

דף יומי • בכורות • דף נ"ו

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THE SUGYA

In this sugya, the Gemara delves into the gezeirah shavah and textual derivations that link the dinim of pidyon haben to ma'aser behemah. Through a series of kal v'chomers and exclusions, the Gemara evaluates which types of korbanos—such as chattos, olos, shelamim, and olat re'iyah—might be excluded from purchase or gift limitations, ultimately isolating ma'aser behemah as the primary subject of these gezeirah shavah rules.

All introductions, summaries, and contextual notes are the editor's commentary and are not part of the original text.

עמוד א' DAF 56A

PROOF

מה בניה — אין בלקוח ובמתנה.

The Gemara links the verses: **Just as** the word "your son" regarding pidyon haben **does not apply to a purchased child or to a child given as a gift,**

PROOF

אף צאנה ובקרה — אינו בלקוח ובמתנה.

so too the phrase "your flock and your herd" teaches that animal tithe **does not apply to a purchased animal or to a gift.**

QUESTION

והאי בבכור כתיב!

The Gemara asks: **But this** verse of "your flock and your herd" **is written with regard to a firstborn animal**, not animal tithe!

ANSWER

אמר קרא: "כן תעשה",

The verse states: "So shall you do with your ox and your sheep" (Shemos 22:29).

ANSWER

אם אינו ענין לבכור, דלא איתיה בעשייה, דברחם קדוש — תניהו ענין למעשר בהמה.

If this extra phrase "so shall you do" **is not needed for the subject of a firstborn—for it does not require an action of human consecration, since it is holy from the womb—apply it to the subject of animal tithe**, which does require human action to sanctify it.

QUESTION

ואימא: תניהו ענין לחטאת ולאשם!

The Gemara suggests: **But say instead: apply it to the subject of a sin offering and a guilt offering**, to exclude a purchased animal from being brought for these sacrifices!

ANSWER

דומיא דבנה — מה בנה שאינו בא על חטא, אף צאנה ושורה שאינו בא על חטא.

The Gemara answers: The derived offering must be **similar to "your son": just as your son does not come as redemption for a sin, so too "your flock and your ox"** must refer to an offering **that does not come for a sin**, thus excluding a sin offering and guilt offering.

QUESTION

ואימא: תנהו ענין לעולה ולשלמים!

The Gemara suggests further: **But say instead: apply it to the subject of a burnt offering and a peace offering**, which do not come for a sin!

ANSWER

דומיא דבנה — מה בנה שאינו בא בנדבך ונדבה, אף צאנה ושורה כו'.

The Gemara answers: It must be **similar to "your son": just as your son does not come through a vow or a voluntary pledge, so too "your flock and your ox"** refers to an offering that **does not come through a vow or a voluntary pledge**, which excludes voluntary burnt offerings and peace offerings.

QUESTION

ואימא: תנהו ענין לעזלת ראיה!

The Gemara suggests again: **But say instead: apply it to the subject of the pilgrimage burnt offering**, which is a mandatory obligation, not a vow or voluntary pledge, and does not come for a sin!

ANSWER

דומיא דבנה — מה בנה שאין קבוע לו זמן, אף שורה וצאנה שאין קבוע לו זמן.

The Gemara answers: It must be **similar to "your son": just as your son does not have a fixed time** of year for his redemption (as it is simply thirty days after birth), **so too "your ox and your flock"** refers to animal tithe, **which does not have a fixed time** on the calendar, excluding the pilgrimage burnt offering which is set for the festivals.

QUESTION

אי מה בנה אינו בלקוח כלל, אף שורה וצאנה אינו בלקוח כלל,

The Gemara asks: **If so, we should say: Just as your son is not** subject to redemption when **purchased under any circumstances, so too your ox and your flock should not** be subject to animal tithe when **purchased under any circumstances!**

OBJECTION

אלמה אמר רבי אסי אמר רבי יוחנן: לקח עשרה עופרין במעי אמן — כולם נכנסין לדיר להתעשר?

If so, **why did Rabbi Assi say in the name of Rabbi Yochanan: If one purchased ten fetuses in their mothers' wombs, they all enter the pen to be tithed?** Why aren't they exempt as purchased animals?

RESOLUTION

אמר רבא, אמר קרא: "תעשה" — בשעת עשייה מיעט הכתוב.

Rava said: The verse states "you shall do", which teaches that the verse excluded a purchased animal only if it was bought at the time of action—meaning when it is already fit to be processed and sacrificed—not when it was bought while still an unfit fetus.

STATEMENT

גופא, אמר רבי אסי אמר רבי יוחנן: לקח עשרה עיברים במעי אמן — כולן נכנסין לדייר להתעשר.

The Gemara now analyzes the matter itself: Rabbi Assi said in the name of Rabbi Yochanan: If one purchased ten fetuses in their mothers' wombs, they all enter the pen to be tithed.

OBJECTION

והא אנו תנן: הלוקח או שניתן לו במתנה פטור מן מעשר בהמה!

The Gemara asks: But didn't we learn in our Mishnah: One who purchases an animal, or one to whom an animal was given as a gift, is exempt from animal tithe? Why then are these fetuses subject to tithe?

ANSWER

אמר רבי אלעזר: רבי יוחנן חזאי בחילמא, מילתא מעליא אמינא.

Rabbi Elazar said: I saw Rabbi Yochanan in a dream, which indicates I am about to say an excellent matter to explain his opinion.

ANSWER

אמר קרא "תעשה", בשעת עשייה מיעט הכתוב.

He explained: The verse states "you shall do", meaning the verse excluded a purchased animal only if it was bought at the time of action, when it is fit to be sacrificed, excluding fetuses which are bought prior to that stage.

OBJECTION

איתיביה רבי שמעון בן אלקיים לרבי אלעזר: הלוקח חל על מחוסר זמן!

Rabbi Shimon ben Elyakim raised an objection to Rabbi Elazar from a Braisa: The exemption of a purchased animal applies even to an animal whose time has not yet arrived (before eight days old), even though it is not yet fit for action!

RESOLUTION

אמר ליה: זו אינה משנה,

Rabbi Elazar said to him: This is not an authoritative Mishnah or Braisa, and we do not rely on it.

RESOLUTION

ואם תמצא לומר משנה — רבי שמעון בן יהודה היא משום רבי שמעון,

And if you want to say it is an authoritative teaching, it is according to Rabbi Shimon ben Yehuda in the name of Rabbi Shimon,

EXPLANATION

דָּאָמַר: מַחוּסֵר זְמַן נִכְנָס לְדִיר לְהַתְעַשֵּׂר, וְהָרִי הוּא כְּבֹכּוֹר,

who says: An animal whose time has not yet arrived enters the pen to be tithed, and it is like a firstborn;

EXPLANATION

מָה כְּבֹכּוֹר קָדוֹשׁ לִפְנֵי זְמָנוֹ וְקָרֵב לְאַחַר זְמָנוֹ — אֵף מַחוּסֵר זְמַן קָדוֹשׁ לִפְנֵי זְמָנוֹ וְקָרֵב לְאַחַר זְמָנוֹ.

just as a firstborn becomes holy before its time to be brought on the mizbeach, and is offered after its time, so too an animal whose time has not yet arrived becomes holy before its time and is offered after its time. Therefore, in his view, an animal under eight days old is already considered fit for action.

BRAISA

תָּנִי תַנָּא קַמֵּיה דְּרַב: אֵיזְהוּ אֶתְנָן שְׁנִכְנָס לְדִיר לְהַתְעַשֵּׂר? כָּל שְׁנִתְּנוּ לָהּ וְחָזַר וּלְקַחוּ הֵימֶנָּה.

A tanna recited a Braisa before Rav: Which is the prostitute's fee that enters the pen to be tithed? Any animal that he gave to her, and then went and purchased it back from her.

QUESTION

וְהָא אֵיפְסִיל לִיה בְּלוּקָח!

The Gemara asks: But isn't it disqualified from tithe because he is a purchaser who bought it back from her?

ANSWER

אִישְׁתְּמִיטְיָהּ הָא דָּאָמַר רַבִּי אָסִי אָמַר רַבִּי יוֹחָנָן: לְקַח עֲשָׂרָה עוֹבְרִין בְּמַעֲי אֶמָן — כּוֹלָם נִכְנָסִין לְדִיר לְהַתְעַשֵּׂר.

The Gemara answers: This ruling of Rabbi Assi in the name of Rabbi Yochanan escaped him, where he said: If one purchased ten fetuses in their mothers' wombs, they all enter the pen to be tithed. Here too, he must have bought back the fetus while still in its mother's womb.

עמוד ב' DAF 56B

QUESTION

וְתִיעֲשָׂרָה אִיהִי!

And let her tithe it herself! Why must a Yid buy the fetus back from her for it to be enter the pen for ma'aser? Why couldn't the woman tithe it on her own, since it was given to her while still an unborn fetus, so it never became forbidden as ethnan?

ANSWER

בְּזוֹנָה גוֹיָה.

The Gemara answers: The Baraita is talking about a non-Jewish prostitute, who is not commanded in mitzvos at all, and therefore cannot separate ma'aser behemah.

QUESTION

וְלוֹקְמָה בְּזוֹנָה יִשְׂרָאֵלִית, וְתִיעֲשָׂרָה אִיהִי!

The Gemara asks: **But let us establish the Baraita by a Jewish prostitute, and let her tithe it herself!** Why make it a case of a non-Jew?

ANSWER

קא משמע לן דזונה ישראלית לא הוי אתנן.

The Gemara answers: The Baraita specifically chose a non-Jewish prostitute to **teach us that** an animal given to a **Jewish prostitute is not** considered **ethnan** at all, and is permitted to be brought on the mizbe'ach, which is why the Baraita had to deal with a non-Jewish woman.

PROOF

כדאפי, דאמר אפי:

This is in accordance with Abaye, as Abaye said:

STATEMENT

זונה גויה — אתננה אסור, וכהן הפא עליה אינו לוקה משום "לא יחלל זרעו".

Regarding a **non-Jewish prostitute** — her payment is forbidden for the mizbe'ach as ethnan zonah, but a Kohen who has relations with her does not receive lashes on account of "He shall not profane his seed" (Vayikra 21:15).

STATEMENT

זונה ישראלית — אתננה מותר, וכהן הפא עליה לוקה משום "לא יחלל זרעו".

Whereas regarding a **Jewish prostitute** — her payment is permitted for the mizbe'ach, and a Kohen who has relations with her receives lashes on account of "He shall not profane his seed."

EXPLANATION

זונה גויה אתננה אסור — גמר "תועבה" "תועבה" מעריות.

The Gemara explains Abaye's opinion: As for a **non-Jewish prostitute**, her payment is forbidden because Abaye derives a **gezeirah shavah** of "**abomination**" written by ethnan (Devarim 23:19) and "**abomination**" written from forbidden relations (Vayikra 18:29):

EXPLANATION

מה עריות, דלא תפסי בהו קדושי — אף זונה, בהך דלא תפסי בה קדושי.

Just as by forbidden relations, they are women with whom kiddushin cannot take effect, so too, the prostitute whose payment is forbidden as ethnan refers to **this one with whom kiddushin cannot take effect** — which is a non-Jewish woman.

EXPLANATION

וכהן הפא עליה אינו לוקה משום "לא יחלל זרעו",

And a Kohen who has relations with her does not receive lashes on account of "He shall not profane his seed,"

EXPLANATION

דלא יחלל זרעו אמר רחמנא, והאי לאו זרעיה הוא.

because the Torah states, "He shall not profane his seed," and this child born from a non-Jewish woman is not his seed, since a child from a non-Jewish mother takes after her and is a non-Jew.

MISHNAH

מתנני האחין והשותפים, שחייבין בקלבון — פטורין ממעשר בהמה,

MISHNAH: Brothers or partners, who are obligated in the kalbon (the surcharge added when giving a half-shekel jointly to the Beis Hamikdash), are exempt from ma'aser behemah;

MISHNAH

חייבין במעשר בהמה — פטורין מן הקלבון.

whereas if they are obligated in ma'aser behemah, they are exempt from the kalbon.

MISHNAH

קנו מתפיסת הפית — חייבין,

How so? If the brothers acquired the animals from the general pool of the estate left by their father and haven't divided it yet, they are obligated in ma'aser behemah;

MISHNAH

ואם לאו — פטורין.

and if not, if they already divided the estate, they are exempt.

MISHNAH

חלקו, חזרו ונשתתפו — חייבין בקלבון ופטורין ממעשר בהמה.

If they divided the inheritance and then went back and partnered together, they are obligated in the kalbon and exempt from ma'aser behemah.

גמרא GEMARA

BRAISA

גמ' תנו רבנן: "יהיה לך" — ולא של שותפות.

GEMARA: The Rabbis taught in a Baraita: The pasuk regarding animal tithes says, "shall be yours" (Shemos 13:12) — implying and not that of a partnership.

QUESTION

יכול אפילו קנו בתפיסת הפית?

I might have thought that even if they acquired animals jointly from the pool of the estate of their father, they should also be exempt from ma'aser behemah because they own it together?

ANSWER

תלמוד לומר: "יהיה".

Therefore **the verse states: "Shall be"** to include brothers who inherit from the general estate, teaching that they are obligated.

QUESTION

והאי בבכור כתיב!

The Gemara asks: **But this verse is written concerning a בכור, a firstborn animal**, not ma'aser behemah!

ANSWER

אם אינו ענין לבכור, דהא איתיה בשותפות, דכתיב: "ובכורות בקרکم וצאנכם", תנחו ענין למעשר בהמה.

If it is not needed for the matter of a בכור — since a בכור indeed applies in a partnership, as it is written: "And the firstborns of your cattle and your sheep" in plural (Devarim 12:6) — **apply it to the matter of ma'aser behemah.**

STATEMENT

אמר רבי ירמיה: פעמים שחייבין בזה ובזה,

Rabbi Yirmeyah said: **There are times when they are obligated in both this (kalbon) and this (ma'aser behemah),**

STATEMENT

ופעמים שפטורין מזה ומזה,

and times when they are exempt from both this and this,

STATEMENT

פעמים שחייבין בקלבון ופטורין ממעשר בהמה,

times when they are obligated in the kalbon and exempt from ma'aser behemah,

STATEMENT

ופעמים שחייבין במעשר בהמה ופטורין מן הקלבון.

and times when they are obligated in ma'aser behemah and exempt from the kalbon.

EXPLANATION

חייבין בזה ובזה — שחלקו בכספים ולא חלקו בבמה,

The Gemara explains: How so? When are they **obligated in both this and this? Where they divided the money** from the estate — so regarding money they are considered independent individuals who must pay the kalbon when giving together — **and did not divide the animals**, so regarding animals they are still in the father's estate and obligated in ma'aser behemah.

EXPLANATION

פטורין מזה ומזה — שחלקו בבמה ולא חלקו בכספים.

When are they **exempt from both this and this? Where they divided the animals** — so they became partners in the animals and are exempt from ma'aser behemah — **and did not divide the money**, so regarding money they are still considered sons of the household and exempt from the kalbon.

EXPLANATION

חֵיבִין בְּקָלְבּוֹן וּפְטוּרִין מִמַּעֲשֵׂר בְּהֶמָּה — שֶׁחֲלָקוּ בָּזָה וּבָזָה.

When are they **obligated in the kalbon** and **exempt from ma'aser behemah**? Where they divided both this and this, both the money and the animals, and then became partners.

EXPLANATION

חֵיבִין בְּמַעֲשֵׂר בְּהֶמָּה וּפְטוּרִין מִן הַקָּלְבּוֹן — שֶׁלֹּא חֲלָקוּ בָּזָה וּבָזָה.

When are they **obligated in ma'aser behemah** and **exempt from the kalbon**? Where they did not divide either this or this, maintaining the entire estate together.

QUESTION

פְּשִׁיטָא!

The Gemara asks: Isn't this **pashut**? Why did Rabbi Yirmeyah need to list these cases?

ANSWER

חֲלָקוּ בְּבִהְמָה וְלֹא חֲלָקוּ בַּכֶּסֶּפִּים אֵינְצִטְרִיכָא לֵיהּ,

The Gemara answers: The case where they divided the animals and did not divide the money was necessary for him to teach.

EXPLANATION

סָלָקָא דַּעֲתָהּ אָמִינָא: כִּיּוֹן דְּחֲלָקוּ בְּבִהְמָה, גָּלוּ דַּעֲתִיּהוּ דְלִמְיפְלַג קְיָיְמִי, וְלִיחֵיבּוּ בְּקָלְבּוֹן — קָא מְשַׁמַּע לָן.

Because it might have entered your mind to say: Since they divided the animals, they revealed their intention that they **stand to divide** the rest of the estate as well, and therefore let them be **obligated in the kalbon** right now. So Rabbi Yirmeyah **comes to teach us** that as long as they haven't actually divided the money, they remain exempt from the kalbon.

STATEMENT

אָמַר רַב עֲנָן: לֹא שָׁנוּ אֶלָּא שֶׁחֲלָקוּ גְדִיִּים כְּנֶגֶד תִּיּוֹשִׁים וְתִיּוֹשִׁים כְּנֶגֶד גְּדִיִּים.

Rav Anan said: They taught that dividing animals makes them like buyers and exempts them from ma'aser behemah **only when** they divided kids against rams and rams against kids, exchanging different categories of animals, which is clearly an exchange and a division.

STATEMENT

אָבָל חֲלָקוּ גְדִיִּים כְּנֶגֶד גְּדִיִּים וְתִיּוֹשִׁים כְּנֶגֶד תִּיּוֹשִׁים — אוֹמַר זֶה חֲלָקוּ הַמַּגִּיעוּ מִשְׁעָה רִאשׁוֹנָה לְכָה.

But if they divided kids against kids and rams against rams, where each receives identical types, we say: This is his portion that was coming to him from the very first moment for this, through the principle of bereirah (retroactive clarification), so it is not an exchange and they remain obligated in ma'aser behemah.

STATEMENT

וְרַב נַחֲמָן אָמַר: אֶפִּילוּ חֲלָקוּ גְדִיִּים כְּנֶגֶד גְּדִיִּים וְתִיּוֹשִׁים כְּנֶגֶד תִּיּוֹשִׁים — אֵין אוֹמְרִים זֶה הוּא חֲלָקוּ הַמַּגִּיעוּ מִשְׁעָה רִאשׁוֹנָה לְכָה.

And Rav Nachman said: Even if they divided kids against kids and rams against rams, we do not say this is his portion coming to him from the first moment for this, because we do not hold of bereirah; therefore, any division renders them like buyers and exempts them from ma'aser behemah.

STATEMENT

ורבי אלעזר אומר: לא שנו אלא שחלקו תשעה כנגד עשרה, ועשרה כנגד תשעה.

And Rabbi Elazar said: They taught that division exempts them only where they divided nine smaller animals against ten, or ten against nine, adjusting for value,

STATEMENT

אבל חלקו תשעה כנגד תשעה ועשרה כנגד עשרה — אומר זה חלקו המגיעו משעה ראשונה לכה.

but if they divided nine against nine or ten against ten, equal numbers of equal animals, we say: This is his portion coming to him from the very first moment for this, so they remain obligated in ma'aser behemah.

STATEMENT

ורבי יוחנן אומר: אפילו חלקו תשעה כנגד תשעה, ועשרה כנגד עשרה, אין אומר זה חלקו המגיעו משעה ראשונה לכה.

And Rabbi Yochanan said: Even if they divided nine against nine or ten against ten, we do not say this is his portion coming to him from the first moment for this, and they are exempt from ma'aser behemah.

SUMMARY

The Gemara works through the textual comparisons between pidyon haben and ma'aser behemah to establish that purchased animals and gifts are exempt from animal tithing. It then reconciles Rabbi Yochanan's shitta—that purchasing ten unborn fetuses still obligates them in ma'aser behemah—by explaining that the exclusion of a lakoo'ach (purchased animal) applies only when bought at a stage when the animal is already fit for action and sacrifice, not while still an unfit fetus. The Gemara further analyzes related braisos concerning an animal given as ethnan zonah to a non-Jewish prostitute, clarifying when such an animal can be bought back as a fetus and brought to the pen for tithing.

The Gemara on today's daf delves into the halachos of Ma'aser Behemah and teaches that when partners or brothers split an inheritance, the animals they divide lose their original status and are considered "purchased" (lakoach), exempting them from the mitzvah of tithing. Even if they later decide to join back together and pool their flock, that brief moment of division and separation broke the original unity. Once they split, the initial, seamless connection is lost.

There is a profound lesson for our daily avodah here. Unity in a family, a community, or a shul is something precious that takes real effort to build and maintain. But when we let small disagreements cause a division, when we separate and go our own ways, it is never simple to just "put things back the way they were." Even if people reconcile down the road, a split leaves a mark and changes the nature of the relationship.

Hashem values peace and true achdus among Yidden above almost everything else. We have to guard our connections with others fiercely before a breach occurs, treating our shalom in our homes and shuls with extreme care.

Today, if you feel a slight distance or tension growing between you and a family member, friend, or neighbor, don't let it linger until a real split happens. Take one small action today, a warm word, a smile, or a quick phone call, to protect the shalom and keep the bond strong.