31.9.7
60a (משנה ח) → 61a (סיום המסכת)

> ו. וְכָל מַעֲשַׂר בָּקָר וָצֹאן כֹּל אֲשֶׁר יַעֲבֹר תַּחַת הַשָּׁבֶט הָעֲשִׂירִי יִהְיֶה קֹדֶשׁ לַה': *ויקרא כז, לב*
> ב. וְאִם זֶבַח שְׁלָמִים קָרְבָּנוֹ **אִם מִן הַבָּקָר** הוּא מַקְרִיב אִם זָכָר אִם נְקֵבָה תָּמִים יַקְרִיבֶנּוּ לִפְנֵי ה': *ויקרא 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 *ר"מ*: it is offered as שלמים and can generate תמורה
    - 2 *ר' יהודה*: #11 is itself considered תמורת מעשר, and תמורה cannot generate another תמורה
    - 3 *Defense (in ר"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 10th of his counting is קדוש
- a *ר' מאדי*: this means the one (pair) he counts as "ten" is קדוש
- b *ר' כהנא*: the 10th 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 ר' מארי – because we take his count into consideration (→#9 –his "ten"– is affected)
    - 2 *But*: according to ר' כהנא, 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 ר' מאדי)*: 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: ברייתא – 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 (תנא before ר' יוחנן)*: 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 ר' יהודה (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 *ר' אשי*: without #10 being נעקר, #11 should have no sanctity, per our משנה
  - i *Defense (ר' כהנא)*: that is only in sequence; if they come out together, no need for עקירת שם
  - ii *Challenge*: coming out in sequence is explciit 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 בת אחת 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 interpeted 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 *ברייתא1*: they both graze (until they get a מום)
b *ברייתא2*: they are both brought on מזבח
c *ברייתא3*: they are both killed
i *Answer*: ברייתות 1 & 2 represent dispute between רבנן/ר"ש whether we allow קדשים to come to בית הפסול
1 *רבנן*: we are not allowed to bring a קרבן which is likely to become נותר → graze
2 *ר"ש*: we are allowed to bring קרבן in spite of that concern → offer them both
ii *And*: ברייתא3 is ר' יהודה who holds that טעות מעשר is a תמורה and he also holds that תמורת מעשר מתה
1 *Challenge*: ר"י doesn't follow that, per the answer (in ר"מ's name) to ר' יהודה 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*: ברייתא3 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 *ר' פפי בשם 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 *ר' 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 יאו"א שייבנה בית המקדש במהרה בימינו
ותן חלקנו בתורתך