

OVERVIEW of the Daf

1) **MISHNAH (cont.):** The Mishnah continues to discuss stringencies that apply to temurah but not to kodoshim.

2) Unintentional like intentional

The source for the ruling of R' Yosi the son of R' Yehudah's that regarding temurah we treat unintentional like intentional is cited.

Chizkiyah gives an example of a circumstance in which unintentional is treated like intentional.

Reish Lakish and R' Yochanan suggest another circumstance.

R' Yochanan and R' Sheishes offer additional explanations for this ruling.

3) Unfit animals

Shmuel explains R' Elazar's rulings concerning unfit animals.

Rebbi explains the exact circumstances in which R' Elazar's rulings apply.

R' Pappa offers an explanation for the rationale behind R' Elazar's position.

This explanation is successfully challenged and Rava suggests another explanation for R' Elazar's ruling

This explanation is successfully challenged and Rava returns to the first explanation and resolves the remaining challenge to that explanation.

4) Sanctifying a tereifah

Shmuel and R' Oshaya disagree whether a tereifah that is sanctified attains physical sanctity or only monetary sanctity.

Two unsuccessful attempts to refute Shmuel's position that the animal attains physical sanctity are presented.

הדרן עלך יש בקרבנות

5) **MISHNAH:** The Mishnah teaches that the offspring and

(Continued on page 2)

REVIEW and Remember

1. What is the case in which שוגג is treated the same as מזיד?

2. Explain פודין את הקדשים להאכילן לכלבים.

3. Why did the Mishnah add the seemingly superfluous phrase עד סוף כל העולם?

4. What is the point of dispute between Rava and R' Pappa?

Distinctive INSIGHT

Unintentional declaration of temurah

באומר אכנס לבית זה ואקדיש ואמיר מדעתי, ונכנס והמיר והקדיש שלא מדעתו. גבי תמורה לקי, גבי קדשים לא לקי

In the Mishnah, R' Yose b. Yehuda taught that temurah occurs whether a person acted "unintentionally or intentionally," in contrast to consecrating, where unintentional designation is not the same as intentional. The Gemara seeks to explain and clarify the source and the context of this statement.

The source for this ruling is a verse in Vayikra (27:10), "it and its exchange shall be holy." The extra phrase "it shall be" indicates that a temurah statement is valid even if made unintentionally.

In one of the expressions of the Gemara, R' Sheishes uses an illustration of this law of where a person is about to enter his house and he declares, "I will enter the house and sanctify a blemished animal for an offering" or, in the case of temurah, he says, "I will enter the house and exchange this animal for a sanctified animal I prepared for an offering." According to Rashi, the person, who was a "בעל מחשבות," then entered the house, and he became distracted and blurted out, without thinking, "I exchange this animal for this consecrated animal," or he said without thinking, "I hereby consecrate this animal as an offering." Mahar"l Kurkos (to Hilchos Temurah 1:2) explains that because the person had made a conscience decision to declare temurah upon his entry to the house, we can use the verse cited above to recognize the flippant remark he makes later. Based upon the verse in Vayikra, the unintentional statement of temurah is binding, and the person is liable for lashes. However, there is a distinction between temurah and consecrating, and the unintentional consecration statement has no validity.

Rashi's description of the person's being a "בעל מחשבות" is discussed among the Achronim. Sefer Ikarim and Dvar Shaul point out that this person is a thinking, responsible person. However, he became momentarily distracted and blurted out a comment without thought, which is valid in the context of temurah. The Torah does not, however, recognize the validity of one who is incompetent, such as an imbecile or a deaf mute.

Olas Shlomo writes that the person here uttered statements which were due to momentary disorientation, as if he were mindless. Yet, because he had originally declared his intent to make a statement of temurah, his statement is treated as valid. Had he not made his intentions clear before entering the house, his senseless words in the house would not be binding even for temurah. ■

HALACHAH Highlight

Facts that are well known

בעל מום קרב במינו

The category which includes blemished animals is offered as a korban

In the Gemara R' Pappa offers an explanation why an animal born caesarean section cannot be made into a temurah. The reason is that he equates the animal born caesarean section with a non-kosher animal. Just as one cannot make a non-kosher animal into a temurah, so too one cannot make an animal born caesarean section into a temurah. R' Pappa then proceeded to question why an animal born caesarean section is different than an animal with a permanent blemish that could be made into a temurah. Rava's initial response was that an animal born caesarean section is comparable to a non-kosher animal since it is not possible to offer animals from this category. In contrast, blemished animals are from a category of animals that are brought as korbanos. Rashi¹ explains that the reason animals born caesarean section are not considered to be in the category of animals that are offered as a korban is that people are surprised by their birth.

Sefer Reishis Bikkurim² draws two halachic inferences from this part of the conversation. One point is that something is considered publicized even if its publicity occurred only at the beginning of its existence. The only thing that is striking about this animal was its birth but afterwards there is nothing noteworthy to see. Nevertheless, once there was something unusual when it was born it is considered forever different from other animals. A second point that can be deduced from this Gemara is that even something that was not seen by people but is well known is considered public

STORIES Off the Daf

The Ripple Effect

אשר יהיו לך אלו הולדות

The Imrei Emes, ז"ל, teaches an inspiring lesson from a statement on today's daf. "In Temurah 17 we find that the words 'אשר יהיו לך' teaches that if one sanctifies an animal its embryo is also sacrificed in the mikdash. Tosefos explains why we would have thought otherwise: since an embryo has very little flesh and is weak one might have thought that temurah cannot take effect

on it.

"This teaches that when something is sanctified, the holiness spreads out and encompasses even those who are weaker. We must bring everything to the place that God chose. This can be understood in light of the gemara in Megillah 8 that one who says, הרי עלי is like one who now carries the obligation on his shoulders. Since all Jews are responsible for one another, we must help even the weak among us to ascend. We must assist each other until we are all uplifted."¹

Rav Nosson Sternhartz, ז"ל, explains that this is why we give matanos l'evyonim on Purim. "The Talmud tells

us that the only truly poor person is one who lacks understanding. In this context we can understand the mitzvah to give gifts to the poor. This refers to those who are spiritually weak. We must influence our weaker brothers, especially on Purim, bringing them into the wonderful sweetness of holy yir'as Hashem. True yir'ah is l'chaim!—it stems from joy in serving Him and instills vitality within the person. It confers a deep-seated knowledge that it is never too late for any attainment. He is waiting for our avodah, for us to accept the Torah anew from love."² ■

1. אמרי אמת, ראה, תרצ"ג

2. אוצר היראה, פורים ■

(Overview...continued from page 1)

temurah of a Shelamim become a Shelamim and must be offered as such.

6) Clarifying the Mishnah

The wording of the Mishnah is clarified.

A Baraisa presents the expositions that formulate the foundation for the Mishnah's rulings.

R' Safra questions the expositions of the Baraisa and Abaye explains the rationale behind the Baraisa's expositions.

Shmuel and Bar Padda disagree about the status of the offspring of a blemished Shelamim.

It is noted that Rava and R' Pappa dispute the same matter.

Another Baraisa presents a different set of expositions that formulate the foundation of the Mishnah's rulings.

A point in the Baraisa is clarified.

The Gemara begins to explore another point in the Baraisa. ■

knowledge. In other words, there were only a few people who would have seen this animal born caesarean section and yet it is considered public knowledge. The reason is that knowledge that is well known and established is considered public knowledge despite the fact that people did not witness it personally. Further evidence of this principle is the Gemara in Sanhedrin (74b) which considers the relationship between Esther and Achashverosh public even though no one actually saw them together. ■

1. רש"י ד"ה קרב.

2. ראשית ביכורים בכורות י"ב. ד"ה בשיטמ"ק אות ב'. ■

