

29.13.4; 108a (משנה ט) → 109a (יעא וענוש כרת)

Note: *יעא* introduces the possibility of worship in Onias' Temple in Leontopolis (מקדש חוניו); p. 94 will have an explanatory note

- I בעל מום: switching values/amounts of animals when replacing a מונה טו
- a If: he designated a bull as עולה and it became a בעל מום, he may bring two of the same value
    - i Challenge: משנה ח – if he committed to a single bull for a מנה, and brought 2 for a מנה – not accepted
      - 1 Answer: in this case, he identified the bull שור זה – the נדר is “transferred” to it and the amount is fungible
    - ii דב: flexibility only if he said שור זה לעולה, but if he said שור זה עלי עולה – is committed to one
      - 1 Challenge: perhaps עלי means that he is committing to bringing it – rather...
    - iii דב: flexibility if he said שור זה לעולה or even שור זה עלי לעולה but if he said שור זה ודמי עלי עולה – number/amt. if fixed
  - b If: he designated two (small) bulls as his עולה and they became בעלי מום, he may bring one of the composite value
    - i Dissent: רבי prohibits in this case
  - c If: he designated a ram for his עולה and it became a בעל מום, he may bring a lamb
  - d If: he designated a lamb as his עולה and it became a בעל מום, he may bring a ram
    - i Dissent: רבי prohibits in this case as well
- II Analysis of רבי's dissent:
- a Reason: it is akin to committing to a large one (2 animals) and bringing a small one (1); 'tho בעל מום, he bans לכתחילה
  - b Challenge: if so, רבי should dissent in the first case (a small one – 1 animals – and he brought a large one – 2)
    - i Answer: he does dissent there; his dissent was placed at the end
      - 1 Proof: repeat of his dissent at the end of the 2<sup>nd</sup> clause
    - c Question: can the substitution cut across species?
    - d Answer: ברייתא – if he designated a bull and it became בעל מום, may not bring 1 ram, but may bring 2
      - i Dissent: רבי forbids, since the מנחות cannot be mixed (originally – 1 מנחה) – proving that ממינא למינא is acceptable'
      - ii Question: if so, should be able to bring even one ram
        - 1 Answer: dispute among later תנאים if רבנן, in case of נסתאב, permitted “large → small”
      - iii Challenge: רבי should forbid, even without consideration of בילה, as he does in our משנה
        - 1 Answer: 2 versions among תנאים of רבי's position
      - iv Note: end of ברייתא – if there is no מום, if he committed to calf and brought bull (or lamb/ram) יצא (כרבנן)
- III משנה טז: identifying which of his animals is הקדש when he was unspecific or unclear
- a If: he said “one of my lambs (or bulls) is הקדש” – and he had two – the bigger one is הקדש
  - b If: he had three (even) the middle one is הקדש
    - i Challenge: from 1<sup>st</sup> clause, we assume מקדיש בעין יפה (generous donation); yet here, we identify “middle”?
      - 1 Answer: we mean (per parentheses) – that even the middle one is considered
      - 2 Solution: wait for middle one to get a מום and transfer it (ממנו) to the bigger one
    - ii דבה בר אבנה only applies if used this formula; if he said שור בשוורי הקדש, only biggest is considered “ox among oxen”
      - 1 Challenge: if someone sells בית בבית, he may direct him to עלייה (presumably – even the attic)
        - (a) Answer: עלייה means “best house”
      - 2 Challenge: if he said שור בשוורי הקדש; or שור שור הקדש got mixed with other – biggest is considered הקדש
        - (a) And: all must be sold for צרכי עולות – and money is חולק
        - (b) Answer: that ruling only applies to the תערובת (q: implies its about all; a: refers to “only גדול”)
      - 3 Challenge: if he commits to sell בית בבית or עבד בעבדי and one collapsed or died, he may show that one
        - (a) Explanation: if it means “finest only” – see if finest one collapsed or died
          - (i) Answer: in the case of purchase, the one holding the “claim check” has the vulnerable position
          - (ii) Note: in that case, the עלייה (above) can also mean “attic”, as he is a purchaser and בעל השטר
    - c If: he claims to have specified or his (deceased) father had told him but he forgot – biggest one is הקדש
- IV משנה יז: the role of מקדש חוניו (see note)
- a If: he committed to an עולה, must offer in מקדש in ירושלים; if he offered in מקדש חוניו – did not fulfill his נדר
    - i But if: he stipulated that he would bring in מקדש חוניו; should bring to ים, if he brought to מקדש חוניו – יצא (!)
    - ii Dissent: רש"י says this is not an עולה at all
  - b If: he committed to be נזיר, must “shave” in מקדש in ירושלים; if he “shaved” in מקדש חוניו – did not fulfill his נדר
    - i But if: he stipulated that he would shave in מקדש חוניו; should shave in ים, if he shaved in מקדש חוניו – יצא (!)
    - ii Dissent: רש"י says this is not נזירות at all – and he isn't bound by נזירות
- V Challenge to ruling of יצא (in בית חוניו): all he did was kill an animal
- a דב המנונא: his נדר was as if he said he would bring an עולה without אחריות (יצא – exempt)
  - b דבא: cannot mean that, due to סיפא (נזיר); rather, he intended a gift, and didn't want to trouble himself to go to ים
  - c ד' המנונא: concedes in case of נזיר, but maintains his position in re: עולה (support from ברייתא&ר"י – יצא but כרת for חוץ שיחטי)