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

Bechoros Daf Nun Ches

BEN AZZAI OMER…

- **Q:** What is the machlokes between **R' Akiva and Ben Azzai** based on? **A: R' Akiva** holds that the Adar that precedes Nisson (sometimes there are two Adars) is sometimes made of 30 days and sometimes has 29 days. Therefore, the "15 days before Pesach" will sometimes come out on the 30th of Adar and will sometimes come out on the 29th of Adar. Since there is no fixed date he simply says "15 days before Pesach". **Ben Azzai** says that the Adar that precedes Pesach always only has 29 days, and therefore the "15 days before Pesach" has a fixed date of the 29th of Adar.
    - **Q:** Why does **Ben Azzai** say that the date of the second goren is the 1st of Sivan (less than one week before Shavuos)? **A:** There are not a lot of animals born in between the goren of before Pesach and this one. If this goren were 15 days before Shavuos, most of the animals of this goren would be sold before getting close to Shavuos, and there would not be a lot of animals left for people's Shavuos needs. That is why he said this goren must be held off until closer to Shavuos.

B'CHUF TES B'AV…

- **Ben Azzai** is consistent with his view that the animals born in Elul are considered as a group of their own for purposes of maaser.
    - **Q:** Why does he set the date as the 29th of Av instead of the 30th of Av? **A:** There are times when Av only has 29 days and we want to make a clear divide between the old and the new.

R' ELAZAR V'R' SHIMON OMRIM B'ECHAD B'NISSON…

- They say the first goren is on the 1st of Nisson, because they hold like **R' Shimon ben Gamliel**, who holds that we begin to learn the halachos of Pesach 2 weeks before the Yom Tov, which is the 1st of Nisson. They say that the goren is set on that day. They make the second goren on the 1st of Sivan, for the same reason that **Ben Azzai** does so. They say the third goren is the 29th of Elul which is consistent with their view that the 1st of Tishrei is the New Year for purposes of animal maaser.

V'LAMAH AMRU B'CHUF TES B'ELUL…

- **Q:** Why don't we say that the reason it must be on the 29th of Elul is to make a clear distinction between the old and the new groups of animals? **A:** The Mishna is giving a second reason, in addition to the reason that we need to make a clear distinction between the old and the new.

R' MEIR OMER B'ECHAD B'ELUL…

- A Braisa says, **Ben Azzai** says, since there is a machlokes whether the New Year for animals begins on the 1st of Elul or the 1st of Tishrei, we treat the animals born in Elul separately and don't join them with the others for maaser.
    - **Q:** Why doesn't he delve into the competing theories and decide like one of them (instead of remaining with a safek)? We find that **Ben Azzai** was of superior intellect to the other **Chachomim**, so he should have been able to decide!? **A: R' Yochanan** said, these views were based on a kabbalah of what they heard from Chagai, Zecharya, and Malachi. It wasn't based on reasoning.
- A Braisa gives an example of the practical application of **Ben Azzai's** view. If a person had 5 animals born in Av and 5 born in Elul, they would not combine for maaser. If he had 5 born in Elul and 5 in Tishrei, they would not combine for maaser. If he had 5 born in Tishrei and 5 born in the following Av, they would combine for maaser.
    - **Q:** This last ruling seems obvious!? **A:** We would have thought to say that just as the New Year prevents them from combining, so too the granos are a separation and prevent the animals born before and after them from combining. This is the concept that our Mishna taught as well.

- **Rava** said, according to **Ben Azzai**, if a person has 5 animals born in Av, 5 born in Elul, and 5 born in Tishrei, he brings all 15 together to take maaser. He takes one of the 5 born in Elul as the maaser and all the remaining are definitely patur – if the New Year is the 1st of Elul, then it is the Elul and Tishrei animals that combined and the Av animals are patur; if the New Year is the 1st of Tishrei, then it is the animals of Av and Elul that combine and the animals of Tishrei are patur. You can't even say that the Tishrei animals should be combined with a later goren, because the pasuk of "ha'asiri" teaches that only something that can definitely become maaser can be taken as maaser, and the animals of Tishrei may have already been included in the maaser count along with the animals of Elul.
    - **Q: Rava's** ruling seems obvious!? **A:** We would have thought to be goizer out of concern that he would take the maaser from the animals born in Av or Tishrei. **Rava** teaches that there is no such concern and he takes an animal born in Elul as maaser.

MISHNA

- How is animal maaser taken? He gathers all the animals into a pen and makes a small opening for them to exit, small enough so that two cannot exit at once. He then counts them with his stick as they exit and says "one, two, three, four, five, six, seven, eight, nine". The one that leaves as number 10 is then marked with a red dye and he says "this is maaser". If he did not use the red dye or did not count with the stick, or he counted them as they were standing or crouching (rather than walking through the exit), it is still an effective maaser. If he had 100 animals and simply took 10 as maaser (without counting all the animals), or if he had 10 and simply took one as maaser, that would not be an effective maaser. **R' Yose the son of R' Yehuda** says it would be an effective maaser.
- If one of the animals that has exited and has been counted then jumps back into the pen and becomes mixed among the animals in the pen, all the animals become patur. If one of the animals that had already been designated as maaser jumped back into the pen and becomes mixed among the other animals, all the animals must be allowed to graze until they get a mum and can then be eaten by the owner.

GEMARA

- A Braisa says, how is animal maaser taken? He gathers all the animals into a pen and makes a small opening for them to exit, small enough so that two cannot exit at once. He puts the mothers of these animals outside the pen and the animals inside the pen. The mothers cry out to their offspring and the offspring then exit the pen to go to their mothers.
    - **Q:** Why can't the owner push them out of the pen? **A:** The pasuk says "yaavor", which suggests that they have to pass through on their own volition.
    - **Q:** Why can't he put vegetables outside the pen to entice them to exit? **A: R' Huna** said, the mothers are used as a gezeira to prevent one from counting his purchased animals and orphaned animals among his maaser count.
- A Braisa says, the pasuk of "kol asher yavor" comes to exclude a treifa which cannot walk under the stick; "tachas hashavet" teaches that it is a mitzvah to count it with the stick. How do we know that if he did not count with the stick, or he counted them as they were standing or crouching, that it is still an effective counting? The pasuk says "ha'isiri kodesh" – in all cases. How do we know that it becomes kodesh whether he declared it as being the 10th or not? The pasuk says "yihiyeh kodesh". We would think that if he had 100 animals and simply took 10 as maaser (without counting all the animals), or if he had 10 and simply took one as maaser, that it would be an effective maaser. The pasuk therefore says "asiri" – it must be the tenth animal, and these separated animals were not the tenth animal. **R' Yose the son of R' Yehuda** says it would be an effective maaser.
    - The Gemara explains, **R' Yose the son of R' Yehuda** holds like **Abba Elazar ben Gomel** who says in a Braisa that the pasuk of "v'nechshav lachem terumaschem" is referring to two terumos (since it is written in the plural) – it refers to terumah gedolah (regular terumah) and terumas maaser (the 10th that must be given by a Levi to a Kohen from the maaser that he receives). This teaches that just as terumah gedolah may be separated by estimation and by thought (without physically separating it or verbally

declaring it), the same is true for terumas maaser. We also find that maaser is referred to as “terumah” in the pasuk. Therefore, the same is true for maaser. We then compare animal maaser to produce maaser and learn that just as produce maaser may be separated by estimation and by thought, the same is true for animal maaser.