

## And not a doubtful tenth

## ולא עשירי ספק –

### OVERVIEW

תורה explained that the reason we are not מספק is because the תורה writes<sup>1</sup> העשירי; indicated that it must be a עשירי ודאי, but not a ספק. There is a general rule that the תורה need not exclude a ספק, because in the eyes of the תורה (of Hashem) there is no ספק; everything is revealed.<sup>2</sup> תוספות states that here that rule does not apply.

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mentions an anticipated question:

**אין להקשות איצטריך קרא למעוטי ספיקא כדפריך<sup>3</sup> במסכת חולין (דף כב,ב ד"ה איצטריך):**  
**One cannot ask, is a necessary to exclude a ספק; this question does not apply here as I explained in חולין.**

### SUMMARY

We cannot ask here איצטריך קרא למעוטי ספק.

### THINKING IT OVER

What would change if we would say here איצטריך קרא למעוטי ספיקא?

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<sup>1</sup> ויקרא (בחקותי) כז,לב.

<sup>2</sup> Concerning בני יונה or from the תורים species (only older birds) or from the בני יונה species (only younger birds). One may not bring young תורים or old יונים. There is a certain time in the maturity of these birds when the color of their wings changes; known as תחילת הציהוב. The rule is that one cannot bring birds תחילת הציהוב from the תורים [for they are too young] or from the יונים [for they are too old]. A question arose what if a נדר was made to bring an עולת העוף from either תורים or בני יונה and he brought them both תחילת הציהוב did he fulfill his נדר. This depends on the understanding why תחילת הציהוב is פסול (by both). If the reason is because there is a ספק that תחילת הציהוב may be too young (therefore it is פסול) or it may be too old (therefore it is פסול for יונים), then if he brought תחילת הציהוב from both תורים and בני יונה it would be כשר for by one of them it is the right age. If however we maintain that תחילת הציהוב is פסול because it is another intermediate stage in life; not too old and not too young, then even if he brought both תחילת הציהוב it is פסול. The גמרא there says that since we derive that תחילת הציהוב is not a ספק but rather a separate age; for if it is a פסול from a פסוק (in ויקרא א,יד), it must be that תחילת הציהוב is not a ספק but rather a separate age; for if it is a ספק the תורה would not need to exclude it, for איצטריך קרא למעוטי ספיקא. Seemingly the same question should apply here. תוספות explains that there by תחילת הציהוב if the מיעוט is merely on account of a ספק, the פסוק would be merely teaching us that תחילת הציהוב is מספק (and if he would take both תור ויונה a עשירי it would be כשר ממ"נ), such a לימוד is unnecessary; however here when the תורה excludes עשירי it is פסול מעשר. In addition, there it is one general ספק, what is תחילת הציהוב (we therefore say that since כלפי שמיא גליא); the תורה does not need to tell us whether it is young or old, if it is merely a ספק (and not an intermediate age). However here each case is different (we do not know where the קפץ is); the תורה cannot tell us the status of these ten sheep (whether the מנוי is there or not); therefore the תורה can exclude a ספק and tells us that in all ספיקות it is not מעשר.

<sup>3</sup> This is amended to read כדפרישית.