

Daf Notes

Insights into the Daily Daf

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Daily Daf

According to its Honor

The *braisa* had stated: *Then the valuation shall be*. This includes a *tumtum* and an *androgynous* for a *damim* (*their worth on the slave market*) vow.

The *Gemora* asks: But why is a Scriptural verse necessary for a vow of worth? Let it be just like he vowed the worth of a palm tree! If he said, "I accept upon myself the worth of a palm tree," would he not have to pay it?

Rava answered: It means to say that a pledge is judged according to its honor (*i.e. importance*). [*Rashi explains that if a person pledges the value of a body part to hekdesh, its value is judged by whether or not the person needs that part to survive. If he does, the value of the entire person must be given to hekdesh. If he does not, he only gives the value of that limb.*] I would have thought that since it is written: *A vow according to your erech* - that whoever is included in the laws of an *erech* vow is judged according to its honor, but whoever is not included in the laws of an *erech* vow is judged according to its honor; the *braisa* therefore informs us that this is not so (*and a tumtum and an androgynous are judged according to its honor even though they are not included in the laws of an erech vow*).

Abaye asked him: Is it true that one to whom the laws of an *erech* vow do not apply is nevertheless judged according to its honor? Was it not taught in a *braisa* as follows: If one said, "The head of this slave shall be consecrated," then he and the Temple treasury are partners in him. If he said, "The head of this slave shall be sold to you," they assess its value (*and divide it*) between them. If he said, "The head of this donkey shall be consecrated," then he and the Temple treasury are partners in him. If he said, "The head of this donkey shall be sold to you," they assess its value (*and divide it*) between them. If he said, "The head of this cow is sold to you," he has sold only her head. And not only that, but even if he said, "The head of this cow is consecrated," the Temple treasury has no more than her head. And Rav Pappa explained (*the distinction*): [*Why is there no partnership in the case of a cow?*] It is because the head of an ox is sold (*separately*) in the butcher's shop (*but the head of a slave and a donkey are never sold separately*). Now, a donkey and cow are not included in the laws of an *erech* vow, and yet, they are not judged according to its honor (for if they would be judged on its honor, the entire cow or donkey should be long to *hekdesh* when he consecrates the head)? [*Accordingly, how can Rava maintain that a tumtum and an androgynous are judged on its honor, when they are not included in the laws of an erech vow?*]

Rava counters: But according to your position, what of the case of a slave to whom the laws of an *erech* vow do apply, and yet, he is not judged according to its honor?

Rather, said Rava: There is no difficulty. This *braisa* refers to objects dedicated to the altar (*that the value of the head of the donkey or slave should be used to purchase an olah offering; and regarding items consecrated for the altar, there is no verse teaching us that they are judged according to its honor*), and the ruling (*regarding a tumtum and an androgynous*) refers to a case where he dedicated it (*a vital organ*) to the upkeep of the Temple.

The *Gemora* asks: How did you explain the *braisa*? You said that it is referring to objects dedicated to the altar! But let us consider the latter part of the *braisa*: And not only that, but even if he said, “The head of this cow is consecrated,” the Temple treasury has no more than her head. But why is that? Let its sanctity spread to include the entire animal!? Has it not been taught in a *braisa*: If one said, “The leg of this animal shall be consecrated as an *olah*,” one might have thought that the entire animal becomes an *olah*, therefore it is written: *All that any man gives from it to Hashem shall be holy*. This teaches us that only ‘from it’ shall be holy, but not all of it. One might think then that the leg shall become unconsecrated (*through redemption*), therefore it is written: *shall be*. It retains its present sanctity. What then should be done? It is sold for the purchase of an *olah* and the money will be non-sacred with the exception of the value of the consecrated leg; these are the words of Rabbi Meir. Rabbi Yehudah, Rabbi Yosi and Rabbi Shimon say: From where do we know that if a man said, “The leg of this animal shall be consecrated as an *olah*,” the entire animal becomes an *olah*? It is written: *All that any man gives from it to Hashem shall be holy*. This includes the entire animal.

Now, even according to the opinion that the entire animal does not become consecrated, that applies only to a case where he consecrated an organ upon which the soul does not depend, but whenever he consecrated

a limb upon which the soul of the animal depends, the entire animal becomes consecrated!?

Rava answers: This is not difficult, for this *braisa* is dealing with a case where he consecrates the animal with a physical sanctity (*and then its sanctity would spread to the entire animal*); however, the other *braisa* is referring to a case where he consecrated the animal’s organ with a mere monetary sanctity (*and in such a case, the sanctity does not spread*).

The *Gemora* asks: Don’t you (*Rava*) yourself say that if a person dedicated a male ram specifically so that it should only have monetary sanctity, it in fact acquires physical sanctity (*and it is offered as an olah; accordingly, when he consecrated the head with a monetary sanctity, it should acquire a physical sanctity, and then the sanctity should spread to the entire animal*)?

The *Gemora* answers: That is not difficult, as one case (*Rava’s ruling*) is dealing with a case where he consecrated the entire animal, but the other *braisa* is referring to a case where he consecrated only one organ of its body (*and in order to acquire physical sanctity – enough to be offered as a sacrifice – two extensions would be necessary; Rava maintains that this does not happen*).

The *Gemora* asks: But even regarding the consecration of one limb, it is a matter of doubt, for Rabbah inquired: If a man had consecrated (*to the altar*) one limb for its monetary value, what is the *halachah*?

The *Gemora* answers: The inquiry was asked about an unblemished animal, whereas here we are dealing with a blemished one (*which cannot be offered as a sacrifice*), similar to the donkey.

The *Gemora* asks: But the case of the consecration of a blemished one is also doubtful, for Rabbah inquired: If someone says, “The money value of my head should be consecrated to the altar,” what is the *halachah*?

Statements in Vain

The *Gemora* answers: The inquiry was posed before he heard this teaching (*that one who consecrates the head of a slave or donkey, only the head acquires sanctity*), but now that he has heard that teaching, he no longer had the question.

It was stated: Rabbah inquired: If someone says, "The money value of my head should be consecrated to the altar," what is the *halachah*? Shall he be judged according to its honor, or not? The *Gemora* explains: Do we say that we never find that a vow regarding monetary value is not judged according to its honor (*and therefore, we would rule that the vow is regarding his entire worth*) or, do we say that we never find regarding a consecration for the altar that it is judged according to its honor (*and therefore only the value of his head is included in his vow*)? The *Gemora* leaves this question unresolved.

Rava inquired: If one said, "I accept upon myself to give my *erech* for the altar," is he adjudged according to his means (*that if he is poor, he is assessed*), or not? The *Gemora* explains the inquiry: We do not find in connection with an *erech* vow that one is not judged according to one's means; or, do we say that we do not find regarding any vow to the altar that one should be judged according to his means? The *Gemora* leaves this question unresolved.

Rav Ashi inquired: If a man dedicated an ancestral field for the altar, what is the *halachah*? Do we say that we do not find that an ancestral field can be redeemed except on the basis of fifty silver *shekalim* for each portion of the field sufficient for the planting of a *chomer* of barley, or do we say that we do not find regarding the altar that an item may be redeemed other than according to its actual value? The *Gemora* leaves this question unresolved. (4b – 5a)

Mishna

An infant less than one month old may be the subject of a *damim* vow, but not with regard to an *erech* vow. (5a)

The *Gemora* cites a *braisa*: If one declares an *erech* vow regarding an infant less than a month old (*where the Torah does not fix a value for such an age*), Rabbi Meir rules that he must give its value, for he knows that the Torah did not set a value, and he obviously intends to give its full value, for a person does not utter a vow in vain, and the *Chachamim* maintain that he has said nothing, for they hold that a person might utter a vow in vain.

The *Gemora* notes: In accordance to whose opinion will be that which Rav Giddal said in the name of Rav, who said: One who declared the formal value of a vessel as an *erech* must give its worth? This is in accordance with Rabbi Meir (*for although the Torah only defines formal values of people, the resolving person knew that, and was therefore obligating himself to consecrate the market value of the vessel*).

The *Gemora* asks: Is this not obvious?

The *Gemora* answers: You might have thought that it could be in accordance with the view of the Sages as well, for in the other case (*by the infant less than a month old*), one could have erred in thinking that just as an infant of one month has an *erech*, so also one less than one month old; but in this case (*by a utensil*), where there is nothing to err about, for a man surely knows that a vessel has no *erech*, and therefore he had intended his vow to be referring to the vessel's worth; therefore, we are informed that even here, the Sages disagree (*for they maintain that a person's statements may always be in vain – even if he known that they are meaningless*).

The *Gemora* asks: But why was it necessary for Rav to state this ruling according to the opinion of Rabbi Meir?

The *Gemora* answers: One might have thought the reason for Rabbi Meir in that case (*by the infant less than a month old*) was that he decreed (*the obligation to pay*) in the case of an infant less than one month old on

account of one which was one month old, but that in the case here (*by a utensil*), where no such decree is warranted, one might have thought that Rabbi Meir would not rule like that. Therefore, Rav Giddal informed us that Rabbi Meir's reason is that no man utters his words in vain, so that the same rule applies in both cases.

The *Gemora* notes: In accordance to whose opinion will be that which Rabbah bar Yosi said in the name of Rav, and others say that it was Rav Yeiba bar Yosi in the name of Rav: If one consecrates his fellow's animal, he must pay its worth (*to the Temple*)? This is in accordance with Rabbi Meir (*for although he has no power to consecrate his friend's animal, the resolving person knew that, and was therefore obligating himself to consecrate the market value of the animal*).

The *Gemora* asks: But Rav has already said that once before, for Rav Giddal said in the name of Rav: If one said, One who declared the formal value of a vessel as an *erech* must give its worth?

The *Gemora* answers: You might have thought that in one case he knew that a vessel has no *erech*, and he therefore made up his statement with the intention for its worth, but in the case of an animal, which is normally fit to be consecrated, one might say that this is what he meant: "If I notify the owner (*that I consecrated his animal*), he will sell it to me, therefore, let it be consecrated from now already, and I shall offer it up as a sacrifice (*after I purchase it*)," but he did not mean its worth; therefore Rav informs us that this is not so.

Rav Ashi said: This applies only where he said, "I accept upon myself (*to bring this animal*)," but not if he said, "This animal is consecrated" (*for then he obviously means to consecrate it, and he has no monetary obligation*). (5a – 5b)

Mishna

An idolater, according to Rabbi Meir, can be made the subject of an *erech*, but cannot declare an *erech* vow,

whereas according to Rabbi Yehudah, he may declare an *erech* vow, but cannot be made the subject of an *erech*. Both agree, however, that he can both declare a *damim* vow and be the subject of one by others. (5b)

Idolater's Erech

The *Gemora* cites a *braisa*: Regarding evaluations, the verse states, "*Speak to Bnei Yisroel*." (*This implies*) Bnei Yisroel can make *erech* vows while idolaters cannot. One might think that idolaters, therefore, cannot even be the subject of an *erech* vow; the verse therefore states, "Man" (*implying any man*); these are the words of Rabbi Meir.

Rabbi Meir explains: Now that one Scriptural verse includes and the other excludes, why am I justified to say that the idolater may be made the subject of an *erech* vow, but may not declare the *erech* vow himself? It is because the Torah has included more among those subject to *erech* vows than among those fit to make an *erech* vow; for a deaf-mute, a deranged person and a minor each may be made the subject of an *erech* vow, but they are not fit to make the *erech* vow.

Rabbi Yehudah said: Bnei Yisroel can be the subject of an *erech* vow, but idolaters cannot. One might think that idolaters, therefore, cannot even make an *erech* vow either, the verse therefore states, "Man" (*implying any man*).

Rabbi Yehudah explains: Now that one Scriptural verse includes and the other excludes, why am I justified to say that the idolater may declare an *erech* vow, but they cannot be the subject of one? It is because the Torah has included more among those fit to make *erech* vows than among those subject to them, for a *tumtum* and an androgynous are fit to make an *erech* vow, but are not subject to one.

Rava said: The ruling of Rabbi Meir (*that an idolater cannot make an erech vow*) appeals to logic, but not his reasoning; the reasoning of Rabbi Yehudah is logical, but not his ruling.

He explains: The ruling of Rabbi Meir appeals to logic, as it is written: *It is not for you (idolaters) and us to build a house for our God (and therefore we do not want the money coming from his erech vow)*. His reason does not appeal, for he derives it from the case of a deaf-mute, a deranged person or a minor; but it is different with them, since they have no intelligence. The reasoning of Rabbi Yehudah is logical, for he derives it from the case of a *tumtum* and an *androgynous*, which, although endowed with intelligence, the Torah excluded them (*from being subject to an erech vow*). His ruling, however, does not appeal, as it is written: *It is not for you (idolaters) and us to build a house for our God*.

The *Gemora* asks: What, indeed, does Rabbi Yehudah do with the verse: *It is not for you (idolaters) and us to build a house for our God?*

Rav Chisda answered in the name of Avimi: His erech money must be hidden away (*it cannot be used*).

The *Gemora* asks: But then one should not be subject to *me'ilah* (*one who has unintentionally benefited from hekdesch or removed it from the ownership of the Beis Hamikdosh has committed the transgression of me'ilah, and as a penalty, he would be required to pay the value of the object plus an additional fifth of the value; he also brings a korban asham*) in connection with them, for it was taught in a *braisa*: Concerning the five kinds of *chatas* offerings which must be left to die, and all moneys that must be cast into the Dead Sea, one must not derive any benefit from them, nor is one guilty of *me'ilah* if one has used them (*for they cannot be offered to Hashem*). Why then was it taught in a *braisa* with regard to the consecration of idolaters: This rule (*that there is no me'ilah on items consecrated by an idolater*) applies only to items consecrated for the altar, but items consecrated for the upkeep of the Temple are subject to the law of *me'ilah*?

Rather, said Rava: It (*that which they didn't accept contributions for the building of the Temple*) was due to the 'weakening of the hands' (*for they wanted the Jews*

to rely on them, and then they would have time to prevent the Jews from building the Temple), as it is written: Then the people of the land were weakening the hands of the people of Judah and frightening them from building. [*However, this would not apply in future generations, and therefore, the money from the erech vow of idolaters could be given to the Temple treasury.*] (5b)

INSIGHTS TO THE DAF

An Idolater's Contribution

There is a disagreement if an idolater can make a contribution of "worth". The Rambam wrote that "an idolater who says, 'I will contribute my worth' or 'I will contribute someone else's worth' is obligated to pay according to his vow" [Hilchos Arachin 1:11].

The Mishna Lamelech asks why this should be so, since the law of not desecrating his word is not one of the seven mitzvos of Bnei Noach, and he should therefore not be obligated by it (Hilchos Melachim 10:7).

His explanation is that the intention of the Rambam is that a contribution of an idolater becomes sacred, but not that he is obligated to fulfill his promise.

There is another possibility according to the approach of the Sefer Hachinuch, that the obligation is a unique one, stemming from this passage in the Torah itself. In that case, it may be that an idolater is also included in the obligation if he takes it upon himself to contribute according to the "worth."