# Bekhorot 53

Daf Yomi · Tuesday, November 10, 2026 · ל׳ חשון תשפ״ז · Covers 53a (new chapter) through 54b (end of the Gemara on the first Mishnah)

## Summary

Bekhorot 53 opens the ninth chapter, *Ma'aser Behemah*, on the animal tithe. Each year, a farmer passes his newborn calves, lambs and kids under a rod, and every tenth animal becomes holy (Vayikra 27:32). The opening Mishnah teaches that the tithe applies in Eretz Yisrael and abroad, with or without the Temple, to ordinary animals but not to consecrated ones. Cattle and flock animals are tithed separately; sheep and goats are tithed together. Animals of different years are not, even though sheep and goats, which are forbidden mixtures, are; the verse's word "flock" teaches that all flock animals count as one kind.

The Gemara reconciles the Mishnah with R. Akiva, who says tithe animals from abroad are not offered: they become holy there but are not brought, and their owners eat them once they are blemished. If the tithe applies "without the Temple," why is it not practiced now? Rav Huna's concern about an orphaned animal is set aside, since an announcement could prevent the error. Rabbah gives the real reason, the risk of misusing a holy animal that cannot be offered, as with consecrations today. The Gemara asks why farmers do not instead sell part-ownership to a gentile or blemish the animals in advance, and explains why neither works for the tithe as it does for the firstborn.

"Not consecrated animals" is explained by R. Yosi HaGelili's view that lesser offerings belong to their owners: one might have thought they are tithed, but "it shall be holy" excludes what is already holy. The Gemara explains why this needed saying, though lesser sanctity cannot fall on lesser sanctity. On species and years, it derives the separation of years from the comparison to grain tithe, "year by year." It then turns to grain: one may not separate terumah from one species for another. The source is "the best of the oil and the best of the wine and grain," extended to grain on grain by a *kal va-chomer* from forbidden mixtures, and to rabbinic species by the principle that the Sages modeled their enactments on Torah law. Abaye, Rava and others then argue about which verses keep cattle and flock separate, which keep grains separate, and whether Rava retracted his earlier limit on the comparison.

# Detailed Summary

## 1. A new chapter: the animal tithe 53a

The previous chapter, on the firstborn son, ended on 52b (summary of Bekhorot 52). The Torah commands: "all the tithe of cattle and flock, all that passes under the rod, the tenth shall be holy to God" (Vayikra 27:32). The owner gathers the year's newborn animals in a pen and lets them out one at a time through a narrow opening, counting them; every tenth is marked with paint and is holy. The tithe animal is offered like a peace offering and eaten by its owner.

**MISHNAH (BEKHOROT 53a)**

מעשר בהמה נוהג בארץ ובחוצה לארץ, בפני הבית ושלא בפני הבית, בחולין אבל לא במוקדשים. ונוהג בבקר ובצאן ואין מתעשרין מזה על זה, בכבשים ובעזים ומתעשרין מזה על זה, בחדש ובישן ואינן מתעשרין מזה על זה. שהיה בדין, ומה אם החדש והישן שאינן כלאים זה בזה אינם מתעשרין מזה על זה, כבשים ועזים שהן כלאים זה בזה אינו דין שלא יהו מתעשרין מזה על זה? ת"ל וצאן, משמע כל צאן אחד.

The animal tithe applies in the Land and outside it, when the Temple stands and when it does not, to ordinary animals but not to consecrated ones. It applies to cattle and to flock animals, but they are not tithed one for the other. It applies to sheep and goats, and they are tithed one for the other. It applies to new and old (Rashi: born after Elul, and before Elul), and they are not tithed one for the other. For one might reason: if new and old, which are not forbidden mixtures (*kilayim*) with each other, are not tithed one for the other, then sheep and goats, which are *kilayim*, should certainly not be! The verse says "and flock": every flock animal is one kind.

**Tosafot – ד"ה נוהג בארץ ובחוצה לארץ**

**QUESTION.** Chullin 138b says that wherever a Mishnah states "in the Land and outside it" needlessly, the matter applies only to the cases taught in that tractate, apart from the first shearing. Is the phrase needless here?

**ANSWER.** That rule applies to the Mishnayot of that tractate; here the phrase is needed.

**WHY THIS MATTERS.** The phrase "outside the Land" is a substantive ruling here, which the Gemara must then reconcile with R. Akiva.

## 2. Outside the Land: R. Akiva 53a

**SUGGESTION.** Shall we say the Mishnah does not follow R. Akiva? A baraita: R. Akiva says, one might think a person could bring the animal tithe from abroad and offer it; the verse says "and there you shall bring your burnt offerings and your sacrifices and your tithes" (Devarim 12:6).

It speaks of two tithes, animal tithe and grain tithe: from where you bring grain tithe, you bring animal tithe; from where you do not, you do not. (Rashi: grain tithe applies only in the Land, Kiddushin 37a.)

**ANSWER.** You may even say it follows R. Akiva: here (the baraita) it is about being offered; there (the Mishnah) it is about becoming holy. The wording supports this, since R. Akiva cites "you shall bring there," which concerns offering.

**QUESTION.** If it is not offered, why does it become holy? **ANSWER.** To be eaten by its owners once it is blemished (Rashi: he waits until it develops a blemish and eats it; unlike the firstborn, the tithe stays with its owner, blemished or not).

## 3. "Without the Temple": why not practiced today? 53a–53b

**QUESTION.** "When the Temple stands and when it does not": if so, today too!

**RAV HUNA.** A decree because of an orphan (*yatom*).

**Rashi – ד"ה גזירה משום יתום**

**THE ISSUE.** What is the orphan concern?

**RASHI'S EXPLANATION.** The Mishnah (57a) excludes from the pen hybrids, *tereifot*, caesarean births, animals too young and orphans. Rav Huna (58b) feared that someone might bring an orphan into the pen to be tithed. An orphan is an animal whose mother died at its birth, "one separated toward death and the other toward life."

**WHY IT MATTERS.** If the tithe were practiced today, people might wrongly include disqualified animals.

**Tosafot – ד"ה כרב הונא דאמר רב הונא גזירה משום יתום**

**QUESTION.** Rav Huna's statement on 58b concerns a case where only "purchased and orphan" animals are relevant. Here the same decree could equally concern hybrids, *tereifot* or caesarean births. Why mention only the orphan?

**ANSWER.** The orphan is the case people most often get wrong, since few know that it means specifically one whose mother died as it was born.

**WHY THIS MATTERS.** The decree targets the error people are most likely to make.

**REJECTION.** If so, it should have been forbidden in Temple times too! Rather, a public announcement could prevent it; so too today, an announcement would suffice.

**RABBAH.** Rather, because of a stumbling block (תקלה). Rashi: there is nowhere to offer it, so the owner must wait until it is blemished, and meanwhile he may come to shear it, work it, or slaughter it without a blemish.

**SOURCE.** We learned: one may not consecrate, assess valuations or declare *cherem* (devote) nowadays. If one did, an animal is to be "uprooted"; produce, garments and vessels must rot; coins and metal vessels are taken to the Dead Sea. What is "uprooting"? He locks the door before it and it dies by itself (Rashi: of hunger).

**Tosafot – ד"ה אלא משום תקלה**

**QUESTION.** This implies the animal tithe was not practiced after the destruction. Rabbeinu Tam objects: Shabbat 54b says that R. Elazar ben Azaryah tithed twelve thousand calves from his herds each year, and he lived after the destruction: he became Nasi under Rabban Gamliel, who followed Rabban Yochanan ben Zakkai.

**ANSWER.** It cannot refer to a tenth paid to the king, and it is a stretch to say a guardian tithed for him as a minor. Perhaps the animal tithe was not abolished so soon after the destruction.

**WHY THIS MATTERS.** Tosafot raise a historical difficulty with Rabbah's explanation and suggest the decree came later.

**QUESTION.** If so, the firstborn should also not become holy! Does that depend on us? It is holy from the womb! Rather, the question is: let him sell part-ownership of the mothers to a gentile, so that the young are not holy in the first place (Rashi: a gentile's share in the mother prevents firstborn sanctity).

**ANSWER.** It is possible as Rav Yehuda says: one may make a blemish in a firstborn before it emerges into the air of the world. So here too, one could blemish the tithe animal beforehand.

**RESPONSE.** Who knows which one will come out tenth? And if you say he will bring out a chosen one tenth: "he shall not inquire whether it is good or bad" (Vayikra 27:33; Rashi: he must not pick it; it comes out by itself). And if you say he could blemish his entire flock: the Temple may soon be rebuilt, and we will need animals to offer, and there will be none.

**CHALLENGE.** The same applies to the firstborn: the Temple may soon be rebuilt! **ANSWER.** There, it can be done with ordinary animals. **CHALLENGE.** Here too, one could use purchased animals (Rashi: which are exempt from the tithe, 55b). **ANSWER.** Since he would blemish his whole flock, and blemishes that disqualify for offerings are common (even small spots in the eye disqualify), purchased animals fit for the altar would be rare.

**Rashi – ד"ה ומשני כיון דאיהו שדי מומין בכולי עדריה**

**THE ISSUE.** Why do purchased animals not solve the problem?

**RASHI'S EXPLANATION.** The exempt animals born in his flock would be blemished; purchased animals are few; and disqualifying blemishes are very common. So animals fit for offering would be scarce, and that is why the tithe is not separated today.

**WHY IT MATTERS.** The tithe is suspended not by an outright prohibition, but because every workaround would leave the Temple without animals.

## 4. "Not consecrated animals" 53b

**QUESTION.** Is it not obvious? Consecrated animals are not his! **ANSWER.** It concerns lesser offerings (*kodashim kalim*), according to R. Yosi HaGelili, who says they are the owner's property. A baraita: "and he commits a trespass against God" (Vayikra 5:21) includes lesser offerings, which are the owner's property (Rashi: if he deposited peace offerings with a fellow, who denied it under oath and later admitted, he pays principal, a fifth and a guilt offering). One might think they are tithed; the Mishnah teaches otherwise.

**QUESTION.** Perhaps they are! **ANSWER.** "It shall be holy" (Vayikra 27:32): not what is already holy.

**QUESTION.** Does this mean that without the verse, tithe sanctity would take effect? If greater sanctity does not fall on lesser sanctity, does lesser sanctity fall on lesser? We learned: altar offerings and Temple-upkeep property are not changed from one sanctity to the other; but one may consecrate their value (*hekdesh ilui*) and devote them.

**Rashi – ד"ה הקדש עילוי · ד"ה מקדושה לקדושה**

**THE ISSUE.** What does that Mishnah say?

**RASHI'S EXPLANATION.** Altar sanctity does not fall on Temple-upkeep sanctity, although altar sanctity is greater, and Temple-upkeep sanctity does not fall on altar sanctity. But one may consecrate the "benefit" he has in an altar offering to the upkeep fund, the value of his right to choose which kohen receives it (27a), paying that amount to the treasurer.

**WHY IT MATTERS.** Since sanctities generally do not overlap, the Gemara wonders why "it shall be holy" was needed.

**Tosafot – ד"ה הקדש עלוי**

**QUESTION.** Rashi explains "consecrating its value" as the benefit of choosing a kohen. But Arakhin 28a explains it differently.

**ANSWER.** There, the Mishnah says one may devote his consecrated animals: if they came from a vow (for which he is responsible), he gives their full value; if from a freewill offering, he gives their "benefit," the amount someone would pay for the privilege of offering it. That is a different benefit from the one in 27a.

**WHY THIS MATTERS.** Tosafot offer a different reading of how value can be consecrated on top of an existing sanctity.

**ANSWER.** One might have said: there, not every animal is destined to be a burnt offering; here, every animal is destined for the tithe, so even after it is consecrated, the tithe obligation does not lapse. What difference would it make? That the tithe's prohibitions "it shall not be redeemed" and "it shall not be sold" would apply. The verse teaches that they do not.

**Rashi – ד"ה מהו דתימא**

**THE ISSUE.** Why might the tithe be different?

**RASHI'S EXPLANATION.** Most animals are raised for food, not as burnt offerings, so when one consecrates an animal for Temple upkeep, the sanctity takes hold fully and altar sanctity cannot be added. But every animal is subject to the tithe, so one might think that consecrating it as a peace offering does not remove its tithe status. The practical difference: peace offerings may be redeemed (once blemished), but a tithe animal may not, and the verse teaches that tithe sanctity does not fall on them.

**WHY IT MATTERS.** The tithe's universal reach might have overridden the usual rule, so the verse was needed.

## 5. Species and years 53b

**QUESTION.** Let new and old be tithed together by a *kal va-chomer*: if sheep and goats, which are *kilayim*, are tithed together, then new and old, which are not, certainly should be!

**ANSWER.** The verse says עשר תעשר, "you shall surely tithe" (Devarim 14:22): it speaks of two tithes, animal and grain, comparing them. Just as grain tithe is not taken from new for old, so the animal tithe. Rashi: the verse says "the produce of the field, year by year": you tithe each year's crop, not from this year for last year.

**QUESTION.** If so, sheep and goats should not be tithed together either, since grain tithe is not taken from one species for another! **ANSWER.** The Torah included them: "flock."

**QUESTION.** Then new and old too should be included! It says "you shall surely tithe." And why prefer this? **RAVA.** The verse says שנה שנה, "year by year": I compared them for the year, not for anything else.

**Tosafot – ד"ה תלמוד לומר עשר תעשר**

**OBSERVATION.** Here a comparison (*hekesh*) overrides a *kal va-chomer*, while elsewhere (33a) a *kal va-chomer* overrides a comparison, in the dispute of Beit Shammai and Beit Hillel.

**WHY THIS MATTERS.** The relative force of these methods depends on context; Tosafot note the contrast.

## 6. Terumah from one species for another 53b–54a

**THE MISHNAH IN TERUMOT.** One may not separate terumah from one species for another; if he did, it is not terumah. From where? R. Ami citing R. Yannai (some say Reish Lakish): "all the best of the oil and all the best of the wine and grain" (Bamidbar 18:12): the Torah said, give the best for this one and the best for that one (Rashi: separately for each).

**EXTENSION.** We have found oil and wine. Wine and grain, and grain and grain, from where? A *kal va-chomer*: if wine and oil, which are not *kilayim* with each other, are not tithed one for the other, then wine and grain, or grain and grain, which are *kilayim*, certainly not.

**Tosafot – ד"ה דגן ודגן שהם כלאים זה בזה כו'**

**QUESTION.** Rashi writes that sowing grain with grain is *kilayim* only by rabbinic law.

**ANSWER.** That seems to be a scribal error. Our sugya implies it is Torah law, as Kiddushin 39a and Chullin 115a show. The only difference between mixtures of seeds and mixtures in a vineyard is that the first is permitted to eat and the second is forbidden even for benefit. Even R. Yoshiyah holds that wheat and barley alone are forbidden as mixed seeds.

**WHY THIS MATTERS.** The *kal va-chomer* works only if the mixture of grains is a Torah prohibition.

**R. YOSHIYAH.** He says the vineyard mixture applies only when one sows wheat, barley and a grape seed together with one throw. How does he derive it? Thus: if wine and oil, which are not *kilayim* even with a third kind, are not tithed one for the other, then wine and grain, or grain and grain, which are *kilayim* with a third kind, certainly not.

**OTHER SPECIES.** From where for any two other species? (Rashi: such as beans and lentils.) These are rabbinic, and whatever the Sages enacted, they enacted in the model of Torah law; just as in Torah law two species are not tithed one for another, so too in rabbinic law.

**Tosafot – ד"ה ושני מינין בעלמא דרבנן**

**OBSERVATION.** This implies that every species not written in this verse, which names only grain, wine and oil, is tithed only by rabbinic law. Other sugyot agree: Berakhot 36a calls the tithe of caper-berries rabbinic, and Rosh Hashanah 15b calls the tithe of carob rabbinic, though the Sifrei seems to include legumes, fruit and vegetables.

**WHY THIS MATTERS.** It situates the Gemara's statement within the broader question of which produce is tithed by Torah law.

## 7. Cattle and flock: which verse keeps them apart? 54a–54b

**RAVA BAR RAV CHANAN TO ABAYE.** If so, for the animal tithe, where it does not say "and all the tithe of cattle and the tithe of flock" separately, cattle and flock should be tithed one for the other! **ABAYE.** The verse says "the tenth": give a tenth to this and a tenth to that (Rashi: "tithe" is next to "cattle" and "the tenth" next to "flock," so each has its own term).

**QUESTION.** Then sheep and goats should also be separate! **ANSWER.** "And flock" means every flock animal is one.

**QUESTION.** Here too, let "grain" mean all grain is one! **ABAYE.** ראשיתם, "their first" (Bamidbar 18:12), and R. Ila'a said the same (Rashi: "their first," next to "grain," teaches a first portion for each kind of grain).

**RAVA.** Even without "their first," you cannot say all grain is one. There, "flock" means all flock animals are one, since otherwise the Torah should have written "all the tithe of animals." And if you say that would include wild animals: we learn "under ... under" from offerings (Rashi: "under the rod" and "under its mother," and wild animals are not offered). Then the *kal va-*

*chomer* from new and old would separate species. Why "cattle and flock"? To teach that cattle and flock are not tithed one for the other, but sheep and goats are. Here, however, "grain" had to be written to exclude other species from the Torah obligation.

**Rashi – ד"ה וכי תימא אי כתב בהמה ה"א**

**THE ISSUE.** How does Rava show that "flock" is superfluous but "grain" is not?

**RASHI'S EXPLANATION.** Wild animals count as "animals" for some laws (Bava Kamma 54b), so one might think "animals" would include them; but the tithe is compared to offerings ("under the rod" / "under its mother"), and the offerings verse names only ox, sheep and goat. So the Torah could have written "animals," and the *kal va-chomer* from new and old would forbid tithing one species for another. Writing "cattle and flock" teaches that only cattle and flock are separate, while flock with flock is tithed together. With grain, however, the word "grain" is needed to exclude other species from the Torah tithe, so it cannot be read as "all grain is one."

**WHY IT MATTERS.** A word that is needed for its plain meaning cannot be expounded for something else.

**RAV HUNA SON OF RAV NACHMAN'S OBJECTION.** Say instead that "cattle and flock" was written to *combine* cattle with flock! (Rashi: perhaps the Torah named them explicitly so that they would be tithed together.) Mar Zutra son of Rav Nachman told Rava: Rava also has "the tenth."

**ANOTHER VERSION.** Some say Rava said: even without "the tenth," you cannot say cattle and flock are tithed together, since the animal tithe is compared to grain tithe, and grain tithe is not taken from one species for another. **QUESTION.** But Rava said, "I compared them for the year, not for anything else"! **ANSWER.** Rava retracted that. Or say: one of these statements was said by Rav Pappa.

**Tosafot – ד"ה חדא מיניה רב פפא אמרה**

**NOTE.** The same answer appears in Bava Kamma 4b. It is usually said of Rav Pappa because he headed the academy after Rava (Moed Katan 28b), so some of his statements were thought to be Rava's.

**WHY THIS MATTERS.** It explains why the Gemara can attribute one of two conflicting statements to a different Amora.

The next Mishnah, on how far apart animals may graze and still be tithed together, begins on 54b and is covered in the summary of Bekhorot 54.

# The full picture in plain language

The new chapter sets the scope of the animal tithe. It applies everywhere and at all times, which the Gemara reconciles with R. Akiva by separating holiness from offering: abroad, the tithe animal becomes holy but is eaten once blemished. It is not practiced today because a

holy animal that cannot be offered invites misuse, and the Gemara shows why the firstborn's workarounds, selling a share to a gentile or blemishing in advance, would not work for the tithe without leaving the Temple short of animals.

The rest of the daf asks what may be tithed together. Consecrated animals are excluded by "it shall be holy," needed because every animal is otherwise subject to the tithe. Years are kept apart by comparison to grain tithe, "year by year." Species are kept apart for terumah by "the best of the oil and the best of the wine," and for grain by a *kal va-chomer* from forbidden mixtures. For animals, Abaye and Rava debate which word separates cattle from flock while joining sheep with goats, and whether Rava's narrow reading of the comparison was retracted.

# Glossary

| Hebrew | Transliteration | Meaning in this sugya |
|---|---|---|
| מעשר בהמה | *ma'aser behemah* | The animal tithe: every tenth newborn animal passing under the rod is holy. |
| בקר וצאן | *bakar va-tzon* | Cattle and flock animals, which are tithed separately. |
| כבשים ועזים | *kevasim ve-izim* | Sheep and goats, which count together as "flock." |
| חדש וישן | *chadash ve-yashan* | Animals of different tithe years (before and after Elul), tithed separately. |
| כלאים | *kilayim* | Forbidden mixtures of species, in animals or plants. |
| קדשים קלים | *kodashim kalim* | Lesser offerings, such as peace offerings; per R. Yosi HaGelili, the owner's property. |
| תקלה | *takalah* | A stumbling block: the risk of misusing a holy animal that cannot be offered. |
| יתום | *yatom* | An "orphan" animal whose mother died at its birth; excluded from the tithe. |
| לא יבקר | *lo yevaker* | "He shall not inquire": the owner may not choose which animal comes out tenth. |
| היקש | *hekesh* | A comparison of two laws written together, here animal tithe and grain tithe. |
| תרומה | *terumah* | The kohen's portion of produce; not separated from one species for another. |
| ראשיתם | *reishitam* | "Their first": the word from which Abaye separates kinds of grain. |
| העשירי | *ha-asiri* | "The tenth": the word that gives cattle and flock separate tithes. |

Sources: Gemara with relevant Rashi and Tosafot.