

32.1.4

(זימנין דמקרי ואתי) 6b → (משנה א) 5a

1. דבר אל בני ישראל ואמרת אליהם איש כי יפלא נדר בערקה נפש לא: ויקרא כז, ב.
 2. ויאמר להם זרובבל וישוע ושאר ראשי האבות לישראל לא לכם ולנו לבנות בית לאלהינו כי אנחנו יחד נבנה לה' אלהי ישראל כאשר צונו המלך כורש מלך פרס: עזרא ד, ג.
 3. ויהי עם הארץ מרפים ידי עם יהודה ומבהלים אותם לבנות: עזרא ד, ד.
 4. ואנרת אל אסף שמור הפרדס אשר למלך אשר יתן לי עצים לקרות את שערי הבירה אשר לבית ולחומות העיר ולבית אשר אבוא אליו ויתן לי המלך כיד אלהי הטובה עלי: נחמיה ב, ח.
 5. כי תדר נדר לה' אלהיך לא תאחר לשלמו כי דרש ידרשנו ה' אלהיך מעמך והיה בך חטא: דברים כג, כב.

- I 2a baby (below 30 days) has no ערך, but has a דמים-value
- a ברייתא: if someone declares that he will give the ערך of a baby < 30 days
- i דמים he pays ד"מ
- 1 Reason: people don't utter meaningless declarations; all know that there is no ערך < 30 → דמים meant
- ii חכמים: he is exempt – people may utter meaningless declarations
- iii ר"מ – דמים – follows ר"מ rules that if someone commits to the ערך of a vessel, he pays דמים
- 1 Contra: possibility רבנן would agree here, since there is no room for error (unlike מן חדש), he intended דמים
- 2 Justification: ר"מ's ruling in re: נחות מן חדש is a precaution against older (irrelevant in re כלי) – קמ"ל
- iv ר"מ (only) – דמים – follows ר"מ rules that if someone is מקדיש another's animal – must pay דמים
- 1 Justification (for ר"מ's "repeating" principle): in case כלי, all know there is no ערך and he intended דמים
- (a) However: in this case, perhaps he meant that if the fellow agrees to sell animal to him, he is as of now מקדיש
- (b) But not: that he is committing to דמים – קמ"ל
- 2 Note (ר"מ): this 2nd ruling only applies if he said "עלי"; but if he stated "בהמה זו" – his declaration is meaningless
- II ב משנה: dispute יהודה ר"מ/ר' about status of non-Jew in re: ערכין ודמים
- a ד"מ he can be object of ערכין, not מעריך
- b ד"מ יהודה he can commit to ערך, but not be assessed
- c גזרים: both agree that they are fully included in נדרין, both as one who commits as well as object of נדר
- i ברייתא (from תורת כהנים): both ר"מ and ר"י see tension between "בני ישראל" (exclusive) and "איש" (inclusive) in v. 1
- 1 ד"מ resolved tension in favor of inclusiveness of נערינן, since more (חש"י) are excluded from מעריכין
- 2 ר"י resolved tension in favor of exclusiveness of נעריכין, since more (ט"א) are excluded from מעריכין
- (a) דבא ruling more reasonably follows ר"מ (per v. 2) but the argument of ר"י is more compelling
- (i) reason: ר"מ inferred from חש"י; they are not local exclusions, rather global exclusions, but ט"א are local
- (b) note: יהודה ר' interprets v. 2 to teach that if a non-Jew donates an ערך, it is buried (not used)
- (i) challenge: if so, מעילה should not attach; per ruling that those that are destroyed have no מעילה attached
- (ii) however: in re קדשי גויים, the rule is that מעילה attaches (if קדשי בדה"ב)
- (c) rather: יהודה ר' reads v. 2 in light of v. 3 – rejection of שומרוני assistance motivated by concern of ידים
- III Tangential discussion: acceptance of donations from non-Jews (in light of v. 2)
- a ברייתא: whether or not we accept
- i Resolution (ר' יוחנן): we do not accept before מקדש is built (per v. 2); afterwards, we accept
- ii Per: ר' יוחנן – before מקדש is built, we don't even accept water or salt; afterwards, only accept non-specific gifts
- 1 Example of specific gifts: the roof-top bird-repeller
- iii Challenge (ר' יוסף): v. 4 indicates that we accepted wood for building of מקדש – from Persian court
- iv Defense (אביי): the monarch is unique; he doesn't renege on a promise (per שמואל's aphorism)
- b רב תרומת גוי – we check; if he did it per ישראל's meaning, give to כהן as תרומה; if not, might be לשמים → bury (not use)
- i Challenge: תוספתא מגילה ב:טז – if a non-jew donates a beam with a שם on it, we check
- 1 If: he stated that he designated it per ישראל – דעת ישראל – cut off the שם and use the rest (for מקדש); if not, טעונה גזירה
- 2 Inference: גזירה is due to the שם; without שם – no requirement
- 3 Correction: even without שם it requires גזירה; teaches that if there is a שם, he may cut it off and use the rest
- (a) Reason: a שם out of its proper מקום does not sanctify the rest of the כלי (per ruling re: שם on ידות etc.)

IV Discussion regarding fungability of funds designated for מצוה

- a ל"נ if someone designates a coin for צדקה, he can use it and pay with another coin
- i *Assumption*: only for himself, but not to give to another
- 1 ד' יוחנן even for another
- ii ד' זעירא this only applies if he originally stated הרי עלי (and then designated the coin for payment)
- 1 *But*: if he stated הרי זו, must give that specific coin
- iii *Challenge* (רבא): the opposite is more reasonable – if he said "זו", let him use it in order to then have אחריות
- 1 *But*: if he said "עלי" – no need to do so (already has אחריות)
- 2 *Rather*: there is no difference between זו and עלי for this purpose
- 3 *Support* (בריייתא): "נדר צדקה, ואין הקדש צדקה" – which is hard to decipher, as neither נדר nor הקדש is צדקה
- (a) *Meaning*: צדקה falls under the ban of בל תאחר (v. 5)
- (b) *But*: is not like הקדש; which is אסור to use; צדקה, on the other hand, is permissible to use
- iv *Note*: ר"נ מ"מרא from ר' זבדי מנהרדעא (responding to ר' כהנא's retelling) had a more detailed מ"מרא
- 1 מ"מרא: if one designates a סלע for צדקה, he may use it for something else, regardless of whether it is for himself or for another, regardless of whether he said "עלי" or "זו"
- b בר"יתא if he commits "סלע זו לצדקה" it may be used for other things (and replaced) until it reaches the גבאי; once there, it may not be used for anything else
- i *Challenge*: ר' ינאי (who was a גבאי צדקה) used to borrow from the collection and then pay back
- 1 *Answer*: he did that to benefit the poor; if people saw the collection depleted, they would donate
- c בר"יתא if a ישראל donates money for a lamp (e.g.) to בית הכנסת, it may not be used for anything else
- i ד' חייא assumed that it made no difference if it was being re-directed for דבר רשות or דבר מצוה
- ii *Correction* (ר' יוחנן): only limited from using for דבר הרשות, but for דבר מצוה, may be re-directed
- 1 *Inference from*: ר' יוחנן's ruling that if a non-Jew donated funds for a lamp (e.g.) for בית הכנסת
- (a) *Until*: such time as his name is still associated with the gift, may not change it; afterwards – permitted
- (b) *Analysis*: this היתר is only for דבר מצוה – even a ישראל's donation may not be changed for דבר הרשות
- (c) *and*: only because the non-Jew will complain about it – but the ישראל will accept it – even immediately
- (d) *story*: an Arab merchant donated a lamp to בית כנסת רב יהודה (in פומבדיתא) and either רבא or רחבא or the חזונים redirected the gift; others (one of those) was upset
- (i) *redirecter*: considered that this merchant doesn't frequent the town; he won't come and protest
- (ii) *those who were upset*: he may come and we should be concerned about that possibility