Bechoros 61 – Good Morning Raboisai

1️⃣ Two Animals Come Out Together at Position 9

Rava discusses what happens when two animals – numbers 9 and 10 – leave the pen simultaneously.

If the owner calls them both “nine”:

👉 Number 9 is definitely Chullin.

👉 Number 10 becomes Ma’aser automatically, despite being called nine.

The animals are now mixed together, and we do not know which is Chullin and which is Ma’aser.

They therefore cannot simply be brought as Korbanos or eaten normally.

They must be left until a Mum develops.

2️⃣ What If He Calls Both of Them “Ten”?

If animals 9 and 10 leave together and the owner calls both “ten,” the situation changes.

Both now have Kedushah.

Number 10 is the actual Ma’aser.

Number 9 receives Kedushah because it was mistakenly called ten.

👉 Unlike the previous case, there is no definite Chullin animal in the mixture.

This also creates a practical difference regarding improper use of the animals, since both now possess Kedushah.

3️⃣ Two Animals Come Out Together at Position 10

Now animals 10 and 11 leave simultaneously.

If the owner calls both of them “ten”:

👉 Number 10 is Ma’aser Behemah.

👉 Number 11 receives the status of a Shelamim.

They become mixed together, leaving one Ma’aser and one Shelamim whose identities are unknown.

4️⃣ What If He Calls Them Both “Eleven”?

If numbers 10 and 11 leave together and he calls both “eleven”:

👉 Number 10 still becomes Ma’aser automatically.

👉 Number 11 is Chullin.

We therefore have a mixture of Ma’aser and Chullin.

This appears very similar to the earlier case where numbers 9 and 10 both came out and were called “nine.”

The Gemara therefore asks why both cases are necessary.

5️⃣ The Chiddush of Coming Out Together

Normally, if the true tenth animal leaves and the owner correctly calls it “ten,” the group is finished.

Once number 10 has been properly designated, number 11 begins a new count.

Calling number 11 “ten” afterwards cannot make it Kadosh.

But when 10 and 11 leave simultaneously, it is different.

👉 Since they emerge BeVas Achas – at the same time – Kedushah can take effect on both.

Therefore number 10 becomes Ma’aser while number 11 can become a Shelamim.

6️⃣ Why Is Number 11 Kadosh?

The Gemara challenges this.

Yesterday’s rule was that number 11 only receives Kedushah when something went wrong with the designation of number 10.

If number 10 was correctly established as Ma’aser, number 11 should have no connection to the previous group.

The Gemara develops the case further:

Number 10 first stuck its head out and was mistakenly called “eleven.”

It then returned, after which numbers 10 and 11 came out together and were called “ten.”

👉 There was therefore already an Akirah – an incorrect designation – involving the true tenth animal.

This allows the Kedushah of the eleventh to take effect.

7️⃣ Rebbi – What Does “Eleven” Mean?

The Gemara considers Rebbi’s interpretation of the word “eleven.”

Where someone owns many animals and will be taking many Ma’asros, saying “eleven” might not mean animal number eleven.

It could mean:

👉 “One Ma’aser” – the first Ma’aser of many.

This can affect whether saying “eleven” is considered an Akirah of the true tenth animal.

However, this explanation only makes sense where the owner actually has many animals and therefore has reason to count how many Ma’asros he has taken.

8️⃣ Ma’aser and Shelamim Become Mixed

We now have two animals:

One is Ma’aser.

One is a Shelamim.

But we do not know which is which.

Can both simply be brought to the Beis HaMikdash?

The Daf brings different approaches.

One view says they should not be brought and instead should be left until they develop a Mum.

Another view allows them to be brought.

A third approach connects the issue to whether the mistaken animal is treated as Temuras Ma’aser.

9️⃣ Why Not Simply Bring Both?

Even when two animals are both Korbanos, a mixture can create difficulties because different Korbanos may have different requirements.

The Daf compares this to other mixtures where one Korban may have a shorter permitted eating period than another.

If we unnecessarily treat the longer-lasting Korban according to the stricter time limit, meat could become Nosar and require burning.

👉 We do not deliberately create a situation that causes Kodshim to be unnecessarily lost.

🔟 Ma'aser Versus Shelamim

There is also a practical distinction between Ma'aser Behemah and an ordinary Shelamim.

With Ma'aser, the owner can eat the animal.

With Shelamim, portions must be given to the Kohen.

When the animals are mixed, these differing requirements create an additional difficulty.

This helps explain the opinion that they should not simply be offered immediately.

1️⃣1️⃣ Is the Mistaken Number 11 a Temurah?

Rebbi Yehuda views the mistaken designation surrounding Ma'aser as similar to Temurah.

Number 11 was called "ten" in place of the real tenth animal.

This raises an important question:

If number 11 is Temuras Ma'aser, what happens to it?

According to Rebbi Yehuda, Temuras Ma'aser is not offered in the ordinary manner.

This becomes central to understanding the different opinions regarding the mixed animals.

1️⃣2️⃣ Rebbi Meir's Proof

Rebbi Meir argues:

If number 11 were truly ordinary Temurah, it should not be offered.

Yet the Halachah treats number 11 as a Shelamim that can be brought.

👉 This indicates that its Kedushah is not simply ordinary Temurah.

It is a special Kedushah created through Ta'us Ma'aser – a mistaken Ma'aser designation.

1️⃣3️⃣ Rebbi Yehuda – A Special Kind of Kedushah

The Gemara explains that Rebbi Yehuda can distinguish between this animal and an ordinary Shelamim.

A regular Shelamim can itself generate Temurah.

But the animal that became a Shelamim through the mistaken Ma'aser count cannot create another Temurah.

👉 Nevertheless, the animal itself can still be offered.

So it resembles Temurah in one respect without necessarily having every law of ordinary Temurah.

1️⃣4️⃣ The Source That Number 11 Becomes a Shelamim

The Daf brings a teaching from the Sifra based on the Pasuk concerning Shelamim:

"Im Min HaBakar."

The extra wording teaches that the eleventh animal mistakenly designated as the tenth can become a Shelamim.

This establishes an important point:

👉 Number 11 does not merely receive a vague Kedushah – it can acquire the status of a Shelamim.

1️⃣5️⃣ Why Number 11 and Not Number 9?

Why should the eleventh animal become a Shelamim while the ninth does not receive the same status?

The explanation is based on the nature of Temurah.

Temurah requires an existing Kadosh animal.

You can say:

“This animal should be in place of that Kadosh animal.”

By the time number 11 appears, number 10 – the actual Ma’aser – already exists.

Therefore number 11 can relate back to it.

But when number 9 appears:

👉 The true tenth animal does not yet exist as Ma’aser.

There is nothing yet for number 9 to replace.

Therefore number 9 does not become a Shelamim in the same way as number 11.

1️⃣6️⃣ Ma’aser Behemah Nowadays

The Daf discusses the practical problem created if someone performs Ma’aser Behemah nowadays.

The tenth animal genuinely becomes Kadosh.

That Kedushah creates serious restrictions.

The animal cannot simply be treated as an ordinary animal, used normally, or disposed of at will.

👉 This is precisely why creating Kedushas Ma’aser unnecessarily can cause significant complications.

1️⃣7️⃣ A Small Loss Versus a Large Loss

The Gemara distinguishes between situations involving one animal and two animals.

Losing the use of two valuable animals is a much greater Hefsed than losing one.

Therefore, in certain cases, rather than allowing a significant loss, the animals can be kept until they develop a Mum and can then be dealt with appropriately.

👉 The amount of financial loss can affect how the situation is handled.

1️⃣8️⃣ A Shaliach Makes a Mistake

The Daf finishes with a fascinating Shlichus question.

The owner appoints someone to perform Ma’aser Behemah for him.

The Shaliach then miscounts.

Normally we might say:

“I appointed you to do the job correctly – not to make mistakes.”

If so, perhaps the mistaken designation should not work at all.

1️⃣9️⃣ Rav Papi – Some Mistakes Still Work

Rav Papi in the name of Rava distinguishes between different mistakes.

If the Shaliach calls number 9 “ten,” the Kedushah can still take effect.

Why?

The damage to the owner is relatively limited.

The animal waits until it receives a Mum.

But if the Shaliach calls number 11 “ten,” it becomes a Shelamim.

That is a more substantial change to the owner’s animal.

👉 A more serious deviation may no longer fall within the Shlichus.

2️⃣0️⃣ Rav Pappa – Even a Small Mistake Is a Mistake

Rav Pappa disagrees.

The owner can say:

“I appointed you to improve things for me, not to damage them.”

Even if the financial loss is relatively small, the Shaliach acted outside what the owner intended.

👉 According to this view, even the mistaken designation of number 9 should not work through the Shaliach.

2️⃣1️⃣ Comparison to Terumah

The Gemara compares this to a Shaliach appointed to separate Terumah.

The standard amounts are:

👉 Ayin Yafah – approximately 1/40.

👉 Beinonis – 1/50.

👉 Ayin Ra'ah – 1/60.

If the Shaliach knows the owner's normal practice, he follows it.

If he does not know, he should separate the average amount – 1/50.

But if he gives 1/40 or 1/60, the Terumah can still be valid.

Why?

Because the Shaliach can say:

👉 "I thought this was the type of person you were."

Perhaps the owner was generous; perhaps he normally gave less.

There was room to interpret the owner's intention.

2️⃣ 2️⃣ Why Ma'aser Behemah Is Different

With Terumah, there are legitimate different amounts that different owners choose.

The Shaliach can plausibly say that he misunderstood the owner's preference.

But when counting Ma'aser Behemah incorrectly:

👉 There is no legitimate preference to misunderstand.

It is simply a mistake.

Therefore the rules of mistaken Shlichus can be different.

📌 **Key Chazarah**

• If animals 9 and 10 leave together and are both called "nine," one is Chullin and the true tenth is automatically Ma'aser.

• If 9 and 10 are both called "ten," both receive Kedushah.

• If 10 and 11 leave together and are called "ten," number 10 is Ma'aser and number 11 can become a Shelamim.

• Simultaneous departure – BeVas Achas – is different from animals leaving one after another.

• Normally, once the true tenth is correctly designated, number 11 begins a new group and cannot simply be called "ten."

• The Daf discusses whether the mistaken number 11 is considered Temurah or a special Kedushah of Ta’us Ma’aser.

• The Sifra teaches that number 11 can become a Shelamim.

• Number 11 can relate to the already-existing Ma’aser, while number 9 comes before the actual Ma’aser exists.

• Performing Ma’aser Behemah nowadays can create serious practical Kedushah problems.

• A Shaliach who makes a mistake raises the question whether he has acted outside his appointment.

• Rav Papi distinguishes between a smaller and larger loss; Rav Pappa holds even a smaller mistake can be outside the Shlichus.

• Terumah is different because the Shaliach may legitimately misunderstand whether the owner gives 1/40, 1/50 or 1/60.

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