Bechoros 53 – Good Morning Raboisai

1️⃣ New Perek – Ma’aser Behemah

We begin the final Perek of Bechoros with the Mitzvah of Ma’aser Behemah.

A person with animals passes them through a narrow opening:

👉 One at a time.
👉 The animals come out naturally – the owner does not choose the tenth.
👉 Every tenth animal becomes Ma’aser Behemah.

When the Beis HaMikdash is standing and the animal has no Mum:

👉 It is brought to Yerushalayim.
👉 It is offered as a Korban.
👉 The owner is allowed to eat it.

If it has a Mum:

👉 It retains Kedushas Ma’aser, but it is not brought as a Korban and can be eaten by the owner.

2️⃣ Eretz Yisrael and Chutz La’Aretz

The Mishnah teaches:

👉 Ma’aser Behemah applies in Eretz Yisrael and Chutz La’Aretz.

It also applies:

👉 Bifnei HaBayis – when the Beis HaMikdash exists.

and:

👉 Shelo Bifnei HaBayis – when there is no Beis HaMikdash.

This immediately creates a major question:

👉 If so, why don't we perform Ma’aser Behemah today?

The Gemara will address this.

3️⃣ Chullin – Not Animals Already Kadosh

Ma’aser Behemah applies to:

👉 Chullin – privately owned ordinary animals.

It does not apply to:

👉 Mukdashim – animals already designated as Kodshim.

Later, the Gemara explains why this needs to be taught even regarding certain Kodshim that remain considered the owner's property.

Which Animals Join Together?

4️⃣ Cattle and Tzon

Ma’aser Behemah applies to:

👉 Bakar – cattle.

and:

👉 Tzon – sheep and goats.

However:

👉 Cattle cannot combine with Tzon to make a group of ten.

For example:

👉 Five cattle plus five sheep do not create a group of ten for Ma’aser Behemah.

5️⃣ Sheep and Goats Do Combine

Sheep and goats are different.

Although they are separate species:

👉 They can combine for Ma’aser Behemah.

Five sheep and five goats can therefore:

👉 Join together to form ten.

The source is the Torah's expression:

👉 “V’Tzon.”

This includes the different types within Tzon together.

6️⃣ New Animals and Old Animals

Animals born in different Ma’aser years:

👉 Cannot be combined.

For example:

👉 Five animals from one year and five from the following year cannot be joined to make ten.

Each year's animals:

👉 Must be tithed separately.

7️⃣ An Interesting Kal V’Chomer

The Mishnah points out something striking.

Animals of the same type but different ages:

👉 Can mate with each other.

Nevertheless:

👉 Animals belonging to different Ma’aser years cannot combine.

Sheep and goats, however:

👉 Cannot mate because of Kilayim.

We might therefore have thought that they certainly cannot combine for Ma’aser.

The Pasuk teaches otherwise:

👉 Sheep and goats are included together under Tzon and can combine.

Does Ma’aser Behemah Really Apply in Chutz La’Aretz?

8️⃣ The View of Rebbi Akiva

The Gemara brings a view that appears to limit Ma’aser Behemah to Eretz Yisrael.

The Torah refers to:

👉 “Ma’asroseichem.”

This can refer to two forms of Ma’aser:

👉 Ma’aser Dagan – agricultural tithes.

👉 Ma’aser Behemah.

A comparison can therefore be made:

Just as Ma’aser Dagan fundamentally applies to produce of Eretz Yisrael:

👉 Perhaps Ma’aser Behemah should also be limited to Eretz Yisrael.

This seems to contradict our Mishnah, which says it applies:

👉 Even in Chutz La’Aretz.

9️⃣ Being Makdish vs Bringing the Korban

The Gemara distinguishes between two stages.

One issue is:

👉 Making the tenth animal Kadosh as Ma’aser Behemah.

Another is:

👉 Bringing it to the Beis HaMikdash as a Korban.

The limitation can refer to bringing the animal for Hakravah.

But the basic Kedushas Ma’aser Behemah:

👉 Can still take effect outside Eretz Yisrael.

Why Do We Not Do It Today?

🔟 The Obvious Question

Our Mishnah says Ma’aser Behemah applies:

👉 Even when there is no Beis HaMikdash.

So why do we not see farmers today lining up their animals and declaring every tenth one Ma’aser Behemah?

The Gemara first considers one possible problem:

👉 A Yasom.

1️⃣1️⃣ The Problem of a Yasom

An animal whose mother died during its birth:

👉 Cannot be brought as the relevant Korban.

If such an animal becomes mixed into the flock:

👉 It could accidentally emerge as the tenth animal.

Perhaps this is why Ma'aser Behemah should not be performed.

But the Gemara rejects this as the fundamental explanation.

Why?

👉 The same concern existed even when the Beis HaMikdash stood.

People could simply be warned:

👉 Do not include an invalid Yasom in the group.

So this cannot explain why Ma'aser Behemah is not performed nowadays.

Mishum Takalah

1️⃣2️⃣ The Real Concern

The Gemara gives the central answer:

👉 Mishum Takalah – because it could lead to a serious mistake.

Without a Beis HaMikdash, the Ma'aser animal cannot simply be brought as a Korban.

Instead:

👉 It remains Kadosh.

The owner must wait until it develops an appropriate Mum before it can be eaten.

Meanwhile, the Kadosh animal remains on the farm.

This creates the danger that:

👉 Someone will shear it.
👉 Work with it.
👉 Use it improperly.
👉 Or eat it before it has a valid Mum.

Therefore, Chazal were concerned about:

👉 Takalah.

Hekdesh Nowadays

1️⃣3️⃣ The Same Concern Elsewhere

The Gemara shows that this concern is not unique to Ma'aser Behemah.

Nowadays, a person should not casually declare property:

👉 Hekdesh.

Similarly, the Daf discusses:

👉 Erchin.

and:

👉 Charamim.

Why?

Because without the functioning Beis HaMikdash system:

👉 The sanctified property can remain around and lead to misuse.

1️⃣4️⃣ What if Someone Did Make Something Hekdesh?

The Daf discusses what happens if someone nevertheless created such Kedushah nowadays.

An animal:

👉 Is locked away and allowed to die on its own.

Produce:

👉 Is allowed to rot.

Money or metal items:

👉 Are disposed of so that nobody benefits from them.

The goal is:

👉 Preventing improper benefit from property that has become Kadosh.

What About a Bechor Today?

1️⃣5️⃣ Bechor Behemah Becomes Kadosh Automatically

The Gemara asks:

If we avoid Ma'aser Behemah because of Takalah:

👉 What about Bechor Behemah?

A Bechor also becomes Kadosh and could remain around waiting for a Mum.

But there is a crucial difference.

Bechor:

👉 Becomes Kadosh automatically at birth.

The owner does not choose to create the Kedushah.

Therefore, we cannot simply say:

👉 "Don't make it Kadosh."

1️⃣6️⃣ Selling Part to a Non-Jew

The Gemara considers a method of preventing Kedushas Bechor before the animal is born.

The owner can transfer ownership of part of the mother:

👉 Such as the ear.

If a non-Jew owns the necessary part:

👉 The offspring will not have the normal Kedushas Bechor.

This provides a way to avoid the problem before birth.

A Different Solution – Make a Mum Before Birth

1️⃣7️⃣ Rebbi Yehudah's Approach

The Gemara considers another possibility.

Before the Bechor is born:

👉 Create a Mum in the unborn animal.

For example:

👉 Make a hole in its ear.

At that stage:

👉 It has not yet become a Bechor.

Therefore, the prohibition against intentionally creating a Mum in an already Kadosh Bechor does not yet apply.

Once born:

👉 It becomes a Bechor with Kedushah, but it already has a Mum.

1️⃣8️⃣ Why Could This Be Better?

This method has an advantage over selling part of the mother to a non-Jew.

When part is sold:

👉 The offspring never acquires Kedushas Bechor.

But if a Mum is created before birth:

👉 The animal still becomes a Bechor.

It therefore retains:

👉 Kedushas Bechor.

It simply cannot be offered because it already has a Mum.

The Daf presents this as preferable in principle because:

👉 The Kedushah is preserved.

Could We Do the Same With Ma'aser Behemah?

1️⃣9️⃣ Put a Mum in the Animals Before Counting

The Gemara now asks:

Why not solve Ma'aser Behemah the same way?

Before sending the animals through the opening:

👉 Create a Mum in them.

Then whichever animal comes out tenth:

👉 Becomes Ma’aser Behemah.

But it already has a Mum.

Therefore:

👉 There is no need to leave a perfect Kadosh animal waiting around.

This would seemingly eliminate the Takalah.

2️⃣0️⃣ But Which Animal Will Be Number Ten?

There is an obvious problem:

👉 You cannot choose which animal will emerge tenth.

The whole process requires:

👉 The animals to come out naturally.

So you cannot simply make a Mum in “the tenth one” beforehand.

You would need to:

👉 Make Mumim in the entire group.

Then whichever animal emerges tenth will already have a Mum.

Meheirah Yibaneh Beis HaMikdash

2️⃣1️⃣ We Still Need Unblemished Animals

The Gemara explains why making Mumim throughout the flock is problematic.

We believe:

👉 Meheirah Yibaneh Beis HaMikdash.

The Beis HaMikdash could be rebuilt, and we will need:

👉 Unblemished animals suitable for Korbanos.

If people deliberately create Mumim throughout their flocks:

👉 Suitable animals could become difficult to find.

Therefore, this is not a good general solution.

2️⃣2️⃣ Could We Simply Buy Other Animals?

The Gemara considers:

👉 Perhaps suitable animals could simply be purchased elsewhere.

But if widespread Mumim are deliberately created:

👉 The supply of acceptable animals would still be reduced.

And animals can also develop:

👉 Natural Mumim.

So we do not want to create a situation where there are too few animals available for Korbanos.

Why Mention Mukdashim?

2️⃣3️⃣ Isn't It Obvious?

The Mishnah says:

👉 Ma'aser Behemah applies to Chullin but not Mukdashim.

The Gemara asks:

Isn't this obvious?

Animals belonging to Hekdesh:

👉 Do not belong to the private owner.

Who exactly would be taking Ma'aser from them?

The Gemara answers:

👉 The Mishnah is needed for Kodshim Kalim.

Kodshim Kalim

2️⃣4️⃣ Kodshim Kalim Can Be Considered the Owner's Property

Examples of Kodshim Kalim include:

👉 Shelamim.

Although the animal is Kadosh:

👉 The owner retains significant rights in it.

The Daf cites the concept:

👉 Kodshim Kalim Mamon Ba'alim.

In certain Halachic areas, Kodshim Kalim are treated as:

👉 The owner's property.

We might therefore have thought:

👉 They can join his ordinary animals for Ma'aser Behemah.

The Mishnah teaches:

👉 They cannot.

2️⃣5️⃣ The Tenth Animal Must Become Kadosh

The Torah's Ma'aser process requires the tenth animal to become:

👉 Kodesh.

But if the animal is already Kadosh as a Shelamim:

👉 It cannot simply acquire Ma'aser Behemah status through the normal counting process.

This leads into a broader question:

👉 Can one Kedushah be added onto another Kedushah?

Can Kedushah Be Added to Kedushah?

2️⃣6️⃣ Changing One Kedushah Into Another

The Daf discusses an animal already designated for one sacred purpose.

For example:

👉 An animal designated for Bedek HaBayis.

Can a person now give it:

👉 Kedushas Mizbe'ach?

Generally:

👉 One cannot simply transfer an already sanctified object from one Kedushah to another.

Likewise:

👉 An animal already designated as Kodshim Kalim does not automatically acquire a second identity as Ma’aser Behemah.

2️⃣7️⃣ But Sometimes Additional Value Can Be Consecrated

The Daf distinguishes the animal's actual Kedushah from:

👉 The owner's monetary benefit associated with it.

A person bringing a Korban can sometimes decide:

👉 Which Kohen should receive the relevant benefit.

That right itself:

👉 Has monetary value.

If the person dedicates that value:

👉 The monetary benefit can become subject to the new Hekdesh.

This does not mean that the original Korban itself simply changes its Kedushah.

What Difference Would Ma’aser Kedushah Make?

2️⃣8️⃣ Lo Yimacher V’Lo Yiga’el

The Gemara asks:

Even if Ma’aser Behemah Kedushah could somehow be added to an animal already Kadosh:

👉 What practical difference would it make?

The answer is:

👉 Ma’aser Behemah has a special restriction.

It is subject to:

👉 Lo Yimacher V’Lo Yiga’el.

It cannot simply be sold or redeemed in the ordinary way.

Therefore, adding Kedushas Ma’aser would potentially create:

👉 An additional prohibition.

The Mishnah teaches that this does not happen merely because the already-Kadosh animal emerges tenth.

📌 **Key Chazarah**

- Ma’aser Behemah is performed by allowing animals to pass individually through an opening and making every tenth animal Kadosh.
- The owner cannot deliberately choose which animal will be number ten.
- The Mishnah says Ma’aser Behemah applies in Eretz Yisrael and Chutz La’Aretz, and both with and without the Beis HaMikdash.
- Cattle cannot combine with sheep or goats for the count.
- Sheep and goats can combine because both are included within Tzon.
- Animals from different Ma’aser years cannot combine.
- Ma’aser Behemah applies only to Chullin, not animals already designated as Kodshim.
- The Gemara distinguishes making Ma’aser Behemah Kadosh from actually bringing it to the Beis HaMikdash.
- We do not perform Ma’aser Behemah nowadays because of Takalah – the Kadosh animal could remain around and be misused while waiting for a Mum.
- The same concern explains why creating Hekdesh, Erchin or Charamim nowadays can cause serious problems.
- Bechor is different because its Kedushah occurs automatically at birth.
- One method of avoiding Kedushas Bechor is transferring part of the mother to a non-Jew before birth.
- Another possibility discussed is creating a Mum before the Bechor is born, allowing the Kedushah to take effect while the animal is already blemished.
- We cannot simply create Mumim throughout all animals because Meheirah Yibaneh Beis HaMikdash and unblemished animals will be needed for Korbanos.
- Kodshim Kalim can be considered Mamon Ba’alim in certain areas, but they still cannot be included for Ma’aser Behemah.

- An animal already Kadosh cannot simply acquire a second Kedushah of Ma’aser through the counting process.
- Ma’aser Behemah has the special restriction of Lo Yimacher V’Lo Yiga’el – it cannot simply be sold or redeemed.

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