



OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah teaches who is able to make a **temurah** and the punishment for doing so.

2) Clarifying the Mishnah

It is noted that the wording in the Mishnah is inconsistent.

R' Yehudah clarifies the meaning of the Mishnah.

The case that is included by the word **הכל** is identified.

The Gemara elaborates on the dispute between R' Yehudah and R' Meir whether an heir does **semichah** and whether an heir can make a **temurah**.

The exchange between R' Yehudah and R' Meir concerning their expositions is recorded.

3) Minors and non-Jew

Rami bar Chama inquires whether a minor can make a **temurah**.

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Rava proves from a Baraisa that a non-Jew cannot make a **temurah**.

Rami bar Chama redefines his question.

It is suggested that the question could be resolved from a teaching of R' Avahu. ■

REVIEW and Remember

1. What is the actual intent of the Mishnah's opening line, **הכל ממירין**?
2. What is the point of dispute between R' Meir and R' Yehudah?
3. At what age are a person's vows binding?
4. How does Rami bar Chama revise his question related to non-Jews making a **temurah**?

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לע"נ ר' אהרן בן ר' יעקב מאיר ע"ה
By his children
Mr. and Mrs. David Friedman

Distinctive INSIGHT

One violation or two?

לא שאדם רשאי להמיר אלא שאם המיר מומר וסופג את הארבעים

Tosafos notes that the posuk regarding **temurah** (Vayikra 27:10) uses a double expression, "Do not exchange it and do not change it." This suggests that one who exchanges an animal designated for an offering for another is liable for two separate prohibitions. Why, then, asks Tosafos, does the Mishnah not say that a violator receives eighty lashes, forty for each violation?

Tosafos proposes two answers to this question. The second answer of Tosafos is that while it is correct that there are two violations listed in this posuk, a person would only be liable for forty lashes for any one violation, because these cases each applies to a different situation. One refers to where someone exchanges his own offering for another animal. The other case is where someone exchanges an animal which belongs to his friend, for example where the friend announced that he gives permission to anyone who wishes to come and exchange his animal. Therefore, a person would only be in violation of one halacha of **temurah** at a time, either when he exchanges his sanctified animal for another, or if he switches his friend's animal for another.

Shiurei Rabeinu Meshulam Dovid HaLevi notes that although Tosafos explains that these two cases are two distinct laws, we would have apparently said that the law of **temurah** is a general rule not to exchange an animal which is designated for an offering, no matter who the owner is. The two aspects about which Tosafos speaks reveal to us that this applies both by one's own animal as well as that of someone else, provided that permission is given to make this declaration about the animal. Nevertheless, Tosafos informs us that this is not the case, and that we have two distinct violations listed in the verse, each with its own set of lashes.

R' Dovid cites the Gemara later (4b) to show that the Gemara holds that the law of **temurah** always entails two violations. The Gemara discusses why the law of **temurah** is not considered a prohibition which is associated with a positive mitzvah, which should not be liable for lashes. The negative command is "do not exchange" and the positive mitzvah or condition associated with having violated this halacha is "it and its exchange shall be holy." The

HALACHAH Highlight

Annulling the vow of a twelve year old

בקטן שהגיע לעונת נדרים

A child who has reached the age of vows

It happened once that a young man, between twelve and thirteen years old, became ill. The doctor prescribed for him a bitter-tasting medicine that is made from the liquid extract of a particular plant. The normal course of this treatment was to drink this liquid for forty consecutive days. The child refused to take the medicine. Despite the child's refusal his father purchased for him the quantity of this plant needed to make medicine for forty days. The father pressured his son to take the medicine so in defiance the son declared that plant prohibited to him. His father continued to pressure him and the son kept responding with more and more severe vows prohibiting every remnant of that plant that is found in the city. At that point the father pulled back and allowed his son to calm down. When they were able to speak calmly the father explained to his son the importance and necessity to take the medicine and the son agreed to take it but the issue that they faced was what to do with the vows the son had taken.

The author of Teshuvos Rav Pealim¹ noted that since the son was beyond his twelfth birthday his vows are Biblically binding but perhaps he can petition to have the vows annulled. He then notes that Mishnah LaMelech express-

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Gemara answers that temurah comprises two negative commandments, and only one positive commandment, and when we have two violations and one positive mitzvah it does not qualify for the rule of a prohibition connected to a positive mitzvah. We see that the Gemara considers temurah to be two violations, and not two distinct sins.

It may be, though, that the Gemara understands that although we have two separate violations, a single positive command may not serve as the release for them. ■

es uncertainty whether a child who is older than twelve but not yet thirteen can petition to have his vows annulled. Since the matter was not definitively resolved and the issue involves a Biblical matter one is required to adopt a stringent approach and whatever the son had included in his vow is prohibited. Teshuvos Shevet HaLevi² contends that since Shulchan Aruch and other Poskim discuss the halacha of the vows of a twelve-year-old boy and do not mention this novelty that the child cannot petition to have the vow annulled it must be that all the halachos of vows and oaths apply to a twelve year old, even the allowance to petition to have the vow annulled. He notes, however, that Chasam Sofer was also uncertain about this matter but agrees that the child can petition to annul the vow after his bar-mitzvah. ■

1. שו"ת רב פעלים ח"א יו"ד סי' ל"ח.
2. שו"ת שבט הלוי ח"ה סי' קכ"ט אות ג'.
3. שו"ת חתם סופר יו"ד סי' ט' ד"ה ומ"ש דקטן. ■

STORIES Off the Daf

The Power of Speech

לרבות מופלא הסמוך לאיש דקדשו קדוש

On today's daf we find that one year before bar or bas mitzvah a minor can sometimes make a vow that takes effect.

Nefesh HaChaim, zt"l, famously writes that entertaining illicit thoughts is like bringing an idol into the sanctuary.¹ Totza'os Chaim, zt"l, adds that saying inappropriate words—especially oaths and vows—is also likened to one who erects an idol in the holiest place.²

The Maaseh Chassidim, zt"l, writes that one should not even vow to fulfill a mitzvah. Vowing implies that one feels certain that in this manner he will fulfill the mitzvah. In our times mustering the self-confidence to vow is misplaced and arouses heavenly accusers, making it harder to fulfill the mitzvah.³

When someone asked Rav Shlomo Zalman Auerbach, zt"l, whether a child within one year before bar mitzvah should say hataras nedarim—since he now had the power to make a neder—he replied that this was not necessary. Nevertheless, Rav Shlomo Zalman had a special custom to help his sons and daughters one year before bar or bas

mitzvah understand that they are considered more mature than their juniors. He would teach them the halachos of nedarim. But first he would say, "It is now time for you to accustom yourself to say bli neder."

He said to one grandson who had just turned twelve, "From now until you are a bar mitzvah you have one obligation on you: to guard your tongue from nedarim. In this manner you will learn to value the power of speech."⁴ ■

1. תחילת נפש החיים
2. תוצאות חיים, אות ק'
3. מעשה חסידים, סי' תט"ז וסי' תתרצ"א
4. הליכות שלמה, ר"ה, ע"ז, הערה 38 ■