Bechoros – Simanim
פרק ט – מעשר בהמה

Daf 53 – דף נג

1. חוץ לארץ for animals in מעשר בהמה

The ninth Perek begins: מעשר בהמה נוהג בארץ ובחוצה לארץ – the obligation of *מעשר בהמה applies both in Eretz Yisroel and outside Eretz Yisroel,* and both during and after the Beis Hamikdash, but only to *chullin* animals, not to *kodashim*. The Gemara asks if our Mishnah disagrees with Rebbe Akiva, who *darshens that one need not bring* מעשר בהמה from outside Eretz Yisroel and sacrifice it: והבאתם שמה עולותיכם וזבחיכם ואת מעשרותיכם – *and you shall bring there your olos, your shelamim, and your maasros*. This plural form indicates that בשתי מעשרות הכתוב מדבר – *the passuk is discussing two* types of *maaser*, namely, מעשר בהמה and מעשר of דגן – *grain*. The comparison teaches: ממקום שאתה מעלה מעשר דגן אתה מעלה מעשר בהמה – *from the place from which you bring maaser of grain* (i.e., Eretz Yisroel)*, you bring up מעשר בהמה* as well, but not from חוצה לארץ, from which you do not bring מעשר of grain. The Gemara answers that Rebbe Akiva only discusses ליקרב – *to offer* animals of חוצה לארץ on the מזבח but agrees to our Mishnah that they are subject to maaser ליקדש – *for consecration*. The practical implication of this *kedushah* is לנאכל במומו לבעלים – *for it to be consumed by the owner* only *through its* developing *a blemish.*

2. We do not designate מעשר בהמה nowadays because of תקלה

The Mishnah taught that מעשר בהמה applies even when there is no Mikdash, and the Gemara asks: if so, it should apply nowadays as well, yet we do not designate מעשר בהמה!? The Gemara ultimately answers: משום תקלה – *because of* a concern for *stumbling*, i.e., that people might come to shear or work the מעשר בהמה while waiting for it to develop a מום. Although the same concern exists with a *bechor*, there is a method to prevent it from becoming sanctified: Rav Yehudah permitted inflicting a מום in a *bechor* fetus before it is born (and is not yet sanctified). One cannot do so for מעשר בהמה, since he does not know which animal will be tenth to emerge. [He cannot bring out the blemished animal as the tenth, because the Torah says לא יבקר בין טוב לרע – *he shall not distinguish between good and bad*.] He also cannot inflict blemishes in his entire flock to avoid מעשר בהמה, because מהרה יבנה בית המקדש – *speedily the Beis Hamikdash will be rebuilt*, ובעינן בהמה להקרבה – *and we will need* unblemished *animals for offering*, leaving none if everyone blemishes all their animals.

3. חדש and ישן (animals from different years) cannot be used as *maaser* for each other

The Mishnah stated: בחדש ובישן ואינן מתעשרין מזה על זה – [מעשר בהמה] *applies to* both *new and old* animals, *but maaser may not be taken from one for the other* (i.e., animals born in one year cannot be *maaser* for those born in another year). The Gemara asks that this should be permitted, based on a *kal vachomer*: if כבשים – *sheep* and עזים – *goats*, which are כלאים if they are mated with each other, can still be used as *maaser* from one for the other, then new and old animals, which are not כלאים with each other, should certainly be able to be *maaser* from one for the other!? The Gemara answers that the *passuk* says that the double expression "עשר תעשר" indicates בשתי מעשרות הכתוב מדבר – that *the passuk is discussing two* types of *maaser*, that of animals and that of דגן – *grain*. This comparison teaches that just as one cannot separate *maaser* from new grain for old grain, the same applies to מעשר בהמה. This comparison does not also preclude using כבשים and עזים as *maaser* for each other (since one type of grain cannot be *maaser* for another type), because רבי רחמנא צאן – *the Torah included* this with the inclusive word *"צאן" – flocks*.

Siman – Nigerian Prince

When the **Nigerian prince** who was so **excited to take מעשר בהמה even in Nigeria** heard that **we don't take מעשר בהמה today because of תקלה**, he told his shepherds they no longer have to **keep old and new flocks separate.**

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3 things to remember

1. **מעשר בהמה for animals in חוץ לארץ**
2. **We do not designate מעשר בהמה nowadays because of תקלה**
3. **חדש and ישן (animals from different years) cannot be used as *maaser* for each other**

