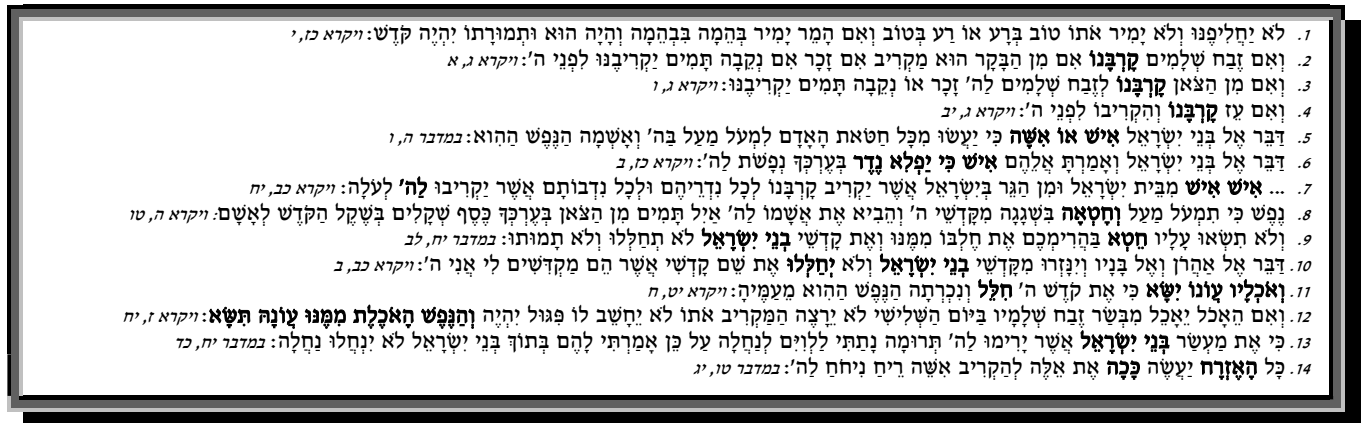


Introduction to תמורה

מסכת תמורה, following ערכין, focuses on the character – and consequences of – a somewhat arcane circumstance which, like ערכין, emanates from a person's voluntary expression (הפלאה). The תמורה forbids (see v. 1 below) taking an animal set aside as a קרבן and attempting to exchange it for another – this could only apply, clearly, to an animal “owned” by the person attempting to make the switch. This process, known as תמורה, has two Halakhic wrinkles; first of all, though prohibited, if someone violated the prohibition and declared a תמורה, it may be valid and both animals (see below, v. 1) would be קודש. Secondly, even though there is no action associated with תמורה – it is all done verbally – מכות are given to the violator. Note that our first משנה begins in the same style as חולין and ערכין, with a broad statement of those who have the “right” to make a תמורה

33.1.1

2a (משנה א) → 3a (דקדושת דמים לא)



I משנה או: Introduction

a All people: may be מימר, men or women

i Meaning (יהודה): all who are מימר can successfully “attach” (מתפיס) the תמורה to the original קרבן

b Not to say: that a person may do so (v. 1)

c Rather: that if they do so, it is valid and they get מכות

II Analysis of “הכל” in opening line; extends to יורש (from his father's ר' יהודה) contra

i Per: סמיכה קרבן ר' יהודה – 2 - קרבן excludes father's ר' יהודה

1 And: he infers the beginning of הקדש (תמורה) from the end of הקדש (סמיכה)

2 סמיכה is excluded from 3 mentions of קרבנו (vv. 2-4) in 3 types of שלמים – each of which mentions סמיכה
(a) Excluding: קרבן גוי, קרבן חברו, קרבן אביו

ii ד"מ infers from v. 1 (המר ימיר) that an heir can also generate תמורה; they infer סמיכה from תמורה

1 And he: uses קרבנו (vv. 2-4) to exclude גוי קרבן, קרבן חברו and to include all partners in a קרבן

(a) ד"יהודה: either maintains that בעלי חוברין don't do סמיכה or he infers גוי חבר from one instance

2 And: ר' יהודה reads v. 1 as extending תמורה-power to woman (even though entire פרשה is written זכר בל')

(a) ד"מ infers that from המר ימיר וואם (יהודה) ר' doesn't consider וואם to be significant)

iii Note: both ד"מ and ר' יהודה would have exempted woman from מכות without רבוי

1 Challenge: v. 5 is understood to equate women to men for all עונשין

2 Answer: that may only apply to עונש which applies equally to צבור; a צבור קרבן cannot be used for תמורה – קמ"ל – תמורה

III תמורה successfully engineer קטן can a רמי בר חמא

- a *Note*: must be קטן at עונת נדרים (within year of גדלות), else, he can't even be מקדיש תמורה
- b *Lemma1*: v. 6 allows for הקדש by לאיש סמוך → should allow for תמורה
- c *Lemma2*: since he can't be punished, perhaps his תמורה doesn't take effect
- i *If*: ממיר be גוי – perhaps because he will eventually be a בר עונשין –but can a גוי be ממיר?
 - ii *Lemma1*: since he can be מקדיש (per v. 7) he can be ממיר
 - iii *Lemma2*: he will never become a בר עונשין → cannot be ממיר
 - iv *Answer* (רז"ח): קדשי עכ"ם regarding status of קדשים
 - 1 *ד"ש*: treats them as "special category" of קדשים
 - (a) *מעילה*: no הנאה (מדרבנן) but מעילה (מדאורייתא)
 - (i) *Source*: חטא::חטא from תרומה (vv. 8-9) and תרומה is limited to בני"י (v. 9)
 - (b) *פגול*: no חיוב for פגול
 - (i) *Source*: compared to נותר via עיון::עיון (vv. 11-12) (see below)
 - (c) *נותר*: no liability for נותר
 - (i) *Source*: compared to טומאה via חילול::חילול (vv. 10-11) (see below)
 - (d) *טמא*: no חיוב for טמא
 - (i) *Source*: v. 10 limits liability to בני ישראל
 - (e) *תמורה*: cannot generate תמורה
 - (i) *Source*: v. 1 is at the end of a פרשה which begins with v. 6 – בני ישראל
 - (ii) *Alternate source*: מעשר בהמה, מעשר דגן, מעשר דגן (etc. מעשרותיכם)
 1. *And*: מעשר דגן is limited to בני"י, per v. 13
 - (f) *נסכים*: they do not bring נסכים as an independent קרבן
 - (i) *But*: their קרבנות require נסכים
 - (ii) *Source*: v. 14 limits נסכים to ישראל (אזרח)
 1. *But*: ככה generates obligation to accompany even his קרבן
 - 2 *ד"י*: in all cases, treated like full קדשים,
 - (a) *Reason*: v. 7 (קדשי נכרים) references 'לה
 - 3 *Note*: lack of מעילה only applies to קדשי מזבח, not to קדשי בדיק הבית (obtains מעילה)
 - (a) *Reason*: inference via חטא::חטא from תרומה –
 - (i) *Just as*: תרומה has קדושת הגוף
 - (ii) *So too*: this exemption only applies to קדושת הגוף, not קדושת דמים
 - 4 *Point*: explicit mention of no תמורה should answer the question
 - (a) *Defense* (רז"ח): that refers to a קרבן the גוי designated for himself;
 - (b) *But if*: the גוי designated it on behalf of a ישראל
 - (i) *The question*: who is the "owner" – the מקדיש (גוי) or the מתכפר?
 - (ii) *Solution*: from יוחנן ר' dictum about "ambiguous ownership"
 1. *חומש*: added by מקדיש (if he redeems)
 2. *תמורה*: effected by מתכפר (in our case – ישראל)
 3. *תורם*: from his own grain for another – he has benefit of הנאה
 - (iii) *Block* (רז"ח): in that case, both מקדיש and מתכפר are ישראל; but here, גוי מקדיש is גוי
 1. *Question*: must it be under purview of ישראל from beginning to end or not - תיקו