Bekhorot 35

Daf Yomi · Friday, October 23, 2026 · י״ב חשון תשפ״ז · Covers 35a (Mishnah on the official who slit a firstborn's ear) through 36a (can kohanim judge?)

Summary

Bekhorot 35 opens with two stories. A gentile official saw an old ram with long, dangling wool, and when told it was a firstborn that could be slaughtered only if it had a blemish, he slit its ear with a dagger. The Sages permitted it; when he then slit the ears of other firstborns, they forbade them. Children tied lambs' tails together and one firstborn's tail tore off; the Sages permitted it, and when the children tied other firstborns' tails, they forbade them. The rule: whatever is done with intent is forbidden, and without intent is permitted. The Gemara explains why both stories are needed, debates whether the wording told to the official matters, and extends the rule to indirect causation and to remarks made innocently.

A further Mishnah permits a firstborn blemished when a person kicked it while it chased him, and Rav Pappa discusses whether the kick must come during the chase. Rav Yehuda permits blemishing a firstborn before it emerges, and Rava explains where on a kid or a lamb this can be done. Rava also rules that a mouth blemish visible when the animal cries out is a visible blemish.

The next Mishnah addresses who may testify that a blemish came about by itself. Israelite shepherds are trusted and kohen shepherds are not; Rabban Shimon b. Gamliel trusts a kohen about another's firstborn but not his own; R. Meir says a person suspected about a matter may not judge it or testify about it. R. Yochanan and R. Elazar define the shepherds differently, either by who they are or by whose flock they tend. The Gemara brings R. Yehoshua b. Kefusai's requirement of two outside witnesses and Rav Nachman's view that Israelite owners may testify. The halacha follows Rabban Shimon b. Gamliel: even a kohen's son or daughter is trusted, but not his wife. The daf ends with Rav Pappa's challenge: according to R. Meir, how can kohanim ever judge?

Detailed Summary

1. Mishnah: the official and the children 35a

The first line of 35a completes Abaye's ruling that an heir is not penalized for his father's damage to pure food (summary of Bekhorot 34).

MISHNAH (BEKHOROT 35a)

מעשה בזכר של רחלים זקן ושערו מדולדל, וראהו קסטור אחד ואמר מה טיבו של זה, אמרו לו בכור הוא ואינו נשחט אלא א"כ היה בו מום. נטל פיגום וצרם אזנו, ובא מעשה לפני חכמים והתירו. ואחר שהתירו הלך וצירם באזני בכורות אחרים ואסרו. פעם אחת היו תינוקות משחקין בשדה וקשרו זנבי טלאים זה בזה, ונפסקה זנבו של אחד מהם והרי הוא בכור, ובא מעשה לפני חכמים והתירו. ראו שהתירו, הלכו וקשרו זנבות בכורות אחרים ואסרו. זה הכלל: כל שהוא לדעתו אסור, שלא לדעתו מותר.

There was an old male sheep whose wool was dangling (Rashi: it had never been shorn). A certain official saw it and said: what is this? They told him: it is a firstborn, and it may be slaughtered only if it has a blemish. He took a dagger and slit its ear. The case came before the Sages and they permitted it. After they permitted it, he went and slit the ears of other firstborns, and they forbade them. Once, children were playing in a field and tied lambs' tails to one another, and the tail of one of them tore off, and it was a firstborn. The case came before the Sages and they permitted it. When the children saw that they permitted it, they went and tied the tails of other firstborns, and they forbade them. This is the rule: anything done with intent is forbidden; without intent, permitted.

Rashi – ד"ה והתירו

THE ISSUE. Why permit the first case at all?

RASHI'S EXPLANATION. One cannot say the gentile meant to permit it, since he did not know that a blemish he made would allow slaughter; as far as he knew, it had to happen on its own.

WHY IT MATTERS. Once he learned the effect, his later acts were done with intent.

BOTH NEEDED. Had the Mishnah taught only the gentile, one might say it was permitted because he will not become habituated (Rashi: a gentile's habits do not concern us), but a child, who will become habituated, not. Had it taught only the child, one might say it was permitted because a child will not be confused with an adult, but a gentile, who might be confused with an adult (Israelite), not. So both are needed.

RAV CHISDA. Citing Rav Ketina: this applies only where they told him "unless it had a blemish" (Rashi: implying it must happen on its own). But if they said "unless a blemish is made in it" (Rashi: implying by a person), it is as if they told him, "go make a blemish in it."

RAVA. After all, it happened on its own (Rashi: he did not know it would be permitted and did not intend that). What difference is "had" or "is made"? "Is made" also happens on its own, and there is no difference.

THE RULE. "This is the rule: anything done with intent is forbidden": what does it add? Indirect causation (Rashi: placing dough or a fig cake on the ear so that a dog will take it). "Without intent": what does it add? One who speaks innocently.

Rashi – ד"ה מסיח לפי תומו

THE ISSUE. What case does "without intent" add?

RASHI'S EXPLANATION. The official did not ask what it was; rather, they themselves said innocently, "see, this one will never be slaughtered except through a blemish," without intending that he blemish it.

WHY IT MATTERS. A casual remark does not make the owners responsible for the blemish.

2. Mishnah: the firstborn that chased him 35a

MISHNAH (BEKHOROT 35a)

היה בכור רדפו, בעטו ועשה בו מום, ה"ז שוחטין עליו.

If a firstborn was chasing him (Rashi: a goring ram chasing a person) and he kicked it and blemished it, it may be slaughtered on that blemish (Rashi: even by a kohen, since he intended to save himself).

RAV PAPPA. This applies only when he kicked it during the chase, but not after the chase. Is that not obvious? One might say he remembers his pain (Rashi: from being chased); it teaches us otherwise. Some say: Rav Pappa said, do not say only during the chase and not after; rather even after the chase, since he remembers his pain.

3. Before birth, and a blemish seen when it cries 35a

RAV YEHUDA. One may blemish a firstborn before it emerges into the world (Rashi: a firstborn is holy only once the womb sanctifies it). Rava: a kid on its ears, a lamb on its lips (Rashi: a kid's long ears appear before its whole head emerges; a lamb's ears lie flat, and its lips appear first). Some say: a lamb too on its ears; say it came out by way of its temples.

Tosafot – ד"ה גדיא באודניה

THE CONCERN. When a minority of the head is out, he may blemish a kid's ear without worrying that most of the head came out and went back, since a kid's ears usually appear while only a minority of the head is out. With a lamb's ear there is such a concern. In a separate comment on the second version, Tosafot explain that we do not worry that its head came out and went back, since "say" is not like a certainty.

RAV HUNA'S VIEW. Rava here follows Rav Chisda (Chullin 69b). According to Rav Huna, if most of the head later emerges, it is retroactively holy, so Rav Yehuda's rule would apply only when none of it has emerged. Other sugyot, such as Temurah 24b, also do not follow Rav Huna.

WHY THIS MATTERS. The permission depends on the animal not having already become holy.

RAVA. If (a mouth blemish) is not visible when it eats but is visible when it cries out, it is a blemish (Rashi: a visible blemish, on which alone a firstborn may be slaughtered, 37a). What does he teach? We learned: outer gums that were nicked or scraped, or inner gums that were uprooted. Why? Is it not because they are visible when it cries out? Rav Pappa: Rava too was explaining the reason of the Mishnah.

4. Mishnah: who is trusted about a blemish? 35a

MISHNAH (BEKHOROT 35a)

כל המומין הראויין לבא בידי אדם, רועי ישראל נאמנין, רועים כהנים אינן נאמנין. רשב"ג אומר נאמן הוא על של חבירו ואין נאמן על של עצמו. ר"מ אומר החשוד על הדבר לא דנו ולא מעידו.

For all blemishes that could come about through a person (Rashi: such as a blinded eye, a cut-off foreleg, a split ear), Israelite shepherds are trusted (Rashi: to say it happened on its own); kohen shepherds are not trusted. Rabban Shimon b. Gamliel says: he is trusted about another's, but not about his own. R. Meir says: one suspected about a matter may not judge it and may not testify about it.

FIRST VIEW. R. Yochanan and R. Elazar. One said: Israelite shepherds working for kohanim are trusted; we are not concerned about a mouthful (Rashi: that he lies so his master will slaughter it and share the meat with him). Kohen shepherds working for Israelites are not trusted: he says, since I take care of it, he will not pass me over and give it to someone else. The same applies to a kohen for a kohen, since we are concerned about reciprocity.

Rashi – ד"ה והי"ה כהן לכהן

THE ISSUE. What is the concern about reciprocity?

RASHI'S EXPLANATION. A kohen shepherd is not trusted about another kohen's firstborn, since he thinks: I will testify for him now, and he will repay me when an Israelite gives me an unblemished firstborn; I will blemish it, and he will testify that it fell on its own.

WHY IT MATTERS. Suspicion reaches even a kohen who gains nothing directly.

THE OTHER VIEWS. Rabban Shimon b. Gamliel comes to say he is trusted about another's but not his own, and R. Meir comes to say that one suspected about a matter may neither judge nor testify about it.

SECOND VIEW. The other said: shepherds of Israelites, even if they are kohanim, are trusted: he says, he will not pass over a scholar and give it to me (Rashi: an ordinary shepherd is an am ha-aretz). Shepherds of kohanim, even if they are Israelites, are not trusted, since we are concerned about a mouthful; all the more a kohen for a kohen, where we are concerned about reciprocity and a mouthful.

5. What does R. Meir add? 35b

THE QUESTION. For the one who says shepherds of Israelites, even kohanim, are trusted, R. Meir comes to say that one suspected may not testify. But for the one who says kohen shepherds for Israelites are not trusted, what does R. Meir add? It is the same as the first Tanna (Rashi: who also does not trust a kohen).

ANSWER. They differ about R. Yehoshua b. Kefusai. A baraita teaches: R. Yehoshua b. Kefusai says a firstborn in a kohen's possession requires two people from the market to testify about it. Rabban Shimon b. Gamliel says: even his son, even his daughter. R. Yose says: even ten, if they are members of his household, may not testify about it.

Rashi – ד"ה צריך שנים מן השוק

THE ISSUE. How does this explain the difference?

RASHI'S EXPLANATION. Any two, even kohanim, but not kohanim of his household. The first Tanna accepts R. Yehoshua b. Kefusai: only kohen shepherds are untrusted, but other kohanim are trusted even about kohanim's firstborns, and we fear reciprocity only with a shepherd who stays with him. R. Meir rejects R. Yehoshua entirely: since kohanim are suspected about firstborns, even a kohen from the market may not testify, even when the firstborn is with an Israelite.

WHY IT MATTERS. R. Meir's view is the strictest, excluding all kohanim.

RAV CHISDA. Whose view is the statement of Rav Chisda citing Rav Ketina: a doubtful firstborn in an Israelite's possession (Rashi: such as twins of a first birth, one of which is his) requires two from the market to testify about it? R. Yehoshua b. Kefusai's.

RAV NACHMAN. The owners may testify about it. For if you do not say so, then according to R. Meir, who testifies about tithe? Tithe is certainly trusted, since if he wanted, he could have blemished his whole flock. Rather, according to R. Meir, who testifies about a doubtful firstborn? And if you say it indeed has no remedy, we learned: R. Yose said, any animal whose counterpart is in the kohen's hand is exempt from the gifts, and R. Meir obligates (Rashi: implying it can be eaten). Rather, learn from this that the owners testify: kohanim are suspected about blemishes; Israelites are not.

Tosafot – ד"ה וכי תימא דלית להו תקנתא כו'

OBSERVATION. The Gemara could have answered that we distinguish between a *chaver* and an am ha-aretz, as R. Yehoshua does below (36a).

WHY THIS MATTERS. A trusted chaver could provide a remedy even under R. Meir's view.

THE RULING. Rav Nachman said: the halacha follows Rabban Shimon b. Gamliel. Rava said: the halacha follows R. Yose. But did Rava say so? Rava said: if the owners are standing with us outside, and it went in whole and came out injured, they may testify about it (Rashi: those inside the house, that it happened on its own). Read: if all the owners (Rashi: his children and household) are standing outside, we do not suspect. If so, what is he teaching? One might have said we should be concerned about suspicion (Tosafot: that one of the household remained inside); he teaches us otherwise. The halacha follows Rabban Shimon b. Gamliel, but only his son and daughter, not his wife. Why? His wife is like himself.

6. Can kohanim judge? 35b–36a

RAV PAPPA'S CHALLENGE. Rav Pappa said to Abaye: R. Meir says that one suspected about a matter may neither judge it nor testify about it, and R. Meir says that one suspected about one matter is suspected about the whole Torah. Then kohanim, too, may not judge at all? But it says, "and by their word every dispute and every plague shall be decided" (Devarim 21:5)!

ABAYE. R. Meir said this regarding suspicion. Did he say it to presume them (Rashi: to treat them as established violators of the whole Torah)?

Tosafot – ד"ה כהני הכי נמי דלא דייני דינא

OBSERVATION. For Rava (Sanhedrin 27a), one who eats carcasses to provoke, who is bad toward Heaven, is not suspected of being bad toward people, so there is no question. For Abaye there, the question works well. Alternatively, even for Rava, kohanim must be fit for every judgment and ruling, as it says, "every dispute and every plague."

FURTHER QUESTIONS. The Gemara could also have asked how one may eat from their slaughter or how they are fit to offer sacrifices. Even without firstborns, one could ask the same about R. Meir because kohanim were suspected about the Sabbatical year (Sanhedrin 26a).

WHY THIS MATTERS. Abaye's answer limits R. Meir's rule to general suspicion, not an established presumption.

The discussion of whether one witness reporting another is accepted for a firstborn begins on 36a and is covered in the summary of Bekhorot 36.

The full picture in plain language

A firstborn may be slaughtered only on a blemish that was not made deliberately to permit it. When a gentile official or playing children caused the first blemish innocently, the Sages permitted it; once they knew the effect, their later acts were intentional and forbidden. The same logic covers indirect means, innocent remarks, a kick in self-defense, and blemishing before the animal is born and holy.

Because a deliberate blemish is forbidden, the law must decide whom to believe when a blemish could have been caused by a person. Kohanim, who benefit from firstborns, are suspected, as are those who might share the meat or trade testimony. Views range from Rabban Shimon

b. Gamliel, who trusts a kohen about others' animals and even his own son or daughter, to R. Meir, who disqualifies all kohanim. The halacha follows Rabban Shimon b. Gamliel, and R. Meir's rule is limited to suspicion, so kohanim remain judges and teachers.

Glossary

Hebrew	Transliteration	Meaning in this sugya
קסטור	*kastor*	A gentile official.
לדעתו	*le-da'ato*	With intent to permit the firstborn.
גרמא	*gerama*	Indirect causation.
מסיח לפי תומו	*mesi'ach le-fi tumo*	Speaking innocently, without intent.
לגימא	*legima*	A mouthful: hope of sharing the meat.
גומלין	*gomlin*	Reciprocity: trading favorable testimony.
שנים מן השוק	*shenayim min ha-shuk*	Two outside witnesses, not of the owner's household.
ספק בכור	*safek bekhor*	A doubtful firstborn, kept by the Israelite.

Sources: Gemara with relevant Rashi and Tosafot.