

31.9.7

60a (משנה ח) → 61a (סיום המסכת)

1. וְכֹל מֵעֶשֶׂר בְּקָר וְצֹאן כֹּל אֲשֶׁר יֵעָבֵר תַּחַת הַשֶּׁבֶט הָעֲשִׂירִי יִהְיֶה קָדֹשׁ לַה': וַיִּקְרָא מֹ, לֵב  
 2. וְאִם זָבַח שְׁלָמִים קָרְבָּנוֹ אִם מִן הַבְּקָר הוּא מְקָרִיב אִם זָכָר אִם נֶקְבָּה תָּמִים יִקְרְבָנוּ לִפְנֵי ה': וַיִּקְרָא ג, א

## I משנה ח: Errors in counting

- a *If*: they come out of the pen in pairs, he should count them by twos  
 b *But if*: he counted them as one (one pair, two pairs etc.) the #9 and #10 are both "affected"/sanctified  
 c *And if*: he counted #9 "ten", #10 "nine" and #11 "ten" – all three are sanctified  
 i #9: is eaten after it gets a מום (may not be offered)  
 ii #10: is offered as מע"ב  
 iii #11: dispute as to its status:  
 1 מ"מ: it is offered as שלמים and can generate תמורה  
 2 ד' יהודה: #11 is itself considered מעשר תמורה, and תמורה cannot generate another תמורה  
 3 Defense (in מ"מ's name): if it were considered תמורה, it wouldn't be offered itself (תמורת מעשר אינה קריבה)
- d *And if*: he counted all three of them "ten", only #9 and #10 are קדוש, #11 is unaffected  
 e *Rule*: if #10 doesn't have the count "ten", נעקר, then #11 isn't קדוש (regardless of what it is "counted")

II ר' יוחנן's ruling: if he counted them in pairs, or any group – even hundreds - the 10<sup>th</sup> of his counting is קדוש

- a ד' מארי: this means the one (pair) he counts as "ten" is קדוש  
 b ד' כהנא: the 10<sup>th</sup> to come out is קדוש (regardless of his count)  
 i Challenge: from our משנה – if 2 came out at once and he called them both "ten" – both are מקולקלין  
 1 Understood: according to מארי ר' – because we take his count into consideration (→#9 – his "ten" – is affected)  
 2 But: according to כהנא ר', his count shouldn't matter  
 (a) Answer: ר' יוחנן may only have intended his ruling when the pairing (or more) is intentional  
 ii Challenge (to מארי ר'): ברייתא – if he counts backwards (10, 9, 8 etc.) #10 (his "1") is קדוש  
 1 Answer (רבא): that case is unique; in Persian, "חד" means "10"

## III Source for "sanctified error" in our משנה – from v. 1 (extra wording) – both "real" #10 and "called" #10 are קדושים

- a Limitation (to #9 and #11): compared to "real" #10 – just as it is at #10, error must be adjacent  
 b Challenge: ברייתא rules that only one of them can be an errant מע"ב  
 i Answer (רבא before יוחנן תנא): that is ראב"ש, who holds that #11 can only be קדוש if he is silent at #9,  
 1 Then: calls #10 "9" and calls #11 "10"  
 2 Reason: he follows יהודה ר' (in our משנה) – errant מע"ב is תמורה  
 3 And: he holds like his father (ר"ש) – cannot generate 2 תמורות from one קרבן (→ cannot make both #9 and #11)

## IV רבא: expansion on rule of the משנה

- a *If*: 2 came out at #9 (9/10) and he called them both "nine", we have מע"ב mixed with חולין  
 i Reason: #10 (the real #10) is קדוש without declaration but he called #9 "nine" (only 1 קדוש, ספק which one)  
 ii *But if*: he called both "ten", we have #10 and (errantly designated) #9 mixed together since he called both "ten"  
 b *If*: 2 came out at #10 (10/11) and he called them both "ten", we have #10 mixed with #11  
 i *But if*: he called them both "eleven", we have מע"ב and חולין mixed up together  
 1 Question: why did he have to add this last case (parallel to first)?  
 2 Answer: teaches that when both come out together, they are both קדוש, even though #10 wasn't נעקר  
 c ד' אשי: without #10 being נעקר, #11 should have no sanctity, per our משנה  
 i Defense (רבא כהנא): that is only in sequence; if they come out together, no need for עקירת שם  
 ii Challenge: coming out in sequence is explicit in our משנה; the "rule" must be there to include בת אחת  
 1 block: rule is there to extend to silence at #10 – not עקירה → #11 not קדוש  
 2 proof: ברייתא teaches that if 2 came out together at #10 and neither came out before the other, we have 10/11 mixed – even though #10 didn't have עקירת שם

- (a) Reason: must be that אחת בת doesn't require עקירת שם
  - (b) Block: in that case, perhaps #11 jumped out ahead, then went back in and they came out together and he called them both "ten"
    - (i) So: #10 did have עקירת שם
      - 1. Challenge: case in ברייתא is presented as "לא קדם"
      - 2. Answer: what that means is that after #11 jumped ahead and returned, they came out as one
    - (ii) Note: this ברייתא seems to go against רבי's position - "eleven" is not an עקירה (only "nine")
      - 1. Block: רבי only holds that position when he has lots of animals
        - a. Reason: "אחד עשר" may mean "that's one set of ten" instead of "eleven"
        - b. And: רבא interpreted our case as one where has lots of animals, and his statement of "אחד עשר" may be understood as "that's one set of ten"
- V Conflicting rulings in ברייתות – when 2 come out as #10 and he calls them both "ten"
- a ברייתא: they both graze (until they get a מום)
  - b ברייתא: they are both brought on מזבח
  - c ברייתא: they are both killed
    - i Answer: ברייתות 1 & 2 represent dispute between רבנן/ר"ש whether we allow קדשים to come to הפסול
      - 1 דבנן: we are not allowed to bring a קרבן which is likely to become נותר → graze
      - 2 ל"ש: we are allowed to bring קרבן in spite of that concern → offer them both
    - ii And: ברייתא is יהודה ר' who holds that טעות מעשר is a תמורה and he also holds that מתה מעשר מתה
      - 1 Challenge: ר"י doesn't follow that, per the answer (in ר"מ's name) to יהודה ר' in our משנה "if it were a תמורה it wouldn't be brought"
        - (a) Implying: that ר"י holds that תמורת מעשר is offered
        - (b) And: we cannot suggest that ר"מ was answering only according to his own position
          - (i) Per: ברייתא (ר' יהודה) – difference between "11" and שלמים is that שלמים can generate תמורה, unlike "11"
          - (ii) Furthermore: ספרא (סתם ספרא ר' יהודה) – extnds, from v. 2 - #11 as שלמים, but not #9
            - 1. Reason: קדושה happens "afterwards" (e.g. תמורה), not beforehand
    - iii Rather: ברייתא is referring to מע"ב in our day, due to concern for תקלה
      - 1 Challenge: if so, this is true even if one came out and was called "ten"
      - 2 Answer: indeed – this is less obvious; when he only has one, we are willing to force him to kill it, as it involves less financial loss; with two, סד"א that he can wait until it gets a מום – קמ"ל
- VI Errors made by agent
- a If: he told someone to take מע"ב on his behalf
    - i כדוש רבא: if he called #9 "ten" – it is קדוש; but if he called #11 "ten" – not קדוש
      - 1 Reason: these would be שלמים, which would cost him חזה ושוק and נסכים
    - ii כדוש פפא: even #9 which he called "ten" isn't קדוש –
      - 1 Reason: dispatcher sent him to repair, not make things worse
        - (a) Question: how is this different from dispatcher who sends שליח to take תרומה; if he takes 1/60 or 1/40 (all within legitimate range) valid, even if בעה"ב takes a different amount (cheap – 1/60; average – 1/50; generous – 1/40)
        - (b) Answer: some give at each of these amounts and agent can properly claim that he estimated בעה"ב at that percentage; but here it is simply an error which, in the case of a שליח, nullifies the שליחות and the act

הדרן עלך מסכת בכורות  
יהי רצון מלפניך יא"א שייבנה בית המקדש במהרה בימינו  
ותן חלקנו בתורתך