



Maaser Behema

The final *masechet* of *Bechorot* discusses *maaser behema*. The *mitzvah* involves separating a tenth of the kosher animals (*behemot*) born every year and offer them as a *korban*.

The *Rambam* (*Bechorot* 6:1) beings as follows:

It is a *mitzvah* to separate a tenth of each kosher animal born each year. And this *mitzvah* applies to all cattle and flock, as it states “every tenth from cattle and flock...”

Note however that this “*maaser*” is different from the more familiar *maaser* the relates to grain. *Rashi* (*Bechorot* 57b) comments that until the “*goren*” one is till allowed to sell or consume those animals that were born that year. We will learn that the *goren* was the three times a year after which the *Chachamim* forbade selling or consuming the newly born animals until *maaser* was separated.

The *Chazon Ish* contrasts the comments of *Rashi* and *Rambam*. According to the *Rambam* it appears that the *mitzvah* is obligatory – one must separate *maaser*. According to *Rashi* it appears that, on a biblical level, while one can separate *maaser*, one is not obligated to do so. If that were the case, if one can always simply sell or consume the animals then what becomes of this positive *mitzvah*? How do we understand the *mitzvah* of *maaser behema*?

The *Chazon Ish* suggests that *Rashi* and the *Rambam* do not contradict one another. To understand this *mitzvah* we must combined the two. To explain, while one is allowed to sell or consume the newly born animals, once the *regel* (*Pesach*, *Shavuot* or *Sukkot*) arrives, one will have violated the prohibition of “you shall not delay” if they have not separated *maaser behema*. In other words, the general prohibition of delaying in offering the *korbanot* also applies to *maaser behama*. If however one did not have ten animals left by the time of the *regel*, then they have not violated the positive *mitzvah* since they do not have the minimum number of animals at the *regel*. This is despite having

deliberately engineered the exemption. Nevertheless, if at the time of the *regel* he had the ten, then he was bound to separate *maaser behema*. If he then sold or consumed those animals, he will have violated the positive *mitzvah* of separating *maaser behema*.

The *Chazon Ish* explains that the concept of the *granot* was not entirely rabbinic. It is true that after the *granot* and before the *regel* the *Chachamim* prohibited the consumption or sale. Nevertheless, the obligation to ensure *maaser behema* is taken prior to the *regel* is biblical.

The *Chazon Ish* continues that the very decree testifies to the nature of this *mitzvah* – i.e. there is an obligation to separate *maaser behema*, yet one is not prohibited from consuming or selling the animals prior to the *regel*. If there was no obligation, then what is the point of the *takana*? If however there was an obligation, but people had the ability to avoid it be selling and consuming the new animals prior to the *regel*, then we can understand why the *Chachamim* prohibited this behaviour nearing the *regel*.

The *Chazon Ish* draws a further proof from another *Mishnah* learnt this week (9:2). The *Mishnah* discusses the maximum distance between two flocks such that they are too far apart to be considered one for the purposes of *maaser behema*. The *Chazon Ish* reasons that if the *mitzvah* was not obligatory, what difference would it make whether they combine or not? Irrespective of the distance, if one wants to perform the *mitzvah* he simply brings them to the same location. If however we understand that there is an obligation to separate *maaser behema*, then if the two flocks combine together to ensure a minimum of ten, then one is obligated bring them together and separate *maaser behema*. If they do not, and there remains ten after the *regel*, the owner will have violated the prohibition of “do not delay”. If he then sells or consumes those animals, he would have further violated the positive *mitzvah* of separating *maaser behema*.

Yisrael Bankier

Revision Questions

בכורות ז' רי' – ט' ב'

- What is an *ikel*? (ז' רי')
- What is a *pika*? (ז' רי')
- When is an additional finger considered a *mum*? (ז' רי')
- Which case of additional fingers is subject to debate? (ז' רי')
- Explain the debate regarding one who is ambidextrous. (ז' רי')
- What nine *mumim* listed are not considered *mumim* for animals? (ז' רי')
- What five blemishes are considered *mumim* for animals but not for humans? (ז' רי')
- Till when is a *kohen* that married a divorcee invalid for service in the *Beit Ha'Mikdash*? (ז' רי')
- Provide the cases for the following situations – a person is considered:
 - A *bechor* for inheritance, but not for the *kohen* (i.e. does not require *pidyon bechor*)?
 - A *bechor* for the *kohen* but not for inheritance? (ז' רי')
- Explain the debate regarding the case where the first son was born via caesarean section and the second son was born naturally? (ז' רי')
- What is the law regarding a case where a person gave birth to twin boys and but we are not sure which was born first? (ז' רי')
- Regarding the previous question what is the law if one of the children passed away prior to *pidyon bechor*? What is the law if the father passed away? (Provide both opinions.) (ז' רי')
- What other two cases are similar to the ones in the previous question? (ז' רי')
- In what similar cases would the *kohen* receive nothing? (ז' רי')
- What two cases involving the children of two fathers are similar to the cases already provided and in which specific detail is the law different? (ז' רי')
- If a *bechor* is old enough such that he is obligated to redeem himself, which takes preference: redeeming himself or redeeming his son? (ז' רי')
- Who much money is used for *pidyon bechor*? (ז' רי')
- Which other payments use this currency? (ז' רי')
- Which is the only “redemption” that cannot be performed with something of value and must use money? (ז' רי')
- What other items cannot be used for *pidyon bechor*? (ז' רי')
- From what items does the *bechor* not receive double? (ז' רי')
- What transactions are not returned in the *yovel* year? (ז' רי')
- Explain the debate regarding whether a gift is considered a sale regarding *yovel*. (ז' רי')
- Does *ma'aser beheima* apply outside *Eretz Yisrael*? (ז' רי')
- To which animals does *ma'aser beheima* apply? (ז' רי')
- Which of the following is allowed: (ז' רי')
 - Taking *ma'aser* from this year's animal for last year's animals.
 - Taking *ma'aser* from sheep for goats.
- What is the maximum distance between two herds that would still combine them to require the separation of *ma'aser beheima*? (ז' רי')
- Under what circumstance could two herds still combine beyond that distance? (ז' רי')

Melbourne, Australia

Sunday -Thursday
10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat
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Mizrachi Shul
Melbourne, Australia

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Shiur in English

Sunday -Thursday
Rabbi Mordechai Scharf
9:00am
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Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
5 April ה'א ניסן	6 April ה'ב ניסן	7 April ה'ג ניסן	8 April ה'ד ניסן	9 April ה'ה ניסן	10 April ה'ו ניסן	11 April ה'ז ניסן
Bechorot 9:3-4	Bechorot 9:5-6	Bechorot 9:7-8	Erchin 1:1-2	Erchin 1:3-4	Erchin 2:1-2	Erchin 2:3-4

