Bekhorot 46

Daf Yomi · Tuesday, November 3, 2026 · כ"ג חשון תשפ"ז · Covers 46a (new chapter) through 47a (end of the answer on yakir)

Summary

Bekhorot 46 opens the eighth chapter, *Yesh Bekhor* (יש בכור), which turns from firstborn animals to firstborn sons. The Torah gives a firstborn son two separate distinctions: he inherits a double portion of his father's estate, and he must be redeemed from a kohen for five *sela'im*. The opening Mishnah shows that these do not always coincide. Inheritance depends on the father, "the first of his strength" (Devarim 21:17), while redemption depends on the mother, "the one who opens the womb" (Shemot 13:2). So a son may be a firstborn for one purpose, for the other, for both, or for neither.

The Mishnah lists cases on each side. A son born after a miscarriage is a firstborn for inheritance but not for the kohen, since the miscarriage already "opened the womb" but was never a source of the father's grief. R. Meir and the Sages disagree on whether a miscarriage without human form counts. A first son born to a man from a wife who had children before, including children born while she was a maidservant or a gentile, is a firstborn for inheritance only; R. Yosi HaGelili disagrees for the latter two. Conversely, a man who already has sons but whose wife bears her first child, a woman who converts or is freed while pregnant, babies mixed up at birth, and a child of uncertain paternity are firstborns for the kohen but not for inheritance.

The Gemara examines when a birth "counts." Shmuel holds that the emergence of the head counts as birth only for a viable baby, not for a miscarriage. The Gemara refutes him from the Mishnah itself, after explaining why the Mishnah says "head" when it might mean "most of the body," and why parallel rulings about animals and other cases did not already teach this. Reish Lakish holds that the forehead suffices for every purpose except inheritance, where the Torah's word "he shall recognize" requires the full face; R. Yochanan disagrees. The Gemara tests R. Yochanan against baraitot that require the face "with the nose," including the rules for identifying a dead man so that his wife may remarry, and answers that identifying the dead is stricter, or that "recognition" for inheritance is a different matter.

Detailed Summary

1. A new chapter: two kinds of firstborn 46a

The previous chapter ended on 46a (covered in the summary of Bekhorot 45). Two laws attach to a firstborn son. First, inheritance (נחלה): he receives a double share of his father's property (Devarim 21:15–17). Second, redemption (*pidyon ha-ben*): his father must give a kohen five *sela'im* (Bamidbar 18:15–16). The Mishnah's point is that the two are defined differently.

MISHNAH (BEKHOROT 46a), first part

יש בכור לנחלה ואינו בכור לכהן, בכור לכהן ואינו בכור לנחלה, בכור לנחלה ולכהן, ויש שאינו בכור לא לנחלה ולא לכהן. איזהו בכור לנחלה ואינו בכור לכהן? הבא אחר נפלים אע"פ שיצא את ראשו חי, ובן תשעה שיצא ראשו מת, המפלת כמין בהמה חיה ועוף, דברי רבי מאיר. וחכ"א עד שיהא בו מצורת אדם. המפלת סנדל או שליא או שפיר מרוקם והיוצא מחותך, הבא אחריהם בכור לנחלה ואין בכור לכהן.

There is a firstborn for inheritance but not for the kohen; one for the kohen but not for inheritance; one for both; and one for neither. Who is a firstborn for inheritance but not for the kohen? One who comes after miscarriages (*nefalim*), even if the miscarried fetus emerged with its head alive; or after a full-term (nine-month) child whose head emerged dead; or after the miscarriage of a form like a domestic animal, a wild animal or a bird: so says R. Meir. The Sages say: only if it has a human form. One who comes after the miscarriage of a *sandal* (a flat, faceless mass), a placenta, a formed sac, or a fetus that emerged in pieces is a firstborn for inheritance but not for the kohen.

Rashi – ד"ה ובן ט' שיצא ראשו מת · ד"ה הבא אחר נפלים

THE ISSUE. Why does a miscarriage remove the son's status for the kohen but not for inheritance?

RASHI'S EXPLANATION. Picture twins, one a non-viable miscarriage and one full-term. The miscarriage put out its head alive and withdrew it, and then the other baby emerged first. The second baby is a firstborn for inheritance: the inheritance verse speaks of "the first of his strength," a son whose death would grieve his father, and a non-viable fetus is not that. For the kohen, however, the law depends on "opening the womb," and the miscarriage already opened it. Likewise a full-term baby whose head emerged dead: the father did not grieve for him, yet he opened the womb. But if a full-term baby's head emerged alive and he then died, the next son is not a firstborn even for inheritance.

WHY IT MATTERS. Rashi supplies the governing principles: inheritance is measured from the father's side, redemption from the mother's.

Rashi – ד"ה או שליא

THE ISSUE. How can a placenta alone "open the womb"?

RASHI'S EXPLANATION. There is no placenta without a fetus; the fetus simply dissolved. So it counts as an opening of the womb. (Rashi also explains: a *sandal* has no facial form; a *shafir* is the actual skin of a fetus, its "forming" defined in Niddah 25a.)

WHY IT MATTERS. Opening the womb does not require a recognizable baby, only evidence that a fetus passed through.

Tosafot – ד"ה והיוצא מחותך

CLARIFICATION. Rashi explains that a fetus emerging in pieces opens the womb when most of its limbs emerge, but the head alone does not, for a dismembered fetus.

NOTE. This is an Amoraic dispute (Niddah 29a): R. Yochanan holds that even for a dismembered fetus the head opens the womb.

WHY THIS MATTERS. The Mishnah's "emerged in pieces" is applied differently depending on which Amora one follows.

2. Mishnah: a wife who already gave birth 46a

MISHNAH (BEKHOROT 46a), continued

מי שלא היו לו בנים ונשא אשה שכבר ילדה, עודה שפחה ונשתחררה, עודה עובדת כוכבים ונתגיירה, משבאת לישראל ילדה, בכור לנחלה ואין בכור לכהן. רבי יוסי הגלילי אומר בכור לנחלה ולכהן, שנאמר פטר רחם בישראל, עד שיפטרו רחם מישראל.

A man who had no sons married a woman who had already given birth; or she gave birth while still a maidservant and was then freed; or while still a gentile and then converted; once she joined Israel she gave birth: the son is a firstborn for inheritance but not for the kohen. R. Yosi HaGelili says: he is a firstborn for both, for it says "opening the womb among Israel" (Shemot 13:2), until they open the womb from among Israel.

Rashi – ד"ה שכבר ילדה כו'

THE ISSUE. What principle governs these cases?

RASHI'S EXPLANATION. Inheritance depends on the father, "the first of his strength"; the kohen's due depends on "opening the womb." This man had no sons, so the child is his first; but the mother's womb was already opened. R. Yosi HaGelili holds that children born to her while she was a gentile do not "open" the womb, since the verse requires opening it "among Israel."

WHY IT MATTERS. The dispute concerns whether "opening the womb" is purely physical or requires that the earlier birth occur while the mother was part of Israel.

3. Mishnah: firstborn for the kohen but not for inheritance 46a

MISHNAH (BEKHOROT 46a), continued

מי שהיו לו בנים ונשא אשה שלא ילדה, נתגיירה מעוברת, נשתחררה מעוברת, וילדה היא וכהנת היא ולויה היא ואשה שכבר ילדה, וכן מי שלא שהתה לאחר בעלה שלשה חדשים ונשאת וילדה ואינו ידוע אם בן תשעה לראשון אם בן שבעה לאחרון, בכור לכהן ואינו בכור לנחלה.

A firstborn for the kohen but not for inheritance: a man who already had sons married a woman who had not given birth; a woman who converted while pregnant; one freed while pregnant; a woman who gave birth together with a kohen's wife, or a Levite's wife, or a woman who had given birth before, and the babies were mixed up; and likewise a woman who did not wait three months after her husband's death or divorce, remarried and gave birth, so that it is unknown whether the baby is a nine-month child of the first husband or a seven-month child of the second.

Rashi – ד"ה נתגיירה מעוברת

THE ISSUE. Why is a child conceived before his mother's conversion a firstborn for the kohen but not for inheritance?

RASHI'S EXPLANATION. Her husband converted with her. The child opened the womb among Israel, so he is a firstborn for the kohen. But he was conceived "not in holiness" and is not an heir of his father, for the Torah treated the seed of an Egyptian as legally "ownerless" (Yechezkel 23:20).

WHY IT MATTERS. The case illustrates the split cleanly: the mother's side qualifies him, the father's side does not.

Tosafot – ד"ה נתגיירה מעוברת

QUESTION. Rashi's reason, that the Torah disregards a gentile's paternity, is unnecessary. Even without it, the child is not an heir, since "a convert is like a newborn child" and his biological father no longer counts as his father. Indeed, while still a gentile, an Egyptian is considered his father's son for inheritance, so "ownerless seed" was not said for that purpose. Yet in Yevamot 98a the Gemara does rely on "ownerless seed" for twin converts, even after conversion.

ANSWER. In Yevamot, the "ownerless seed" principle is needed for a different result. Without it, the Sages would have forbidden such converted brothers to marry each other's wives, lest people confuse the case with Israelites, and would have required *chalitzah*; with it, there is no prohibition at all.

WHY THIS MATTERS. Tosafot separate two principles that are often blurred: a convert's new legal identity, and the Torah's disregard of gentile paternity.

Rashi – ד"ה וכן מי שלא שהתה כו' · ד"ה או היא ואשה שכבר ילדה

THE ISSUE. Why do the mixed-up cases create a debt to the kohen but no inheritance right?

RASHI'S EXPLANATION. A first-time mother gave birth with another woman and it is not known which baby is hers. The novelty is that her husband owes five *sela'im* to the kohen, for his firstborn son exists, wherever he is; but neither baby can claim the double portion, since it is unknown whose son each is. (With a Levite's wife, the doubt arises because a Levite's son is exempt from redemption, as taught in the first chapter.) In the remarriage case too, the child is a firstborn for the kohen and must redeem himself, but he does not inherit, since it is unknown whom he inherits. The Gemara will ask that he is not even an ordinary heir.

WHY IT MATTERS. The obligation to redeem can survive a doubt about which child is the firstborn, while the inheritance right cannot be claimed without proof.

The Mishnah's remaining categories (firstborn for both, and for neither) continue on 47b and are covered in the summary of Bekhorot 47.

4. Shmuel: "The head does not exempt for miscarriages" 46b

STATEMENT. Shmuel: אין הראש פוטר בנפלים, "the head does not exempt (subsequent children) in the case of miscarriages." Rashi: if an eight-month fetus (considered non-viable) put out its head alive and withdrew it, and its brother emerged first, the brother is a firstborn for the kohen; the miscarriage's head does not "open the womb" until its head and most of its body emerge.

REASON. "All in whose nostrils was the breath of life" (Bereishit 7:22): only where there is a breath of life (Rashi: a viable baby) is the head, the seat of the nostrils, decisive; otherwise the head is not significant.

CHALLENGE. The Mishnah says: one who comes after miscarriages, "even if it emerged with its head alive"; it says "head"! **ANSWER.** "Head" means most of the body.

QUESTION. Then let it say "most of the body"! **ANSWER.** Properly it should have. But the latter clause wanted to say "a nine-month child whose head emerged dead," to imply that if the head emerged alive, the next child is not a firstborn even for inheritance. So the first clause also said "head."

Rashi – ד"ה איידי דבעי למתני סיפא בן ט' שיצא ראשו מת

THE ISSUE. Why can the latter clause not say "most of the body"?

RASHI'S EXPLANATION. The latter clause is designed for an inference: "head emerged dead," but if the head emerged alive, the next child loses even the inheritance. For a full-term baby, the emergence of a live head is certainly a birth. Had it said "most of the body emerged dead," the inference would only be about most of the body alive, and we would not learn that a live head already counts. Even so, the "head emerged dead" of the latter clause itself also means "head and most of the body."

WHY IT MATTERS. It shows how the Gemara reads the wording of a Mishnah: one word may be chosen for the sake of an inference in a parallel clause.

REBUTTAL. But then what does the Mishnah teach? If only the inference that a full-term baby's head counts as birth, we already learned that: "if [a fetus] put out its head, even if it withdrew it, it is considered born" (Chullin 68a; Rashi: regarding an animal, which is then not permitted by its mother's slaughter).

SUGGESTION. That was taught for an animal, and here it teaches a person, since a person cannot be learned from an animal, which has no *prozdor*. And the reverse could not be learned either, since a human face is significant.

Rashi – ד"ה בהמה לית ליה פרוזדור

THE ISSUE. What is the *prozdor* here, and why would it make a difference?

RASHI'S EXPLANATION. An animal's womb is not between its thighs, so when the head emerges it is fully visible and counts as birth. A woman's thighs cover the womb, so one might think the head's emergence is not yet a birth.

WHY IT MATTERS. The suggestion is that the Mishnah adds a new ruling for humans; the Gemara next shows that this too was already taught.

Tosafot – ד"ה דאדם מבהמה לא יליף דלית לה פרוזדור

QUESTION. In Niddah 42b a fetus counts as born once its head emerges beyond the *prozdor*. If *prozdor* meant the same here, how could the *prozdor* delay birth once the head is outside it?

ANSWER. The term means different things. In Niddah it is an outer chamber of the body; here (as in Chullin 68a and Shabbat 86b) it is the thickness of the thighs covering the womb. The same word with different meanings is found elsewhere too.

WHY THIS MATTERS. It resolves an apparent contradiction between two sugyot by distinguishing two senses of one anatomical term.

REJECTION. This too was taught (Niddah 28a): "If it emerged normally, once most of its head emerged. What is most of its head? Once its forehead emerged." **CONCLUSION.** תיובתא דשמואל תיובתא: Shmuel is refuted. Rashi: the Mishnah's "head" for miscarriages is meant literally, and a miscarriage's head does exempt.

5. The forehead: Reish Lakish and R. Yochanan 46b

DISPUTE. Reish Lakish: פדחת פוטרת בכל מקום חוץ מן הנחלה, "the forehead exempts everywhere except for inheritance," since the Torah says יכיר, "he shall recognize" (Devarim 21:17), and recognition requires the face. R. Yochanan: even for inheritance.

Rashi – ד"ה חוץ מן הנחלה

THE ISSUE. What does this mean in practice?

RASHI'S EXPLANATION. When a first twin's forehead emerges, that counts as birth for other purposes. But for inheritance, the second twin remains the firstborn unless the first twin's face emerged, since recognition is only through the face. R. Yochanan holds that the forehead too is a means of recognition.

WHY IT MATTERS. Inheritance has its own definition of "born first," tied to the verse's language of recognition.

"EVERYWHERE" INCLUDES WHAT? A baraita: a convert whose child's forehead emerged while she was still a gentile, and then she converted: she does not keep the days of impurity and purity after birth, and does not bring a birth offering (Rashi: a gentile woman is not subject to the impurities of menstruation, discharge or childbirth, and the birth has already taken place).

Tosafot – ד"ה לאתויי הא דת"ר גיורת שיצא פדחת ולדה כו'

QUESTION. Why is this case singled out? The forehead counts as birth for many purposes listed in Niddah 43b, such as binding a brother's widow to levirate marriage, exempting her from it, and liability for killing the baby.

ANSWER. One might have thought that even if the head's emergence counts as birth, the rest of the body, born afterward in holiness, would also count as a birth and obligate her in the laws of a woman after childbirth.

WHY THIS MATTERS. The baraita establishes that birth is a single moment, fixed when the forehead emerges.

6. R. Yochanan challenged: "the face with the nose" 46b–47a

FIRST CHALLENGE. A baraita: *yakir*, "he shall recognize": this is recognition of the face. What is recognition of the face? The features of the face with the nose. This seems to require more than the forehead, against R. Yochanan. **ANSWER.** Read: up to the nose.

SECOND CHALLENGE. אין מעידים אלא על פרצוף פנים עם החוטם: "one may testify (that a man died, so that his wife may remarry) only on the features of the face with the nose." **ANSWER.** Read: up to the nose.

THIRD CHALLENGE. A baraita: a forehead without the face, or a face without the forehead, is not sufficient testimony; both are needed, with the nose. Abaye (or Rav Kahana) said: the source is הכרת פניהם ענתה בם, "the recognition of their faces testifies against them" (Yeshayahu 3:9).

Rashi – ד"ה הכרת פניהם ענתה בם

THE ISSUE. How does this verse support the requirement?

RASHI'S EXPLANATION. Their testimony is the recognition of their facial features, so the full face is required. Rashi adds that the verse's plain sense concerns adulterers: the faces of the children testify against them, for God forms a *mamzer* in the likeness of the adulterer.

WHY IT MATTERS. The verse links "recognition" with the face, which is why the baraita requires both forehead and features.

Tosafot – ד"ה מאי קראה הכרת פניהם ענתה בם

QUESTION. Rashi reads the verse as requiring the facial features. But in Yevamot 120a the same verse is cited to show that there is something specific by which a face is recognized: the forehead (since the nose is part of the features). There the Gemara tells of Abba bar Marta, who owed money to the Exilarch's household. He stuck wax on his forehead and walked past them, and they did not recognize him.

WHY THIS MATTERS. The verse and the story suggest the forehead is the key to recognition, which supports the baraita's demand for both forehead and face, and even lends weight to R. Yochanan.

ANSWER. Testimony allowing a woman to remarry is different, for the Sages were strict about it.

CHALLENGE. Were they strict? We learned (Yevamot 122a) that the Sages allowed remarriage on the testimony of a single witness, even hearsay from another witness, a woman, a slave or a maidservant! **ANSWER.** They were lenient at the end, not at the beginning.

Rashi – ד"ה בסופה

THE ISSUE. What are the "beginning" and "end" of testimony?

RASHI'S EXPLANATION. Once the dead man has been carefully identified, the Sages were lenient at the end of the process, accepting testimony even from a slave or maidservant. At the beginning, the actual viewing of the dead, they were not lenient: he must be properly recognized.

WHY IT MATTERS. It reconciles strictness and leniency in the same law: careful identification, flexible reporting.

ALTERNATIVE ANSWER. ואיבעית אימא יכיר לחוד והכרת פנים לחוד: "Or say: '*yakir*' is one thing and 'recognition of the face' another." The inheritance verse's "he shall recognize" need not demand the full facial identification required for testimony, so R. Yochanan's view stands.

The next sugya, on a convert who had children before his conversion, begins on 47a and is covered in the summary of Bekhorot 47.

The full picture in plain language

The new chapter rests on one distinction. A firstborn's inheritance belongs to the father's story, "the first of his strength," whose loss would grieve him; his redemption belongs to the mother's, "the one who opens the womb." The Mishnah's cases fall out from this: miscarriages and earlier births by the wife open the womb without grieving the father, so the son inherits but is not redeemed; a man's earlier sons, or a child conceived before conversion or of uncertain parentage, leave the redemption obligation in place without an inheritance claim.

The Gemara then asks when a birth counts. Shmuel, reading "the breath of life," would not let a miscarriage's head count, but the Mishnah's own wording refutes him once the Gemara shows the Mishnah teaches nothing redundant. Reish Lakish and R. Yochanan dispute whether the forehead alone counts for inheritance, a question tied to the verse "he shall recognize." R. Yochanan survives three challenges about "the face with the nose": either identifying the dead for a wife's remarriage is a stricter standard, or the inheritance verse's "recognition" is a different idea altogether.

Glossary

Hebrew	Transliteration	Meaning in this sugya
בכור לנחלה	*bekhor le-nachalah*	A firstborn for inheritance, who receives a double portion; defined by the father ("the first of his strength").
בכור לכהן	*bekhor le-kohen*	A firstborn who must be redeemed from a kohen for five *sela'im*; defined by the mother ("opening the womb").
פטר רחם	*peter rechem*	"Opening the womb": the first birth through the mother, which determines the redemption obligation.
ראשית אונו	*reishit ono*	"The first of his strength": the inheritance verse's term, which Rashi links to a son whose death would grieve his father.
נפל	*nefel*	A miscarriage or non-viable birth.
בן תשעה	*ben tish'ah*	A full-term (nine-month) baby; an eight-month birth was considered non-viable.
סנדל	*sandal*	A flat fetal mass without facial form.
שליא	*shilya*	The placenta. It opens the womb, since a fetus was with it.
שפיר מרוקם	*shafir merukam*	A formed fetal sac.
מחותך	*mechutakh*	A fetus that emerged in pieces.
מצורת אדם	*mi-tzurat adam*	Human form; the Sages require it for a miscarriage to open the womb.

גר שנתגייר כקטן שנולד	*ger she-nitgayer ke-katan she-nolad*	"A convert is like a newborn": his prior family ties lose their legal force.
פרוזדור	*prozdor*	Here, the thighs covering a woman's womb, which an animal lacks.
פדחת	*padachat*	The forehead. Its emergence counts as birth; Reish Lakish excludes inheritance.
יכיר	*yakir*	"He shall recognize" (Devarim 21:17), the verse requiring that the firstborn be recognized.
פרצוף פנים	*partzuf panim*	The features of the face, required with the nose for identifying the dead.
ימי טומאה וטהרה	*yemei tum'ah ve-taharah*	The periods of impurity and purity after childbirth.
קרבן לידה	*korban leidah*	The offering a woman brings after childbirth.
עד מפי עד	*ed mi-pi ed*	Hearsay testimony; accepted to allow a widow to remarry.
תיובתא	*teyuvta*	A conclusive refutation of an Amora's position.

Sources: Gemara with relevant Rashi and Tosafot.