

OVERVIEW of the Daf

1) Tithing animals (cont.)

The Gemara continues to explain the position of R' Yosi the son of R' Yehudah that merely separating 10% of one's animals designates them as maaser.

Rava rules that if the tenth animal remains by itself in the pen it is automatically consecrated even without an explicit declaration.

The Gemara searches for the source of this ruling until a Beraisa is identified as the source for his position.

The Beraisa's indication that the ninth animal that was erroneously called "tenth" attains a degree of sanctity is challenged.

A teacher of Beraisos cited a Beraisa before R' Sheishes and asserts that the latter Beraisa reflects the position of R' Shimon ben Yehudah.

Rava rules that an animal that was fit to be counted as one of ten animals is exempt from being tithed even if the count did not reach ten.

The Gemara searches for the source of this ruling.

A Beraisa is cited that supports this ruling.

Rava presents three examples of this ruling.

The necessity for presenting these examples is explained.

Rava explains what should be done when one has fifteen animals to tithe. ■

REVIEW and Remember

1. Is it necessary to orally declare the tenth animal as ma'aser for it to become sanctified?

2. What is the status of the ninth animal that is erroneously declared the tenth?

3. Explain Rava's ruling: מנין הראוי פוטר.

4. What is the correct procedure when one has 15 animals to tithe?

*Today's Daf Digest is dedicated as a zechus
 for a refuah sheleimah for*

אברהם גרשון בן ציפי
 שלמה ברוך בן שיינדל ברכה
 שושנה בת עליזה

דינה חיה שרה בת שיינע מירה

Distinctive INSIGHT

Leaving behind "a number which is fit to be counted"

אמר רבא מנין הראוי פוטר

Rava teaches a procedure regarding the ma'aser process. A person has ten sheep and he places them into a corral and he begins to count them properly, one by one, as they exit the enclosure. If one of the animals still in the corral suddenly dies before exiting, we now have a problem that the count can no longer be completed, because only a total of nine animals are still surviving. This would also be the case where one of the animals in the corral suddenly leaves through a different doorway. Rava states that the animals which had already marched out of the corral are immediately exempt upon their departure from the corral as they leave behind them "the number which is fit to exempt them." The point is that they remain exempt even if the eventual designation of the tenth one as ma'aser on their behalf does not occur for whatever reason.

Furthermore, in a case where there are exactly ten animals, as the owner counts, "Eight...nine..." the tenth one which now remains in the corral by itself is automatically consecrated as ma'aser even before it comes out the door. This being the case, as each of the first animals depart the corral, they should be exempt due to the ma'aser process being successful with the tenth animal being consecrated even without coming out. Yet, this is only true if the tenth animal remains alive until the end of the count. However, in a case where it dies before being counted, we would have to rely upon Rava's rule in order to exempt the animals which left the corral earlier.

Or Sameach (Hilchos Bechoros 8:8) also notes that the tenth animal only becomes ma'aser automatically in a case where it is certain that it will be the tenth animal to come out, as in the case of where there are precisely ten animals to begin with. However, if there are eleven or more animals to begin with, even after the ninth animal leaves the corral it is not certain which of the remaining animals will be the next, so none of those remaining becomes ma'aser. In this case we would also use the rule of Rava and declare that the animals which already left the corral are exempt, as they left behind "a number which is fit to be counted."

Rashi explains this classic case of Rava to be where there are ten animals to begin with, and as each one of the animals departs the corral it is exempt, whether or not the count eventually concludes with the tenth one leaving. Sefer Chibbas HaKodesh points out that Rashi did not have to say that the illustration is where there were ten to start with. This rule applies as long as there were ten or more to begin with, as the point is that the ma'aser process could have been completed. He explains that this illustration was selected due to Rava's earlier ruling where the ninth animal was counted as "ten" and the tenth one remained alone in the pen. Both the ninth and tenth are consecrated, but only in this case where there were exactly ten to begin with. ■

HALACHA Highlight

Saying kaddish for two parents simultaneously

יצאו ארבעה בפתח זה וארבעה בפתח זה

Four exited this opening and four exited that opening

Teshuvah Torah Lishmah¹ wondered whether someone whose both parents died within the same year is able to say kaddish for each of them or perhaps he is obligated to hire someone to say kaddish since his recitation of kaddish can only apply to one person. He answered by citing the Gemara in Chagigah (7b) that teaches that one could fulfill his obligation to bring a Korban Chagigah with animals that he had previously vowed to offer or maaser animals. This means that one could take animals he was already obligated to offer as a korban and use them to fulfill the obligation to offer a Korban Chagigah. Shulchan Aruch² also rules that one who vowed to observe a series of fasts and one of those fasts coincides with a communal fast fulfills both obligations simultaneously. This indicates that a single recitation of kaddish could apply to two people.

After further analysis about the matter without arguments for both positions his conclusion was that it is preferable for one to recite a single kaddish for both of them

rather than recite kaddish for one of them and hire someone to recite kaddish for the second parent. The reason is that he will inevitably demean one of his parents with this approach. It is clearly preferable for one to recite kaddish for a parent rather than hire someone else to recite kaddish. Therefore when he declares that he is reciting kaddish for one parent and hires someone to recite kaddish for his second parent it is a demonstration of disrespect to that parent for whom the child is not saying kaddish. Even though while alive one is obligated to honor a father ahead of honoring a mother, once one's parents are deceased the obligation to honor them is equal. He then cited proof to this principle from our Gemara. The Gemara discusses the case of fourteen animals and four of the animals exited through one opening and another four animals exited another opening. If the remaining six do not exit the same opening each set of four is exempt from having to be tithed since the six could have combined with that set of four to consider those animals to have been counted. The fact that the six animals can merge with each set of four proves that it is acceptable for one thing to count as part of two separate groups even simultaneously. ■

¹ שו"ת תורה לשמה סי' תי"ב.

² שו"ע או"ח סי' תקס"ח סעי' י"א. ■

STORIES off the Daf

The Power of Thought

"ובמחשבה..."

On today's daf we find that one can tithe by mere intent in one's thoughts, without saying a word. From here we can understand just how powerful one's thoughts are in determining halachic reality.

Sefiras ha'omer is a very special time for spiritual growth. The Rashash, zt"l, writes that one's avodah during sefiras ha'omer determines the quality of his avodah for the entire year.¹ Even on a simple level we can understand this since everything de-

pends on one's kabbalas haTorah of that year. And one's kabbalas haTorah depends on his actions during this time, especially the mitzvah of counting the omer.

But sometimes it can be complex to manage to count the omer with a berachah, especially if one davens a bit after the time. All one has to do is accidentally mention the day of the omer without thinking and he lost his berachah. When people would write the day of the omer in their letters—as is halachically proper—they had a burning question: did this mean that one who writes a letter before maariv which mentions the day of the omer has lost the ability to make a blessing when he counts later on?

When this question reached

Rebbe Akiva Eiger, zt"l, he ruled that it did not. "The Shev Yaakov, zt"l, writes that one who accepts upon himself 'the stringency of an oath' in writing is not considered to have sworn. He brings many proofs to this basic principle.² It seems clear that counting the omer is no different. Therefore one who wrote the day and week of the omer does not discharge his obligation, even if he meant to. How can writing the day of the omer be more stringent than writing an oath?"³ ■

¹ רש"י בנה"ש לענין ספירת העומר, מובא בהרבה ספרי קודש

² שו"ת שבות יעקב, או"ח, סי' מ"ח

³ שו"ת רעק"א, סי' ל" ■