



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Nazir Daf Lamed Aleph

#### PEREK BEIS SHAMMAI -- PEREK CHAMISHI

##### MISHNA

- **B" S** say, a hekdesch made in error is still considered to be hekdesch. **B" H** say, a hekdesch made in error is not considered to be hekdesch.
  - What is an example of such a case?
    - If a person says "the black ox that comes out of my house first should become kadosh" and a white ox comes out of his house first, **B" S** say it becomes kadosh and **B" H** say it does not.
    - If a person says "the gold dinar that comes into my hand first should become kadosh" and a silver dinar comes into his hand first, **B" S** say it becomes kadosh and **B" H** say it does not.
    - If a person says "the barrel of wine that comes into my hand first should become kadosh" and a barrel of oil comes into his hand first, **B" S** say it becomes kadosh and **B" H** say it does not.

##### GEMARA

- **Q:** The Gemara assumes that **B" S** mean that the white ox, the silver dinar, and the barrel of oil become kadosh. Why do **B" S** hold that way? **A:** They learn the halacha from temurah. Just as temurah takes effect even when done in error, the same is regarding the onset of hekdesch. **B" H** say although that is true regarding temurah, it would not be true regarding the onset of hekdesch.
  - **Q:** Regarding temurah, although it takes effect even if done in error, it does not take effect in opposition to the person's statement. If so, the same should be regarding the onset of hekdesch, and according to **B" S** the white ox should not become hekdesch!? **A:** **R' Pappa** said, **B" S** mean that the first black ox to leave the house becomes kodesh (and not the white ox). This is because we understand the person's statement to mean "whichever *black* ox comes out of the house *first*" will become kadosh.
    - **Q:** The Mishna said the person's statement referred to only a single black ox, and **R' Pappa** is explaining it to mean that there are a number of black oxen!? **A:** His explanation would only be appropriate when there is more than one black ox. **R' Pappa** would explain that **B" H** hold that if this is what the person meant to say, he should not have said "from my house".
    - **Q: Rava of Barneish** asked **R' Ashi**, according to **R' Pappa**, this is not a case of erroneous hekdesch! It is a case of a deliberate and carefully worded hekdesch!? **A:** Since we have to explain his statement differently than what would seem to be the simple understanding, we call it a case of erroneous hekdesch.
    - **Q:** Does **R' Pappa** mean to say that **B" S** would hold that a case of true erroneous hekdesch would not be hekdesch? A Mishna says, if a person was a nazir and separated animals for his korbanos, and he then had the nezirus annulled, the animals lose all their kedusha and become chullin. **B" H** said to **B" S**, you clearly see from here that something made hekdesch in error is not hekdesch!? Now, from **B" H's** statement we see that they felt that **B" S** do hold that a hekdesch made in error does become hekdesch!? **A:** **B" H** was mistaken and thought that **B" S** held that way, but in truth their shitah is based on the fact that the person's statement was misleading.

- **Q:** A Mishna later gives a case where a person accepts nezirus based on his feeling that a person approaching him is Reuven (a particular person), and another person there accepts nezirus based on his feeling that the person approaching is *not* Reuven (the Mishna continues building on the case until there are 6 people involved who have accepted nezirus), **B”S** say they all become nezirim. We clearly see that they hold that a nezirus (a hekdesch) in error is considered to be a nezirus (a hekdesch)!? **A:** It is no question that **B”S** hold that way. **R’ Pappa** is only saying that that is not the reason behind their shitah in our Mishna.
  - **Abaye** said, the case of the Mishna is where the statement was made after the ox already left the house. The statement was “the black ox that *left* my house first should be hekdesch”. He is then told that a white ox left first. When he heard that he said “had I known a white ox left first I would not have said a black ox”. This is the reason why **B”S** say that the white ox becomes hekdesch.
    - Based on this explanation, we will have to also understand the other two cases of the Mishna as talking about where he already had the coin in his hand, and where he already had the barrel in his hand.
  - **R’ Chisda** said, a black ox in a white herd cheapens the value of the herd (because a black ox is less valuable), and a white spot on a black ox is some form of disease.
    - **Q:** Our Mishna said that in the first case **B”S** say that the white ox becomes hekdesch. Now, we assume that people are stingy when they are makdesch items. If so, since **R’ Chisda** said that the white ox is superior, why is it that we say the white ox is what the person meant to make hekdesch!? You can’t answer and say that people are generous in the way they make things hekdesch, because in the second case **B”S** say that the silver coin (instead of the gold coin) becomes hekdesch!? Now, the 3<sup>rd</sup> case is also problematic, because they say that the barrel of oil, which is more expensive than wine, becomes hekdesch!? **A:** The last case is not problematic, because the Mishna may be referring to the Galil, where wine was more expensive than oil. The first case is also not problematic, because **R’ Chisda’s** statement was made regarding Karminai oxen (in such oxen, the white are more valuable).

## MISHNA

- If a person accepted nezirus and then drank wine in violation of the nezirus, and then asked a Chochom to annul the nezirus and the request was refused, he counts the nezirus from the time of acceptance (and the drinking of the wine does not affect the counting of the days). If the Chochom annulled the nezirus and he had already separated animals for the korbanos, the animals lose their kedusha and become chullin.
  - **B”H** said to **B”S**, you agree that there is no kedusha in this case, and the reason is because it was an erroneous hekdesch! **B”S** responded, you agree that when one who is taking animal maaser and mistakenly calls the 9<sup>th</sup> animal or the 11<sup>th</sup> animal to leave the pen “the 10<sup>th</sup>”, that it becomes hekdesch, even though it was a mistake! **B”H** responded, that case is different because the pasuk teaches that the 9<sup>th</sup> and 11<sup>th</sup> become kadosh in those cases. It is *not* based on the fact that an erroneous hekdesch was made. This can be proven by the fact that if one labels the 8<sup>th</sup> or the 12<sup>th</sup> as “the 10<sup>th</sup>”, it would *not* become kadosh!