

## He sets aside for them ten sheep      מפריש עליהן עשרה שייך –

### OVERVIEW

he ספק פטרי חמורים (רב"א in the name of) ruled that if a ישראל has ten (ספק פטרי חמורים the פודה to be) sets aside ten sheep. However, he need not give the sheep to the כהן; he may keep them for himself. He is obligated (however) to give מעשר בהמה from these ten sheep. תוספות has two difficulties with this ruling. Why are ten sheep necessary, and what is ר"נ teaching us? It seems that his ruling is obvious.

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asks: תוספות

– **תנימה דבפרק קמא דבכורות (דף יא,א ושם) אמרינן<sup>1</sup> דשה אחד פוטר כמה פטרי חמורים –**  
**It is astounding! For in the first פרק of מסכת בכורות it is stated that one sheep can exempt many פטרי חמורים –**

– **ומה צריך עשרה שייך –**

**So why here are ten sheep necessary** to redeem the ספק פטרי חמור, when one would suffice?

asks an additional question: תוספות

– **ותו מאי קא משמע לן מתניתין היא הספיקות נכנסים לדיר להתעשר –**  
**And furthermore what is ר"נ אמר רב"א teaching us with this ruling that the owner is required to be מעשר these שייך, for this is the משנה of הספיקות** (as the גמרא explains)? **הספיקות (as the גמרא explains)?**

continues to ask: תוספות

– **ותו כיון דאמר מעשרן מה צריך להשמיענו דהן שלו<sup>2</sup> –**  
**And furthermore once ר"נ states מעשרן, why is it necessary for him to teach us that they belong to him –**  
**פשיטא כיון דמעשרן דהן שלו דאילו היו של כהן<sup>3</sup> לא היה מעשרן –**  
**It is obvious, that if he is מעשרן they are his, for if they would belong to the כהן, he would not be required to be מעשרן –**

<sup>1</sup> The משנה in בכורות on ט,א, concerning פטר חמור, states; פודה בו פעמים הרבה, you can be פודה with this sheep many times. (שם ד,ב). (based on the גמרא יא,א) explains this to mean that one ששה can be פודה many פטרי חמורים.

<sup>2</sup> The meaning of שלו (as תוספות understands it now) is that all ten שייך belong to the ישראל.

<sup>3</sup> Perhaps תוספות means that if there would be a ספק that it may belong to the כהן (and therefore the תפיסה of the כהן would be effective), then the ישראל would not be required לעשרן. His ownership is not really total (since there is a ספק), but rather the תורה awarded it to him since he is the מוחזק, this is considered לקוח which is פטור ממעשר (see סוכ"ד אות ח). See following footnote # 4 for an alternate explanation.

דהו להו כלקוח דתנן (שם דף נה, א) הלקוח והניתן לו במתנה פטור –

**For then those sheep would be considered bought sheep (from the <sup>4</sup>כהן), and we learnt in a משנה that sheep which are bought or given as a gift are exempt** from מעשר בהמה, so obviously these sheep belong to the owner.

Tosfos responds to an anticipated answer to the last question:

ואי קא משמע לן דאף על גב דמעשרן עדיין הם שלו<sup>5</sup> –

**And if ר"נ is teaching us that even though he is מעשרן they still belong to him,** that too is -

פשיטא דמעשר בהמה של בעלים הוא<sup>6</sup>:

**Obvious, for מעשר בהמה belongs to the owner.**

Tosfos does not answer his questions.

### SUMMARY

One ש"ה is sufficient to exempt many חמור פטרי. One has to be מעשר only cattle which were born by him; not cattle which he acquired. מעשר בהמה is eaten by the בעלים.

### THINKING IT OVER

Is it necessary to assume that ר"נ ארב"א maintains that תקפו כהן מוציאין אותו or can he even maintain that מידו מידו<sup>7</sup>?

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<sup>4</sup> Alternately; If they would belong to the כהן then the ישראל would not be required לעשר on behalf of the כהן, since the כהן would be פטור ממעשר for these sheep were (given or) 'sold' to the כהן (as an exchange for the חמור). See פשיטא ד"ה שמועה.

<sup>5</sup> Tosfos is asking if the חידוש is that the one chosen for מעשר belongs to him (not as Tosfos originally assumed that the other nine belong to him), this too is obvious.

<sup>6</sup> The מעשר בהמה is brought as a קרבן (שלמים) and is eaten by the owners and whomever he wishes to invite. And if it receives a מום the owners may eat it without פדיין.

<sup>7</sup> See סוכ"ד אות ח.