the drill of the Temple chamber and the principle that a reliable tradition is interpreted rather than rejected.

Glossary

Hebrew	Transliteration	Meaning in this sugya
בני הכנסת	*benei ha-keneset*	Ordinary members of the synagogue, not Sages.
מומחה	*mumcheh*	An expert authorized to rule on blemishes.
מומין מובהקין	*mumin muvhakin*	Obvious blemishes.
שהנפש קצה בהן	*she-ha-nefesh katzah bahen*	Foods people find repulsive.
חסחוס	*chaschus*	The cartilage of the ear.
כרשינה	*karshinah*	A vetch, the size of a hole that makes a blemish.
כלל ופרט וכלל	*kelal u-ferat u-khelal*	General, specific, general: include only what resembles the specific.
מום עובר	*mum over*	A passing blemish that will heal.
מקדח וחיסומו	*makde'ach ve-chisumo*	A drill and the widening of its hole.

Sources: Gemara with relevant Rashi and Tosafot.