

31.9.5

(קמ"ל) 58b → (משנה ה) 57b

- I ה משנה: the 3 גרנות למעשר (a borrowed term from מעשר דגן meaning "granary", means times when we designate מע"ב; used to imply that, just as with דגן, animals are "טבל" before being tithed)
- i Note: reason for 3 (per גמרא) – corresponding to early, middle and late-season births
  - ii And: reason for these times – to have animals available for עולי רגל
    - 1 Even though: per משנה ו, permitted to sell before גורן, a person would prefer to fulfill מצוה completely
- b ז"ע (15 days before) each רגל - and these are גרנות (i.e. the animals are "טבל" from that time)
- i Meaning of פרוס: 15 days, as per meaning "half" – applied to הלכות פסח, which "begin" 30 days in advance
- c אב 29 and סיון 1, אדר 29: בן עזאי
- i Analysis of dispute: ר"ע holds that אדר before ניסן is always חסר → can use "פרוס" and it will always be אדר 29
    - 1 פרוס sometimes it is מלא → uses set date and doesn't rely on פרוס
    - 2 And: בן עזאי is concerned that because few animals are born between פסח and שבועות, if the date is 2 weeks in advance, won't be enough animals for רגל
    - 3 And: בן עזאי holds that אלולים are taken separately → 29 is the "break point" before סוכות
      - (a) Question: why not allow on אב 30?
      - (b) Answer: sometimes אב is חסר and we need a clear marker between חדש ישן and חדש (see משנה א)
- d ראש השנה י"ט of מע"ב on ר"ח תשרי (not אלול 29, סיון 1, ניסן 1: ד"א ור"ש)
- i Reason for 1 ניסן: they hold like רשב"ג – we begin teaching פסח 2 weeks before (= 1 ניסן)
  - ii Reason for 1 סיון: as per above (בן עזאי)
  - iii Reason for 29 אלול: they hold (ר"ה א:) that the new year for מע"ב is תשרי
    - 1 Challenge (to reason given in משנה for moving up to 29 אלול): we also need to move it up to separate חדש ישן
    - 2 Answer: the משנה is giving one of two reasons – both valid considerations
      - (a) Note: reason we may not tithe on יום טוב – due to red paint we put on מע"ב
- e ד"מ: אלול 1 is the new year for מע"ב (→ any animal born afterwards is מעושר with the next year's litters)
- f בן עזאי: the animals born in אלול are separated indendently (neither with pre-אלול ר"ח nor with post-תשרי ר"ח)
- i Clarification: בן עזאי could not decide between ר"ח (אלול) and ר"ח (תשרי) as to when ר"ח for מע"ב
    - 1 Challenge: why not see whose arguments are more appealing?
    - 2 proposal: perhaps בן עזאי could not follow their arguments
      - (a) rejection: he himself declared that he could discern who is the greatest חכם (ר"ע)
    - 3 rather: both ר"מ and ר"א had a tradition dating back to זכריה ומלאכי
  - ii application of בן עזאי's rule about אלול (תוספתא בכורות ז:): how does בן עזאי's ruling apply?
    - 1 Answer: if he had 5 born in אב and 5 in אלול – no; צירוף; if he had 5 born in אלול and 5 in תשרי – no
      - (a) But: if he had 5 born in תשרי and 5 in the (following) אב – they can be joined for tithing
        - (i) Challenge: this is obvious
        - (ii) Defense: we may have thought that an interruption of a גורן makes them unable to be joined – קמ"ל
          1. Per: משנה ו (below)
      - 2 דבא: if he had 5 born in אב, 5 in אלול and 5 in תשרי, he puts them all in the corral, makes sure to take an אלול-born animal as מעשר and they are all פטורים one way or the other
        - (a) If: ר"ח for מע"ב is אלול, the 2<sup>nd</sup> 2 sets born are חייב and the 1<sup>st</sup> is exempt;
        - (b) And if: ר"ח for מע"ב is תשרי, the 1<sup>st</sup> 2 sets born are חייב and the 3<sup>rd</sup> is exempt
          - (i) Consideration: no concern that we should have to keep the 5 תשריים for the next גורן
          - (ii) Reason: the תורה only obligated animals that are certainly חייבים, not ספק
        - (c) Challenge: רבא's solution is obvious (as long as an אלולי is taken, to erase any doubt)
        - (d) Answer: we might consider prohibiting the solution as a precaution against taking of the others – קמ"ל

II גרנות מעשר: applications of משנה ו

    - a Animals born: between ר"ח תשרי and כט באלול (per ר"א ור"ש) may be joined for מע"ב
      - i Therefore: if 5 are born before ר"ח תשרי and 5 afterwards – cannot be joined
      - ii But: if 5 are born before the גורן and 5 afterwards, they are מצטרף
      - iii If so: what is the impact of 3 גרנות?
        - 1 Answer: until גורן, permissible to sell or slaughter; once גורן arrives, forbidden (מד"ס) without tithing
          - (a) However: if he did slaughter or sell afterwards – no consequences