

## 32.1.4

5a (משנה א) → 6b (זימנין דמקרי ואתי)

1. דבר אל בני ישראל ואמרת אליהם איש כי יפלא נדר בערקך נפשתי לה: ויקרא כו, ב  
 2. ואמר להם זרובבל וישוע ושאר ראשי האבות לישראל לא לכם ולנו לבנות בית לאלהינו כי אנחנו יחד נבנה לה' אלהי ישראל כאשר צונו המלך פורש מלך פרס: עזרא ד, ג  
 3. ויהי עם הארץ מרפים ידי עם יהודה ומבהלים אותם לבנות: עזרא ד, ד  
 4. ואגרת אל אסף שמר הפרדס אשר למלך אשר יהוה לי עצים לקרות את שערי הבירה אשר לבית ולחומת 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 משנה: 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 ד"מ: he pays דמים
- 1 Reason: people don't utter meaningless declarations; all know that there is no ערך < 30 → meant דמים
- ii חכמים: he is exempt – people may utter meaningless declarations
- iii ד"מ: rules that if someone commits to the ערך of a vessel, he pays דמים – follows ר"מ
- 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: פחות מן חדש is a precaution against older (irrelevant in re כלי) – קמ"ל
- iv ד"מ: rules that if someone is מקדיש another's animal – must pay דמים – follows ר"מ (only)
- 1 Justification (for ד"מ's "repeating" principle): in case of 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 2<sup>nd</sup> ruling only applies if he said "עלי"; but if he stated "בהמה זו" – his declaration is meaningless
- II ב משנה: dispute ר"מ/ר' יהודה about status of non-Jew in re: ערכין ודמים
- a ד"מ: he can be object of ערכין, not מעריך
- b ד' יהודה: he can commit to ערך, but not be assessed
- c גזירים: 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 ערכין, since more (חט"ו) are excluded from מעריכין
- 2 ד"י: resolved tension in favor of exclusiveness of מעריכין, since more (ט"א) are excluded from נערכין
- (a) ד"מ: ruling more reasonably follows ר"מ, (per v. 2) but the argument of ר"י is more compelling
- (i) reason: ר"מ inferred from חט"ו; they are not local exclusions, rather global exclusions, but ט"א are local
- (b) note: ר' יהודה 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: ר' יהודה reads v. 2 in light of v. 3 – rejection of שומרוני assistance motivated by concern of רפיון ידים
- III Tangential discussion: acceptance of donations from non-Jews (in light of v. 2)
- a ברייתות: 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: טו – if a non-Jew donates a beam with a שם on it, we check
- 1 If: he stated that he designated it per ישראל – cut off the שם and use the rest (for מקדש); if not, טעונה גניזה
- 2 Inference: גניזה is due to the שם; without שם – no requirement
- 3 Correction: even without שם it requires גניזה; 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 "זר", 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* (ברייתא): "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 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 ממימרא from ר' זביד מנהרדעא (responding to ר' כהנא's retelling) had a more detailed מימרא
- 1 *מימרא*: 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 "זר"
- b ברייתא 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 ברייתא 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 חזנים 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