

29.8.4

81a (הא מני ר' יהודה היא) → 82a (משנה ה)

1. שומר ושמעת את כל הדברים האלה אשר אנכי מצוה למען ייטב לך ולבניך אחריו עד עולם כי תעשה הטוב והישר בעיני ה' אלהיך: דברים יב, כח

- I ה מעשר שני and/or the loaves from תודה משנה ה
- If he committed to a תודה with the vow “הרי עלי תודה”, both animal and loaves must come from חולין
 - If he explicated that the תודה would come from חולין but the loaves from מעשר – both must come from חולין
 - If he vowed to bring תודה from מעשר and loaves from חולין – may do so
 - If he vowed to bring both from מע"ש – he may (ר"ח and ר"ג) do so
 - In any case: he may not bring the loaves from מעשר wheat, rather from מע"ש funds
- II Sidedoor סוגיא:
- א הונא if he commits to bring לחמי תודה, that is tantamount to a commitment to bring תודה and loaves
 - Reason: he knows that there is no לחם without the animal; he mentioned the end of his נדר
 - Challenge: our משנה – clause #3 – he should have to bring both from חולין
 - Answer: in this case, he explicitly stated תודה מן המעשר; as if he committed to bring loaves for another's תודה לחם
 - Challenge: clause #2, he should be able to bring both from מעשר, as if he is bringing תודה for another's לחם
 - Defense: bread comes to support תודה, not vice-versa
 - Challenge: if someone commits to bring תודה w/o loaves or זבח w/o נסכים – he is forced to bring “complete” offering
 - inference: if he stated “bread w/o תודה” we allow it (challenge to הונא ר')
 - defense: inference is imprecise – even if he says תודה w/o לחם – must bring both
 - and: reason that circumstance wasn't addressed is that it has no parallel with זבח/נסכים
 - challenge: this commitment should be able to be annulled, as the נדר to release פתח is “built-in”
 - explanation: when he said “w/o loaves” within תוך כדי דיבור, it signals retraction
 - answer (חזקיה): this follows ב"ש who holds that the first utterance cannot be retracted:
 - אזיר ב:א: if he states “I am אזיר from dates & figs”, ב"ש rules him to be a אזיר (regardless of later words)
 - Answer (ר' יוחנן): could even follow ב"ה (who disagree *ibidem* and do not commit him to נזירות)
 - And: case is where he said “had I known that such a vow is insufficient, I would have included לחם”
 - Question: if so, why do we need to coerce him to bring loaves?
 - Answer: he subsequently reneged and we now force him to fulfill נדר
 - (iii) Challenge: ברייתא – if he vows to זבח w/o נסכים, we force him to bring all
 - And: if he says that had he known that he would incur this obligation, he never would've vowed
 - Then: we invoke v. 1 and coerce him to bring
 - Note: שמור – bring תודה; ושמעת – bring the loaves
 - Or: שמור – bring full offering; ושמעת – take care not to repeat this behavior
- Observation: this only accords with חזקיה, but ר' יוחנן's approach is difficult here
 - Defense: ר' יוחנן would have to allow that this ברייתא follows בית שמאי
- III Analysis of final clause – limitation, in any case, against bringing מע"ש חיטי
- Reason: only limited to wheat of מע"ש, but may bring wheat purchased with מע"ש
 - אזיר ב:א: ruled the same; ר' ירמיה disagreed and maintained that even מע"ש-bought wheat may not be used
 - Discussion: ר' ירמיה presented ר"ז's thinking and his own
 - אזיר ב:א: תודה inferred from שלמים (שם::שם) which mayn't be מע"ש themselves (בהמה); מע"ש-bought wheat isn't מע"ש
 - אזיר ב:א: תודה inferred from שלמים, which are not a species liable for מע"ש, but wheat is liable for מע"ש
- IV Related discussion: ר' אמר that if someone attaches (via נדר) their מע"ש money to שלמים – doesn't “hold”
- Reason: the sanctity of שלמים isn't powerful enough to “overwhelm” שני מעשר שני
 - Challenge: is someone uses מע"ש to buy a חיה for שלמים (sic) or בהמה for קודש-נדר, the pelt isn't חולין
 - Assumption: שלמים have “overtaken” מע"ש and the whole animal is הקדש
 - Rejection (per רב): it means that the purchase (→ transfer) is invalid and the pelt need not go to חולין
 - Explanation (רב): as if he bought the ox for plowing (invalid use of מע"ש funds)
 - Related מברא: if someone attaches their מע"ש money to שלמים; ר' יוחנן: valid; ר' א: invalid
 - Note: they agree that יהודה ר' יהודה (מע"ש ממון הדיוט) would validate; disagreement according to ר"מ
 - אזיר ב:א: since מע"ש-bought animal may be brought as שלמים, ר"מ would agree that this התפסה is valid
 - Challenge: if someone attaches מע"ש to מע"ש, he must add 2 חומשים when redeeming – for מע"ש and הקדש
 - Answer: that certainly follows ר' יהודה ר"מ ר' יהודה might disallow התפסה