

15.2.5

18b (משנה ד') → 19b (בגליל אסורין)

ספק נזירות מותר ספק בכורות אחד בכורי אדם ואחד בכורי בהמה בין טמאה בין טהורה שהמוציא מחבירו עליו הראיה: טהרות ד:ב

- I נדרים assessing unexplicated משנה ד'
- a unexplicated unequivocal נדר – is treated stringently
- b if explicated (even later), we follow his meaning, even if it's להקל
- i examples:
- 1 if he tethers a vow to "salted meat" or "libated wine"
    - (a) if he explains that he intended that which goes on the מזבח – valid נדר (→ אסור)
    - (b) if he explains that he intended that which is offered to ע"ז – invalid נדר (→ מותר)
    - (c) if he doesn't explicate – אסור
  - ii dispute:
    - 1 ר"מ:
      - (a) if he says חרם (could be [שמים – prohibited] or [כהנים – permissible]) default is אסור
      - (b) if he says מעשר (could be [בהמה – prohibited] or [גורן – permissible]) default is אסור
      - (c) if he says תרומה (could be [הלשכה – prohibited] or [גורן – permissible]) default is אסור
    - 2 ר"י: depends on regional awareness
      - (a) unexplicated תרומה is prohibited in יהודה (as per ר"מ) but not in גליל (they're unaware of הלשכה (תרומת הלשכה))
        - (i) implication: he rules that נדרים להחמיר; only due to Galilean ignorance of תרומה"ל is it מותר
        - (b) unexplicated חרם is permitted in יהודה (assumption: חרמי כהנים); not in גליל (unaware of כהנים)
          - (i) correction: should be reckoned as authored by ר"א, who rules that חרמים לקולא
- c challenge: (טהרות above) – סתם נזירות מותר
- i answer: that משנה is authored by ר"א, who maintains that a person won't place his money – ק"ו his own status – into a state of ספק (as per ruling re: חיות ובהמות הקדש and the possible inclusion of a כוי)
- 1 challenge: end of same משנה rules that ספק בכורות are להקל, but we may still not work/shear them
  - 2 answer: not analogous – בכור is inherently sanctified (ספק doesn't derive from muddle language)
  - 3 challenge: (in same set in טהרות) ruling that ספק משקין is lenient vis-à-vis affecting others
    - (a) explication: how could that be authored by ר"א, who states that there is no דאורייתא
      - (i) note: source – עדות ר' יוסי בן יעזר – could mean "doesn't affect others" (but has טומאת עצמן) (but has טומאת עצמן) – which would work well; but if it means "has no טומאה", cannot be ר"א
- ii answer: our משנה is ר"ש, the טהרות in משנה ר' יהודה is טהרות in משנה ר' יהודה
- 1 support: if he made his נזירות conditional on having a certain volume present and it turned out to be lost
    - (a) יהודה ד' permits (since he made it conditional)
    - (b) גליל ד' prohibits (validates נזירות)
    - (c) challenge: (contradiction within יהודה ר' – ר"י's ruling in our משנה)
      - (i) → if they did know about תרומת הלשכה in גליל, we would rule stringently
      - (ii) answer: wherever the ספק will be more severe than the ודאי, we don't assume that he will bring himself to a ספק
        1. therefore: our משנה, a consensus, deals with נדרים where the ספק is less severe; the משנה in טהרות deals with נזיר where ספק is more severe, since he can't shave at any point
          - a. challenge: what if he said ודאי נזיר עולם (where ספק is no worse than ודאי)
            - i. answer: ספק is still worse; since, as ודאי נזיר עולם, he may lighten his hair-burden
            - b. Challenge: what if he said ודאי נזיר שמשון (no release, no "lightening")
              - i. Answer: not covered by ברייתא (→ ספק would be no worse, in that case only)
              - ii. Challenge: we have a reliable report that it was taught
                - iii. Response: if so, it was taught as well

(iii) Alternate answer: the ruling about the volume present is ר' יהודה in the name of ר"ט who rules that נזירות must always be clear and decisive

    1. note: ר"ש's dissent is presented to show that even if it was stolen or lost, he still rules that a person will introduce a ספק into his status.