



## OVERVIEW of the Daf

### 1) Tithing animals (cont.)

A Baraisa is cited that supports Rava's description of the correct procedure for one who has 15 animals to tithe.

A contradictory Baraisa is cited and the contradiction is resolved.

Two other ways to explain the latter Baraisa are suggested and rejected.

R' Nachman bar Yitzchok praises R' Huna the son of Sechorah.

2) **MISHNAH:** The Mishnah discusses many cases of misnumbering.

### 3) Counting

R' Yochanan rules that when counting by pairs or groups of hundreds, the tenth unit is sanctified.

R' Mari and R' Kahana disagree about the exact meaning of R' Yochanan's ruling.

R' Kahana's opinion that the tenth animal is sanctified regardless of how the owner counted the animals is unsuccessfully challenged.

R' Mari's opinion that it is the tenth unit according to his counting is unsuccessfully challenged.

### 4) Miscounting

A Baraisa cites the sources for the Mishnah's rulings related to miscounting the ninth, tenth and eleventh animal.

A contradictory Baraisa is cited.

A teacher of Baraisas answered that the second Baraisa follows the opinion of R' Elazar the son of R' Shimon.

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## REVIEW and Remember

1. What is the halacha if two animals exit the pen at once?  
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2. Which animal is sanctified as ma'aser if one counted backwards?  
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3. Why did Rava present two cases that seem similar?  
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4. What is the halacha if one declares the tenth animal the "eleventh"?  
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Today's Daf Digest is dedicated  
 By Rabbi and Mrs. Shiya Wechsler  
 in memory of his father  
 ר' יצחק אהרן בן הרב צבי דוב, ע"ה

## Distinctive INSIGHT

### Miscounting the ninth as number "ten"

קרא לתשיעי עשירי ולעשיר תשיעי ולאחד עשר עשירי שלשתן מקודשין

The Mishnah teaches the halachos of various complications when the counting of the animals for ma'aser. One of the cases is where the ninth animal was counted as "ten," followed by the tenth animal which was counted as "nine," and the eleventh was counted as "ten." In this case, the Mishnah rules that all three animals are consecrated. The Gemara learns this rule from the verse (Vayikra 27:32), "all that passes under the rod shall be consecrated." Provided it is "near the tenth" (the ninth or eleventh), the animal shall be holy if it is declared to be "number ten." The law differs regarding each animal. The ninth is allowed to graze until it develops a blemish, at which point it may be eaten. The tenth animal itself is the ma'aser animal, and although it was called "nine" it was actually the tenth animal out of the pen. The eleventh animal is brought as a shelamim offering (there are several significant differences between a ma'aser offering and a shelamim).

The Gemara in Nazir (31b) refers to our halacha, and Rav Nachman explains that the three animals are each consecrated only when the count was confused unintentionally. If, however, the owner realized that he was counting the ninth animal and he intentionally misnumbered it and called it "ten," the animal has no ma'aser designation. This halacha is determined from a posuk, and we cannot apply this rule to a case where the owner intentionally misnumbered the count. Rav Chisda and Rabba b. R' Huna contend that this halacha applies not only if the number was confused unintentionally, but also if it was intentionally miscounted. They explain that the rule of the posuk applies in all cases where the ninth was called "ten," whether intentionally or not. They understand the wording of the Mishnah which states, "Where someone mistakenly counted..." to mean even if it was unintentional, but certainly where it was intentional.

All opinions therefore agree that the verse is referring to where the count was confused by accident, and the disagreement is whether it also applies when the number ten was intentionally declared upon the ninth animal. Sefer Keren Orah raises the question that perhaps R' Chisda, who argues with R' Nachman, should say that the posuk which teaches that the ninth is also consecrated is referring only to where the count was pronounced intentionally. He answers that it must be that R' Chisda understood that the posuk is speaking about an accidental miscounting. If the animal is consecrated even by accident, then this halacha would certainly apply where the number "ten" was pronounced intentionally. ■

# HALACHAH Highlight

## Interrupting between the beracha and the beginning of the mitzvah

יצאו שנים בעשירי וקראן עשירי

If two animals exited the pen simultaneously and he declares them both "tenth"

The Gemara teaches that if two animals simultaneously walk out of a pen and the owner declares them both to be the "tenth" the halacha is that one animal is the tenth and the other is the eleventh but they are intermingled with one another. Rashi<sup>1</sup> explains that when two animals are declared "tenth" but it is known which is which the one that is actually the tenth is offered as Maaser and the eleventh is offered as a Shelamim. In our case, however, since it is not known which is actually the tenth and which is the eleventh they are both offered as a Shelamim. Rashi then adds that in his opinion one does not recite the beracha when waving or leaning on the animals.

Shulchan Aruch<sup>2</sup> rules that one who forgot to make an eruv tavshilin on erev Yom Tov can make an eruv tavshilin on the first day of Yom Tov with the following stipulation. "If today is Yom Tov and tomorrow is really a weekday it is permitted to cook tomorrow. If today is a weekday and tomorrow is Yom Tov then this should be my eruv tavshilin for tomorrow." Magen Avrohom<sup>3</sup> rules that when a person makes a conditional eruv tavshilin he should recite the beracha before making the eruv. Daas Torah<sup>4</sup> cites numerous authorities that one does not recite the beracha if he is making a conditional

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The rationale behind the position of R' Elazar the son of R' Shimon is explained.

Rava discusses two cases of miscounting.

The novelty of his second ruling is explained.

R' Ashi and R' Kahana debate Rava's ruling that when the tenth and eleventh are pronounced "tenth" they are both sanctified.

It is noted that R' Ashi's position that misnumbering the tenth animal eleventh uproots its actual designation is inconsistent with Rabbi's position.

It is explained how R' Ashi's position could be consistent with Rabbi as well.

The source of Rabbi's opinion is cited.

Rava explains a statement in the Baraisa.

Contradictory Baraisos are cited related to what is done when two animals are sanctified as ma'aser.

The Gemara begins to reconcile the contradiction. ■

eruv. Proof to this is Rashi's earlier-cited explanation. Seemingly, the rationale behind his ruling that the beracha is not recited is that one does not recite a beracha when one is uncertain whether he is fulfilling a mitzvah. Others suggest a different reason why the beracha is not recited when waving or leaning on the animal. In the event that the first animal is actually the Maaser animal it would turn out that one interrupted between the beracha on the waving and leaning which renders the beracha a beracha l'vatalah. ■

1. רש"י עירובין נ. ד"ה והרי מעשר.
2. שו"ע אר"ח סי' תקכ"ז סעי' כ"ב.
3. מג"א שם ס, ק כ"ה.
4. דעת תורה שם. ■

# STORIES Off the Daf

## The Ninth, Tenth, and Eleventh

קרא לתשיעי עשירי ולעשירי תשעי ולאחד עשר עשירי שלשתן מקודשין

The power of Yom Kippur even over the irreligious in Israel is truly astounding; an unusually large percent of so-called secular Israelis do actually fast on Yom Kippur. When we consider that the secular describe themselves as disconnected to Torah, we may wonder why do so many to fast?

Perhaps we can understand this in light of how the Imrei Emes zt"l explains a statement on today's daf. "On Becho-

ros 60 we find an interesting halachah regarding maaser. Although one is supposed to declare the tenth animal maaser beheimah, if he erred and sanctified the wrong animal it still takes effect. What about a person who makes a serial error? If someone taking maaser called the ninth animal, 'asiri'—'the tenth'; called the tenth animal, 'ninth'; and the eleventh, 'asiri,' all three are sanctified. This can be understood to allude to Yom Kippur. Yom Kippur is so vastly holy it imparts holiness to three days. 'He called the ninth, "tenth,"' can be understood in context of the statement of our sages that eating on the ninth is like fasting on the ninth and the tenth. In this manner, the tenth is also like the ninth. Of

course the accounting of Yom Kippur itself is compared to a flock coming one by one in front of its shepherd. As we say in the piyut, 'בבקרית עדרו מעביר צאנו, תחת שבטו.'

"The eleventh is also filled with holiness due to its proximity to Yom Kippur. Also known as 'Shem Hashem' it is the day when we bask in the special holiness that results from the atonement and renewal of Yom Kippur. It is important to make full use of these three days, which come only once a year. And to remember that eating on Erev Yom Kippur is like eating kodoshim!"<sup>1</sup> ■

1. אמרי אמת, ערב יום כפור, תרפ"ו ■