

HALAKHA

These saplings are like an offering...until they are cut down – עַד שֶׁיִּקְצְצוּ – נְטִיעוֹת הָאֵלוֹ קָרְבָן... If one says: These saplings are like an offering until they are cut down, he cannot permanently redeem them, since the sanctity continually takes effect until they are cut down. It appears that all agree with this ruling.

After they are cut down, they do not require redemption, but are immediately transferred to a non-sacred status. This ruling is in accordance with Ulla as well as Rava, whose opinion is the final opinion expressed in the Gemara and is therefore followed (Rambam Sefer Avoda, Hilkhot Me'ila 4:11 and Kesef Mishne there).

NOTES

Ulla said, etc. – עוֹלָא אָמַר וכו'. Early commentaries cited by the Ran engaged in a dispute concerning the correct interpretation of Ulla's opinion. According to the Rashba, Ulla concedes to bar Padda that as long as the saplings are not cut they can be repeatedly consecrated, because their consecration was made using the expression: They are like an offering until they are cut. Therefore, the vow is effective upon them continually as long as they are standing. He disagrees with bar Padda only after they have been cut, maintaining that their consecration is completely void even without redemption. But according to Rabbi Moshe Kortabi, cited by the Ran, Ulla holds that this vow applies only as long as the condition lasts. Therefore, if the trees are redeemed even once before they are cut, they do not become consecrated again.

הֵיכִי נִדְרָ? אָמַר אֲמַיְמַר: בְּאוֹמַר "אֵם אֵינִי נִקְצָצוֹת הַיּוֹם" וְעַבְרַת הַיּוֹם וְלֹא נִקְצָצוּ. אֵם בֵּן לְמָה לִּי לְמִימְרָ? פְּשִׁיטָא! לֹא צְרִיכָא, בְּגוֹן דְּאֵיכָא זִיקָא נְפִישָׁא.

וְהָא קְתַנִּי לָהּ גַּבֵּי טְלִית, וְטְלִית לְשִׁרְיָפָה קִיָּמָא? [אֵינִי] בְּגוֹן דְּאֵיכָא דְּלִיקָה. הֵכָּא נִמְי דְּאֵיכָא זִיקָא נְפִישָׁא, וְסִלְקָא דְּעַתְדָּא דְּמִסִּיק אֲדַעְתֵּיהּ דְּלֹא מִיתְנַצֵּלָן, וּמְשׁוּם הֵכִי קָא נִדְרָ, קָא מְשַׁמְעָ לָן.

"הֲרֵי נְטִיעוֹת הָאֵלוֹ קָרְבָן" כּו'. וְלַעוֹלָם? אָמַר בַּר פְּדָא: פְּדָאן – חוֹזְרוֹת וְקוֹדְשׁוֹת, פְּדָאן – חוֹזְרוֹת וְקוֹדְשׁוֹת, עַד שֶׁיִּקְצְצוּ. נִקְצָצוּ – פּוֹדֵן פְּעַם אַחַת, וְדִי. וְעוֹלָא אָמַר: בֵּינָן שְׁנַקְצָצוּ – שׁוֹב אֵין פּוֹדֵן.

The Gemara elaborates: How did he take a vow? What was the precise language that he used? Ameimar said: Where he says: These saplings are like an offering if they are not cut down today, and the day passed and they were not cut down. The Gemara asks: If so, why do I need to say that they are consecrated? Isn't it obvious that his vow takes effect? The Gemara answers: No, it is necessary in a case where there is a great strong wind and he thought that they would be uprooted by the wind.

The Gemara asks: But isn't this taught together with the case of a garment, indicating that the two are equivalent, and is a garment ready for burning, i.e., is it assumed that it will burn? The Gemara answers: Yes, in a case where there is a fire. The Gemara explains: Here also there is a great strong wind, and it enters your mind that one raised in his mind the possibility that the saplings will not be saved, and due to that reason he took a vow. Since in any event he assumes he will lose the saplings, perhaps he did not really intend to consecrate them. The mishna teaches us that in spite of this it is still considered a vow.

The mishna states that if he said: These saplings are like an offering until they are cut down, they are not subject to the possibility of redemption. The Gemara asks: And are they not subject to redemption forever? Bar Padda said: If he redeemed them, they become consecrated again, as they have not yet been cut down. If he redeemed them again, they become consecrated again, until they are cut down.^H Once they are cut down, he redeems them once and it is sufficient. And Ulla said:^N Once they are cut down one does not need to redeem them again because they are no longer consecrated.

Perek III

Daf 29 Amud a

BACKGROUND

Peace-offering – שְׁלָמִים: A peace-offering is an offering brought from male or female cattle or sheep. It is of lesser holiness and may be slaughtered anywhere within the Temple courtyard. Following the slaughter, the blood is sprinkled on the two opposite corners of the altar, in such a manner that it will descend on each of the altar's four sides. Unlike the burnt-offering, which is totally burned on the altar, only part of each peace-offering is burned on the altar, while the breast and the right hind leg are given to the priest. The rest of the animal is eaten by the one bringing the offering or his family anywhere in the city of Jerusalem. It may be eaten either on the day the animal is sacrificed, the following day, or during the intervening night. With the exception of the Festival peace-offering and a few other cases, peace-offerings are brought voluntarily.

אָמַר לִיָּה רַב הַמְּנַנָּא: קְדוּשָׁה שְׁבִהוֹן לְהִיבֵן הַלְבָּחָה? וּמָה אֵילוּ אָמַר לֹא שָׂא "הַיּוֹם אֶת אֶתְּ אֶשְׁתִּי וְלִמָּחָר אֵי אֶתְּ אֶשְׁתִּי", מִי נִפְקָא בְּלֹא גִטָּא?

אָמַר לִיָּה רַבָּא: מִי קָא מְדַמֵּית קְדוּשַׁת דְּמִים לְקְדוּשַׁת הַגּוֹף? קְדוּשַׁת דְּמִים – פְּקָעָה בְּכַדִּי, קְדוּשַׁת הַגּוֹף – לֹא פְּקָעָה בְּכַדִּי.

אָמַר לִיָּה אֲבַיִי: קְדוּשַׁת הַגּוֹף לֹא פְּקָעָה בְּכַדִּי וְהַתְּנָא: "שׁוֹר זֶה עוֹלָה כֹּל שְׁלָשִׁים יוֹם, וְלֵאחֶר שְׁלָשִׁים יוֹם שְׁלָמִים" – כֹּל שְׁלָשִׁים יוֹם עוֹלָה, לֵאחֶר שְׁלָשִׁים יוֹם שְׁלָמִים. אֲמַאי? קְדוּשַׁת הַגּוֹף מִנְהוּ, וּפְקָעָה בְּכַדִּי!

Rav Hamnuna said to Ulla: Where did their sanctity go? How can the consecrated saplings become non-sacred without being redeemed? And what would happen if one said to a woman while performing betrothal: Today you are my wife and tomorrow you are not my wife? Would she exit the marriage the next day without a bill of divorce? Likewise, in the mishna, once one consecrated the saplings, how is their sanctity withdrawn without redemption?

Rava said to him: How do you compare sanctity inherent in its value to inherent sanctity? Sanctity inherent in its value departs with nothing being done, since it is conditional. When the condition is fulfilled and the saplings are cut, the sanctity is removed. However, inherent sanctity, which relates to an entity that itself is consecrated, e.g., a betrothed woman, does not depart with nothing being done. An action must be performed in order to remove it.

Abaye said to him: And does inherent sanctity not depart with nothing being done? But isn't it taught in a baraita that if one said: This ox is a burnt-offering^H for all of thirty days and after thirty days it is a peace-offering,^B for all of thirty days it is a burnt-offering and after thirty days it is a peace-offering. One can ask: Why is this so? These offerings are examples of inherent sanctity, and it departs with nothing being done. After thirty days, it is transformed into a peace-offering without any action being taken.

HALAKHA

This ox is a burnt-offering, etc. – שׁוֹר זֶה עוֹלָה וכו'. If one says: The value of this ox should be used for a burnt-offering for thirty days and after thirty days it is for a peace-offering, his words are effective. If he brings the money within thirty days then he brings a burnt-offering with it, and after thirty days he brings a peace-offering.

must desacralize the money by transferring its sanctity onto another item, redeeming that item with a small sum of money, and only then does he sell the ox to purchase a peace-offering. According to the Kesef Mishne, the Rambam ruled in accordance with Rava, and he is not bothered by Abaye's question (Rambam Sefer Avoda, Hilkhot Ma'aseh HaKorbanot 15:7 and Lehem Mishne there).

The Ra'avad disagrees and holds that after thirty days one

הָכָא בְּמַאי עֲסָקִינַן – דְּאָמַר לְדַמִּי.

The Gemara answers: **With what are we dealing here?** It is a case where one did not consecrate the animal as a burnt-offering or peace-offering but rather **he said** that he was consecrating it for its **monetary value**, with which to purchase a burnt-offering or peace-offering. Therefore, there was no inherent sanctity.

אִי הָכִי אֵימָא סִיפָא: "לְאַחַר שְׁלֹשִׁים יוֹם עוֹלָה, וּמַעֲבָשׁוּ שְׁלָמִים". אִי אָמַרְתָּ בְּשִׁלְמָא חֲדָא בְּקְדוּשַׁת הַגּוֹף וְחֲדָא בְּקְדוּשַׁת דְּמַיִם

The Gemara asks: **If so, say the latter clause:** If he said that **after thirty days** it should be a **burnt-offering**, and **from now** until thirty days it should be a **peace-offering**, his words are binding. **Granted, if you say that one clause is referring to inherent sanctity and one clause is referring to sanctity inherent in its value,**

Perek III
Daf 29 Amud b

הֵינּוּ דְּאִינְטְרִיךְ לִיה לְתַנָּא לְמִיתְנָא תְּרַתֵּי דְּסָלְקָא דְּעַתְדָּן אֲמִינָא: קְדוּשַׁת הַגּוֹף – לֹא פְקַעָה בְּכַדִּי, קְדוּשַׁת דְּמַיִם – פְּקַעָה בְּכַדִּי, אֲמַטּוּ לְהָכִי תַנָּא תְּרַתֵּי.

then **this is the reason that it was necessary for the tanna to teach two clauses:** In order to emphasize that this *halakha* applies in both cases, as it might **enter your mind to say: Inherent sanctity does not lapse on its own, but sanctity inherent in its value departs with nothing being done. Because of this, the tanna taught two clauses, to demonstrate that there is no difference between them: Both depart with nothing being done.**

אֲלֵא אִי אָמַרְתָּ אִינְדִּי וְאִינְדִּי קְדוּשַׁת דְּמַיִם – לָמָּה לִּי לְמִיתְנָא תְּרַתֵּי? הַשְׁתָּא יֵשׁ לֹאמַר מְקוּדָשָׁה חֲמוּרָה לְקְדוּשָׁה קְלָה – פְּקַעָה, מְקוּדָשָׁה קְלָה לְקְדוּשָׁה חֲמוּרָה צְרִיכָא לְמִימַר?

But if you say that this clause and that clause refer to sanctity inherent in its value, why do I need to teach two clauses? Now, it can be said that if from the stringent sanctity of the burnt-offering to the less stringent sanctityⁿ of a peace-offering, the stringent sanctity departs and the animal becomes like a peace-offering, then from the less stringent sanctity of the peace-offering to the more stringent sanctity of the burnt-offering, need this be said?

לִמָּא תִּיהִי תִּיּוּבְתָא דְּבַר פְּדָא, דְּאָמַר: לֹא פְקַעָה קְדוּשָׁה בְּכַדִּי?

The Gemara proposes: **Let us say that this baraita should be a conclusive refutation of bar Padda,^p who said: Sanctity does not depart with nothing being done and the trees require redemption, while the baraita demonstrates that even inherent sanctity lapses on its own?**

אָמַר רַב פַּפְּא, אָמַר לָךְ בַּר פְּדָא: הָכִי קְאָמַר: אִם לֹא אָמַר "מַעֲבָשׁוּ שְׁלָמִים" – לְאַחַר שְׁלֹשִׁים יוֹם עוֹלָה הָיִי.

Rav Pappa said: Bar Padda could have said to you: **This is what the baraita is saying:** If one says: This ox, after thirty days, is a burnt-offering, then **if he does not say: From now it is a peace-offering,ⁿ then after thirty days it is a burnt-offering.** But when he adds: From now it is a peace-offering, the sanctity of a peace-offering takes effect upon it and does not depart with nothing being done.

מִינְדִּי דְּהוּא הָאֹמֵר לְאִשָּׁה "הִתְקַדְּשִׁי לִּי לְאַחַר שְׁלֹשִׁים יוֹם" – דְּמְקוּדָשָׁת, וְאָף עַל פִּי שְׁנִתְעַבְּלוּ הַמְעוֹת.

This is **just as it is** in the case of a man who says to a woman: **Be betrothed to me after thirty days^h** with this money that I give you, **that she is betrothed after thirty days. And this is so, although the money was squandered away in the meantime and does not exist at the end of thirty days, when the betrothal takes effect. Here as well, the sanctity of a burnt-offering takes effect after thirty days.**

PERSONALITIES

Bar Padda – בַּר פְּדָא: This refers to Rabbi Yehuda ben Padda. This scholar was bar Kappara's nephew and merited to be one of the youngest students of Rabbi Yehuda HaNasi. Rabbi Yehuda ben Padda was one of the scholars of the South and resided somewhere in the Judea region of the country. All of the great first- and

second-generation *amora'im* in Eretz Yisrael received traditions from him, and Rabbi Yehoshua ben Levi, Rabbi Yohanan, and Reish Lakish all cite words of Torah in his name. His statements concerning both *halakha* and *aggada* are found in the Babylonian Talmud, the Jerusalem Talmud, and *Midreshei Aggada*.

HALAKHA

הִתְקַדְּשִׁי לִּי לְאַחַר שְׁלֹשִׁים – בְּיָמֵי: One who says to a woman: Be betrothed to me with this *peruta* after thirty days, even if the money does not remain in her possession at the end of the thirty days, she is still betrothed after thirty days. If either of them retracted, she is not betrothed.

This ruling is based on the Gemara here, citing a passage from tractate *Kiddushin*, where Rabbi Yohanan holds that the woman may retract (Rambam *Sefer Nashim, Hilkhos Ishut* 7:10; *Shulhan Arukh, Even HaEzer* 40:1).

NOTES

From the stringent sanctity to the less stringent sanctity – מְקוּדָשָׁה חֲמוּרָה לְקְדוּשָׁה קְלָה: The burnt-offering is more stringent than the peace-offering since the former is totally consumed and is an offering of the most sacred order, while a peace-offering may also be eaten by the owners and is considered to be an offering of minor sanctity (*Shita*).

If he does not say: From now it is a peace-offering, etc. – אִם לֹא אָמַר מַעֲבָשׁוּ שְׁלָמִים וכו': There are a number of different opinions in the early commentaries as to how to interpret this answer of Rav Pappa. According to the Commentary on *Nedarim*, Rav Pappa is proposing to explain the *baraita* using the method of: It is incomplete and is teaching like this: If one says that this ox is a burnt-offering all thirty days, and, from now, after thirty days it is a peace-offering, it becomes a peace-offering after thirty days, and the sanctity of a burnt-offering lapses because, due to his declaration, it is already given the title peace-offering from now, which allows for the actual sanctity of a peace-offering to take effect after thirty days. But if he does not say: From now, after thirty days it is a peace-offering, but rather, sanctifies it as a burnt-offering for thirty days and says that after thirty days it should be a peace-offering, it remains a burnt-offering after thirty days, since the inherent sanctity does not depart with nothing being done.

Tosafot offer two other opinions on this passage. The first opinion is that, according to Rav Pappa, the entire *baraita* should be understood in a different manner than the Gemara previously thought. First, there is no consecration of the animal as both a burnt-offering and peace-offering simultaneously, but the first clause is interpreted as follows: If he says that this ox is a burnt-offering for all thirty days, then it remains a burnt-offering forever, since its sanctity does not depart after thirty days. By contrast, the end of the first clause is interpreted to mean that if he said: After thirty days it is a peace-offering, then the sanctity of a peace-offering is effective after thirty days. Also, in the last clause, if one said only: After thirty days it is a burnt-offering, it becomes a burnt-offering after thirty days if he did not say: It is a peace-offering from now. Had he said this, it would have retained the sanctity of a peace-offering, and the sanctity of a burnt-offering would not have taken effect at all. Even according to this opinion, this is not an example of: The mishna is incomplete, but rather the *baraita* is divided into separate clauses. This is also the opinion of *Tosafot Yeshanim* and the Rashba.

The legal status of one's declaration to God is equal to that of his transfer to a common person – אֲמִירְתוֹ לְגִבּוֹהַ – כְּמִסְקִירְתוֹ לְהֵדְיוֹט: If one sanctifies an item verbally with the proper intentions, then even if he immediately retracts, the consecration takes effect (Rambam *Sefer Avoda, Hilkhot Ma'aseh HaKorbanot* 15:1 and *Sefer Kinyan, Hilkhot Mekhira* 9:1).

BACKGROUND

Sat before – יְתִיב...קָמִיָּה: Among the early generations of Sages, it was customary for scholars to sit before their masters in a particular order, with the most prominent students in the first rows and the lesser students behind them.

A significant portion of the time spent studying was dedicated to discussions between the teacher and the more prominent students seated in the front row, especially when there was no *amora* in the study hall to transmit the lecture to all present. Younger students would ask older students for explanations of the teacher's statements or pose questions to them that they dared not ask the teacher directly.

פְּשִׁיטָא! לֹא צְרִיכָא, דְּהֵדְרַר בֵּיהּ.

הִנִּיחָא לְמָאן דְּאָמַר אֵינָהּ חוּזְרָת, אֲלֵא לְמָאן דְּאָמַר חוּזְרָת מֵאֵי אֵיכָא לְמִימַר?

אֲפִילוּ לְמָאן דְּאָמַר הֵתֵם חוּזְרָת – הֲכָא שְׂאֵנִי, דְּאֲמִירְתוֹ לְגִבּוֹהַ כְּמִסְקִירְתוֹ לְהֵדְיוֹט.

יְתִיב רַבִּי אָבִין וְרַב יִצְחָק בְּרַבִּי קָמִיָּה דְּרַבִּי יִרְמְיָהּ, וְקָא מְנַמְנֵם רַבִּי יִרְמְיָהּ. יְתִיבֵי וְקָאמְרֵי: לְבַר פְּדָא, דְּאָמַר פְּדָאן חוּזְרָת וְקוּדְשׁוֹת,

The Gemara asks: If this is what happened, then it is obvious that it is so. Why, then, does this *halakha* need to be taught? The Gemara answers: **No, it is necessary in a case where he retracted within these thirty days and did not want the animal to be consecrated at all. Although the sanctity did not actually take effect yet, he may not retract.**

The Gemara asks: **This works out well according to the one who said that a woman who is betrothed on the condition that the betrothal takes effect after thirty days may not retract even if she changed her mind within these thirty days, and the betrothal still takes effect after thirty days. But according to the one who says that she may retract, what can be said? Why should the *halakha* of consecration be any different than for betrothal?**

The Gemara answers: **Even according to the one who says that there, in the case of betrothal, the woman may retract within thirty days, here, in the case of the burnt-offering, it is different because the legal status of one's declaration to God is equal to that of his transfer to a common person [hediyot],^{HNL} where the acquisition is consummated at the time of transfer. Since God is not associated with a particular location, a verbal statement is sufficient to establish sanctity immediately. But in the case of the betrothal of a woman, it can be argued that the betrothal takes effect only at the end of thirty days.**

The Gemara relates: **Rabbi Avin and Rav Yitzhak, son of Rabbi, sat before^B Rabbi Yirmeya, and Rabbi Yirmeya was dozing [menannem].^L While he was dozing, they sat and said: According to bar Padda, who said that if he redeems them they become consecrated again,**

NOTES

The legal status of one's declaration to God is equal to that of his transfer to a common person – אֲמִירְתוֹ לְגִבּוֹהַ כְּמִסְקִירְתוֹ לְהֵדְיוֹט: The Rashba discusses this issue and concludes that the intent here is not to compare the legal status of one's declaration to God to that of his transfer to a common person only in the sense that if one transfers an item to another person but stipulates that the acquisition will occur at a later time, he may retract before the time set for the acquisition passes (see Ran).

Rather, the meaning is that consecration is similar to the transfer of an item through acquisition, for which there is no retracting. In other words, a declaration to God has the same force as an action, and a verbal retraction does not alter the action. In the Jerusalem Talmud (*Kiddushin* 1:6), the reason for the power of such a pronouncement is explained by citing the

verse: "The earth is the Lord's and the fullness thereof" (Psalms 24:1), which demonstrates that an item may be consecrated in any location. The Meiri further explains this idea that consecration has the power to create an immediate acquisition on the part of the Temple treasury, since the entire world is God's domain. He compares it to acquiring an item located in one's own courtyard, where no other act of acquisition is necessary to effect the transfer. The Rosh explains differently, noting that the pronouncement is considered to be in the category of a vow, which may not be retracted after being made. According to this explanation, it is understood why the principle that the legal status of one's declaration to God is equal to that of his transfer to a common person applies not only to consecrating an item to the Temple, but also to consecration dedicated for charity and similar undertakings.

LANGUAGE

Common person [*hediyot*] – הֵדְיוֹט: From the Greek ἰδιώτης, *idiotēs*, meaning an ordinary person who does not hold any office, one who is not a professional craftsman, or one who is not expert in a certain area. It came to mean an illiterate person with neither intelligence nor good manners. These definitions are also found in the works of the Sages, but its primary use in the Gemara is to differentiate between an ordinary person and one who holds a high office, e.g., a common priest as opposed to a High Priest. It is also used to refer to ordinary property, in contrast to consecrated property.

Dozing [*menannem*] – מְנַמְנֵם: This word is used in the Gemara to describe a situation where one is half asleep and half awake. He will respond if his name is called but cannot answer sensibly. Apparently, Rabbi Yirmeya was already elderly at the time of this narrative and fell asleep in the middle of the lesson. The students subsequently continued the discussion among themselves. However, Rabbi Yirmeya heard them while dozing and was still able to respond sensibly.