



Temura in Parts

This week we started *masechet Temura*. The *masechet* deals with the prohibition of attempting to exchange an animal for a *korban* to be used in its place. We learn that if one attempts to do so, it does not work, and both animals have *kedusha*. The third *Mishnah* however records the debate regarding where one attempts to perform a *temurah* with a limb of an animal.

The *Chachamim* maintain that it does not have the status of a *temura* whereas *R' Yossi* disagrees. *R' Yossi* argues that if one declared that the leg of an animal shall be an *olah*, the entire animal becomes a *korban olah*. We view it as if the *kedusha* hits the leg and spreads to the entire animal – *pashta*. It follows that the same should be true in this case also – the entire animal would be considered a *temura*. We shall try to understand this debate.

The *Shoshanim LeDavid* explains that the *Chachamim* do not agree with the *R' Yossi*'s basic assumption. In other words, if one declared that he wanted the leg of an animal to be an *olah*, the animal would not be an *olah*. That technique would only work if it was connected to a vital organ. For example, if one declared that the heart or the head of an animal is an *olah*, then the *Chachamim* would agree that the entire animal becomes an *olah*. It therefore follows that they would also agree in such a case for the laws of *temurah*. That is because associating the *neder* with a vital organ is equivalent to associating it with the entire animal. Consequently, when *R' Yossi* presents his argument in the *Mishnah*, its starting point is only according to his position. According to this understanding, this debate is a corollary of another debate between *R' Yossi* and the *Chachamim*.

The *Shoshanim LeDavid* cites the *Rambam* (*Temura* 1:16) as support for this understanding. When the *Rambam* records the law of our *Mishnah*, he continues by providing the example where one attempts to use a leg in exchange. The *Shoshanim LeDavid* understands that this example is intentional as it is not a vital organ.

The *Achiezerz* (III 56:2) however does not find this to be a solid proof, considering that the *Rambam* provides the other case of, “this animal is in exchange for the front leg or the hind leg (of a *korban*)” In that case there is no difference between the different parts of the animal since it is not relying on *pashta*.

The *Aruch HaShulchan* (*Kodshim* 239:29) understands that the law by *temurah* had to be taught separately, because the law for *temurah* is different to *kodshim*. He explains that even if one stated that they want to make the head of an animal a *temurah* for a *korban* it would not work. In this respect it is different. Why?

The *Biurim* (*Mishayot Raizman*) cites the *Kovetz Shiurim* who cites *R' Menachem Ziembra* who explains the debate in our *Mishnah* as follows. From the simple reading of the *Mishnah*, it appears as though the *Chachamim* would agree with *R' Yossi* that for *kodshim*, it can take hold on a leg and spread to the rest of the animal. Nevertheless, when the *Torah* describes the prohibition of *Temura* it refers to “an animal [in exchange] for an animal”. In other words, for *temura* to occur it must start with a full animal. *Pashta* will not help because for *temura* it must start with taking hold of the full animal. *R' Yossi* however disagrees arguing that since *kedusha* spreads it is considered as if one performed *temura* with the entire animal.

Based on this explanation we can explain the position of the *Aruch HaShulchan*. It makes no difference whether we are dealing with a vital organ. Let us return to the original understanding that the *Chachamim* maintain that sanctifying part of an animal only takes hold of the full animal if he selected a vital organ. The rational is because it is considered *like* the entire animal. That might hold true (to enable *pashta*) in that context, but it is still not the entire animal for the law of *temura*.

Revision Questions

ערכין ט' ג'–ח'

- If someone sells their house in a walled city, what is the time limit before which he cannot redeem the house? (ט' ג:)
- What is the limit after which he cannot redeem the house? (ט' ג:)
- If the purchaser sold the house, how is the time limit described in the previous question calculated? (ט' ג:)
- What would happen if the house was not redeemed by the end of this time limit? (ט' ד:)
- What did *Hillel* institute with regards to the law described in the previous question? (ט' ט:)
- What is the subject of debate whether it is defined as a “house” in a walled city? (ט' ח:)
- Is a city whose houses constitute the walls of the city considered a walled city? (ו' ט:)
- What is the minimum size of walled city to be considered as an *ir choma*? (ו' ט:)
- In what way are *batei chatzerim* similar to *batei arei choma* and in what way are they similar to regular fields? (ו' ג:)
- When are houses of a walled city considered *batei chatzerim*? (ו' ט:)
- How did the laws relating to the sale of the houses in walled city differ from the houses in a walled city of the *Levi'im*? (ו' ט:)
- Explain the debate regarding a *Yisrael* that inherited a house in a *Levi* city. (How could such a case occur?) (ט' ח:)
- What restrictions were placed on the development of the cities of the *Levi'im*? (ט' ח:)

תמורה א' – ב' ב'

- What is a *temurah*? (א' א:)
- What is the punishment for one that is *me'mir*? (א' א:)
- Can a *kohen* perform a *temurah* on a *Yisrael's korban*? (א' א:)
- Regarding the previous question, which *korban* is a subject of debate? Explain the debate. (א' א:)
- What law is learnt from the following *pasuk*: (א' ב:)
- לֹא יחליפו ולא ימיר אתו, טוב בָּרָע או רע בטוב"
- Explain the debate regarding whether *temurah* applies if one attempts to exchange many animals for one. (א' ב:)
- In which case does *R' Yosi* maintain that *temurah* applies to limbs? (א' ג:)
- What are the three cases of "אלא לפי חשבון" ... אלא אין ה... אלא אין"? Explain. (ט' ד:)
- Is there "temurah after temurah"? Explain. (א' ח:)
- What other cases are brought similar to the one in the previous question? (א' ח:)
- Explain the debate whether *temurah* applies to the offspring of a *korban*. (א' ח:)
- Does *temurah* apply to bird offerings? (א' י:)
- Does *temurah* apply to public sacrifices? (א' י:)
- What are the opinions regarding the source of why *temurah* does not apply to *korbanot bedek ha'bait*? (א' י:)
- What three laws apply to private *korbanot* that do not apply to public *korbanot*? (ב' א:)
- What applies to public *korbanot* that does not apply to private *korbanot*? (ב' א:)
- Explain the debate regarding whether the rule of *chatat met* applies to public sacrifices and what is the case that is debated? (ב' ב:)

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קדש
1 February י"ד שבט	2 February ט"ו שבט	3 February ט"ז שבט	4 February י"ז שבט	5 February י"ח שבט	6 February י"ט שבט	7 February כ' שבט
Temurah 2:3-3:1	Temurah 3:2-3	Temurah 3:4-5	Temurah 4:1-2	Temurah 4:3-4	Temurah 5:1-2	Temurah 5:3-4

