

Menachos – Simanim

פרק ח – התודה היתה באה

Daf 81 – פא דף

1. טוב אשר לא תדור משתדור ולא תשלם

On the previous Daf, Rebbe Chiya taught that if a תודה became confused with its תמורה and one died, the surviving animal has no resolution. Eight possible resolutions are suggested, and are all rejected. In the final suggestion, Ravina was asked that the owner should bring an animal and say "הרי עלי" – *"It is an obligation upon me to bring a תודה,"* and designate that animal to fulfill his נדר. He should then bring a third animal and eighty loaves, and stipulate that if the surviving animal is the תמורה, these two new animals should be תודות, and the eighty loaves are for them. If the surviving animal is the original תודה, and the first new animal which was designated to fulfill his נדר is the other, the eighty loaves are for the two of them, and the third animal can be the אחריות of the נדר!? Ravina answered, "The Torah says: טוב אשר לא תדור משתדור ולא תשלם – *Better that you should not vow than that you should vow and not fulfill,* היתא בתחילה, ואת אמרת ליקום ולינדור בתחילה, – *and you suggest he should arise and vow outright to bring a תודה?!*"

2. When the תודה or its לחם may be funded with מעשר שני money

The next Mishnah states that if one accepts upon himself to bring a תודה, both the תודה and its לחם must be brought from חולין funds, because his acceptance makes it a personal obligation, and a דבר שבחובה – *obligatory* [offering] must be funded from *chullin*. If he says, "הרי עלי to bring a תודה from *chullin*, and its bread from *maaser*," both the *korban* and לחם must still be brought from *chullin*, because his initial pledge to bring a תודה from *chullin* included a לחם obligation. If he pledged to bring "a תודה from *maaser* and its bread from *chullin*," יביא – *he should bring* them according to his terms (i.e., the *korban* may be brought from *maaser* funds, but the לחם must be from *chullin*). If he said, "היא ולחמה מן המעשר," – *it and its bread from maaser,* יביא – *he should bring* as he pledged. The Gemara clarifies that this means that he may bring them from *maaser*, but can certainly also use חולין.

3. One who pledges to bring a תודה without לחם is forced to bring it with לחם

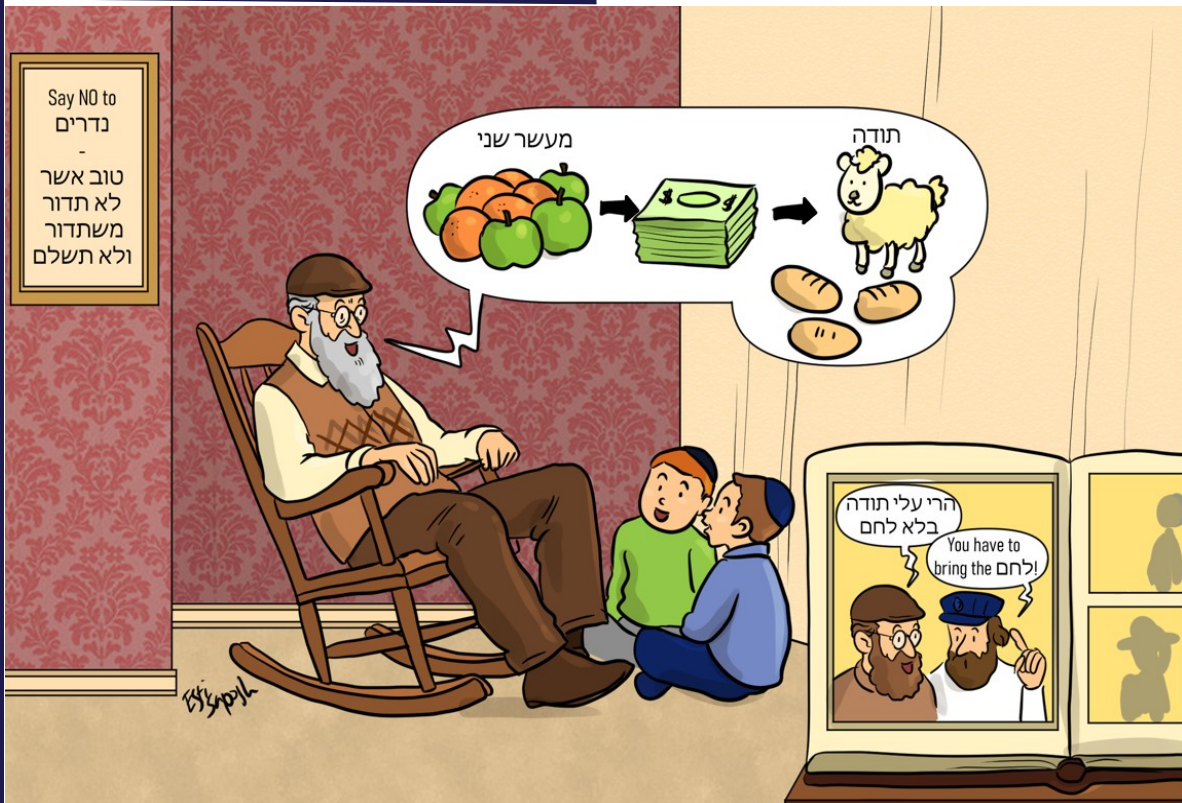
A Baraisa states that one who says, "הרי עלי תודה בלא לחם" – *"It is incumbent upon me to bring a todah without bread,"* or a *korban* without נסכים ולחמה, נסכים אותו ומביא תודה ולחמה, נסכים – *we force him to bring a todah with its bread,* and a *korban* with its נסכים. The Gemara wonders why: נדר ופתחו עמו הוא – *this is a neder which has its "opening" with it!?* Since it is impossible for a תודה to be brought without לחם, this qualification should be tantamount to an immediate retraction!? Chizkiyah answers that this Baraisa follows Beis Shammai, who holds תפוס לשון ראשון – *grasp* (i.e., give primacy to) *the first phrase*. Therefore, his pledge to bring a *todah* requires him to bring one with לחם, and we ignore his second expression. Rebbe Yochanan says Beis Hillel can agree with this Baraisa, and the case is where he said "לא הייתי נודר כך אלא כך," – *Had I known that one cannot vow this [way], I would not have vowed this way, but that way* (i.e., a תודה with bread). Accordingly, he only needs to be "forced" to bring the תודה properly ביה הדר בעי הדר – *where he later wants to retract* from his נדר.

Siman – Grandpa

The **grandpa** who was giving his grandchildren advice for life told them that **it's better not to make a nederim at all than to vow and not fulfill**, and if they feel they must make a neder to bring a תודה they can save themselves a few dollars by stipulating that they will bring it from *maaser*, but they shouldn't try to save money like he once did by saying "הרי עלי תודה בלא לחם" because they will be forced to bring the לחם.

דף פא | DAF 81

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3 things to remember

1. טוב אשר לא תדור משתדור ולא תשלם
2. When the תודה or its לחם may be funded with מעשר שני money
3. One who pledges to bring a תודה without לחם is forced לחם htiw ti gnirb ot

