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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

“Tachas”

The Gemora asks: Does this mean to say that the word ‘tachas’ (in place of) has the meaning of an investment of temurah sanctity? This is contradicted by the following braisa: Regarding things which were dedicated for Temple repairs, if one says, “This animal is an exchange (chalifas) of this (the dedicated one),” or “This animal is a substitute (temuras) of this (the dedicated one),” he has said nothing (for he used the language of temurah, which is not applicable to dedications for Temple repairs). If, however, one said, “This animal is in place of (tachas) this (the dedicated one),” or “This animal shall be deconsecrated (mechuleles) for this one,” his words stand (and the dedicated animal becomes chullin, and the new one enters into its place, since even unblemished dedications for Temple repairs can be redeemed). Now if it would enter your mind that the word ‘tachas’ (in place of) has the meaning of an investment of temurah sanctity, what is the difference between the first and second clause of the braisa? [Why, when using an expression of temurah, does the braisa rule that it is invalid with respect of consecrated items for the Temple repair, but it is valid when using “tachas”?]

Abaye answers: The word ‘tachas’ is used (in Scripture) in the sense of an investment with temurah sanctity and it is also used in the sense of redeeming. [This being the case, the matter was left in the hand of the Sages.] With regard to animals consecrated for the altar, which can effect temurah, ‘tachas’ has the meaning of an investment with temurah sanctity, whereas with regard to dedications for Temple repairs, which do not effect temurah, ‘tachas’ has the meaning of redeeming.

Rava said: Even with respect of animals consecrated for the altar, the word ‘tachas’ sometimes has the sense of redeeming, as for example, where the consecrated animal was blemished.

Rav Ashi said: Even with respect of animals consecrated for the altar, the word ‘tachas’ sometimes has the sense of redeeming and

sometimes has the sense of an investment with temurah sanctity, as follows: If he placed his hand on a consecrated blemished animal (and he said that this one (the other one – the unconsecrated one - shall be in the place of this one), the animal becomes chullin, but if he placed his hand on an animal of chullin (and he said that this one shall be in the place of this one), the blemished animal remains consecrated (for his hand on the unconsecrated one indicates that he is performing an act of temurah, not a redemption). (26b – 27a)

Temurah or Redemption?

Abaye inquired: What is the ruling if there were two consecrated blemished animals before him and two unblemished animals of chullin, and he said, “Let these (chullin animals) be in place of these (consecrated animals)?” Did he intend to invest them with temurah sanctity (in which case, he will incur lashes for making a temurah), or did he intend to redeem them (the consecrated ones with those of chullin), for perhaps you say that where there exists a permissible way, a man will not abandon what is permitted and do what is forbidden? [Rashi explains that the same inquiry could have been with one animal of each, but he stated two because of the following cases.]

He inquires further: And if you would say that where there exists a permissible way, a man will not abandon what is permitted and do what is forbidden, what is the ruling if he had two consecrated animals before him, one of which was blemished, and two animals of chullin, one of which was blemished, and he said, “Let these (chullin animals) be in place of these (consecrated animals)?” Did he intend to invest the unblemished chullin animal with temurah sanctity in place of the unblemished consecrated animal, and the blemished animal of chullin in place of the consecrated blemished animal, in the sense of being redeemed? [Although one can make a temurah from a blemished consecrated animal onto an unblemished chullin one, or from an unblemished consecrated one onto a blemished chullin one, one, however, cannot make a temurah from a blemished animal onto a blemished one.] Or perhaps he intended to invest the unblemished



chullin animal with *temurah* sanctity in place of the blemished consecrated animal, and invest the blemished animal of *chullin* with *temurah* sanctity in place of the unblemished consecrated animal, and he would be liable to lashes for both acts?

He inquires further: And if you would say that where there exists a permissible way, a man will not abandon what is permitted and do what is forbidden (even in the above case where he certainly committed one prohibitory act of *temurah*, but nevertheless, we would say that he only does the forbidden once but not twice), and therefore he means to redeem and there is liability of lashes, what is the ruling if there were three consecrated animals before him, one of which was blemished, and three unblemished animals of *chullin*, and he said, "Let these (*chullin* animals) be in place of these (*consecrated* animals)"? Do we say that since he means that two unblemished animals should be invested with *temurah* sanctity in place of the two unblemished animals (for he cannot redeem unblemished animals), so even regarding the third one, he also means that the unblemished animals should be invested with *temurah* sanctity in place of the blemished consecrated one (and although one does not commit the forbidden when he can do it in a permissible way, here it is different, for most of what he is doing is being done in a forbidden manner)? Or perhaps here too we apply the principle that wherever there exists a permissible way, a man will not do what is forbidden, and therefore, even regarding the last offering, he meant to redeem (and not to make a *temurah*)?

Rav Ashi inquires (based on the inquiries above): And if you say that here too, since there is no presumption against this man regarding forbidden things (for he would not become established as a habitual sinner unless it was confirmed that he was guilty of three prohibitions, not just two), we say that a man would not abandon what is permissible and do what is forbidden; but what would be the ruling if one had four consecrated animals before him, one of which was blemished, and four unblemished animals of *chullin*, and he said, "Let these (*chullin* animals) be in place of these (*consecrated* animals)"? Since there is certainly a presumption against the man regarding forbidden things (for there were three unblemished consecrated animals, he could not have intended to redeem, so he obviously committed three acts of *temurah*), do we say that he should therefore incur four sets of lashes (as we maintain that the blemished consecrated animal was also meant for *temurah*, and not for redemption), or perhaps, although there is a presumption against him regarding forbidden things, do we say that a man will not abandon what is permissible and do what is forbidden, and therefore the last animal was meant to be redeemed?

The *Gemora* leaves the inquiry unresolved. (27a)

Making up the Difference

The *Mishna* had stated: And if the consecrated animal was blemished, it becomes *chullin* (for he has redeemed the blemished animal with the new one) [and (if the new animal is worth less than the old one) he is required to add up to the value (of the originally consecrated animal)].

Rabbi Yochanan said: It becomes *chullin* by Torah law, but its value must be made up by Rabbinic law. But Rish Lakish said: That its value must be made up is also a Torah law.

[*ona'ah* - If a person makes a profit equaling one-sixth of the total value of the item that he is selling, without the purchaser's knowledge, the transaction is valid, but the seller must return the profit to the purchaser. If the profit is less than one-sixth, he does not need to return it. If the profit is more than one-sixth, the sale is invalid even if the profit is returned.]

The *Gemora* analyzes the case: What are the circumstances? Shall we say that the animal was within the limit of *ona'ah*? In such a case, could Rish Lakish maintain that its value is made up by Torah law? Did we not learn in our *Mishna* that the following items are not subject to *ona'ah*: land, slaves, contracts and *hekdesh*? But if it refers to a difference involving a voidance of the sale (where the price difference between the two animals was more than a sixth), could Rabbi Yochanan in that case say that its value must be made up only by Rabbinical law? Didn't Rabbi Yonah say that he (*Rabbi Yochanan*) was referring to the case of *hekdesh* (*consecrated property*), and Rabbi Yirmiyah said that he was referring to land, and they both said in the name of Rabbi Yochanan that these items are not subject to *ona'ah*, but their sales can be voided?

The *Gemora* answers: The *Mishna* refers to a case where the difference involves a voidance of sale, but Rabbi Yochanan's view should be reversed to Rish Lakish and Rish Lakish's opinion should be reversed to Rabbi Yochanan (and that is why he rules that the value must be made up by Torah law).

The *Gemora* explains that they (*Rabbi Yochanan* and *Rish Lakish*) argue regarding Shmuel's *halachah*, for Shmuel said: If someone redeems consecrated property worth a *maneh* using a coin worth only a

perutah, it is valid! Rish Lakish holds like Shmuel and Rabbi Yochanan does not.

Alternatively, you can say that everyone agrees to Shmuel, but the argument is if it should be done like Shmuel in the first place or not.

The *Gemora* offers another explanation as to the circumstances of the case in the *Mishna* (in *Temurah*): In truth, the *Mishna* is dealing with a case where the difference between the two animals was within an amount which constitutes *ona'ah*, and it is not necessary to reverse the opinions of Rabbi Yochanan and Rish Lakish. They argue regarding Rav Chisda's interpretation of the *Mishna*, for Rav Chisda said: When the *Mishna* ruled that *hekdesh* is not subject to the *halachah* of *ona'ah*, it meant that it is not subject to the ordinary *halachos* of *ona'ah* (but rather, it would be treated in a stricter manner), and even if it would be less than the amount which would constitute *ona'ah*, it must be returned.

Ulla said: The *Mishna* (which states that the private individual must refund to *hekdesh* whatever loss might be incurred in the redemption) refers only to the case where two people made the assessment (and later, three people reassessed it and discovered that *hekdesh* was shortchanged in the initial assessment), but where three people made the (initial) assessment, even if a hundred people came afterwards (and discovered that the first assessment was in error), there is no reversal (and the person does not need to pay any more to *hekdesh*; this is because one hundred people in a group is no better than a group of three).

The *Gemora* asks: But is this so? Hasn't Rav Safra said that the Rabbis say that in the case of testimony, a hundred witnesses are like two, and two are like a hundred (so there would be no difference between two, three and a hundred), however, with respect to property assessments, we go according to the majority opinions, where the more there are, the more expert is their opinion (so one hundred people's assessment should be able to counter the initial assessment of three)? And, furthermore, even if there were three against three, do we not follow the latter set, since *hekdesh* always has the upper hand?

The *Gemora* answers: Ulla holds that our *Mishna* means that he must add the money in accordance with Rabbinic law only (for he holds like R' Yochanan cited above), and with reference to a Rabbinic requirement, the Rabbis were lenient when there were doubts about it. (27a – 27b)

Mishna

If one says, "This (*chullin*) animal shall be instead of an *olah* offering, or, "This shall be instead of a *chatas* offering (but he does not specify as to which animal offering he is referring to, and there are none before him), he has said nothing. If, however, he says, "Instead of this *chatas* offering" and "instead of this *olah* offering," or "instead of the *chatas* offering" or "instead of the *olah* offering which I have in the house," and he had it in the house, his words stand.

If one says concerning a nonkosher animal or a blemished dedicated animal, "These shall be an *olah* offering," he has said nothing, but if he says, "They shall be for an *olah* offering," they are sold and an *olah* is purchased with their proceeds. (27b)

Which Tanna?

Rav Yehudah said in the name of Rav: The *Mishna* is not following the opinion of Rabbi Meir, for if it were the opinion of Rabbi Meir, he holds that a person does not utter a vow in vain (and therefore he would be referring to an animal that he has in his house, or perhaps his intention was a consecration for its value).

The *Mishna* had stated: If one says concerning a nonkosher animal or a blemished dedicated animal, "They shall be for an *olah* offering," they are sold and an *olah* is purchased with their proceeds.

The *Gemora* notes that the reason is because it is a nonkosher animal or a blemished animal, since they are not fit for the altar, and therefore they do not require a blemish before selling, but if one would designate a female animal for an *asham* offering or an *olah* offering, a blemish is required before selling.

Rav Yehudah said in the name of Rav: Our *Mishna* will therefore not be following the opinion of Rabbi Shimon, for we have learned in a *Mishna*: Rabbi Shimon says: It is sold without even waiting for a blemish. [A female *asham* is not fit for anything; it is therefore regarded as possessing a genuine blemish, and accordingly, it never acquired physical sanctity.] (27b)

WE SHALL RETURN TO YOU, KEITZAD MA'ARIMIN



INSIGHTS TO THE DAF

A “Yerushalmi” which isn’t a Yerushalmi

The Babylonian Talmud and Talmud Yerushalmi were composed to explain the Mishnah. However, we don’t have Gemaros on all the six *sedarim* of the Mishnah and, among others, we lack a Talmud Yerushalmi on Seder Kodoshim.

In the works of the Rishonim there are traces of a Talmud Yerushalmi on Kodoshim but we don’t know what happened to it. The Chida proves in his *Shem HaGedolim (Sefarim, ma’areches yud, os 65)* from the Rishonim’s phrasing that they had a Talmud Yerushalmi on Kodoshim. Among them he mentions Rambam, who writes in his preface to his commentary on the Mishnah that “there is a Yerushalmi on five whole *sedarim*.” The Raavad also wrote (in his commentary on *Sefer Yetzirah*) that he saw in the Yerushalmi on Kodoshim. The Chida concludes that “many difficulties in Rambam would be solved with the Yerushalmi on Kodoshim. What a pity that it has been lost.”

It is amazing to discover that in our tractate Rashi mentions the “*lashon* (wording) of the Yerushalmi” many times. The quotes in Rashi are not found in our Yerushalmi and, as they deal with Kodoshim, we have apparently clear proof that Rashi had a Yerushalmi on Kodoshim.

“Yerushalmi”: a name for an ancient yeshivah in Yerushalayim: In *Mefa’neiach Ne’elamim* the author, Rabbi Chanoch Henich Teitelbaum zt”l, claims that we shouldn’t add Rashi’s statements to the proofs concerning the existence of a Yerushalmi on Kodoshim as, also in our *sugya*, Rashi cites “the Yerushalmi’s phrasing: Abayei asked” – whereas Abayei is **never** mentioned in the Yerushalmi as he was among the last Amoraim and was born many years after the completion of the Yerushalmi. He surmises that it could only be that Rashi cites the version of the Gemara as it was learnt in a yeshivah in Yerushalayim...

We can find support of such in *Hagahos Maimoni (Hilchos Kerias Shema’, Ch. 1. os 2)*, who mentions a certain halachah in the name of the Raaviah and writes that “thus it is found in a book from the Yerushalayim yeshivah” whereas the Raaviah asserts (Berachos) this halachah in the name of a Yerushalmi. We thus realize that the term *Yerushalmi* also relates to the *chachamim* in Yerushalayim in the Rishonim’s era.

The author of *Mefa’neiach Ne’elamim* mentions that different books were also called “Yerushalmi” by the Rishonim because they originated

in Yerushalayim. Ramban calls tractate Soferim “*Yerushalmi*” (Megilah 21b) because it was brought from Yerushalayim. The Sma”g calls *Midrash Shocheh Tov* “Yerushalmi” because it was composed in Eretz Israel. Rabeinu Ezra also called the *Sefer Habahir* “Yerushalmi” because it was brought from Eretz Israel.

DAILY MASHAL

Spiritual and Physical

Shmuel said: If someone redeems consecrated property worth a *maneh* using a coin worth only a *perutah*, it is valid!

Hekdesh (according to “remez”) is referred to as “the Godly soul.” It is said in Derech Mitzvosecha that through prayer, or through a righteous individual, they could make by the abundance of kindness that extends on one’s soul from above – it can be cloaked with wealth or children, or with any other materialistic needs that one might have.

It is brought from the holy Baal Shem Tov that through his prayer, he exchanged the light that extended on his soul for riches into children, but with the stipulation that he would become a pauper.

This concerns something that was already destined to manifest itself into the physical realm of the world, and one wished to substitute it with a different physical need. However, if this light of the soul was destined for something spiritual, such as love of Hashem, fearing Hashem, Gan Eden etc., and one wished to exchange that into something materialistic, this is what Shmuel is referring to: “*Hekdesh*,” the light of the soul, “that is worth a *maneh*” – a *maneh* consists of one hundred dinarim; every *dinar* has one hundred and ninety-two *perutos*. It emerges that that there are nineteen thousand two hundred *perutos* in every *maneh*. There is a huge distance between a *maneh* and a *perutah*. This is being used as a parable to demonstrate the difference in value between the illumination of the soul regarding something spiritual, which is likened to the *maneh*, and to the value of something materialistic, which is compared to the *perutah*. Shmuel is saying that the exchange is valid. If the righteous person feels the necessity to exchange something spiritual with something physical, the Heavenly Court will heed his request.

Rabbi Yonah and Rabbi Yirmiyah are arguing if this request will only be granted if the *tzaddik* realizes the difference between the two.