Bechoros 36 – Good Morning Raboisai

1️⃣ Why Can We Trust Kohanim in Other Areas?

We learned that a Kohen is not automatically trusted regarding a Mum on a Bechor.

There is an obvious reason for suspicion:

👉 A Tam Bechor must be brought as a Korban, while a Baal Mum Bechor can be Shechted and eaten by the Kohen.

The Kohen therefore has a strong personal interest in the animal developing a valid Mum.

But Rebbi Meir says elsewhere that someone who is Chashud in one area can lose his Ne'emanus more broadly.

So the Gemara asks:

👉 If Kohanim are suspect regarding Mumim, how can we trust them in other areas of Torah?

2️⃣ Suspicion Is Not the Same as Being Caught

The answer is an important distinction.

We are not saying:

👉 Every Kohen has actually committed an Aveirah.

Rather, because he has a strong personal interest in this particular situation:

👉 We do not rely on his testimony regarding the Mum.

If a Kohen were actually caught deliberately creating or lying about a Mum, that would be different.

But ordinary suspicion in an area where he is personally involved:

👉 Does not make every Kohen Chashud throughout the Torah.

Eid Mipi Eid

3️⃣ Can Hearsay Be Accepted for a Bechor?

Normally testimony means:

👉 The witness himself saw what happened.

What if Reuven says:

👉 “I did not see how the Bechor received its Mum, but Shimon told me that he saw it happen naturally.”

This is:

עד מפי עד

One witness reporting what another witness saw.

Normally this is not accepted as ordinary testimony.

4️⃣ A Special Leniency for Bechor

The Gemara discusses whether Eid Mipi Eid can nevertheless be accepted regarding the Mum of a Bechor.

Rav Yemar permits it.

Although there was criticism of his ruling:

👉 The Gemara concludes that the Halachah is that Eid Mipi Eid is valid for testimony concerning a Bechor’s Mum.

This joins the other leniencies we have seen regarding this testimony, including the ability of certain family members to testify.

HaPeh SheAsar Hu HaPeh SheHitir

5️⃣ “This Is a Bechor – But It Has a Valid Mum”

Suppose an animal is standing in front of us.

We have no independent knowledge that it is a Bechor.

The owner says:

👉 “This animal is a Bechor, but the Mum you see happened naturally.”

Do we believe him?

Yes.

Why?

הפה שאסר הוא הפה שהתיר

👉 The same mouth that created the prohibition is the mouth providing the information that permits it.

Without his statement:

👉 We would not even know that the animal was a Bechor.

6️⃣ The Classic Case – "I Was Married, But I Am Divorced"

The Gemara compares this to a woman who says:

👉 "I was married, but I am now divorced."

If we had no other evidence that she was married:

👉 She is believed.

Why?

The only reason we know of the original Issur is because she herself told us.

Therefore:

👉 We accept the rest of her statement as well.

7️⃣ Why Is the Bechor Case a Chiddush?

The Gemara asks why we need to be taught this principle again by Bechor.

There is an important difference.

A woman could simply remain silent.

If nobody knew she was married:

👉 She would retain her original status.

But the owner of the Bechor cannot necessarily just keep quiet and eat it.

He still needs to establish:

👉 That the Mum is a valid Mum.

He may need to show the animal to a Chacham.

Nevertheless:

👉 We still apply HaPeh SheAsar Hu HaPeh SheHitir.

Migu Against Strong Evidence

8️⃣ The Donkey That Was Taken on the Wrong Route

The Gemara brings a famous case.

Someone rented a donkey with instructions:

👉 Take one particular route and not the other.

The reason was that one route had dangerous water.

The renter ignored the instructions, took the dangerous route:

👉 And the donkey died.

He claimed:

👉 "Yes, I took that route – but there was no water there that day. The donkey died for another reason."

Why might we believe him?

Because he had a Migu:

👉 He could simply have claimed that he took the permitted route.

9️⃣ Migu Does Not Defeat Established Facts

Abaye rejects this argument.

If we know that the dangerous route normally contained water:

👉 His Migu cannot simply override that established reality.

The principle is that "Why would he lie?" is powerful when we are dealing with uncertainty.

But:

👉 It cannot necessarily overcome strong established evidence showing that his claim is false.

Rebbi Tzadok's Bechor

🔟 The Barley Basket

The Daf brings a famous story involving Rebbi Tzadok, who was a Kohen.

He had a Bechor.

He placed barley for the animal in a basket.

As the Bechor ate:

👉 Its lip was accidentally injured by the basket, creating a Mum.

Rebbi Tzadok wanted to know whether he could be trusted that:

👉 He had not deliberately caused the Mum.

1️⃣1️⃣ Chaver vs. Am Ha'Aretz

Rebbi Tzadok went to Rebbi Yehoshua and asked:

👉 Is there a difference between a Chaver and an Am Ha'Aretz regarding this Ne'emanus?

Rebbi Tzadok was a respected Chaver.

Rebbi Yehoshua answered:

👉 Yes.

A Chaver could be treated differently from an Am Ha'Aretz.

1️⃣2️⃣ Rabban Gamliel Disagrees

Rebbi Tzadok then went to Rabban Gamliel and asked the same question.

Rabban Gamliel answered:

👉 No.

There is no such distinction.

Rebbi Tzadok then told him:

👉 "But Rebbi Yehoshua told me that there is."

Rabban Gamliel wanted the matter addressed publicly in the Beis Medrash.

1️⃣3️⃣ Rebbi Yehoshua Is Made to Stand

When the Chachamim gathered, the question was asked publicly.

Rebbi Yehoshua gave the ruling:

👉 There is no distinction.

Rebbi Tzadok then revealed that Rebbi Yehoshua had previously told him otherwise.

Rabban Gamliel told Rebbi Yehoshua:

👉 Stand and let the testimony be given against you.

Rebbi Yehoshua remained standing while the Torah discussion continued.

1️⃣4️⃣ The Beis Medrash Objects

Eventually, the people in the Beis Medrash could no longer tolerate Rebbi Yehoshua's humiliation.

They told Chutzpis HaMeturgeman:

👉 Stop repeating Rabban Gamliel's words.

The Shiur came to a halt.

This incident became part of the larger tension between Rabban Gamliel and Rebbi Yehoshua.

A Kohen Says a Chacham Permitted the Mum

1️⃣5️⃣ Can We Believe Him?

The Mishnah teaches that a Kohen can say:

👉 "I showed this Bechor to a Chacham, and he ruled that this is a valid Mum."

He is believed.

Why?

Because the claim can easily be checked.

👉 We can simply ask the Chacham.

A person generally does not lie about something that is likely to be exposed.

1️⃣6️⃣ "I Received This Baal Mum Bechor From a Yisrael"

The Gemara discusses whether a Kohen is also believed to say:

👉 “A Yisrael gave me this Bechor when it already had this Mum.”

Again, there is a reason to believe him:

👉 His story can potentially be checked with the Yisrael.

But the Sugya examines carefully whether this Ne’emanus truly applies to the Kohen or only to the Yisrael himself.

1️⃣7️⃣ The Correct Version

A teaching was repeated incorrectly as it passed from one person to another.

The corrected version is:

👉 The Yisrael is believed regarding the Bechor.

The Gemara then asks:

👉 What is the Chiddush? Why shouldn't a Yisrael be believed?

The answer involves a case where the animal was originally small and later grew.

It may no longer be easy to recognise as the same animal.

Therefore:

👉 The Yisrael’s testimony still has significance.

Sura and Pumbedisa

1️⃣8️⃣ Two Versions of the Halachah

The Daf records different traditions.

In Sura:

👉 They followed the more restrictive version.

In Pumbedisa:

👉 They accepted the more lenient version, allowing greater Ne’emanus even to the Kohen.

The Gemara then brings a remarkable story illustrating the issue.

Rav Rafram and the Dishonest Kohen

1️⃣9️⃣ Rav Rafram Gives His Bechor to a Kohen

Rav Rafram had a Bechor.

He gave the animal to a Kohen:

👉 While it was still Tam – without a Mum.

The Kohen then deliberately created a Mum in the animal.

Later, Rav Rafram developed problems with his eyesight.

The Kohen thought:

👉 This is my opportunity.

2️⃣0️⃣ Trying to Fool Rav Rafram

The Kohen brought the Bechor back to Rav Rafram.

He claimed that:

👉 He had received this Baal Mum Bechor from a Yisrael.

He hoped Rav Rafram would not recognise the animal because of his poor eyesight.

But Rav Rafram forced his eyes open and looked carefully.

👉 He recognised his own Bechor.

He confronted the Kohen:

👉 “Wasn't I the one who gave you this animal?”

The Kohen had been caught.

2️⃣1️⃣ One Crook Does Not Change the Halachah

Despite this experience:

👉 Rav Rafram did not abandon the general Halachah.

This Kohen had acted with extraordinary Chutzpah:

- He deliberately created the Mum.
- He then returned to the original owner and lied about where the animal came from.

👉 An exceptional dishonest person does not necessarily overturn the general rule of Ne'emanus.

An Obvious Mum

2️⃣ 2️⃣ Why Come to the Chacham?

The Daf discusses an animal born with an obvious major Mum.

The defect is so clear that:

👉 Anyone can see there is something seriously wrong with the animal.

So why does the owner bring it to a Chacham?

If he were planning to steal the Bechor from the Kohen:

👉 Why bother asking a Rav at all?

2️⃣ 3️⃣ Respect for the Chacham

The answer is:

👉 He comes because of Kavod for the Chacham.

Even when the Mum appears obvious, it is proper to show it to a Chacham.

This itself tells us something about the owner.

If he is careful about the proper procedure and the Kavod of the Chacham:

👉 We have less reason to suspect him of committing a serious Aveirah and stealing the Bechor.

📌 Key Chazarah

- A Kohen is not automatically trusted about the Mum of his Bechor because he has a strong personal interest in the outcome.
- This suspicion does not mean that every Kohen is considered unreliable throughout the Torah.
- Eid Mipi Eid – testimony based on what another witness said – is accepted regarding the Mum of a Bechor.

- If the owner says, “This is a Bechor, but it has a valid Mum,” we apply HaPeh SheAsar Hu HaPeh SheHitir.
- The classic comparison is a woman who says, “I was married, but I am divorced.”
- A Migu does not necessarily overcome strong established evidence to the contrary.
- The donkey case demonstrates the limits of “Why would he lie?”
- Rebbi Tzadok’s Bechor accidentally injured its lip while eating barley from a basket.
- Rebbi Tzadok asked whether a Chaver has greater Ne’emanus than an Am Ha’Aretz regarding a Bechor’s Mum.
- Rebbi Yehoshua initially distinguished between them, while Rabban Gamliel did not.
- The disagreement led to Rebbi Yehoshua being made to stand publicly in the Beis Medrash.
- The Beis Medrash eventually stopped the Shiur because of the humiliation of Rebbi Yehoshua.
- A Kohen may be believed when he says a Chacham already ruled that the Mum is valid because the claim can be checked.
- The Daf discusses whether a Kohen is believed to say that he received the Bechor already blemished from a Yisrael.
- The corrected version of one teaching gives the Ne’emanus to the Yisrael.
- Sura and Pumbedisa had different traditions regarding how broadly to trust the Kohen.
- Rav Rafram caught a Kohen who deliberately blemished his Bechor and then lied about where it came from.
- Rav Rafram nevertheless maintained the general Halachah rather than changing it because of one dishonest person.
- When an obvious Mum is brought to a Chacham, the owner may be doing so out of Kavod for the Chacham.
- Someone careful about such proper conduct is less likely to be suspected of a serious Aveirah.

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