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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Explaining the Ma’aser Periods

[The Mishna quoted a disagreement between R’ Akiva and Ben Azzai regarding the periods during the year when the ma’aser should be taken. R’ Akiva said: There are three periods (during the year) for animal ma’aser (the Rabbis decreed that the animals which are born between the following periods must be tithed at the approach of the period before eating from them; prior to these intervals, however, one may eat from them even without tithing) – the halfway point (fifteen days) before Pesach, the halfway point (fifteen days) before Shavuos, and the halfway point (fifteen days) before Sukkos.]

Ben Azzai says: On the twenty-ninth of Adar, on the first of Sivan and on the twenty-ninth of Av.

The Gemora explains the dispute: Rabbi Akiva holds that the month of Adar which is next to Nissan is sometimes full (i.e., thirty days) sometimes deficient (i.e., twenty-nine days), so that sometimes the Peras of Pesach (15 days before Passover, which is the day before the first of Nissan) falls on the thirtieth of Adar and sometimes it falls on the twenty-ninth of Adar, and for this reason he does not fix its time (in Adar, for there is no definite date). Ben Azzai, however, holds that the month of Adar which is next to Nissan is always deficient;

consequently, he fixes its time on the twenty-ninth of Adar.

And the reason why he fixes the first of Sivan (as the second period – even though it is merely a week before Shavuos) is that since animals are not numerous (between Pesach and Shavuos) - if you would say that he should tithe earlier, by the time the festival (of Shavuos) arrives, he will have finished eating them (the animals).

The Gemora continues: Ben Azzai, when he states that the second period is on the twenty-ninth of Av follows his own opinion, for he says that those born in Elul are tithed by themselves (for he is uncertain if the New Year begins in Elul or in Tishrei).

The Gemora asks: And why not tithe them on the thirtieth of Av?

The Gemora answers: Sometimes the month of Av is deficient (i.e., twenty-nine days) and we need to make a distinction between the new and the old.

The Mishna had stated: Rabbi Elozar and Rabbi Shimon say: On the first of Nissan (fourteen days before Pesach), on the first of Sivan and on the twenty-ninth of Elul.



The *Gemora* explains that they said on the first of *Nissan* in accordance with the opinion of Rabbi Shimon ben Gamliel, who said that we begin to expound the laws of *Pesach* two weeks beforehand.

They hold that the second period is on the first of *Sivan* as we have explained above.

They hold that the third period is on the twenty-ninth of *Elul* because they follow the opinion they expressed elsewhere, where they said: The first of *Tishrei* is the New Year for the tithing of animals. (58a)

New Year for Ma'aser

The *Mishna* had stated: Rabbi Meir says: The first day of *Elul* is considered the New Year for animal tithing (so that those born before this period do not enter the pen with those born subsequently, as it would be tithing the new for the old). Ben Azzai says: Those born in *Elul* are tithed by themselves. [He is uncertain if the law follows *R' Meir*, or is like *R' Elozar* and *R' Shimon*, who state in *Rosh Hashanah* (2a) that the New Year for tithing animals is the first of *Tishrei*. Therefore, all those animals born in the month of *Elul* cannot be tithed with those born before, nor with those born later.]

The *Gemora* cites a *braisa*: Ben Azzai said: Since some hold one opinion and others the other, therefore the animals born in *Elul* are tithed by themselves.

The *Gemora* asks: And why not see which *Tanna* holds the more reasonable opinion? And should you say that he could not determine the reason of the *Tannaim* concerned, has it not been taught that Ben Azzai said that all the Sages of Israel are in comparison with

myself, like a garlic peel, except for the bald one (*R' Akiva*)?

Rabbi Yochanan answered: They gave their opinions purely based upon Oral Traditions derived from the prophets Chaggai, Zechariah and Malachi.

The *Gemora* cites a *braisa*: In what way did Ben Azzai say that those born in *Elul* are tithed by themselves? If five lambs were born in *Av* and five in *Elul*, they do not combine (to enter one pen to be tithed). If five were born in *Elul* and five in *Tishrei*, they do not combine. If, however, five were born in *Tishrei* and five in the following *Av*, they combine.

The *Gemora* asks: Surely this is obvious?

The *Gemora* answers: You might have said that just as the years separate (the new from the old), similarly the tithing periods also separate; the *braisa* therefore informs us that this is not so. This is as we have learned in our *Mishna*: Five animals that were born before the New Year (whenever that may be) and five that were born after the New Year do not combine, but five animals that were born before the period of tithing and five that were born after the period of tithing do combine (to enter the pen to be tithed together).

Rava said: According to the opinion of Ben Azzai, if five were born to him in *Av*, five in *Elul* and five in *Tishrei*, he brings them into a pen to be tithed. He takes one from those born in *Elul* and the rest are exempt in any case, for if the first of *Elul* is the New Year, the animals of *Elul* and *Tishrei* combine (for one *ma'aser*) and those of *Av* are exempt, and if the first of *Tishrei* is the New Year,

the animals of *Av* and *Elul* combine and those of *Tishrei* are exempt. (58a – 58b)

Mishna

How do we take *ma'aser* from animals? We bring them to a pen and make for them a small opening so that two of them shall not be able to exit at the same time. And he counts with a staff, saying, "One, two, three, four, five, six, seven, eight, nine," and he marks the tenth one that exits with red dye, and says, "This is the *ma'aser*." If he failed to mark it, did not count them with a staff, or if he counted them while they were crouching or standing, they are still considered tithed. If he had one hundred animals and he took ten, or if he had ten and he took one (*without going through the process of counting them*), this is not a valid tithe. Rabbi Yosi ben Yehudah, however, says: This is a valid tithe. If one of the animals already counted for *ma'aser* jumps back in line with the uncounted animals, all the animals are exempt from *ma'aser*. If one of them that was designated as *ma'aser* jumped among the flock in the pen, they all must graze until they develop a blemish (*for one cannot slaughter a consecrated animal outside of the Temple Courtyard*), and the owners may eat them in their blemished state. (58b)

Tithing Process

The *Gemora* cites a *braisa*: How does he take *ma'aser* from animals? He brings them into a pen and makes for them a small opening so that two of them do not exit at the same time. He also places their mothers outside the pen while the offspring are inside, so that they cry out and the young go out to meet their mothers.

The *Gemora* asks: But let him bring them out himself?

The *Gemora* answers: It is written: And that will pass, intimating that he must not cause them to pass (*but rather, they shall exit on their own accord*).

The *Gemora* asks: But let him throw them some vegetables outside, so as to induce them to go out?

Rav Huna answers: This (*that the mothers' called out to them*) was decreed on account of an animal purchased or orphaned. (*Only the offspring of the mothers would exit, leaving the orphaned and purchased animals in the pen.*)

The *Gemora* cites a *braisa* which cites a Scriptural verse regarding *ma'aser*:

Verse	Exposition
<i>Any that will pass</i>	Excludes a <i>tereifah</i> , for it cannot pass
<i>Under the staff</i>	<i>Mitzvah</i> to count by using a staff
<i>The tenth one shall be holy</i>	It is holy even without a staff, even if it was counted while they were crouching or standing
<i>Shall be holy</i>	It is holy even if it wasn't called the tenth
<i>The tenth one</i>	If they weren't counted, it is not a valid <i>ma'aser</i>

Rabbi Yosi ben Yehudah, who says that this is a valid tithe agrees with Abba Elozar ben Gomel, for it was taught in a *braisa*: It is written: *And your terumah shall be reckoned to you*. This verse refers to two types of

terumah, one which is *terumah gedolah* (that which is separated from the produce) and one which is *terumas ma'aser* (that which is separated from the ma'aser). Just like one can separate *terumah gedolah* by estimating and with his thought (i.e. he does not need to physically or verbally separate the *terumah*), so too, one can estimate in separating *terumas ma'aser* and he can separate it by thought. And we find that *ma'aser* is called *terumah* by the Torah. And the *ma'aser* from animals is also compared to the *ma'aser* of grain. Just as the *ma'aser* of grain is set apart by estimating and with his thought, similarly the *ma'aser* of animals may be set aside by estimating and by thought (even without an actual 'counting'). (58b – 59a)

INSIGHTS TO THE DAF

Something Spiritual

HaGaon Rabbi Chayim Shuelevitz zt"l would learn and wonder: Ben Azai was the one who said that all the sages seemed to him to be no more than a garlic skin. We understand that even Rabbi Yishmael was included, yet Ben Azai said (Chulin 71a): "What a pity that Ben Azai did not serve Rabbi Yishmael." "It is a loss for the world" (Rashi, ibid, 70b). And why such a loss? It seems that he could get **something** from Rabbi Yishmael. The loss of that something, as small as it may be, is a loss to the world! A trifling of spirituality! (*Sichos Musar*, 18, 5731).

The Advantage of Garlic skin

The *Sheloh* wondered: Why specifically garlic? He immediately explains that though garlic is sharp, the

sharpness of its skin is slight but if not for the skin, its sharpness would not be preserved. Ben Azai means to say "Though I'm very sharp, if not for the great sages' extensive knowledge of Torah, my sharpness would have no use and would not be preserved" (*Shenei Luchos HaBris, maseches Shavu'os*).

DAILY MASHAL

A Sign on the Back

HaGaon Rabbi Yitzchak Blazer zt"l said: The sheep come out of the stall, happy and prancing joyfully, including the tenth with a red mark on its back, meaning that it will soon be taken to be slaughtered. But he doesn't know this and rejoices with them all. If he could understand, we would tell him "Dear lamb, instead of jumping around, go to the river and wash a few times till the mark on your back becomes erased." And are people not the same? Many sail through Tishrei, happy and joyful while some don't see that they bear a red mark. If they would know, they would wash themselves in a stream of tears and prayer till the mark becomes erased. But they are blind and jump around and rejoice (*Kochevei Or*, 174).