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

Bechoros Daf Nun Zayin

MISHNA

- All animals enter the pen to be subject to maaser, except for animals that are klayim, treifa, born by Caesarean section, that are not old enough to be brought as a korbon ("mechusar zman"), or an orphan.
    - What is an "orphan"? It is an animal whose mother died or was shechted before the birth. **R' Yehoshua** says, even if its mother was shechted and its skin is still in existence, the animal would not be considered an orphan.

GEMARA

- **Q:** How do we know these halachos? **A:** A Braisa says, the pasuk regarding korbanos says "shor oy kesev" which teaches to exclude klayim, "oy eiz" teaches to exclude "nidmeh", "ki yivaleid" teaches to exclude an animal born via Caesarian section, "v'haya shivas yamim" teaches to exclude a "mechusar zman", and "tachas imo" teaches to exclude an animal that is an orphan. **R' Yishmael the son of R' Yochanan ben Broka** said, a gezeira shava of "tachas" teaches that just as these animals can't be used for kobanos they are also not included in the count for animal maaser. The gezeira shava also teaches that just as a treifa is not included for maaser, it may also not be brought as a korbon.
- **Q:** The Mishna says "*all* animals…". What does the "all" come to include? **A:** It comes to include what was taught in a Braisa which says that an animal that was mezaneh with a person, or was designated to be used for avoda zara, or was worshipped as avoda zara, or that was used to pay a zonah, or that was exchanged for a dog, or is a tumtum or an androginas, are all included in the maaser count. **R' Shimon ben Yehuda in the name of R' Shimon** said, a tumtum and androginas are not included in the count for maaser. These are the animals that the Mishna meant to include by saying "all animals".
    - **Q:** If our Tanna darshens the gezeira shava of "tachas" then he should hold that even these animals are not included in maaser, and if he doesn't darshan that gezeira shava, how does he know that the list in the Mishna are not included in maaser? **A:** He does darshan the gezeira shava, but the list of the Braisa are specifically included to be in the maaser count. The pasuk says "ki mashchasam bahem mum bam lo yeiratzu lachem". **R' Yishmael** taught a Braisa which learns from pesukim that "hash'chasa" refers to matters of zenus and to matters of avoda zara. Based on this, the pasuk is saying that matters of zenus and matters of avoda zara are considered to be like a mum. Since a mum does not make an animal passul for purposes of maaser, matters of zenus and matters of avoda zara will also not make an animal passul for maaser. Therefore, in the list of the Braisa, an animal that was mezaneh will not be passul, an animal that was designated for avoda zara or worshipped as avoda zara will also not be passul, an animal used as payment for a zonah will also not be passul, an animal exchanged for a dog is compared by the pasuk to payment for a zonah and therefore will also not be passul. The reason that a tumtum and androginas are not passul is because the Tanna holds they are a safek male or female, and therefore, in either case they are subject to maaser. **R' Shimon ben Yehuda in the name of R' Shimon** said, a tumtum and androginas are not included in the count for maaser because they are excluded regarding korbanos (where the pasuk teaches that only an animal of definite gender can be used) and the gezeira shava of "tachas" teaches that the same holds true for maaser.
    - A Braisa says, **R' Elazar the son of R' Yehuda of Kfar Bartosa in the name of R' Yehoshua** said that all animals are included in the count for maaser except for an animal

of klayim and that is a treifa. **R' Akiva** said, I heard from **R' Yehoshua** that also an animal born via Caesarean section and a mechusar zman and an orphan are also not included.
    - **Q:** If **R' Elazar the son of R' Yehuda** darshens the gezeira shava of "tachas" then he should hold that even these animals listed by **R' Akiva** are not included in maaser, and if he doesn't darshan that gezeira shava, how does he know that klayim is not included? **A:** He does darshan the gezeira shava. However, with regard to an animal born via Caesarian section he holds like **R' Shimon**, who holds that a baby born via Caesarian section is a regular baby, and not according to the view of **R' Yochanan** (who says that **R' Shimon** didn't say this in regard to animals for korbanos), with regard to mechusar zman he holds like **R' Shimon ben Yehuda** (who says that such an animal is counted for maaser), and with regard to an orphan he is referring to a case where the mother's skin is still in existence, in which case **R' Yehoshua** said in our Mishna that the animal is not considered to be an orphan for this purpose.
- **R' Yishmael ben Sisri'el of Arkas Leveina** testified before **Rebbi**, that in his area they would take the skin of a dead mother and wrap the animal offspring in it, and that would allow the animal to live. **Rebbi** said, you have now explained the reason of **R' Yehoshua** in our Mishna. **R' Yishmael ben Sisri'el** then testified that the lettuce of his area had 600,000 folds in the inside leaves. He then said, it once happened in our area that a cedar tree fell down and 16 wagons were able to go side by side along it. Also, it once happened that the egg of a "bar yuchni" fell and the insides drowned 60 cities and broke 300 cedar trees.
    - **Q:** A pasuk seems to say that the bar yuchni would never throw down its egg!? **A: R' Ashi** said, the egg in the story was not capable of forming a chick, and that is why it threw it down.

MISHNA

- There are 3 dates that are designated for separating ("the goren") animal maaser. **R' Akiva** says they are "pras" (halfway) to Pesach, "pras" to Shavuos, and "pras" to Succos. **Ben Azzai** says they are the 29th of Adar, the 1st of Sivan, and the 29th of Av. **R' Elazar and R' Shimon** say they are the 1st of Nisson, the 1st of Sivan, and the 29th of Elul. Why is it that he says the 29th of Elul and not the 1st of Tishrei? It is because the 1st of Tishrei is a Yom Tov and one may not separate maaser on Yom Tov. Therefore it was moved up to the 29th of Elul.
- **R' Meir** says that the 1st of Elul is the New Year for purposes of animal maaser. **Ben Azzai** said the animals born in Elul are dealt with on their own for maaser.
    - All animals born from the 1st of Tishrei until the 29th of Elul are combined together for maaser. If 5 were born before Rosh Hashanah and 5 were born after, they are not combined. If 5 were born before the goren and 5 were born after, they are combined for maaser. If so, what significance do the dates of the goren have? Until the goren it is mutar to sell and shecht the newborn animal without taking maaser. Once the time of the goren has come, one may not shecht or sell the animal without first taking maaser. If he did shecht it before taking maaser, he is patur from any punishment.

GEMARA

- **Q:** Why are there 3 dates that are designated for separation of maaser? **A: Rabbah bar Shila** said, it corresponds to the 3 times during the year that these animals typically give birth – some give birth early, some late, and some in the summer.
    - **Q:** Why are these particular dates chosen (versus some other date in that general timeframe)? **A: R' Tanchum the son of R' Chiya of Kfar Akko** said, it is so that there be many animals available for the people who are being "oleh regel". For although one may shecht or sell the animal before the goren, people would rather wait and do the mitzvah of maaser before selling or shechting.
- **Q:** Why is it called a "goren" (literally meaning the threshing floor)? **A:** Because it makes the animals "tevel" (on a D'Rabanan level) just like the threshing does for produce.
- **Q:** How much is a "pras"? **A: R' Yose the son of R' Yehuda** explained that it is 15 days. **R' Avahu** explained, this is because "pras" means "half" and refers to half the time that is designated to learn the halachos of the Yom Tov. We have learned that we must study the halachos of a Yom

Tov for 30 days before the Yom Tov, so “pras” would be 15 days before the Yom Tov. **R’ Shimon ben Gamliel** said, we only must learn the halachos of a Yom Tov for 2 weeks before the Yom Tov.