

OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah discusses making a temurah by replacing the consecrated animal with another type of animal.

2) Making a temurah with a different type of animal

A Baraisa is cited that presents the sources for the Mishnah's rulings.

Abaye suggests one explanation of the Baraisa's exposition.

Rava offers another explanation of the Baraisa's exposition.

The exchange between Abaye and Rava is recorded.

Another related Baraisa is presented.

The necessity of the phrase **לא ימיר אתו** is explained.

The Baraisa's ruling that one may not exchange a korban with an animal belonging to another is explained.

3) **MISHNAH:** The Mishnah presents a disagreement whether one could exchange different numbers of animals, e.g. one for two, two for one etc.

4) Exchanging different numbers of animals

A Baraisa is cited that presents the sources for Tanna Kamma'a and R' Shimon's respective positions.

It is noted that R' Shimon's reason as presented in the Baraisa is different from the reason presented in the Mishnah.

The Gemara reconciles the contradiction.

5) Making temurah from the same animal multiple times

Reish Lakish and R' Yochanan disagree whether according to R' Shimon one can make a temurah from the same animal multiple times.

The Gemara cites a Baraisa in support of each position.

R' Avin asks a question related to the opinion that maintains that one may not make multiple temurahs from the same animal.

Abaye inquires about the exact issue that R' Avin questioned.

The Gemara explains R' Avin's question and the matter is left unresolved.

A second version of this exchange is recorded.

R' Yehoshua ben Levi rules that only the initially-sanctified item requires the owner to add a fifth to the redemption price but not the item that bears secondary sanctity.

R' Pappa cites the source for this ruling.

This leads the Gemara into the conversation between R' Avin and Abaye again.

Another version of the exchange between R' Avin and Abaye is presented. ■

Distinctive INSIGHT

R' Shimon agrees that temurah can occur, one animal at a time

אמר ריש לקיש מודה ר' שמעון שממירין וחוזרין וממירין

The Mishnah cited a discussion regarding how many animals might become temurah due to one original consecrated animal. Tanna Kamma holds that a declaration regarding the exchange of sanctity of one animal may cause temurah upon many non-sacred animals at once. R' Shimon holds that a declaration of temurah can only apply from one animal to one other animal. In the Mishnah, R' Shimon bases his view upon the posuk (Vayikra 27:10), "It and its exchange shall be sanctified." From here, R' Shimon says that just as the original sanctified animal is singular ("it"), so too it can only create another single animal to be its temurah. In a Baraisa cited in the Gemara, a different phrase in the verse is presented as the source for the law of R' Shimon: "an animal for another animal."

The Amoraim disagree regarding the view of R' Shimon. Reish Lakish says that although R' Shimon holds that one animal can only create one other temurah animal, however, that original sanctified animal may then cause another temurah animal after having created the first one. In other words, the sanctification of the original animal has not been diminished, and it can continually affect temurah, one animal at a time. R' Yochanan disagrees and holds that the original sanctified animal may only cause one temurah, and once that has occurred, it no longer has the ability to cause any other animal to be its temurah.

Rashi explains that the view of Reish Lakish is actually a response to explain why the Mishnah and the Baraisa each highlight a different phrase as the source for the view of R' Shimon. The phrase in the Mishnah "it and its exchange" might have implied that an animal can only cause temurah once. The phrase in the Baraisa, "an animal for another animal," teaches that although temurah cannot be created for more than one animal at a time, however, the process can be repeated and the original animal can create more temurah animals over and over again.

Tosafos questions Rashi's understanding of Reish Lakish, because Tosafos feels that the phrase "an animal for an animal" implies the reverse, that the animal may cause only one temurah, and that it does not imply that the original animal can continually cause a state of temurah over and over again. Hagahos HaGr"a explains that Rashi's understanding is based upon the word "animal" appearing in singular form, indicating that temurah may cause one animal at a time to become exchanged. ■

HALACHAH Highlight

Investing tzedaka funds to distribute the profits to the poor

בוצינא טב מקרא

A small gourd now is better than a large gourd later.

A man died and he left instructions to take a portion of his estate and distribute it to the poor of the city. His heirs wanted to know whether they could take that money and purchase some real estate and distribute the monthly earnings to the poor or perhaps they must take all the funds and distribute it to the poor. One rov asserted that the poor have the right to protest against the use of the money to purchase real estate so that all the funds could be immediately distributed amongst the poor. The basis of his ruling was the statement in our Gemara that a small gourd now is better than a large gourd later. In other words, a person prefers something now, even if small, to the promise of something larger later. Therefore, the poor can claim that it is more advantageous for them for the money to be distributed now than to invest it in real estate and receive the profits later, even though investing the money in real estate has the potential to generate more money.

The author of Teshuvos Be'er Moshe¹ disagreed and explained that even if we were to say that it is more beneficial for the poor to receive the money immediately, nevertheless, the poor cannot protest the purchase of the real estate unless they have taken ownership of the money. Before they

REVIEW and Remember

1. What is the source that making a temurah with a different type of animal is effective?

2. What is the point of dispute between Tanna Kamma and R' Shimon?

3. Explain R' Avin's question related to R' Shimon's position.

4. What is הקדש שני and הקדש ראשון?

have taken proprietary rights of that money the donor has the option to do with the money as he chooses and for him purchasing real estate and distributing the profits to the poor is more beneficial since it will afford him the opportunity to generate more merit since more people stand to benefit from the money. This principle is found in Bach² who writes that one who has one-hundred gold coins is better off distributing them to one-hundred poor people than to distribute it to two or three poor people. The reason is that by distributing it to one-hundred people he has the merit of supporting one-hundred people rather than the merit of supporting only a few people. ■

1. שו"ת באר משה (ירושלימסקי) ח"א סי' מ"ג.
 2. בי"ח או"ח סי' תרצ"ה סעי' ה'. ■

STORIES Off the Daf

Exchanging Bad for Good

או רע בטוב

It is obvious why one may not exchange a good animal slated to be sacrificed for a bad animal; but why can't he exchange a bad animal for a good one?

The Rambam, ז"ל, explains. "If we were to permit him to exchange a bad animal slated to be sacrificed for a good one, he will come to exchange a good animal for a bad animal."¹

But this still seems difficult. Why should we assume that the altruism of a

person who gives a better animal to hekdedsh will lead to cheating hekdedsh?

We can understand this from a teaching of the Alter of Kelm, ז"ל, "When a person needs to deal with money he should say to himself, 'I know that I naturally have a desire for money and my mind is clouded due to my vested interest. I therefore must be very careful to keep the halachah, always strengthening myself not to be mistakenly lenient in monetary matters.'"²

In the Talmud Torah in Kelm there was a free service where the students could purchase stamps and the like. The stamps were kept in a closet and

anyone who needed them would take what he needed and leave their value. Everyone trusted everyone else and for a long time there was always exactly the right amount left in the closet. Once they found one extra penny. When the Alter of Kelm heard about this he immediately ordered that they stop selling stamps.

He explained, "If someone leaves an extra penny we see that those using the closet are not exact in their calculations. If so, they might also come to take more than they can pay for!"³ ■

1. רמב"ם בסוף הלי תמורה
 2. חכמה ומוסר, ח"א, ע"ר ע"ד
 3. דעת תורה, ח"ו, ע"ר מ"ו ■

