

OVERVIEW of the Daf

1) Making temurah from the same animal multiple times (cont.)

R' Avin and Abaye conclude their discussion of making a temurah from the same animal multiple times.

2) Adding a fifth to the redemption price

Rami bar Chama inquires whether the consecrator adds a fifth or whether the one who receives atonement who adds a fifth.

Rava answers that it is the one who sanctifies the object.

Rami bar Chama inquires whether the consecrator makes temurah or the one who receives atonement.

Rava proves that it is the one who receives atonement.

Rava's second proof is rejected.

The Gemara's definitive proof is that it is the one who receives atonement makes temurah.

The reason the one who tithes may give the ma'aser to the person of his choosing is explained.

3) MISHNAH: The Mishnah discusses whether it is possible to make a temurah on parts of an animal.

4) Consecrating a fetus

Bar Padda and R' Yochanan disagree whether it is possible to sanctify a fetus independent of its mother.

It is noted that R' Yochanan's position is consistent with another ruling of his and the necessity for both rulings is explained.

A second version of this explanation is presented.

The Gemara relates that R' Zeira repeated Bar Padda's position that a fetus cannot become independently sanctified and this led to a series of unsuccessful challenges from R' Yirmiyah to that position. ■

REVIEW and Remember

1. Who adds a fifth; the consecrator or the one who receives atonement?

2. What is the point of dispute between Bar Padda and R' Yochanan?

3. How do we know that something that has monetary sanctity precludes a firstborn from becoming a bechor?

4. Is it possible to make a temurah from the offspring of a korban?

Distinctive INSIGHT

Who determines temurah? The one who sanctifies the animal or the one for whom the atonement is set?

מאי הוי עלה?

Rami bar Chamma presented two inquiries. One was regarding the payment of one fifth additional when redeeming a sanctified animal. The rule is that it is only the owner himself who must add a fifth to the redemption price, but anyone else who redeems that animal does not have to add a one-fifth premium to the redemption price. The question of Rami bar Chamma is where Reuven sanctified an animal in order for Shimon to use the animal for his offering for atonement. The animal then developed a blemish and has to be redeemed. Who must add a fifth to the redemption? Is it Reuven, who sanctified the animal who has to add a fifth to the payment if he redeems the animal, or is it perhaps Shimon, who is the one who will achieve atonement from this animal who is the "owner" of this offering and who should therefore add a fifth if he redeems it?

The Gemara resolves this dilemma of Rami bar Chamma, by citing a statement of Rava who said that the verse (Vayikra 27:15) teaches that the one who consecrates a house is the one who adds a fifth when he redeems it. Consequently, we see that in our case it is Reuven, the one who consecrated the animal, who is the one who adds a fifth when he redeems it.

Rami bar Chamma then asked another question. Reuven consecrated an animal for Shimon who will achieve atonement with this offering. Who is the one who has the power to declare temurah? Is it Reuven who can make a temurah, because he is the one who consecrated the animal, or is it Shimon who can declare temurah, because it is he who is the one who will receive atonement from it? Once again, Rava resolves this issue. The Mishnah taught that temurah cannot be done with an animal which is designated for a communal offering. If the animal for the community was sanctified by an individual, and temurah is determined by the one who sanctifies an offering, it should not make any difference whether the offering is for an individual or for a group. Rather, we see conclusively that temurah is determined by the one (or ones) for whom the atonement is being achieved, and when it is for a group, temurah cannot be done.

The Gemara concludes by probing what the conclu-

HALACHAH Highlight

An agent nullifying chometz

כגון דשוו שליח לאקדושי

For example, where they appointed an agent to sanctify an animal for them

Shulchan Aruch¹ writes that it is possible to have an agent nullify one's chometz. Pri Megadim² comments that one could question this ruling based on Maharit's position. Maharit asserts that when the Gemara (Gittin 66b) states that one can not pass "words" to an agent it doesn't only mean that an agent may not take the instructions that he was given and pass them on to a third party. Rather, included in this principle is the fact that the principal also may not give mere "words" for an agent to carry out. For that reason one may not appoint an agent to sanctify property on his behalf nor may one assign an agent the task of nullifying his chometz since nullifying chometz involves mere "words" and "words" cannot be given to an agent. Bach³ suggested another reason why one may not appoint an agent to nullify one's chometz. He referenced authorities cited by Ran who maintain that since nullification is a form of declaring property ownerless (הפקר) it is not possible to instruct another person to declare his property ownerless. Mishnah Berurah⁴ writes that preferably one should be stringent about this matter and should not appoint someone else to be his agent to nullify his chometz but in a situation of need one may rely upon Shulchan Aruch's position

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sion is regarding Rami bar Chamma's inquiry. Shitta Mikubetzes notes that this question is surprising, because Rava already resolved this issue and that it is the one being atoned who has the power to declare temurah. Why does The Gemara pursue and answer the question after we already resolved it? Shitta explains that the answer given was not convincing, because it could be that an agent appointed to sanctify an animal for a communal offering has the same restraints of the community itself. His inability to make temurah could be a function of his being the one who sanctified the animal. ■

that permits it.

Machaneh Ephraim⁵ cites our Gemara as proof that an agent can nullify someone else's property. The Gemara raises the question about a circumstance in which one person consecrates an animal to be his friend's korban, who can effect temurah in this case? The Gemara responds that if it were the one who sanctified the animal who has the power to effect temurah then there would be an instance in which temurah could be done to a communal korban, namely, if a group tells someone to sanctify an animal on their behalf. This clearly indicates that it is possible to assign someone with the task of sanctifying an animal on his behalf and consequently the same should be true for nullifying chometz. ■

1. שוייע אוי"ח סי' תלי"ד סעי' ד'.
2. פמ"ג שם אי"א סק"ט.
3. בי"ח שם סעי' ז'.
4. מ"ב שם ס"ק ט"ו.
5. מחנה אפרים שלוחין ושותפין סי' ז'.

STORIES Off the Daf

An Unreliable Messenger

כיצד מערימין על הבכור

On today's daf we find a method to remove the holiness of a bechor before it is born.

Dealing with a bechor can be very tedious for the kohein, but for the original owner of the animal, having a bechor means he loses perfectly good stock without gaining a penny of profit.

A certain farmer had an animal that was soon to give birth for the first time. He was a bit busy and really didn't want

to sell part of the animal to his non-Jewish neighbors who were not sympathetic—to say the least. He therefore found a messenger who agreed to sell a small part of the animal to a non-Jew the moment he got home. He gave the messenger a coin to seal the deal and felt as though his problems were over.

When the animal gave birth, he proudly explained to the rav of his city what he had done. But the rav pointed out that it was not a simple matter that they could be certain the messenger had done as he had promised.

When this question reached the Shaar HaMelech, zt"l, he ruled that they could not assume the messenger had

done what he said he would. "Regarding a Torah prohibition the only time we are so certain that a messenger has done what he was sent to do is when, if he fails to fulfill his duty, the man who sent him will sin. In our case, since when he was sent there was no sin, we must suspect that he may have been lazy and put off doing what he said, day after day."

When the owner heard this, he was so furious he purposely blemished the animal.

To his dismay, when the Shaar HaMelech was consulted, he ruled that the animal was still forbidden!¹ ■

1. שער המלך, פ"ד מהל' בכורות, מובא בפת"ש, יו"ד, סי' ש"כ, ס"ק ב' ■