



OVERVIEW of the Daf

1) Korbanos of the same variety that become intermingled (cont.)

Abaye challenges R' Yosef's assertion that the case in the Mishnah of korbanos of the same variety becoming intermingled does not apply if the korbanos belonged to men.

Rava explains the Beraisa cited by Abaye in a manner that does not refute R' Yosef.

Rebbi's position presented in the Beraisa cited by Abaye is clarified.

2) Bechor

Rami bar Chama asks a number of question that relate to the question of whether the temurah of a bechor has the same halacha as the bechor.

Rava cites a Beraisa that indicates that it does.

Rami bar Chama inquires whether it is permissible to use a blemished bechor sanctified for Beis HaMikdash up-keep as a weight.

R' Yosi bar Zavida suggests an answer but it is rejected.

The premise of the Gemara's question is unsuccessfully challenged.

3) Clarifying the Mishnah

The reason a Chatas and Asham cannot become intermingled is explained.

The reason the Pesach and Asham can become intermingled even though the Pesach is within its first year and the Asham in its second year is explained.

4) MISHNAH: A disagreement concerning what is done when an Asham becomes intermingled with a Shelamim is presented. The Mishnah also discusses what happens when

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Distinctive INSIGHT

An animal exchanged for a bechor

אמר רמי בר חמא בכור לב "ש אין מאכילין לנדות תמורתו מהו , בכור אינו נפדה תמורתו מהו , בכור אינו נשקל בליטרא תמורתו מהו

The Gemara analyzes the status of a bechor, a first-born male animal, and whether its sanctity is transferred to an animal which is exchanged (תמורה) for the bechor.

One question is regarding its redemption. A first-born may not be redeemed, even after it develops a blemish. Rashi (Temura 21a) explains that the source from which we learn this halacha is the verse (Bemidbar 18:17), "But the firstborn of an ox or of a sheep or of a goat you shall not redeem." Rambam (Commentary to Mishnah, Temura 3:5) writes that the opinion of R' Shimon in the Mishnah is that a bechor or ma'aser animal may be eaten by its owner even when it has a blemish. A bechor is eaten by a kohen, and a ma'aser animal is eaten by its owner, so there is no reason to redeem it. Animals consecrated for other offerings which develop blemishes are redeemed, or else nothing may be done with them. They cannot be brought as offerings due to their blemish, and they cannot be eaten while they are still holy. This is why they must be redeemed and then eaten.

The question of the Gemara regarding the animal exchanged for a bechor is whether it shares the law of the bechor and cannot be redeemed, or may it be redeemed just as any other offering.

The Gemara in Temura (ibid.) teaches that an animal exchanged for a bechor may be eaten "by its owner." The Achronim point out that Tosafos (ibid. ד"ה בכור) seems to say that the Yisroel is the owner of the animal exchanged for a bechor which developed a blemish. This exchanged animal is not one of the gifts which must be presented to a kohen, and it remains the property of the Yisroel. Rambam (ibid.), however, says that the exchanged animal must be given to the kohen. It is the kohen who is its owner, and it is he who eats its meat after it develops a blemish.

Mikdash David (#14:1) explains that there are twenty-four types of gifts for the kohen. Some are agricultural gifts, such as teruma and challah. Others are gifts of the Mikdash, such as gifts of meat from the offerings. We can analyze whether bechor is due to its being a first born, so that it is in the category of teruma, or whether it is due to its being obligated as an offering, so that it is a gift of the Mikdash. Rambam apparently holds that it is a type of offering, so that its exchange also belongs to the kohen. For many reasons, Tosafos notes that bechor is unlike other offerings, so that Tosafos places bechor in the category of agricultural gifts. Therefore, only it itself is the "first," but not its exchange, which may be eaten by the Yisroel after it develops a blemish. ■

REVIEW and Remember

1. What is the essence of Abaye's challenge to R' Yosef?

2. What is the contradiction between the two rulings of Rebbi?

3. Why is it prohibited to use normal selling techniques when selling a bechor?

4. What is the point of dispute between R' Shimon and Chachamim?

HALACHAH Highlight

Auctioning off a Sefer Torah

התם שתי קדושות ושני גופין

There it is two different sanctities and two different bodies

In Amsterdam they had the practice to announce in shul when they were selling a Sefer Torah. Bids were collected and the Sefer Torah was sold to the highest bidder. Chacham Tzvi¹ protested this practice claiming that it degrades the Sefer Torah. He cites Rambam² who rules that a slave may not be sold publicly since it is degrading. If one is required to exercise sensitivity to a slave all the more so is one required to exercise sensitivity to a Sefer Torah. Most authorities³, however, disagree with Chacham Tzvi about this and allow publicizing the sale of a Sefer Torah.

Teshuvos Ravaz⁴ cites our Gemara as proof to Chacham Tzvi's underlying rationale. In the Gemara's discussion of the sale of a blemished bechor that one sanctified for Beis HaMikdash upkeep (בדק הבית) the Gemara teaches that according to all opinions it is prohibited to cause disgrace to one thing in order to provide benefit for another thing. Accordingly, since the public sale of a Sefer Torah is for the benefit of the Beis HaKnesses it is a circumstance where the Sefer Torah is subject to disgrace in order to benefit something else and should be prohibited. Teshuvos Yehudah Yaaleh⁵ cites the same proof and then adds the following. If

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meat from different korbanos becomes intermingled.

5) Terumah purchased with shemittah funds

A Beraisa presented before Rav teaches that one may not purchase terumah with shemittah funds since it limits the time in which it can be consumed.

The rabbis and Rava discuss whether this Beraisa could be explained according to R' Shimon's position in the Mishnah. ■

the Gemara prohibits the sale of a bechor even though the profits would go to a sacred cause, certainly it is prohibited to sell a Sefer Torah where the proceeds do not go to a sacred cause since a Sefer Torah may only be sold to provide funds for the redemption of captives, to study Torah and to assist someone to marry. His conclusion, however, is that it is permitted to sell the Sefer Torah publicly. His rationale is that selling a Sefer Torah is allowed for the three cases mentioned earlier despite the fact that it is disrespectful to sell a Sefer Torah. Therefore, publicizing the sale does not disgrace the mitzvah; in fact, it provides greater benefit by generating more funds which was the allowance to sell the Sefer Torah in the first place. ■

1. שו"ת חכם צבי סי' קכ"ג
2. רמב"ם פ"א מהל' עבדים ה"ה
3. ע' ברכי יוסף יו"ד סע' ע"ר סק"ב
4. שו"ת הרב"ז או"ח סי' א'
5. שו"ת יהודה יעלה או"ח סי' ל"ג ויו"ד סי' ש"ב ■

STORIES Off the Daf

The Nasi's Offering

איכא שעיר נשיא

On today's daf we find that the nasi brought a male goat as a sin offering. The Gemara writes that the generation is fortunate if its nasi brings a chattas—the sacrifice brought for shogeg—since he will be even more vigilant regarding intentional sins. But what does this really mean? How can it be a good thing if the nasi brings a chatas?

Rav Zalman Sorotzkin, zt"l, answers these questions by explaining a true leader's role. "There are two ways to be a leader. One is decisive, making important decisions and taking large strides

in improving what requires improvement. A nasi who is always acting, even with good intentions, will invariably fail somewhere and, if his error has to do with a sin that would make one liable for kareis had it been done intentionally, he will bring the nasi's chattas. A person who doesn't overlook his inadvertent sins will be very circumspect in avoiding sins b'mezid and will do careful teshuvah if he does fall in this regard.

"The other type of leader is wishy-washy. Leaders of this ilk are always afraid to act, fearing the consequences of bold actions however necessary they may be. Instead of acting he will vacillate all the time. Although such a cautious chief avoids sin, he is of little practical use. Clearly the generations whose nasi acts,

even if he must bring a chattas, is fortunate.

"This is also why the nasi brings specifically a male goat for his offering. This teaches that while a leader must act decisively, he must also beware the natural consequences of such boldness. If he uses this attribute incorrectly, he will have to make restitution to set things right. To remind him that misused arrogance is what brought him to sin in the first place he brings a male goat. This also teaches that he must lift up his boldness to Hashem by renewing his commitment to use it to improve the lot of others. In this manner he sacrifices this attribute to Hashem and earns atonement."¹ ■

1. אונייים לתורה ויקרא ד: כב וכג