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## Temurah vs. Redemption

The *Mishnah* (5:5) discusses the words used to make an animal *temurah* contrasting it with the procedure for redeeming a blemished animal unfit for a *korban* with another (unblemished) animal:

...[If one said:] “This [animal] is to be undedicated through this [animal]”, the second animal is not *temurah* [meaning the laws of *temurah* do not apply to that animal]. And if the initially sanctified animal had a blemish, it is undedicated and one must pay [the difference between the prices of the two animals if the animal being used to redeem the blemished one was worth less than the blemished one].

In the *Gemara* (*Temurah* 27a), *Rabbi Yochanan* comments: “It is undedicated according to the *Torah* and one must pay the difference according to the Rabbis” meaning that the requirement to pay the difference is of rabbinic and not *Torah* origin. The commentaries on our *Mishnah* explain that one may redeem an animal which has become blemished with any unblemished animal even if it is worth less. The Rabbis however later added the qualification that the second animal must worth at least equal value otherwise one must pay the difference.

To explain the origin of the *halacha* expounded by *Rabbi Yochanan*, the *Gemara* states that *Shmuel* said that “if a person undedicated an animal worth [a great deal of money] through one worth [very little] money, it has been undedicated [successfully]”. *Rashi* (*Kiddushin* 11b) comments (based on the *Gemara* in *Temurah*):

[The is] because there is no fraud in sanctified objects... and *Shmuel* teaches us that just as they are excluded from the *halachot* of fraud, so too they are excluded from the *halachot* of the reversal of a transaction [in a situation of fraud, consequently the redemption is affective].

While this explanation seems to be initially quite satisfying, the *Kehillot Ya'akov* asks: (*Bechorot*, 8):

This [logic] can be said about when the treasurer of the *Beit Hamikdash* who bought or sold [something] and was defrauded. You could easily say that the transaction will be upheld [despite the fraud] according to those who hold the treasurer functions like an owner. However, the one who redeems a sanctified object intentionally – an [expensive] *object* for a [cheap] one – here there is no fraud at all, for who has been defrauded? Is not everything

revealed before *Hashem*? And the redeemer also knows that he is not giving the worth of the [sanctified] object, and there is no fraud. It is simple that he just wants to buy for less than the object is worth, and what is the relevance of [the issue of] fraud and sanctified objects (to say that it will not prevent the transaction from being upheld)?

To answer the question of the *Kehillot Ya'akov*, the *Kodshei Yehoshua* (309) explains that one must consider the technical process of redeeming an object. He presents two possibilities to explain the exact mechanism. The first is that when one buys a sanctified object, the money or object given in trade acquires holiness by virtue of being in the ownership of G-d and the one which is sanctified loses that sanctity as a result of the trade. The second is that a transfer of sanctity occurs directly from one to the other. The difference between the two possibilities is that the first proposes that the mechanism of the transfer of holiness is a trade, whereas the other supposes that the transfer and trade are two separate and parallel processes. He writes that he feels the second possibility is correct. As a result, there is no fraud with regard to sanctified objects (which could result in a transaction being reversed) not because of a special exemption, but rather because fraud requires a transaction to take place and the transfer does not involve a transaction.

While the explanation appears to be cogent, it fails on one point. *Rashi* stated that there is no fraud which can be used to reverse the transaction. It is implicit in this statement that a transaction has indeed taken place. Consequently it is difficult to argue that there can be no fraud during the redemption of sanctified objects because there is no transaction (at least according to *Rashi's* commentary). Another explanation must be found.

A possible alternative explanation is that there can be no fraud in the transaction of redeeming a sanctified object because as the *Kehillot Ya'akov* noted, both parties to the transaction know what is being exchanged. *Hashem*, allowed this when he wrote the *Torah*, meaning that He accepts the legitimacy of this transaction. Such a suggestion would mean that the question of the *Kehillot Ya'akov* is indeed the underlying rationale presented by *Rashi* for why the laws of fraud does not apply to *kodshim*.

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## Revision Questions

תמורה ג' – ד' – ו' – ז'

- Regarding a *temurat asham* what is the difference between the opinions of the *Tana Kama* and *R' Elazar*? (ד': ג')
- What is the law regarding a *temurat bechor*? (ה': ג')
- What is the three differences between a *bechor behema* and *ma'aser behema*, and other *kodshim* animals? (ה': ג')
- According to *R' Shimon* why is a *bechor behema* not brought from outside Israel? (ה': ג')
- What are the five *chat'ot metot*? (ד': א')
- Can one gain benefit from one of these animals? (ד': א')
- Does the law of *temurah* apply to these animals? (ד': א')
- What is the law if money that was set aside for a *chatat* was misplaced, another sacrifice was then offered instead and then the money was found? (ד': ב')
- Regarding the previous question, what if the money was found only after other money was set aside in its place? (ד': ג')
- What is the case if an animal that was set aside for a *chatat* got lost, money was set aside in its place and then the animal was found with a *mum*? (ד': ג')
- Regarding the previous question, what if an animal was set aside in its place and both were found to have developed *mumim*? What if both were *temimot*? (ד': ג')
- What is the law regarding an animal that had a *mum* that was set aside for a *chatat*? (ד': ד')
- When making what declaration is it possible for one to legally prevent a first born animal from becoming a *bechor behema*? (ה': א')
- What is the law if one declared the fetus of a sanctified animal, if it is male it is sanctified as an *olah* and if it is female is sanctified as a *shlamim* and the animal gave bird to:
  - A male?
  - A female?
  - A male and female? : (ה': א')
  - A *tumtum*? (ה': ב')
- What is the law if one made a declaration regarding the fetus in a similar manner to the previous question and the animal gave bird to: (ה': ב')
  - Two males?
  - Two females?
- What is the law if one declares that the fetus shall be an *olah* and the animal a *shlamim*? (ה': ג')
- Explain the debate, regarding the previous question when it is the other way around. (ה': ג')
- Explain the debate regarding one that declared that an animal is a “*temurah olah* and a *temurat shelamim*”. (ה': ד')
- Is it considered *temurah* if one attempts to transfer the sanctity from one animal to another (using the language of *mechulelet*)? (ה': ה')
- Is it considered *temruah* if one says “this animal is in place of a *chatat*”? (ה': ו')
- What is the difference if one declares, regarding animal unfit for a korban, that it is “an *olah*” (הרי אלו עולה) or it is “for an *olah*” (הרי אלו לעולה) (ה': ו')
- List the eight animals that cannot be offered on the *mizbeach*. (ה': א')
- What is the law if these animal are mixed with many others? (ה': א')
- What is the case of an *etnan*? (ה': ב')

## Local Shiurim

### Sunday -Thursday

Between mincha & ma'ariv  
Mizrachi Shul

### Friday & Shabbat

10 minutes before mincha  
Mizrachi Shul

### Audio Shiurim on-line!

- [613.org/mishnah.html](http://613.org/mishnah.html)
- [www.shemayisrael.com/mishna/](http://www.shemayisrael.com/mishna/)

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## Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
22 <sup>nd</sup> November כ"ה חשוון	23 <sup>rd</sup> November כ"ו חשוון	24 <sup>th</sup> November כ"ז חשוון	25 <sup>th</sup> November כ"ח חשוון	26 <sup>th</sup> November כ"ט חשוון	27 <sup>th</sup> November א' כסלו	28 <sup>th</sup> November ב' כסלו
Temurah 6:3-4	Temurah 6:5-7:1	Temurah 7:2-3	Temurah 7:4-5	Temurah 7:6 – <b>Keritut 1:1</b>	Keritut 1:2-3	Keritut 1:4-5

