Bekhorot 36

Daf Yomi · Shabbat, October 24, 2026 · י״ג חשון תשפ״ז · Covers 36a (hearsay testimony for a firstborn) through 36b (Mishnah on blemishes of tithe)

Summary

Bekhorot 36 continues with testimony about a firstborn's blemish. Rav Asi and Rav Ashi disagree about hearsay, one witness reporting what another said. A teaching from the school of Menashe allows hearsay only for testimony in which a woman is valid. Since a woman is valid for this testimony, the halacha accepts hearsay for a firstborn. R. Il'a rules that one who reports an animal unknown as a firstborn, together with its blemish, is believed, since he could have blemished it openly and eaten it. Mar bar Rav Ashi compares this to the case of a rented donkey, and the Gemara distinguishes certain knowledge from mere suspicion.

The daf then tells of R. Tzadok, whose firstborn split its lip while eating barley. R. Yehoshua told him that a chaver is treated differently from an am ha-aretz, but Rabban Gamliel ruled there is no difference. When the question was raised in the study hall, R. Yehoshua could not deny what he had said and remained standing until the people protested. A Mishnah trusts a kohen who says, "I showed this firstborn to an expert and it is blemished." Rav Yehuda citing Rav extends this: a kohen is trusted to say that an Israelite gave it to him already blemished, since people do not lie about what is likely to come to light. The Gemara tests this against the law of an agent buying tithed produce. It records the source as Giddul's statement about an Israelite, and rules that even the first version, trusting the kohen, is followed.

Rafram caught a kohen who lied in exactly this way but still did not change the rule: that kohen was brazen, and most people are not. Rav Ashi permitted a firstborn with an obvious congenital blemish without asking who owned it, since its owner came only to honor the Sage. The daf ends with the Mishnah that everyone is trusted about blemishes of animal tithe, since an owner who wanted to could have blemished his whole flock before tithing.

Detailed Summary

1. Hearsay testimony for a firstborn 36a

The first line of 36a completes Abaye's reply that R. Meir's rule against kohanim reflects only suspicion, not a presumption that they are sinners (summary of Bekhorot 35).

THE QUESTION. They asked: is a witness reporting another witness valid for testimony about a firstborn (Rashi: that this blemish was not made deliberately)? Rav Asi forbade it and Rav Ashi permitted it. Rav Asi said to Rav Ashi: but the school of Menashe taught that hearsay is valid only for the testimony of a woman (Rashi: that her husband died overseas)!

ANSWER. Teach: only for testimony for which a woman is valid (Rashi: and a woman is valid for a firstborn, since the halacha follows Rabban Shimon b. Gamliel, who trusts even a kohen's daughter).

THE RULING. Rav Yeimar accepted hearsay for a firstborn. Mareimar called him "Yeimar who permits firstborns" (Rashi: a term of disapproval). But the halacha is that hearsay is valid for testimony about a firstborn.

2. "The mouth that forbade" 36a

R. IL'A. If people did not know it was a firstborn, and one came and said, "It is a firstborn, and its blemish is with it" (Rashi: the kohen owner, saying the blemish was not made deliberately, comes to ask a Sage whether it is permanent), he is trusted (Rashi: the mouth that forbade, by calling it a firstborn, is the mouth that permitted).

WHAT IS NEW? We learned: a woman who said, "I was married and I am divorced," is trusted, since the mouth that forbade is the mouth that permitted. One might say that there, she could have said nothing (Rashi: had she wanted to remarry dishonestly, she could have kept silent, since she is presumed unmarried). Here, he has no choice but to say it, since he will not eat sacred meat outside (Rashi: an unblemished sacrifice eaten outside carries *karet*, but a kohen may be suspected of blemishing it, which is only a prohibition). So one might say he is not believed. It teaches us that he is, for if so, he would have put a visible blemish on it and eaten it.

Rashi – ד"ה דאם כן

THE ISSUE. Why does the visible blemish prove his honesty?

RASHI'S EXPLANATION. If he had blemished it himself, he would have made a blemish obvious even to an am ha-aretz, and would not need to come before us and say it is a firstborn, since no one else knows that. Where we do know it is a firstborn, this does not apply: he must come to us, since if he slaughtered it without an expert, everyone would suspect him.

WHY IT MATTERS. The ruling is limited to an animal not already known as a firstborn.

MAR B. RAV ASHI'S OBJECTION. How is this different from the man who rented his donkey to another and told him, "Do not go by the Nehar Pekod road, where there is water; go by the Naresh road, where there is none"? He went by Nehar Pekod and the donkey died. He came and said, "I went by Nehar Pekod, but there was no water." Rava said: why would he lie? He could have said he went by Naresh. Abaye said: we do not say "why would he lie" against witnesses (Rashi: we know for certain there is always water there; here too, we know kohanim are suspected about blemishes).

Tosafot – ד"ה ואמר רבא מה לו לשקר

THE TEXT. The reading should be Rabbah, Abaye's teacher, not Rava. Rava explicitly holds (Bava Batra 33b) that we do not say "why would he lie" against witnesses.

WHY THIS MATTERS. It removes an apparent contradiction in Rava's views.

ANSWER. Is that comparable? There, there is certainly water. Here, did he certainly blemish it? It is a suspicion, and where there is only suspicion we say "why would he lie." Ravina sat and said this teaching without attributing it. Rava Zuti said to Ravina: we teach it in the name of R. Il'a.

3. R. Tzadok's firstborn 36a

THE CASE. R. Tzadok had a firstborn. He put barley for it in wicker baskets, and as it ate, its lip split. He came before R. Yehoshua and said: do we distinguish between a chaver and an am ha-aretz (Rashi: am I suspected, like an am ha-aretz kohen, of blemishing it deliberately)? R. Yehoshua said: yes (Rashi: you are not suspected).

RABBAN GAMLIEL. He came before Rabban Gamliel and asked the same. Rabban Gamliel said: no. He said: but R. Yehoshua told me yes! Rabban Gamliel said: wait until the shield-bearers (Rashi: scholars who fight the battles of Torah) enter the study hall.

IN THE STUDY HALL. When they entered, the questioner stood and asked: do we distinguish between a chaver and an am ha-aretz? R. Yehoshua said: no. Rabban Gamliel said: did they not tell me "yes" in your name? Yehoshua, stand on your feet. R. Yehoshua stood up and said: what can I do? If I were alive and he dead, the living could contradict the dead. Now that I am alive and he is alive, how can the living contradict the living? Rabban Gamliel sat and expounded while R. Yehoshua stood, until all the people murmured and told Chutzpit the interpreter, "Stop," and he stopped.

Tosafot – ד"ה היאך החי יכול להכחיש החי · ד"ה בא לפני רבן גמליאל אמר ליה לאו

THE HALACHA. The halacha follows Rabban Gamliel: there is no distinction between a chaver and an am ha-aretz. Yoma 78a shows this: R. Yose b. Zimra, a kohen, asked whether the halacha follows R. Meir or Rabban Shimon b. Gamliel, implying that under R. Meir he could not permit even though he was a chaver.

R. YEHOSHUA'S WORDS. Rashi explains: certainly I said it, and I retract. Tosafot reject this, since in Berachot 27b the halacha is ruled like R. Yehoshua in a parallel case. Rather: I thought to conceal it, but I cannot.

THE TEXT. Tosafot add that "and let them testify against you" does not belong here; it was copied from Sanhedrin 19a. R. Chutzpit the interpreter was one of the ten martyrs.

WHY THIS MATTERS. Even a trusted scholar-kohen needs outside confirmation for a blemish that could have been caused deliberately.

4. Mishnah: the kohen who showed it to an expert 36a–36b

MISHNAH (BEKHOROT 36a)

נאמן הכהן לומר הראיתי בכור זה ובעל מום הוא.

A kohen is trusted to say, "I showed this firstborn (Rashi: to a Sage, who said it was a permanent blemish), and it is blemished" (Rashi: he may slaughter it, provided he has witnesses that he did not cause the blemish).

RAV YEHUDA CITING RAV. A kohen is trusted to say, "An Israelite gave me this firstborn with its blemish." Why? People do not lie about something likely to come to light (Rashi: the Sage could come and say, "I did not permit it to you"). Rav Ashi: we learned this too: "A kohen is trusted to say, 'I showed this firstborn and it is blemished.'" Why? Is it not because people do not lie about something likely to come to light?

REJECTED. There, the reason is that he will not eat sacred meat outside (Rashi: he would not slaughter it without a Sage's release). But here, since they are suspected (of blemishing), they are suspected (of lying about it).

RAV SHIZBI'S OBJECTION. If one tells a person not trusted about tithe, "buy for me from someone who is trusted," or "from someone who tithes," he is not trusted. Why not? Say that people do not lie about something likely to come to light! There it is different, since he has an excuse (Rashi: "I thought he was trustworthy"). The latter clause clearly supports Rav Yehuda: "from so-and-so," he is trusted. There, since there is someone who will claim, he is afraid (Rashi: the sender named the seller and will check; with a firstborn, the kohen thinks no one will ask the Israelite).

THE SOURCE. R. Yirmeya b. Abba: from where did Yehuda get this? I fixed it in Giddul's mind, and Giddul fixed it in his name. This is what I told him: an Israelite is trusted to say, "I gave this firstborn to the kohen with its blemish." An Israelite? Obviously! It was needed where it was small and grew up: one might say he does not recognize it; it teaches us otherwise. In Sura they taught the latter version; in Pumbedita, the first. The halacha follows even the first version.

Tosafot – ד"ה והלכתא אפילו כלישנא קמא

QUESTION. If people do not lie about what is likely to come to light, why is a single witness about a husband's death trusted only because the woman herself investigates carefully?

ANSWER. Perhaps, since she loves him, she might not investigate. Alternatively, a kohen differs from a witness, or with a woman they were lenient to prevent her being chained.

WHY THIS MATTERS. The principle is applied here without undermining the separate reasoning for a woman's testimony.

5. Rafram and the brazen kohen 36b

THE STORY. Rafram in Pumbedita had a firstborn and gave it to a kohen without a blemish. The kohen went and blemished it. One day Rafram's eyes were weak (Rashi: the kohen thought he would not recognize it). The kohen brought it before him and said, "An Israelite gave me this firstborn with its blemish." Rafram forced his eyes open and recognized it as a lie. He said: was it not I who gave it to you?

THE RULE STANDS. Even so, he did not worry about it (Rashi: he did not conclude that a kohen should no longer be trusted): this one is brazen; not everyone is brazen (Rashi: he was brazen twice over, blemishing it and then showing it to the very person who gave it).

Tosafot – ד"ה חזייה בשקריה

THE WORD. It means he recognized it; the root is a term of recognition, as in Eruvin 19a and Yevamot 120a. Rashi does not explain it this way.

WHY THIS MATTERS. The story turns on Rafram recognizing his own animal.

6. An obvious congenital blemish 36b

THE CASE. A firstborn with uneven limbs (Rashi: one eye large and one small) was brought before Rav Ashi. He said: what is there to worry about? Whether he is a kohen or an Israelite, it is a firstborn whose blemish came with it (Rashi: it was born this way, so there is no suspicion).

RAVINA'S OBJECTION. Perhaps he is an Israelite, and Rav Yehuda said one may not examine an Israelite's firstborn unless a kohen is with him (Rashi: if told it is permanent, he might slaughter and eat it himself, robbing the kohen).

RAV ASHI. Is that comparable? There, although he will not eat sacred meat outside, he is suspected about the kohen's money (Rashi: with blemishes that are not obvious). Here, he surely knows this blemish is obvious, so why did he bring it before the Rabbis? For the honor of the Sage. Would he, for the Sage's honor, then commit a prohibition?

Tosafot – ד"ה על כבודו דחכם לא עבר איסורא עבד

QUESTION. By this reasoning, why not permit without testimony every firstborn with an obvious blemish that kohanim bring us?

ANSWER. A kohen is afraid to eat it without a Sage's release, lest his blemishing come to light; so his coming proves nothing. This Israelite's coming does show something, since bringing it to a Sage would not reveal any intention to rob the kohen.

WHY THIS MATTERS. Coming to a Sage shows honesty only when the person had no other reason to come.

7. Mishnah: blemishes of animal tithe 36b

MISHNAH (BEKHOROT 36b)

הכל נאמנין על מומי מעשר.

Everyone is trusted about blemishes of animal tithe (Rashi: to testify that the blemish happened on its own; this speaks of doubtful tithe, such as a ninth animal he called "tenth," which can be eaten only through a blemish).

THE REASON. Why? Because if he wanted, he could have blemished it at the start. But who knows which animal will come out tenth (Rashi: to blemish it beforehand)? And if you say he could bring it out at the head of the ten (Rashi: as the tenth), the Torah says, "he shall not inquire whether it is good or bad" (Vayikra 27:33). Rather, because if he wanted, he could have blemished his whole flock.

The next Mishnah, on slaughtering a firstborn on the word of three members of the synagogue, begins at the end of 36b and is covered in the summary of Bekhorot 37.

The full picture in plain language

The daf continues to weigh whom to believe when a firstborn's blemish could have been made deliberately. Hearsay is accepted, since even a woman may testify here. A person who reports an unknown firstborn together with its blemish is believed, because he could have blemished it openly and eaten it without anyone knowing. Mere suspicion of kohanim does not outweigh that argument. R. Tzadok's case shows that a scholar's status does not exempt him, and that a Sage cannot deny what he said in front of others.

Kohanim are trusted when their claim could easily be checked: that an expert examined the animal, or that an Israelite handed it over already blemished. One brazen liar does not change the rule. An obvious congenital blemish needs no inquiry into the owner, since he came only out of respect for the Sage. Animal tithe needs no witnesses at all, because the owner could have blemished his whole flock lawfully before tithing.

Glossary

Hebrew	Transliteration	Meaning in this sugya
עד מפי עד	*ed mi-pi ed*	Hearsay: a witness reporting another's testimony.
הפה שאסר הוא הפה שהתיר	*ha-peh she-asar hu ha-peh she-hitir*	The mouth that forbade is the mouth that permitted.
מה לו לשקר	*mah lo le-shaker*	"Why would he lie?": he could have made a better claim.
בעלי תריסין	*ba'alei terisin*	"Shield-bearers": scholars of the study hall.
דעבידא לאיגלויי	*de-avida le-igluyei*	Likely to come to light, so people do not lie about it.
שרוע	*sarua*	An animal with uneven limbs or eyes, a congenital blemish.
מומי מעשר	*mumei ma'aser*	Blemishes of animal tithe.

Sources: Gemara with relevant Rashi and Tosafot.