Bekhorot 56

Daf Yomi · Friday, November 13, 2026 · ג׳ כסלו תשפ״ז · Covers 56b (Mishnah on brothers and partners) through 57a (Rav Ashi on the dog)

Summary

Most of Bekhorot 56 completes the Gemara on purchased animals and the harlot's fee, covered in the summary of Bekhorot 55. This summary begins with the Mishnah on 56b, about brothers who inherit a herd together and about partners. The Mishnah links two laws. One is the animal tithe, from which partnerships are exempt. The other is the *kalbon*, a small surcharge paid when two people combine their half-shekels into one coin. Brothers who still hold their father's estate undivided are like one owner: they must tithe, but they pay no *kalbon*. Once they divide and then become partners again, they are like any partners: exempt from the tithe, but liable for the *kalbon*.

The Gemara derives the partnership exemption from "it shall be yours," which excludes partnership but includes heirs holding an undivided estate. It explains why that verse, written about the firstborn, must refer to the tithe. R. Yirmeyah then lays out four combinations, depending on whether the brothers divided their money, their animals, both or neither. The point he needs to teach is the lenient case: dividing only the animals exempts them from both.

The rest of the daf asks what "division" means, and it turns on *bereirah*, retroactive clarification. Rav Anan says that if the brothers divided like for like, kids for kids and goats for goats, each is deemed to have received his share from the start, so the division was not a purchase. Rav Nachman disagrees; R. Elazar and R. Yochanan dispute the same point with different numbers. R. Yochanan is consistent with his ruling that brothers who divide are purchasers who return their shares in the Jubilee, and the Gemara explains why both rulings were needed. A baraita about partners who divided lambs and a dog, used to challenge *bereirah*, is answered by Rav Ashi: where the animals are unequal in value, the dog's price is spread across all of them.

Detailed Summary

1. Background: the *kalbon* and the animal tithe 56b

The first lines of 56b complete the Gemara on purchased animals and the harlot's fee (summary of Bekhorot 55). The new Mishnah compares two laws. The animal tithe applies to a single owner's newborn animals. The *kalbon* (קלבון) is a small coin added to the annual half-shekel tax. When two people pay with one full shekel between them, each adds a *kalbon*, as payers of half-shekels normally do.

Rashi – ד"ה מתני' האחין שהן שותפין כשהן חייבין בקלבון

THE ISSUE. When do brothers owe the *kalbon*, and why?

RASHI'S EXPLANATION. Brothers who divided their father's estate and later became partners are two separate owners. If they pay one full shekel for both, each must add a *kalbon*, just as anyone paying a half-shekel does. Some explain the *kalbon* as a weight adjustment, others as an exchange fee: two half-shekels cannot be exchanged for a full shekel without a small charge. Since most people each pay a half-shekel with its *kalbon*, two who combine for a full shekel also pay a second *kalbon*.

WHY IT MATTERS. The *kalbon* applies only to two separate payers, so it is a test of whether brothers count as separate owners.

MISHNAH (BEKHOROT 56b)

האחין והשותפין שחייבין בקלבון פטורין ממעשר בהמה, חייבין במעשר בהמה פטורין מן הקלבון. קנו מתפיסת הבית חייבין, ואם לאו פטורין. חלקו חזרו ונשתתפו, חייבין בקלבון ופטורין ממעשר בהמה.

Brothers and partners who are liable for the *kalbon* are exempt from the animal tithe; when liable for the animal tithe, they are exempt from the *kalbon*. If they acquired (the animals) from the estate's undivided property, they are liable (for the tithe); otherwise, exempt. If they divided and then became partners again, they are liable for the *kalbon* and exempt from the animal tithe.

Rashi – ד"ה פטורין מן הקלבון · ד"ה וכשחייבין במעשר בהמה

THE ISSUE. Why are undivided heirs liable for the tithe but exempt from the *kalbon*?

RASHI'S EXPLANATION. As long as they have not divided, the estate is still in the "possession of the house," which is not a partnership: they are treated like their father. So the tithe applies, and the *kalbon* does not. A father who pays a full shekel for two sons pays no exchange *kalbon*, since one obligated in two half-shekels normally pays a whole shekel.

WHY IT MATTERS. The estate before division is treated as a single owner, the father, for both laws.

Rashi – ד"ה קנו בתפיסת הבית חייבין

THE ISSUE. What does "acquired from the estate" mean?

RASHI'S EXPLANATION. Not that they bought animals with money, but that animals fell to them from their father.

WHY IT MATTERS. Inherited animals are tithed; purchased animals would be exempt in any case.

2. The source: "it shall be yours" 56b

BARAITA. "It shall be yours" (Shemot 13:12): and not of a partnership (Rashi: what is exclusively yours). One might think even if they acquired from the estate; the verse says "it shall be" (Rashi: in any case), including that.

QUESTION. But this is written about the firstborn! **ANSWER.** If it does not apply to the firstborn, since the firstborn applies to partnerships, as it says "and the firstborns of your cattle and your flocks" (Devarim 12:6; Rashi: in the plural, addressing more than one owner), apply it to the animal tithe.

Tosafot – ד"ה דהא איתיה בשותפות

NOTE. At the start of the tractate, Tosafot asked why this verse is needed for the firstborn, since the exclusion of a partnership with a gentile already implies that a partnership between Jews is included.

WHY THIS MATTERS. Tosafot refer back to the earlier discussion of the firstborn in partnership.

3. R. Yirmeyah's four cases 56b

R. Yirmeyah: sometimes they are liable for both; sometimes exempt from both; sometimes liable for the *kalbon* and exempt from the tithe; and sometimes liable for the tithe and exempt from the *kalbon*.

BOTH. They divided the money (and became partners again) but did not divide the animals. Rashi: for the *kalbon* they are like other partners; for the animals, it is still the estate.

NEITHER. They divided the animals but not the money.

KALBON ONLY. They divided both.

TITHE ONLY. They divided neither.

QUESTION. Is this not obvious? **ANSWER.** The case of dividing the animals but not the money was needed. One might think that by dividing the animals they showed they intend to divide everything, and so they should be liable for the *kalbon*. It teaches otherwise.

Rashi – ד"ה חלקו בבהמה ולא חלקו בכספים

THE ISSUE. Why does this case need saying?

RASHI'S EXPLANATION. It is a leniency: they are exempt from both. One might have been stringent and said that dividing the animals reveals their intent to divide the rest, making them liable for the *kalbon*.

WHY IT MATTERS. Each kind of property is judged separately; intent to divide one does not convert the other.

4. What counts as dividing? *Bereirah* 56b

Background: *bereirah* (ברירה) is retroactive clarification: a later choice reveals what was always the case. If there is *bereirah*, each brother's share is what he inherited from the start, and the division is not a purchase. If not, each brother acquired half his share from the other, so the division is partly a purchase, and purchased animals are exempt from the tithe.

RAV ANAN. The Mishnah (which treats them as partners after they re-combine) applies only where they divided kids against goats and goats against kids (by valuation). But if they divided kids against kids and goats against goats, we say this is the share that came to him from the beginning.

Rashi – ד"ה אבל חלקו גדיים כנגד גדיים ותיישים כנגד תיישים · ד"ה גדיים כנגד תיישים ותיישים כנגד גדיים

THE ISSUE. Why does the method of division matter?

RASHI'S EXPLANATION. When they divide by value (kids against goats), one cannot say each received his original share, since at the father's death each acquired half of the kids and half of the goats. So the division is a purchase: the animals then existing are exempt as purchased, and future young are exempt as a partnership. When they divide like for like, we apply *bereirah*: each received his inherited share, it is still inheritance, and when they re-combine it is again the estate, not a partnership. Then neither the existing nor the future animals are exempt.

WHY IT MATTERS. The legal character of the division, inheritance or purchase, decides whether the animals are tithed.

RAV NACHMAN. Even if they divided kids against kids and goats against goats, we do not say this is the share that came to him from the beginning (Rashi: there is no *bereirah*; they are purchasers, and then partners).

R. ELAZAR AND R. YOCHANAN. R. Elazar: the Mishnah applies only where they divided nine against ten and ten against nine (Rashi: nine large animals against ten small, by valuation). But if they divided nine against nine and ten against ten, we say this is his share from the beginning. R. Yochanan: even nine against nine and ten against ten, we do not say so. (Rashi: they dispute the same point as Rav Anan and Rav Nachman.)

5. R. Yochanan's consistency 57a

CONSISTENCY. R. Yochanan follows his own reasoning, as R. Assi said in R. Yochanan's name: brothers who divided are purchasers, and they return their shares to one another in the Jubilee (Rashi: there is no *bereirah*).

Tosafot – ד"ה ואזדא ר' יוחנן לטעמיה כו'

QUESTION. Here R. Elazar disagrees with R. Yochanan, but at the end of *Yesh Bekhor* (52b), R. Elazar seemed to accept that brothers are purchasers, answering "they do not return to nothing."

ANSWER. That is why the Gemara here explains that both of R. Yochanan's rulings were needed. Alternatively, earlier R. Elazar only had to answer the challenge against R. Yochanan, without accepting his view.

WHY THIS MATTERS. R. Elazar's answer on 52b was a defense of R. Yochanan, not his own position.

BOTH NEEDED. Had we learned only the tithe ruling, one might say R. Yochanan holds this here because it is compared to "your son" (Rashi: Shemot 22:28–29): just as your son is clearly yours (born in your possession), so your ox and flock must be clearly yours; but with a field, the Torah said only a sale returns in the Jubilee, not inheritance or gift. And had we learned only the field ruling, one might say he holds it there because it is a stringency, or because the land should return to its original state (Rashi: to be held together as at first); but here, where it is a leniency (exemption from the tithe), one might say not. Both were needed.

6. The challenge from the dog 57a

BARAITA. Partners who divided: one took ten lambs, and the other took nine and a dog. The ten taken against the dog are forbidden (for the altar); those with the dog are permitted. Rashi: one of the ten was the exchange for the dog, the "price of a dog" (Devarim 23:19), and it is unknown which.

CHALLENGE. If you say there is *bereirah*, let him pick one of them as the one against the dog, and the rest should be permitted!

Tosafot – ד"ה לברור חד מיניהו להדי כלב כו'

QUESTION. How would choosing help, if it is unknown which one was traded for the dog?

ANSWER. The Gemara's reasoning is that if there is *bereirah*, the matter depends on the owner's intent: presumably he intended from the start that the one he later chooses is the one against the dog.

WHY THIS MATTERS. *Bereirah* is not about discovering a fact, but about letting a later choice define an earlier intention.

RAV ASHI. If they were all equal in value, that would indeed be so. Here the case is where they were not all equal: the dog was worth one lamb and a bit, and that bit spreads through all of them.

Rashi – ד"ה הכא במאי עסקינן

THE ISSUE. How does unequal value make all ten forbidden?

RASHI'S EXPLANATION. The nine lambs among the ten are worth more than the nine with the dog, and the dog makes up the difference. So the dog's price is spread, a little in each of the nine opposite, along with the tenth. Rashi also cites his teacher's text with a precise example: each of the ten worth four *zuz* and a tenth, the dog five *zuz*, the nine with the dog four *zuz* each, so that the dog's extra value is spread across all ten.

WHY IT MATTERS. With the dog's value mixed into every lamb, no single lamb can be designated as "the price of the dog," so *bereirah* cannot isolate it.

The next Mishnah, listing animals that do not enter the pen, begins on 57a and is covered in the summary of Bekhorot 57.

The full picture in plain language

The Mishnah ties two unrelated laws together through one question: are these brothers one owner or two? Heirs holding an undivided estate are treated like their father, so they tithe their animals and pay no *kalbon*. Once they divide and re-join, they are ordinary partners: exempt from the tithe, liable for the *kalbon*. The verse "it shall be yours" excludes partners and includes the undivided estate, and R. Yirmeyah shows that money and animals are judged separately.

The deeper question is whether dividing an estate is inheritance or purchase. Rav Anan and R. Elazar apply *bereirah* when the division is like for like; Rav Nachman and R. Yochanan do not. R. Yochanan's view matches his ruling that dividing brothers re-divide at the Jubilee, and the Gemara explains why both rulings were needed. A case of lambs traded for a dog seems to show *bereirah* failing, until Rav Ashi explains that the dog's price was spread through all the lambs, so no single one could be chosen.

Glossary

Hebrew	Transliteration	Meaning in this sugya
קלבון	*kalbon*	A small surcharge added when paying the half-shekel, owed by separate payers who combine.
שותפין	*shutafin*	Partners, whose jointly owned animals are exempt from the tithe.
תפיסת הבית	*tefisat ha-bayit*	The undivided estate held by heirs, treated as their father's single ownership.
יהיה לך	*yihyeh lekha*	"It shall be yours": the verse excluding partnerships from the tithe.

חלקו	*chalku*	"They divided": the brothers' division of the estate.
ברירה	*bereirah*	Retroactive clarification: a later choice defines what was always the case.
גדיים, תיישים	*gediyim, teyashim*	Young kids and grown goats, divided like for like or by value.
שומא	*shuma*	Division by valuation, which cannot be treated as the original inheritance.
לקוחות	*lekuchot*	Purchasers; R. Yochanan's view of brothers who divided.
יובל	*yovel*	The Jubilee, when purchased land returns.
מחיר כלב	*mechir kelev*	"The price of a dog": an animal exchanged for a dog, forbidden for the altar.
משהו	*mashehu*	"A bit": the extra value of the dog, spread through all the lambs.

Sources: Gemara with relevant Rashi and Tosafot.