Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Bechoros Daf Nun Gimmel

PEREK MAASER BEHEIMA -- PEREK TESHI'I

MISHNA

- Animal maaser applies in EY and in chutz laaretz, when the Beis Hamikdash is standing and after the Churban, to animals of chullin but not to animals of kodesh. It applies to cattle and "tzon" but maaser may not be taken from one for the other. It applies to sheep and goats and maaser may be taken from one for the other. It applies to new animals and old animals, but maaser may not be taken from one for the other.
    - We would have thought to say, that if new and old animals may not be taken for maaser from one for the other, and new and old animals are not kilayim with each other, then sheep and goats, which are kilayim with each other, should surely not be allowed to have maaser taken from one for the other! The pasuk therefore says "vatzon", which teaches that all "tzon" (which includes sheep and goats) are considered to be one for purposes of maaser.

GEMARA

- **Q:** Shall we say that the Mishna does not follow **R' Akiva**? A Braisa says that **R' Akiva** darshens the pasuk of "maasroseychem" (written in the plural) as creating a comparison between animal maaser and produce maaser – just as produce maaser only applies to produce of EY so too animal maaser only applies to animals of EY. **A:** The Mishna may follow **R' Akiva** – the Braisa is referring to bringing the animal on the Mizbe'ach as a korbon maaser, whereas the Mishna is referring to the animal becoming kodesh.
    - **Q:** If it will not be brought as a korbon, for what purpose is it kodesh? **A:** It is kodesh in that it may only be eaten by the owner after it gets a mum.

BIFNEI HABAYIS V'SHELO BIFNEY HABAYIS

- **Q:** If so, we should have to give animal maaser in today's days as well!? **A:** The reason is as **R' Huna** said elsewhere, the **Rabanan** made a gezeira out of concern that one would count the orphaned animals (whose mother died at birth) among the animals subject to maaser (when in fact such animals are not to be counted for maaser).
    - **Q:** This gezeira should even have applied when the Beis Hamikdash was standing!? If you will answer that we would make announcements to tell people not to include such animals, we can say that we can make those announcements now as well!? **A:** Rather, **Rabbah** said, the reason we don't separate maaser nowadays is that since it will have to be left around to wait for it to get a mum, we are concerned that one will inadvertently work or shear the animal. We see in a Braisa that we are concerned for such a thing.
        - **Q:** If so, we should also not allow a bechor to become kodesh nowadays!? **A:** We can't prevent a bechor from becoming kodesh, it becomes kodesh on its own.
            - **Q:** The Gemara explains, we meant to ask that with a bechor we should make the owner sell the mother's ear to a goy so that the firstborn will not be born with kedushas bechor!? **A:** This was never instituted, because we can prevent the kedusha in accordance with **R' Yehuda**, who said that one may make a mum in a bechor before it is born.
            - **Q:** Why can't we deal with maaser the same way – by making a mum in it before it becomes kadosh!? **A:** There is no way we can know which will be the 10th animal to leave the pen. He can't choose one to come out as the 10th, because the pasuk says "lo yivaker bein tov larah". We

also can't say that one should make all his animals get a mum (and in that way be assured that the 10th animal will have a mum), because the Beis Hamikdash will be built very soon and we will have no animals without mumin from which to bring korbanos.

- **Q:** Why don't we have the same concern when we make mumin in all the bechors? **A:** We will have all the animals that are not firstborns that can be used for korbanos.
- **Q:** We can say by maaser also that we will have all the purchased animals (which are not subject to animal maaser) to use for korbanos!? **A:** If people put mumin in all their animals, added to the fact that it is so easy to passul an animal with a mum, it will severely limit the pool of available animals to be used for korbanos.

BACHULIN AVAL LO BAMUKDASHIN

- **Q:** Animals of kodesh don't belong to him, so it is obvious that they are not subject to maaser!? **A:** The Mishna is referring to kodshei kalim according to **R' Yose Haglili** who considers that to belong to the owner. We would think that since they belong to him they should be subject to maaser. The Mishna teaches that they are not.
    - **Q:** Maybe they should be subject to maaser!? **A:** The pasuk regarding maaser says "yihiyeh kodesh", which excludes something that is already kodesh.
        - **Q:** If not for "yihiyeh" we would say that the kedusha of maaser takes effect on the kedusha of kodshim kalim? Now, we learn from a Mishna that stronger kedusha (kedusha for the Mizbe'ach) cannot take effect on weaker kedusha (something that is kadosh for bedek habayis), so certainly the weaker form of kedusha (maaser) cannot take effect on another weaker form of kedusha (kodshim kalim)!? **A:** We would think that bedek habayis can't be made into a korbon because not every animal stands to be made into a korbon. However, if every animal is subject to maaser then the kodshim kalim should be able to take on kedushas maaser.
        - **Q:** Even if kedushas maaser would take effect on a korbon of kodsheim kalim it would have no practical effect (since it is anyway a korbon)!? **A:** The difference is that a maaser animal may not be redeemed or sold, whereas other kodashim kalim may.

V'NOHEIG BABAKAR UVATZON V'EIN MISASRIN MIZEH AHL ZEH…

- **Q:** We should say that maaser should be allowed to be taken from new for old and visa-versa based on a kal v'chomer – if maaser can be taken from sheep for goats, and visa-versa, which are kilayim with each other, then it should certainly be allowed to be taken from new for old, or visa-versa, given that they are not kilayim to each other!? **A:** The pasuk says "asser t'asser", which refers to two types of maaser – maaser of produce and maaser of animals – and creates a hekesh between them which teaches that just as maaser may not be taken from old for new or visa-versa for produce maaser, the same holds true for animal maaser.
    - **Q:** If so we should also say that just as produce maaser may not be taken from one species for another, the same should be true for animal maaser, and we should not be allowed to take from sheep for goats, or visa-versa!? **A:** The pasuk of "tzon" teaches that maaser may be taken from sheep for goats and visa-versa.
        - **Q:** If so, we should say that we can take from old for new, or visa-versa, for animal maaser!? **A:** The pasuk of "asser t'asser" teaches that this may not be done.
            - **Q:** Why do we say to apply the allowance for different species but not for old and new? **A: Rava** said, the pasuk says "shana shana", which teaches that produce maaser and animal maaser are to be compared for the halacha of "years" (old and new), but not for other halachos (like different species).