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Temurah Daf 13

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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Doubtful Graveyard

The *Mishna* had stated: A *beis haperas* cannot create another *beis haperas* (so if the “doubtful graveyard” is then plowed again, it does not make another doubtful graveyard for an additional one hundred amos).

The *Gemora* notes that our *Mishna* will not represent the opinion of Rabbi Eliezer, for we have learned in a *Mishna*: Rabbi Eliezer says: A *beis haperas* can create another *beis haperas* (so if the “doubtful graveyard” is then plowed again, it will make another doubtful graveyard in all four directions).

The *Gemora* asks: According to the Rabbis (who disagree with R’ Eliezer), until how far does the *tumah* extend to other fields (for the *Gemora* assumes that it does extend somewhat)?

When Rav Dimi came (from Eretz Yisroel) he reported that Rish Lakish said in the name of Rabbi Shimon the son of Abba:

Three fields (the field which actually containing the grave which was plowed-over and the fields on each side of the grave area, i.e., either east and west or north and south, depending on the custom of that city – as to which configuration they plow in) and totaling two furrows’ length. [The fields on each side of the *beis haperas* are only *tamei* to the extent of on one furrow, for the Rabbis have estimated that this is the distance the plow in the field is capable of moving the bones into another field.] The *Gemora* notes that the length of a furrow is hundred cubits, as it has been taught in a *Mishna*: He who plows a grave creates a *beis haperas* the length of a furrow. And how much is the length of a furrow? One hundred cubits. (12b – 13a)

Partners and Terumah

The *Mishna* had stated: *Terumah* cannot be effective after *terumah*.

The *Gemora* notes that our *Mishna* reflects the opinion of Rabbi Akiva, for we have learned in a *Mishna*: If partners separated *terumah* one after the other, Rabbi Eliezer says: The *terumah* of both of them is valid, whereas Rabbi Akiva says: The *terumah* of both of them is not valid (even of the first one, for since the second proceeded to separate *terumah* again, he is demonstrating that he was not satisfied with the *terumah* of his partner; when *terumah* is separated without the consent and approval of the owner, it is not valid). The Sages, however, say: If the first of the partners separated *terumah* according to the right quantity (one fiftieth, which is the amount that the Rabbis declared is considered a correct standard) then the *terumah* of the second one is not valid (for we assume that the second partner consents to what the first one did). But if the first one did not separate *terumah* according to the right quantity, then the *terumah* of the second partner is valid (for we assume that he would not have wanted to give less than the standard amount). (13a)

Temurah after Temurah

The *Mishna* had stated: An animal which is a *temurah* (it had been exchanged for another through the owner declaring it *temurah*) cannot effect another (animal to be a) *temurah*.

The reason for this is because of the verse: *it and its substitute shall be holy*, implying, but not the substitute of a substitute.

The *Mishna* had stated: The offspring of a consecrated animal cannot effect a *temurah*.

The reason for this is because of the expression: *it*, implying, it can effect a *temurah* but not the offspring of a consecrated animal. (13a)

Offspring Producing Temurah

The *Mishna* had stated: Rabbi Yehudah says: The offspring of a consecrated animal can effect a *temurah*.

The reason for this is because of the expression: *shall be holy*; this includes the offspring of a consecrated animal.

They said to him: A consecrated animal can effect a *temurah*, but the offspring of a consecrated animal cannot effect a *temurah*.

The Rabbis, however, use this text to include that a *temurah* in error is the same as a deliberate one. [If one intends to effect a *temurah* for a black animal and he exchanged the consecrated animal in error for a white one, the *temurah* is valid, unlike the case of consecration, where if one intended to consecrate a black animal and he consecrated in error a white one, the consecration is not valid.] (13a)

Mishna

[This *Mishna* provides some limits to the applicability of the law of *temurah*.] Birds and *minchah* offerings do not make a *temurah*, since it only says 'an animal.' The community or partners cannot make a *temurah*, since it says: *He shall not exchange it, nor shall he substitute it*. This teaches us that an individual can make a *temurah* but a community or partners cannot make *temurah*. One cannot make a *temurah* with animals consecrated for Temple repairs (*bedek ha'bayis*). Rabbi Shimon said: Now, isn't animal *ma'aser* included in the laws of *temurah*? Then why was it specially mentioned? It was in order to make a comparison with it: just as *ma'aser* is a private offering (and is subject to the laws of *temurah*, so too all private offerings), and it thus excludes communal (and partnership) offerings. And *ma'aser* is a consecration for the altar (and is subject to the laws of *temurah*, so too all offerings to the altar), and it thus excludes offerings consecrated for Temple repairs.

[The last part of the *Mishna* dealt with someone who has an animal that is consecrated not to be a sacrifice but to be sold for profit for Temple repairs. This animal cannot make a *temurah*.

Rabi Shimon derives this from the fact that the torah singled out *ma'aser* when mentioning the laws of *temurah*. This was in order to make a comparison between ordinary animals and *ma'aser*. Just as *ma'aser* are brought in order to offer them as sacrifices, and not to go to Temple repairs, so too only animals brought to be offered can make a *temurah*. Similarly, just as *ma'aser* animals are brought by individuals, so too only sacrifices brought by individuals can make a *temurah*, and not those brought by the community.] (13a)

Temurah from Bedek Ha'bayis

The *Gemora* cites a *braisa*: One might have thought that one can effect a *temurah* with animals consecrated for Temple repairs; the verse however says: *korban* (offering), implying that *temurah* only applies to what is called *korban* - this excludes animals consecrated for Temple repairs, which are not called *korban*.

The *Gemora* asks: And are animals consecrated for Temple repairs not referred to as *korban*? Has it not been taught in a *braisa*: Or a *korban* indicates that one is even liable for sacrificing outside the Temple even animals that were consecrated to the Temple repairs. This is as the verse states: *And we will offer the sacrifice of Hashem (and this seemingly is called a korban)*. This is why the verse states: *And to the entrance of the Tent of Meeting he did not bring it*. This refers to a sacrifice that is fit to be brought to the Tent of Meeting. One who slaughters such animals outside of the Courtyard is liable (to *kares*), but one would not be liable for slaughtering outside the Courtyard an animal merely consecrated to the Temple repairs, which does not go to the Tent of Meeting. Consequently, we see that dedications for Temple repairs are called *korban*!?

Rabbi Chanina answers: This offers no difficulty, as one *braisa* reflects the opinion of Rabbi Shimon and the other reflects the opinion of the Rabbis. According to Rabbi Shimon, dedications for Temple repairs are called *korban*, and according to the Rabbis they are not called *korban*.

The *Gemora* asks: And are animals consecrated for Temple repairs not referred to as *korban*? Surely it is written: *And we have brought the offering of Hashem*!?



The *Gemora* answers: Animals consecrated for Temple repairs are referred to as ‘the offering of Hashem,’ but they are not referred to as ‘an offering to Hashem.’ (13a)

Temurah from Ma’aser

The *Gemora* cites a *braisa*: It is written (regarding *ma’aser*): *He shall not distinguish between good or bad (and the tenth animal passing under the staff is ma’aser), and he shall not exchange it.* Now why is this (regarding *temurah*) mentioned (here)? Hasn’t the Torah already said: *He shall not exchange it, nor substitute it, whether good for a bad etc.?* It is because it is written: *He shall not exchange it, nor substitute it,* implying either a private offering or a communal offering, either one consecrated for the altar or one dedicated for Temple repairs. Therefore the Torah writes (by *ma’aser*): *He shall not distinguish etc. (to teach that temurah only applies by those similar to ma’aser, i.e., private offerings consecrated for the altar).*

Rabbi Shimon said: Now, isn’t animal *ma’aser* included in the laws of *temurah*? Then why was it specially mentioned? It was in order to make a comparison with it: just as *ma’aser* is a private offering and is designated for the altar, and it is something that comes as an obligation (for one is obligated to tithe his animals every year) and it cannot come through a partnership (and is subject to the laws of *temurah*), so too all private offerings and all that are designated for the altar, and all that come as an obligation and something that does not come through a partnership.

[Rebbe does not need the verse mentioned by *ma’aser* for any of R’ Shimon’s exclusions, for he maintains that the *halachah* that a *temurah* can only be made from a private offering is derived from that which the Torah writes, ‘he shall not substitute,’ (‘he’ is in the singular). The *halachah* that *temurah* is only applicable to those animals consecrated for the altar (and not those dedicated for the Temple repair) is inferred from the word *korban*. The third exclusion of R’ Shimon was regarding non-obligatory offerings. The *Gemora* will explain that this refers to ‘surplus’ offerings. Rebbe holds that those are offered as communal offerings, and therefore a special verse is not necessary, for communal offerings are already excluded. And finally, Rebbe holds that a *korban* belonging to partners is excluded from the singular expression,

‘he.’ Therefore, Rebbe explains why the law of *temurah* was singled out by *ma’aser* in a different manner.]

Rebbe says: Now, isn’t animal *ma’aser* included in the laws of *temurah*? Then why was it specially mentioned? It was in order to teach the cases of a substitute of its name and the exchange of its body. **[‘Substitute of its name’ refers to a case where one called the eleventh animal (as they were being passed under the staff as part of the tithing process) ‘the tenth,’ the law is that it becomes sanctified and it is offered up as a *shelamim*. ‘Exchange of its body’ refers to an ordinary case of *temurah*.]** The verse is telling us (the distinction between the two cases) that the substitute of its name is offered up (as a *shelamim*), whereas the exchange of its body (a *temurah*) is not offered up (at all); and that the substitute of its name is redeemed (if it develops a blemish), whereas the exchange of its body is not redeemed; and that the exchange of its body has effect both on what is fit (unblemished) and what is not fit (blemished), whereas a substitute of its name has effect only on what is fit (although *ma’aser* itself, i.e., the tenth animal, does become sanctified even with a blemish).

The *Gemora* explains that since the Torah (by *ma’aser*) included the case of that which was a substitute of its name, I would have thought that anything which is not included, such as an exchange of its body (a *temurah*), it has not included (and the laws of *temurah* should not be applicable to *ma’aser*; therefore it was necessary for the verse to specially mention *temurah* by the case of *ma’aser*).

Rav Huna the son of Rabbi Yehoshua said that the principle of ‘since a new thing was taught by it, perhaps it is different for other things as well’ is based upon the following: Once it was singled out to teach something new, I would say that it is subject only to this novelty (but not to anything which is not explicitly mentioned).

Rav Nachman bar Yitzchak said to Rava: According to Rabbi Shimon who said that (the laws of *temurah* apply only to) all that come as an obligation, is it only an obligatory *olah* that can effect *temurah*, but not a voluntary *olah*?

He answered him: A voluntary *olah* as well (can effect *temurah*), for since he has accepted upon himself to offer it up (it is now incumbent upon him to bring it, and therefore) it can effect *temurah*, and Rabbi Shimon is excluding only the case of an *olah*



which comes from the surpluses (*of a chatas or an asham; if one designated money for a chatas or an asham, and some of the money was left over, the extra money is used to purchase olah offerings – these are regarded as voluntary, and R' Shimon would hold that they cannot effect temurah*).

The *Gemora* asks: Now, what is Rabbi Shimon's view? If he holds like the one who says that the surpluses go for voluntary offerings of the public, then *temurah* cannot be effected from them, since *temurah* cannot apply with a communal offering! It must be then that he will hold with the one who says that the surpluses go for voluntary offerings of the individuals (*and R' Shimon is excluding them from temurah, for they are non-obligatory*)! Now from whom have we heard this opinion? It is from Rabbi Eliezer (*that these surpluses go towards individual's offerings*). But, the *Gemora* asks, have we not heard him explicitly state that *temurah* is effected? For it was taught in the following *braisa*: An *olah* which came from the surpluses can effect *temurah*; these are the words of Rabbi Eliezer!?

The *Gemora* answers: Rabbi Shimon agrees with him on one point and differs from him on another. He agrees with him on one point, namely that surpluses are applied towards individual's offerings, and differs from him on another point, for Rabbi Eliezer holds that an *olah* which came from the surpluses can effect *temurah*, whereas Rabbi Shimon maintains that it cannot effect *temurah*.

The *Gemora* asks: If so, let us consider the inquiry of Rabbi Avin: If one sets aside an *asham* with which to obtain atonement and made a *temurah* with it, and then the animal became blemished, and he redeemed it for another (*can he effect temurah from this animal; perhaps he cannot, for it acquired its sanctity from the strength of the first animal, and the halachah is that once an animal produced a temurah it cannot produce another one, or perhaps he can, for ultimately, they are two different animals*); and what if the original *asham* was lost, and he obtained atonement through another *asham*, and the lost animal was then found and was (*automatically*) relegated into an *olah* (*for that is the law regarding an asham*), what is the ruling - can he effect *temurah* from this animal? [*Perhaps he cannot, for it already produced a temurah, or perhaps he can, for initially it was an asham and now it is an olah*?] The *Gemora* concludes its question: According to whose opinion does this inquiry presume? It cannot

be that of Rabbi Shimon, for you say that Rabbi Shimon holds that an *olah* which comes from surpluses cannot effect *temurah*!?

The *Gemora* answers: Rabbi Avin's inquiry is as follows: If you can find a *Tanna* who holds the opinion of Rabbi Shimon, who says that one cannot produce *temuros* repeatedly (*from the same animal*) and he also holds like Rabbi Eliezer, who says that an *olah* which comes from the surpluses can effect *temurah*, what of producing *temurah* from it again? What is the ruling with reference to two bodies (*different animals*) and one sanctity (*where after making temurah from the first animal, it developed a blemish and he redeemed it with another, can that other animal now produce a temurah – it is a different body, but the source of sanctity is the same*)? And if you conclude that one kind of sanctity cannot effect *temurah* again, what is the ruling in the case of two kinds of sanctity and one body (*where the first animal – after producing a temurah, became lost, and he received atonement through another animal, and then the first one was found; can he make temurah from the first animal, for now it becomes an olah*)? The *Gemora* leaves this question unresolved. (13a – 13b)

WE SHALL RETURN TO YOU, HAKOL MEMIRIN

DAILY MASHAL

Strength of the Community

The *Gemora* notes that a community cannot make a *temurah*. A communal offering cannot produce a *temurah*. Perhaps there is a message here regarding communal unity and the importance of communal peace. The public, when they are together, can be protected from stumbling into certain mistakes.

Rabbi Frand, cited in torah.org in parshas Naso writes the following: This Parsha contains the recitation of the various sacrifices offered by the Princes of each of the Tribes on consecutive days in honor of the dedication of the Mishkan. The Torah tells us the exact offering of every single Prince. However, as it turns out, every Prince brought exactly the same offering. For 12 Princes (Nesiim), one after the other, the Torah tells us verbatim the same thing. So the Bar Mitzvah boy doesn't have to learn so many new pesukim, after all.



There is a fascinating Medrash on this portion of the Nesiim. The Medrash relates that the Nasi from Yehudah, which was the first tribe to make an offering, had it easy. He could offer whatever he desired. The second Nasi -- Nesanel ben Tzuar of the Tribe of Yissachar -- was faced with a dilemma: what was he going to bring?

We can compare this dilemma to the following situation: There will be 12 Bar Mitzvahs in shul, one week after the other. The first Bar Mitzvah serves a fruit cup, a quarter of a chicken, a piece of kugle, some carrots, and some chocolate cake for desert. That is Bar Mitzvah -- Week 1.

The next week is Bar Mitzvah, Week 2. What does he serve? "I should serve the same chicken, the same kugle? That makes no sense! I'm not an imitator. That is not me. I'll do it differently. I'll serve chicken cutlets and broccoli..." The person will plan how to make each course a little different, a little better. The poor third guy has already seen the chicken and the chicken cutlets. What can he do? He obviously must serve beef!

We can readily understand that by the time we get to Bar Mitzvah number 12, he really needs to outdo himself...

The Medrash says that this is what went through the mind of Nesanel ben Tzuar: If I try to do different than the Tribe of Yehudah, if I try to 'one-up' Nachshon ben Aminadav, then the Nasi after me and the Nasi after him will face a spiral of escalating sacrifices, escalating costs, until day 12. Imagine what the Nasi will have to bring by then!

Nesanel ben Tzuar reasoned as follows: We know our own nature. Everyone will argue that his offering was better. This will lead to Lashon Hara and hatred and jealousy. We know our nature.

So, Nesanel ben Tzuar did a tremendous thing. He brought exactly the same offering. He set the tone -- everyone is the same.

What was G-d's response? The Medrash says an unbelievable thing...

There is an inviolate rule that a Public Offering can override Shabbos prohibitions, but a Private Offering cannot. No individual

offering is ever brought on the Sabbath. If that is true, the sequence of offerings of the Princes should have been suspended on Shabbos, since they were Private Offerings. In this case, however, G-d allowed the offering to be brought even on Shabbos because it was like a Public Offering.

Since all of the offerings were brought exactly like one another to maintain the sense of community (Tzibur), peace, and unity -- this was a Korban Yachid (Private Offering) that was infused with the spirit of a Korban Tzibur (Public Offering). It was a Korban Yachid that was brought to keep the Tzibur intact. G-d said -- as it were -- "For Me, this is considered a Communal Offering".

There is a great ethical lesson here. This teaches us the importance of communal unity and the importance of communal peace. We see what G-d's response is to one who does things to promote such peace, unity, and harmony. A person that keeps a Tzibur together is one who brings merit to the masses in a most distinguished fashion and who merits many wonderful things for himself as well.