Bekhorot 41

Daf Yomi · Thursday, October 29, 2026 · י״ח חשון תשפ״ז · Covers 41a (Mishnah closing the list of blemishes) through 41b (before Rav Chisda on the tumtum)

Summary

Bekhorot 41 closes the list of blemishes with a summary line: on these, a firstborn is slaughtered and disqualified sacrifices are redeemed. The Gemara explains that the anonymous closing line endorses even the blemishes added by individual Tannaim. A new Mishnah lists conditions that disqualify an animal from the altar but do not permit its slaughter outside: white spots and tearing that are not permanent, gums that are nicked but not uprooted, certain skin diseases and warts, an old, sick or foul-smelling animal, an animal involved in a sin or that killed a person when known only through one witness or the owner, and a *tumtum* or *androginos*. R. Yishmael calls the androginos a firstborn with a built-in blemish; the Sages say it is not a firstborn at all.

The Gemara reconciles the Mishnah with the Torah's list of skin diseases. It distinguishes dry, moist and mixed forms of *garav* and finds three kinds of boils in the verses. The Gemara derives the exclusions of old, sick and foul-smelling animals, and of animals used in sins, from extra words in the verses on burnt offerings. It explains why a tumtum cannot be slaughtered anywhere. Abaye and Rava give two reasons why the female organ of an androginos does not count as a "cut" blemish, and the Gemara explains why R. Yishmael disagrees.

Rava asks whether R. Yishmael was certain that an androginos is a firstborn or only assumed it for argument's sake. The answer matters for lashes for shearing it and for whether it goes to the kohen. A baraita excluding the tumtum and androginos from burnt offerings is first attributed to R. Yishmael, but is then shown to fit the later Sages, since the firstborn has two verses, "the male" and "the males." The next statement, Rav Chisda's limitation of the dispute to the androginos, begins Bekhorot 42.

Detailed Summary

1. Mishnah: the closing line 41a

The first line of 41a completes the Gemara on the calf's tail and the hock (summary of Bekhorot 40).

MISHNAH (BEKHOROT 41a)

על אלו מומין שוחטין את הבכור, ופסולי המוקדשין נפדין עליהן.

On these blemishes a firstborn is slaughtered, and disqualified sacrifices are redeemed on them.

WHY REPEAT? Why is this needed? The opening already taught "on these blemishes a firstborn is slaughtered." The end is needed: "disqualified sacrifices are redeemed on them." But that is obvious too: if we slaughter on them, surely we redeem!

ANSWER. Since the Mishnah taught that Ila added three and they said "we have not heard of these," and it went on to teach the views of individuals, it closes anonymously over all of them: on these blemishes a firstborn is slaughtered and disqualified sacrifices are redeemed.

Rashi – ד"ה וקתני ואתי דיחידאה

THE ISSUE. Which blemishes were in doubt?

RASHI'S EXPLANATION. After "we have not heard of these," the Mishnah listed blemishes stated by individuals, such as R. Chanina b. Antigonus and R. Chananya b. Gamliel, and one might think the Sages disagreed. So it closes anonymously over all of them.

WHY IT MATTERS. The anonymous summary makes the whole list accepted law.

2. Mishnah: neither in the Temple nor outside 41a

MISHNAH (BEKHOROT 41a)

ואלו שאין שוחטין עליהן לא במקדש ולא במדינה: חוורור והמים שאין קבועין, וחוטין הפנימיות שנפגמו אבל לא שנעקרו, ובעל גרב, ובעל יבלת, ובעל חזזית, זקן, וחולה, ומזוהם, ושנעבדה בו עבירה, ושהמית אדם ע"פ עד אחד או ע"פ הבעלים, וטומטום ואנדרוגינוס, לא במקדש ולא במדינה. ר"ש אומר אין לך מום גדול מזה, וחכמים אומרים אינו בכור אלא נגזז ונעבד.

On these one does not slaughter, neither in the Temple nor outside: white spots and tearing that are not permanent; inner gums that were nicked but not uprooted; one with *garav*, with a wart (Rashi: without bone or hair), or with *chazazit* (Rashi: kinds of boils); one that is old, sick or foul-smelling (Rashi: it stinks); one with which a sin was done (Rashi: bestiality), or that killed a person, on the word of one witness or of the owner (Rashi: with two witnesses it would be stoned and forbidden in benefit); and a *tumtum* or *androginos*, neither in the Temple nor outside (Rashi: perhaps male and holy, perhaps female and not). R. Shimon (the Gemara cites this as R. Yishmael) says: there is no greater blemish than this. The Sages say: it is not a firstborn; it may be shorn and worked.

Rashi – ד"ה וחכ"א אינו בכור · ד"ה אין לך מום גדול מזה

THE ISSUE. What is the dispute about the androginos?

RASHI'S EXPLANATION. The first view treats its female organ as a blemish, so it is a blemished firstborn, slaughtered outside and forbidden to be shorn or worked. The Sages hold it is a creature of its own and not a firstborn, so it may be shorn and worked.

WHY IT MATTERS. The question is whether an androginos is a defective male or a separate category.

3. Garav and chazazit 41a

THE QUESTION. Is *garav* not a blemish? It is written in the Torah (Vayikra 22:22). Is *chazazit* not a blemish? *Yalefet* is written in the Torah, and a baraita says: garav is *cheres*; yalefet is the Egyptian chazazit. Reish Lakish said: why is it called yalefet? Because it clings (Rashi: stays attached) until the day of death.

CHAZAZIT. Chazazit against chazazit is not difficult: one is the Egyptian chazazit and one is ordinary chazazit.

GARAV. Garav against garav is difficult. It is not: one is moist and one dry; moist heals, dry does not. But does moist heal? It says, "The Lord will strike you with the boil of Egypt... and with garav and with cheres, of which you cannot be healed" (Devarim 28:27). Since it says "and with cheres," garav is the moist one, and it says "you cannot be healed."

THREE KINDS. Rather, there are three. The verse's (Rashi: among the blemishes, called cheres) is dry inside and outside. The Mishnah's is moist outside and inside. Egypt's is dry inside and moist outside, as it says, "and it became a boil breaking out in blisters" (Shemot 9:10) (Rashi: "breaking out" is above, "blisters" means oozing outside).

Tosafot – ד"ה אלא תלתא הוו כו'

OBSERVATION. Since Egypt's boil is dry inside, it does not heal; if the Egyptians were healed of it, perhaps that was a miracle.

QUESTION. But the "boil of Egypt" at the start of the curse verse, what is it? Garav and cheres, which cannot be healed, are written in that same verse.

WHY THIS MATTERS. The three-way distinction must fit both the blemish list and the curse in Devarim.

4. Old, sick and foul-smelling; sins 41a

THE SOURCE. From where? A baraita: "of the flock, of the sheep, and of the goats" (Vayikra 1:10): excluding the old, the sick and the foul-smelling (Rashi: "of" implies not all of the flock).

ALL NEEDED. Had the Torah excluded only the old, I would say because it will not recover, but the sick, who will recover, no. Had it excluded only the sick, because that is not its normal way, but the old, which is normal, no. Had it excluded only these two, which are weak, I would say the foul-smelling, which is not weak, no. And had it excluded the foul-smelling, because it is repulsive, I would say the others, which are not repulsive, no. All are needed.

A SIN. From where? A baraita: "of the animal" (Vayikra 1:2) excludes an animal used in bestiality, actively or passively; "of the cattle" excludes one that was worshipped (Rashi: as an idol); "of the flock" excludes the *muktzeh* (Rashi: set aside for idolatry); "and of the flock" excludes the gorer (Rashi: that killed a person). But these are liable to death! On the word of one witness or of the owner (Rashi: one who admits to a fine is exempt, so the animal is not stoned).

5. Tumtum and androginos 41a

TUMTUM. Granted, not in the Temple: perhaps it is female (Rashi: and he would bring an unconsecrated animal into the Temple court as a firstborn). Not outside: perhaps it is male and has no blemish.

ANDROGINOS. Granted, not in the Temple: perhaps it is female. But outside? Granted it is male, let its female organ count as a "cut" (Rashi: "or cut," Vayikra 22:22) and let him slaughter on it!

ABAYE. The verse says "or broken or cut": cut is like broken; just as broken is at a bone, so cut is at a bone.

RAVA. Even without "broken," you cannot say a cut in flesh is a blemish. If it were, since a Master said garav is cheres, which is incised, as it says, "and its appearance is deeper than the skin" (Vayikra 13:25), the Torah should write "cut" and not need "garav." I would reason: if a cut, which is not repulsive, is a blemish, surely garav, which is repulsive. The Torah wrote garav to tell us that a cut in flesh is not a blemish.

R. YISHMAEL. "There is no greater blemish than this": he does not hold like Abaye, since he does not say "cut is like broken." Nor like Rava: perhaps that applies where it is not noticeable, but where it is noticeable (Rashi: like an animal's female organ), it is called "a bad blemish."

6. Was R. Yishmael certain? 41b

RAVA'S QUESTION. What is R. Yishmael's reason? Is it obvious to him that an androginos is a firstborn with its blemish, or is he in doubt, and saying "if you say"? (Rashi: if you say it is a firstborn, its blemish is with it.) What is the difference? Lashes for shearing or working it (Rashi: a certain firstborn, even blemished, is forbidden; a doubt does not bring lashes), or giving it to the kohen (Rashi: if a doubt, the Israelite owner eats it, since the burden of proof is on the claimant).

COME AND HEAR. R. Il'ai says in the name of R. Yishmael: an androginos is a firstborn, and its blemish is with it. Learn that it is obvious to him. But perhaps he means "if you say."

THE BARAITA. Come and hear: "male" (Vayikra 1:3), and not female. When it says "male" below (1:10), which is unnecessary, why does it say it? To exclude the tumtum and androginos. Whose view? If the first Tanna, it is a doubt; does a verse come to exclude a doubt? If the later Sages, they derive all from one verse, since by a firstborn only one "male" is written, and they exclude all of them from it (Rashi: female, tumtum and androginos).

Rashi – ד"ה ואיצטריכא קרא למעוטי ספיקא

THE ISSUE. Why can a verse not exclude a doubt?

RASHI'S EXPLANATION. There is no doubt before Heaven. If a verse excludes the tumtum and androginos, it must be because they are a separate creature, which is not the first Tanna's view.

WHY IT MATTERS. A verse speaks to what the animal truly is, not to our uncertainty about it.

Tosafot – ד"ה ואתי קרא למעוטי ספיקא

COMPARISON. The Gemara asks the same in Yoma 74a and Keritot 21a about the *koy*, and in Chullin 22b about the beginning of the yellowing. Other places do exclude a doubt from a verse: "a certain tenth, not a doubtful tenth" (58b), and the doubtful white spot in Nazir 65b.

THE DIFFERENCE. A tumtum can rightly be excluded, since some are male and some female, and the Torah exempts it while in doubt. But a koy, the beginning of yellowing and an androginos are each one fixed thing, and before Heaven it is known what they are.

WHY THIS MATTERS. Whether a verse can exclude a doubt depends on whether the doubt is real or only in our knowledge.

R. YISHMAEL AFTER ALL? Rather, it is obviously R. Yishmael. If you say it is obvious to him that it is male, that is why a verse is needed to exclude it. But if you say he is in doubt, would a verse be needed to exclude a doubt?

Rashi – ד"ה היינו דאיצטריך למעוטי

THE ISSUE. Why would R. Yishmael need a verse?

RASHI'S EXPLANATION. Although it is male, it takes on no holiness if consecrated as a burnt offering, and may even be shorn and worked. This cannot come from the first "male," since for a firstborn only one "male" is written, and R. Yishmael does not exclude it from shearing, since the blemish permits only slaughter.

WHY IT MATTERS. The verse would teach something new on R. Yishmael's view.

THE ANSWER. In fact it follows the later Sages. As for deriving all from one verse: by a firstborn, two verses are written, "the male" (Devarim 15:19) and "the males" (Shemot 13:12).

Tosafot – ד"ה הזכר הזכרים

QUESTION. Even without "the males," one could exclude the androginos from "the male," as with valuations and in Niddah 28a.

ANSWER. Perhaps there are further expositions, since many verses are written about the firstborn, such as "every male of your livestock" (Shemot 34:19), and each is needed.

WHY THIS MATTERS. The Sages can explain the baraita without relying on R. Yishmael.

Rav Chisda's statement that the Sages' dispute concerns only the androginos, while a tumtum is a doubt and holy out of doubt, begins on 41b and is covered in the summary of Bekhorot 42.

The full picture in plain language

The list of blemishes on which a firstborn may be slaughtered closes with an anonymous line that gives legal force even to blemishes first proposed by individuals. A second list follows: conditions that keep an animal off the altar without making it ordinary meat. Some are passing or hidden defects, some are skin diseases whose status depends on their form, and some are animals unfit for the altar by verse, such as the old, sick, foul-smelling, or those involved in sin when not proven by two witnesses.

The tumtum and androginos raise the question of sexual identity in the law. A tumtum is doubtful, so it cannot be offered or slaughtered outside. R. Yishmael treats an androginos as a male with a built-in blemish, and the Sages treat it as a separate creature. Rava's question about R. Yishmael's certainty, and the analysis of the baraita on burnt offerings, depend on the principle that a verse does not speak of mere doubt, since there is no doubt before Heaven.

Glossary

Hebrew	Transliteration	Meaning in this sugya
לא במקדש ולא במדינה	*lo ba-mikdash ve-lo ba-medinah*	Neither offered in the Temple nor slaughtered outside.
גרב	*garav*	A boil, identified with cheres.
ילפת	*yalefet*	The Egyptian chazazit, which clings until death.
מזוהם	*mezoham*	Foul-smelling.
מוקצה	*muktzeh*	An animal set aside for idolatry.
טומטום	*tumtum*	An animal whose sex is hidden.
אנדרוגינוס	*androginos*	An animal with both male and female organs.
חרוץ	*charutz*	A "cut," a blemish only at a bone.

Sources: Gemara with relevant Rashi and Tosafot.