**Bechoros 59 – Good Morning Raboisai**

### 1️⃣ How Is Ma’aser Behemah Performed?

The Daf continues with the actual procedure of Ma’aser Behemah.

The animals are placed:

👉 Inside a pen.

A small opening is made:

👉 Narrow enough that two animals cannot leave together.

The mothers stand outside, and the young animals:

👉 Hear their mothers and naturally come towards them.

The animals must leave:

👉 On their own.

The owner should not simply push them through himself.

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### 2️⃣ Why Not Lure Them With Food?

Why not place vegetables outside and allow the animals to follow the food?

The Gemara is concerned that this could attract:

👉 Every animal in the pen.

That could include animals which are not eligible for Ma’aser Behemah, such as:

👉 Purchased animals.

👉 Animals excluded because of their circumstances of birth.

The proper system is therefore:

👉 For the animals to naturally follow their mothers.

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### 3️⃣ A Treifah Cannot Pass Through

The Torah describes:

👉 Animals passing under the staff.

This excludes:

👉 A Treifah that cannot properly pass through under its own power.

Therefore:

👉 A Treifah is excluded from Ma’aser Behemah.

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**Counting the Animals**

### 4️⃣ The Staff and the Red Mark

The proper procedure is:

👉 Count the animals one by one as they leave.

👉 Use a staff during the counting.

👉 Mark the tenth animal with red paint.

However:

👉 These details are the ideal procedure but are not all Me’akev.

If the tenth animal was not painted:

👉 It can still become Ma’aser.

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### 5️⃣ What if the Animals Never Leave the Pen?

Suppose the animals are simply standing or sitting in the pen and the owner points:

👉 One, two, three... ten.

Can the tenth become Ma’aser?

The Daf discusses whether:

👉 The actual passing through the opening is essential,

or whether:

👉 Counting and designation can work even while the animals remain in place.

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### 6️⃣ Can You Simply Take Ten Percent?

Suppose someone owns:

👉 One hundred animals.

Instead of counting every tenth animal, he simply selects:

👉 Ten animals as Ma’aser.

Does that work?

According to the main view:

👉 No.

Ma’aser Behemah requires:

👉 The tenth animal itself.

The Torah says:

👉 “Ha’Asiri” – the tenth.

You must count:

👉 One, two, three… until reaching ten.

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### 7️⃣ Rebbi Yosi B’Rebbi Yehudah

Rebbi Yosi B’Rebbi Yehudah disagrees.

He holds:

👉 Ma’aser Behemah can work through Machshavah.

His reasoning comes from:

👉 The laws of Terumah and Ma’aser Dagan.

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**Ma’aser Through Machshavah**

### 8️⃣ Terumah Can Be Designated in Your Mind

The Daf explains that:

👉 Terumah Gedolah

and:

👉 Terumas Ma’aser

can be designated through Machshavah.

A person can look at his produce and mentally decide:

👉 This portion will be Terumah.

He does not necessarily need:

👉 A verbal declaration.

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### 9️⃣ Ma’aser Dagan Is Called Terumah

The Torah itself refers to Ma’aser in connection with:

👉 Terumah.

Therefore:

👉 Ma’aser Dagan shares this ability to be designated through Machshavah.

The Gemara then connects:

👉 Ma’aser Dagan

to:

👉 Ma’aser Behemah.

From here comes the view that:

👉 Ma’aser Behemah can also take effect through Machshavah.

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**The Tenth Animal Becomes Kadosh Automatically**

### 🔟 Rava’s Major Chiddush

Rava teaches:

👉 Asiri Me’eilav Kadosh.

The tenth animal becomes Kadosh:

👉 Automatically.

Even if the owner does not explicitly say:

👉 “This is the tenth.”

The tenth animal can receive:

👉 Kedushas Ma’aser on its own.

The Gemara now searches for the source of this remarkable Halachah.

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### 1️⃣1️⃣ Calling the Ninth “Ten”

The Gemara discusses a person who becomes confused while counting.

Suppose:

👉 The ninth animal comes out.

By mistake, he calls it:

👉 “Ten.”

This can create a degree of Kedushah on the ninth animal.

It is not treated like an ordinary Ma’aser animal:

👉 But it cannot simply be eaten immediately.

Instead:

👉 He waits until it develops a Mum and can then eat it.

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### 1️⃣2️⃣ What Happens to the Real Tenth?

Now the actual tenth animal arrives.

Suppose:

👉 The owner says nothing at all.

The Gemara uses this case to investigate:

👉 Whether the real tenth becomes Ma’aser automatically.

If it does:

👉 That supports Rava’s principle of Asiri Me’eilav Kadosh.

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### What About Number Eleven?

### 1️⃣3️⃣ Calling Eleven “Ten”

There is another unusual Halachah.

If the owner mistakenly calls:

👉 Number eleven “ten,”

under the appropriate circumstances:

👉 Number eleven can become a Shelamim.

This is a stronger Kedushah than the mistaken ninth.

So we have three different possibilities:

👉 Number nine – partial Kedushah.

👉 Number ten – actual Ma'aser Behemah.

👉 Number eleven – can become a Shelamim.

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### 1️⃣4️⃣ Why Must There Be a Mistake on Number Ten?

The Gemara explains that number eleven cannot simply become Kadosh whenever someone calls it ten.

If the real number ten was correctly established as Ma'aser:

👉 The count is finished.

Number eleven is now effectively:

👉 Number one of a new count.

Calling number one "ten":

👉 Does nothing.

Therefore, for number eleven to acquire its special Kedushah:

👉 Something must have gone wrong with number ten.

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**The Proof for Rava**

### 1️⃣5️⃣ The Tenth Remains Inside the Pen

The Gemara eventually reaches the decisive case.

The owner mistakenly calls:

👉 Number nine "ten."

The real tenth animal:

👉 Remains inside the pen.

Yet the Braisa teaches:

👉 The real tenth is Ma’aser.

This is the proof:

👉 The tenth did not need to leave.

👉 The owner did not need to verbally declare it.

It becomes Kadosh:

👉 Automatically.

This establishes Rava’s principle:

👉 Asiri Me’eilav Kadosh.

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**Is the Ninth Always Kadosh?**

### 1️⃣6️⃣ A Machlokes About Number Nine

The Gemara brings a Braisa indicating:

👉 The mistaken ninth can sometimes remain completely Chullin.

This is explained according to:

👉 Rebbi Shimon Ben Yehudah.

According to this view:

👉 Calling number nine “ten” is not enough by itself.

There must also be:

👉 A mistake involving the actual tenth animal.

Only then:

👉 Can the mistaken ninth receive Kedushah.

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### 1️⃣7️⃣ The Kal Vachomer

The reasoning is:

Number eleven receives:

👉 A stronger Kedushah – it can become a Shelamim.

Yet that only happens:

👉 When there was also a mistake regarding number ten.

Therefore, one might argue:

👉 Certainly number nine, with its weaker Kedushah, should also require a mistake regarding number ten.

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### 1️⃣8️⃣ The Chachamim Disagree

The Chachamim turn the logic around.

Perhaps number eleven requires a mistake at number ten precisely because:

👉 We are trying to create such a powerful Kedushah.

But number nine receives:

👉 A much weaker Kedushah.

Therefore:

👉 Calling the ninth “ten” may itself be sufficient.

The Gemara explores both ways of understanding the comparison.

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**Minyan HaRa’ui Poter**

### 1️⃣9️⃣ Rava’s Second Major Principle

Rava teaches another important rule:

👉 Minyan HaRa’ui Poter.

If the counting began with:

👉 A valid group of ten animals,

then animals which have already been counted can become exempt:

👉 Even if the full Ma’aser process is later interrupted.

The important point is:

👉 The count began when a valid ten were present.

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### 2️⃣0️⃣ What if One Animal Dies?

Suppose:

👉 Ten animals are placed in the pen.

The owner counts:

👉 Five animals out.

Then:

👉 One animal dies.

What happens depends on:

👉 Which animal died.

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### 2️⃣1️⃣ One of the Counted Animals Dies

If one of the animals that already left and was counted dies:

👉 The owner continues counting.

The remaining animals can:

👉 Complete the Ma'aser process.

The count itself:

👉 Remains valid.

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### 2️⃣2️⃣ An Uncounted Animal Dies

But suppose:

👉 Five animals were already counted out.

Then one of the animals still inside the pen:

👉 Dies.

Now there are no longer enough animals:

👉 To complete the original ten.

Nevertheless, the animals already counted:

👉 Are exempt.

Why?

Because when they were counted:

👉 They were part of a Minyan HaRa'ui – a valid group capable of reaching ten.

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### 2️⃣3️⃣ What Happens to the Animals Still Inside?

The animals which:

👉 Never entered the count

are different.

They can later:

👉 Join other animals.

For example:

👉 If four remain, another six can later join them to form a new group of ten.

But the animals already counted:

👉 Cannot simply be returned and counted again.

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**Once It Passed, It Passed**

### 2️⃣4️⃣ "Ya'avor" – Not One That Already Passed

The source is the Torah's wording:

👉 "Ya'avor" – it shall pass.

The Gemara understands this as excluding:

👉 An animal which has already passed through the count.

Once an animal was legitimately counted as part of:

👉 A Minyan HaRa'ui,

it is finished with that Ma'aser obligation.

Even if the process later breaks down:

👉 It does not go back into another Ma'aser count.

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📌 **Key Chazarah**

- Ma’aser Behemah is performed by placing the animals in a pen and allowing them to leave one at a time.
- The opening should be narrow enough that two animals cannot leave together.
- The young animals naturally follow the voices of their mothers standing outside.
- The owner should not simply push the animals through himself.
- A Treifah which cannot properly pass under its own power is excluded.
- Lechatchila, the animals are counted with a staff and the tenth is marked with red paint.
- These details are not all Me’akev.
- According to the main view, one cannot simply take ten animals from one hundred; the tenth must emerge through a count.
- Rebbi Yosi B’Rebbi Yehudah connects Ma’aser Behemah to Ma’aser Dagan and allows designation through Machshavah.
- Terumah Gedolah and Terumas Ma’aser can be designated through Machshavah.
- Rava teaches the major principle: Asiri Me’eilav Kadosh – the tenth animal can become Kadosh automatically.
- If number nine is mistakenly called “ten,” it can acquire a degree of Kedushah.
- Under the appropriate circumstances, number eleven mistakenly called “ten” can become a Shelamim.
- Number eleven can only receive this status when something went wrong with the actual tenth.
- The decisive proof for Rava is a case where the real tenth remains inside the pen yet becomes Ma’aser automatically.
- Rebbi Shimon Ben Yehudah holds that the mistaken ninth requires a mistake involving number ten before it receives Kedushah.
- Rava also teaches: Minyan HaRa’ui Poter.
- If a valid group of ten existed when counting began, animals already counted can remain exempt even if the process later cannot be completed.
- If one of the already-counted animals dies, the count can continue.

- If an uncounted animal inside dies, the animals already counted remain exempt, while those still inside can later join a new group.
- Once an animal has legitimately passed through as part of a valid count, it does not return for another Ma’aser count.

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