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Temurah Daf 10

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Daf Notes is currently being dedicated to the neshamot of

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Who has Rights?

Rami bar Chama asked whether the extra fifth paid when the owner redeems a sacrifice applies to the one who consecrated it, or the one for whom it will atone.

Rava answered that it applies to the one who consecrated it, as the verse says that the extra fifth is paid “if the one *who consecrated it* will redeem his [own] house,” designating the one who actually consecrated it as the owner.

Rami bar Chama asked whether *temurah* – exchange can be done by the one who consecrated the sacrifice, or the one for whom it will atone.

Rava answered that it cannot be the one who consecrated it, as that would make it possible for the community or partners to do *temurah*, i.e., if they jointly consecrated a sacrifice. Since we know that they cannot do *temurah*, it must be that only the one being atoned for has the power of *temurah*.

Furthermore, Rav Nachman quoted Rav Huna who cited a *braisa* which explains a verse about a *nazir's* sacrifices. The verse says that these sacrifices are:

*His sacrifice to Hashem on his being a nazir,
Aside from what he can afford*

The second phrase seems incorrect, as the *nazir* does not have any different obligation based on his economic state. Rather, the *braisa* explains that the first phrase of the verse refers to a *nazir* who brings his sacrifices himself, and the second phrase refers to one who brought sacrifices funded for him by others.

Rava says that the *braisa* cannot mean that the verse simply teaches that he can bring his sacrifices if someone else funded them, as he can obviously take a gift from someone. Rather, the

braisa must mean that the verse teaches that the *nazir* has the same power of *temurah*, whether he brought the sacrifices himself, or if others donated them. This also proves that *temurah* is done by the one for whom the sacrifice atones.

The *Gemora* deflects this proof, as perhaps we do need the verse to teach that he can take his sacrifices from others, since we may have thought that the first phrase mandates that he must purchase the sacrifices himself in order to be atoned.

The *Gemora* resolves this question from a statement from Rabbi Avahu in the name of Rabbi Yochanan that:

1. The fifth is paid by the one who consecrated a sacrifice
2. *Temurah* can be done by the one for whom the sacrifice atones
3. Someone who takes *terumah* with his own produce on someone else's has the right to choose which *Kohen* to give it to, as the verse refers to “... *all the ma'aser of your grain, and you will give,*” indicating that the one who takes the *ma'aser* has the right of giving. (10a)

Limbs and Fetuses

The *Mishna* says that one cannot do *temurah* to or from limbs or fetuses. Rabbi Yossi says that one can do *temurah* from a full sacrifice onto a limb of a regular animal, but not from a limb of a sacrifice onto a regular animal. Rabbi Yossi says this must be so. Just as an animal becomes consecrated as a sacrifice when one consecrates a limb of the animal, so *temurah* also works when done onto a limb.

The *Gemora* cites a dispute about consecrating a fetus. Bar Pada says that one cannot consecrate it, while Rabbi Yochanan says that one can.

The *Gemora* says that this position of Rabbi Yochanan is consistent with his other statement. Rabbi Yochanan says that if one consecrated a pregnant animal as a chatas, and it then gave birth, he can choose whether to atone by offering the mother or the child, as the initial consecration was for both the animal and its fetus.

The *Gemora* explains that both statements are necessary, as the first is an explicit consecration of the fetus, while the second is a full consecration of an animal which includes its fetus. With only the first case, we may have limited it to explicit consecration, but not when the consecration was only of the mother. With only the second case, we may have limited it to consecration that follows on a full consecration (of the mother), but not to a case of consecrating only the fetus.

The *Gemora* cites another version which states that the statement about consecrating a pregnant animal teaches that if he had explicitly excluded the fetus, it would not be consecrated, as it is not considered an extension of the mother.

Rabbi Zaira was relating Bar Pada's position, and Rabbi Yirmiyah challenged it from a *Mishna*, which states that a way to avoid having to sacrifice a first born animal is to state that if the fetus is male, it is consecrated as an *olah*, indicating that one can consecrate a fetus.

Rabbi Zaira answered that the *Mishna* means that he consecrates the animal to be sold, with the proceeds used to buy an *olah* sacrifice. Even Bar Pada agrees that such consecration can be done on a fetus, as it can be done on any object of monetary value.

Rabbi Yirmiyah asked if such consecration can prevent an animal from becoming a firstborn sacrifice.

Rabbi Zaira answered that it can, as the *Mishna* states that any sacrifice that was blemished before consecration (*making it only consecrated for its value*) and then redeemed is obligated in the first born sacrifice and the gifts to the *Kohen*, implying that it is exempt before redemption.

Rabbi Yirmiyah challenged again from a *braisa* which says that if one consecrated a fetus as an *olah*, the mother can be sheared, but not worked, as it will depreciate the fetus.

Rabbi Zaira again answered that this is referring to consecrating the fetus for its value.

When Rabbi Yirmiyah asked if such consecration is prohibited in work, Rabbi Zaira answered that it does, as the same *Mishna* about a blemished sacrifice states that it may be sheared and worked after redemption, implying that it is prohibited beforehand.

Rabbi Yirmiyah challenged again from our *Mishna*, which states that one may not make *temurah* from a fetus, implying that the fetus itself can be consecrated.

Rabbi Zaira answered that the *Mishna* is referring to the fetus of a sacrifice, which has sanctity due to its mother.

Rabbi Yirmiyah challenged this, as the *Mishna* implies that *temurah* cannot be done since the animal is inside the womb, implying that once it is born, one can make *temurah* from it. If the *Mishna* is referring to a sacrifice's fetus, even once it is born, one cannot make *temurah*, as *temurah* cannot be done from a sacrifice's child.

Rabbi Zaira answered that this *Mishna* follows Rabbi Yehudah, who says that one can make *temurah* from a sacrifice's child.

Rabbi Yirmiyah challenged this, as Rabbi Yehudah says that an animal is not consecrated when one consecrates just a limb, but the *Mishna* implies that consecrating a limb consecrates the whole animal.

Rabbi Zaira answered that the *Mishna* refers to consecrating a limb which is essential for the animal's life, in which case Rabbi Yehudah agrees that the whole animal is consecrated.

Rabbi Yirmiyah again challenged from a *Mishna*, which says that one can consecrate limbs and fetuses, but not make *temurah* on them, implying that one can consecrate a fetus itself.

Rabbi Zaira again answered that the *Mishna* is referring to a sacrifice's fetus, but Rabbi Yirmiyah challenged this, as the *Mishna*



says that one may “consecrate” the fetus, while a sacrifice’s child is already consecrated.

Rabbi Zaira answered that the *Mishna* means to say:

One can consecrate limbs, and then make *temurah* from it.

One cannot make *temurah* from a sacrifice’s fetus.

Again, Rabbi Yirmiyah challenges this, as this would imply that once this fetus is born, one may make *temurah* from it, but one cannot make *temurah* from a sacrifice’s child.

Rabbi Zaira again answers that the *Mishna* follows Rabbi Yehudah, who says that one can make a *temurah* from a sacrifice’s child.

When Rabbi Yirmiyah challenged this, as Rabbi Yehudah says that a limb is not consecrated, but this *Mishna* says that one can consecrate a limb, Rabbi Zaira again answers that the *Mishna* is referring to consecrating a limb necessary for the animal’s life, in which case Rabbi Yehudah agrees that the animal is consecrated. (10a – 11a)

DAILY MASHAL

Customs of Kaparos

On the eve of Yom Kippur the ancient custom of *kaparos* is observed. The Remo asserts (*Shulchan Aruch*, O.C. 605:1): “We have the custom to take a rooster for a male and a hen for a female and for a pregnant woman we take two, as maybe she’ll bear a son.” If so, a pregnant woman uses a hen for herself and a rooster because she might bear a son.

Two hens and a rooster: Why doesn’t she also take another hen, considering that she might bear a daughter? Indeed, the Ari z”l ruled that a pregnant woman should take two hens and a rooster (see *Magen Avraham*, *ibid*, and *Mishnah Berurah*, S.K. 3) but we must understand those who maintain that there’s no need for such.

The *poskim* treated this question and *Magen Avraham* offers the solution (*ibid*, S.K. 2) that sacrifices are offered in partnership and as the custom of *kaparos* hints at a sacrifice, two can be atoned for with one *kaparah* just as two people may bring a sacrifice together.

Therefore, if she bears a daughter, the hen serves as *kaparos* for them both and if she bears a son, he will be atoned for with the rooster.

The Acharonim wondered if this is so. After all, only donated sacrifices are brought in partnership but a sacrifice meant to atone for a sin is not offered in partnership. As the *kaparos* hint at obligatory sacrifices to atone for sins, Magen Avraham’s statement needs explanation (see *Machatzis HaShekel* and *Beur HaGera*, *ibid*).

The author of *Machatzis HaShekel* explains (*ibid*) that according to *Magen Avraham*, we shouldn’t compare *kaparos* to an obligatory sacrifice but to a donated sacrifice as we are not obligated to perform *kaparos* and they only resemble an *olah*, which is a donated sacrifice for atonement.

The Vilna Gaon zt”l presents an entirely different way to understand the topic (*ibid*). Our Gemara cites the disagreement as to if “a fetus is a member of its mother” – in other words, is a fetus considered an inseparable part of its mother? The Vilna Gaon rules according to the Rishonim who hold that it is part of its mother. Therefore, the hen meant for *kaparos* for the mother also atones for the fetus as they are one person. Still, if the fetus is a male, she is like a woman whose hand is that of a man’s and therefore, to atone for this part, she must also slaughter a rooster for *kaparos* (see *Toras HaYoledes*, Ch. 49, *os* 10).

Learning While Sitting

When he was young, the Rogatchover was seen diligently learning while sitting despite the custom common in his region to learn while standing. When asked about it, he replied, “One must learn while standing only when learning something for the first time but not when repeating it. It is also stated in the Torah,” he added with a smile, “...and you shall repeat them to your sons and you shall speak in them when you sit...”