

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