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Temurah Daf 9

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Temurah

One can make a *temurah* with (an unconsecrated animal of) the flocks for (an offering of) cattle, or with (an unconsecrated animal of) cattle for (an offering of) the flocks, or with sheep for goats or with goats for sheep; with male animals for female animals or with female animals for male animals, or with unblemished animals for blemished animals or with blemished animals for unblemished animals. This is because it is written: *He shall not exchange it nor substitute it, whether good for bad, or bad for good.* What is meant when it says: ‘good for bad’? It is referring to blemished animals whose consecration was prior to their blemish.

The *Gemora* cites a *braisa* which provides the Scriptural sources for the *Mishna’s* rulings: It is written: *an animal for an animal.* We derive from here that one can make a *temurah* with (an unconsecrated animal of) the flocks for (an offering of) cattle, or with (an unconsecrated animal of) cattle for (an offering of) the flocks, or with sheep for goats or with goats for sheep; with male animals for female animals or with female animals for male animals, or with unblemished animals for blemished animals or with blemished animals for unblemished animals. One might think that this is so (that a *temurah* can be made from an animal) even if they had a permanent blemish prior to their consecration? The verse therefore states: *He shall not exchange it nor substitute it, whether good for bad, or bad for good.* What is meant when it states: ‘good for bad’? It is referring to blemished animals whose consecration was prior to their blemish.

The *Gemora* asks: How is this implied in the verse?

Abaye said: The Torah should have said: *He shall not exchange it nor substitute it, whether good for bad, or bad for it.* What need is there for the second ‘good’? Derive from here that only if the animal is initially ‘good’ (unblemished; even if it developed a blemish afterwards) that *temurah* takes effect, but if it was ‘bad’ from the beginning, it cannot effect a *temurah*.

Rava explains as follows: Both expressions of the word ‘good’ are indeed superfluous. The Torah should have said: *He shall not exchange it nor substitute for bad, or bad for it.* What need is there for the two expressions of the word ‘good’? One ‘good’ teaches us that even if one exchanges a good animal (one that is unblemished) for another good one (which is also unblemished), there is the punishment of lashes for exchanging, and the other ‘good’ teaches us that only if the animal is initially ‘good’ (unblemished; even if it developed a blemish afterwards) that *temurah* takes effect, but if it was ‘bad’ from the beginning, it cannot effect a *temurah*.

The *Gemora* notes that Abaye derives that it is forbidden to exchange ‘a good for a good’ through the following *kal vachomer*: If where ‘a good’ (an unblemished *chullin*) is exchanged for ‘a bad’ (a blemished *kodashim* animal), in which case the offering has been elevated, the punishment of lashes is inflicted, then where one exchanges ‘a good’ for ‘a good,’ which are equal to each other, how much more so should the punishment of lashes be inflicted!

Rava, however, maintains that punishment is not imposed as a result of a logical inference.

Abaye agrees to such a principle, but holds that it doesn't apply here (*for here it is merely revealing the meaning of the verse*), for is the case of 'a good' (*an unblemished consecrated animal*) worse than the case of 'a bad' (*blemished animal*)? [No, it is not! On the contrary, it is worse to exchange for a blemished one. Obviously then, the Torah is just providing an example, and what it really means is that there is a prohibition to exchange a good *chullin* animal for any type of *kodashim* one.]

The *Gemora* cites a *braisa*: *He shall not exchange it* indicates exchanging for one belonging to others; *nor substitute it* indicates substituting it for one belonging to himself.

The *Gemora* asks: But let the Torah write: *He shall not exchange it*, and there will then be no need for the latter part of the verse, *nor substitute it*?

The *Gemora* answers: If it would have written so, I might have thought that where the fellow's intention is for the original animal to go out of its consecrated state and the exchanged one to go into a consecrated state, there is the punishment of lashes, but in the case of substituting the consecrated animal for his own *chullin*, where his intention is for both animals to be consecrated, I might have thought there is no punishment of lashes; the Torah therefore informs us that this is not so.

The *Gemora* asks: How is 'exchanging for one belonging to others' to be understood? It cannot mean that he is exchanging his own consecrated animal with a *chullin* belonging to another, for he cannot consecrate someone else's animal, for the Torah writes: *When a man consecrates his house to be holy to Hashem*, and we derive from there: Just as his house is his own possession, so too everything must be in his possession (*in order for him to consecrate it*)!

And it cannot be referring to the case where he was exchanging a consecrated animal belonging to another with his own *chullin*, for one cannot cause the substitution from an animal which is not his own!?

The *Gemora* answers: It is referring to the case where he was exchanging a consecrated animal belonging to another with his own *chullin*, and it is a case where the owner of the consecrated animals says: Whoever wishes to make *temurah* with this animal may come and do so.

One can make a *temurah* with one (*chullin*) for two (*consecrated animals*), and with two (*chullin*) for one (*consecrated animal*); with one (*chullin*) for a hundred (*consecrated animals*) and with a hundred (*chullin*) for one (*consecrated animal*). Rabbi Shimon, however, says: No *temurah* can be effected except with one (*chullin*) for one (*consecrated animal*), for it is written: then it and its substitute shall be holy. This teaches us that just as 'it' (*the consecrated animal*) is only one, so too, its substitute must also be only one.

The *Gemora* cites a *braisa* which provides the Scriptural sources for the two opinions mentioned in the *Mishna*.

Rish Lakish said: Rabbi Shimon agrees that one can make a *temurah* repeatedly (*from the same consecrated animal*). Rabbi Yochanan, however, disagrees. The *Gemora* cites *braisos* that support each of their opinions.

DAILY MASHAL

The *Gemara* states that we cannot administer a punishment where it is derived through a 'din' – a *kal vachomer*.

Bnei Yisoschar writes that the thirteen manners in which the Torah is expounded with corresponds to the thirteen attributes of mercy, and a *kal vachomer* matches with the Name of Hashem – 'Kel' – which is *chesed* – kindness, and accordingly, it is not possible to use a *kal vachomer* for a punishment.