

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

Note: י 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 טו: 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 a 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 יו: 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: ר"ש 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: ר"ש says this is not נזירות at all – and he isn't bound by נזירות
- V Challenge to ruling of יצא (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 שחוט)