

16.4.6

28a (משנה ה') → 29a (לאו דאורייתא)

Note: all birds are properly killed by שחיטה - except birds offered in the מקדש, which may only be killed by מליקה (from the back of the neck). The 2 are not interchangeable – eating a עוף שנשחטה in the מקדש is a violation, as is eating חולין that were killed via מליקה. See Challenge 7 below.

- I 'משנה ה': end-point of ability to reject wife's vow of נזירות
- a ת"ק: after זרה"ד of any of the offerings
 - b ר"ע: after שחיטה of any of them
 - i note: משנה not harmonious with position of ר"א who holds that תגלחת is indispensable → she is still banned from wine → husband can reject on grounds of ניוול (not drinking wine)
 - c Analysis of their dispute:
 - i ת"ק: once any of the קרבנות has had הרצאת דמים, she may drink wine – no leverage for הפרה
 - ii ר"ע: to avoid loss of קדשים
 - 1 challenge: let him reject vow and they'll bring the עולה or שלמים incorrectly (שלא לשמן) and it will still be eaten (even if כבשי עצרה are offered improperly on שבת, the אמורים are burned after שבת)
 - 2 answer: ר"ע was only referring to a case where the חטאת (which gets interrupted if offered שלא לשמן) was offered first
 - d Note: the limitation on הפרה only applies to תרה, תגלחת טהרה, but if it was תגלחת הטומאה, he can maintain that he doesn't want a wife who is מנוולת (not drinking wine)
 - e Dissent: ר"מ rejects the entire piece – the husband can claim that he doesn't want a shorn wife (תגלחת טהרה)
 - i Response: she could wear a wig
 - ii ר"מ: the wig is hot and uncomfortable
- II 'משנה ו': taking a vow of נזירות for his son
- a only a father may do so, not a mother
 - i however: if the son or relatives protest (either explicitly or by cutting his hair):
 - 1 if: he had set aside animals for the קרבן נזירות:
 - (a) חטאת dies
 - (b) עולה brought as an עולה
 - (c) שלמים brought as שלמים, eaten for one day and no לחם
 - 2 if: he had undesignated money
 - (a) all: goes to נדבה
 - 3 if: he had designated moneys (defined as per earlier discussion)
 - (a) חטאת goes to ים המלח
 - (b) עולה bring מעילה and עולה attaches
 - (c) שלמים bring שלמים, eaten for 1 day, no לחם
 - ii reason for limitation to father:
 - 1 הלכה היא בנזיר ד' יוחנן
 - (a) note: all challenges to ר"ל [below] do not stand against ר"י – since that's the way the הלכה was formulated
 - 2 ד"ל: in order to train him to do מצוות (מדרבנן)
 - (a) challenge1: why only father
 - (i) answer: only father is obligated to train
 - (b) challenge2: why only son
 - (i) answer: not obligated to train daughter in מצוות
 - (c) challenge3: why not נדרים
 - (i) answer: indeed – he is certainly able to administer a נדר – but נזירות isn't as obvious due to ניוול – קמ"ל
 - (d) challenge4: why can relatives protest?
 - (i) Answer: any training that isn't comfortable (i.e. creates family tension) isn't in father's interest
 - (e) Challenge5: why is he allowed to shave the head (violation of ל"ת of הראש)
 - (i) Answer: ר"ל maintains that shaving the entire head (a la נזיר) is אסור מדרבנן – the עשה of חינוך trumps it
 - (f) Challenge6: how can he bring the קרבן – it's really לעזרה
 - (i) Answer: ר"ל holds that חולין לעזרה is an איסור דרבנן – the עשה of חינוך trumps it (as above, with הקפה)
 - (g) Challenge7: how can they eat the bird which was killed via מליקה (see note) → נבלה
 - (i) Answer: ר"ל holds that there is no שחיטה לעוף mandated by the תורה