

16.4.7; 29a (וסבר ר' יוסי) → 30b (סיום הפרק)

Note: following the phrase which opens פרשת נזיר – איש כי יפליא לנדור – the notion of מופלא סמוך לאיש – the “almost man” develops, which allows for the category of age known as עונת נדרים, this period begins 1 year before majority. Any child taking a נדר during this time is checked to see if s/he knows the meaning of the vow and its implications and, if found to be competent, the vow stands.

7. ותדנה בנדתה ותזב את זובו לזכר ולנקבה ולאיש ואשר ישכב עם טמאה: ויקרא פרק טו פסוק לג

- I Continuation of attack on ר"ל's position regarding right of father to administer נזירות to his son
- a ר' יוסי was presented as maintaining that חולין בעזרה (and ר"ל relied on that)
- b challenge: ר' יוסי teaches that juxtaposition of זב to זבה (v. 1) leads to following analogy between חלב and חטאת חלב and יולדת קרבן יולדת
- i both: bring a קרבן
- ii both: bring a קרבן for ספק (learned from חטאת חלב – brings תלוי אשם → ספק יולדת → אשם תלוי also brings)
- iii both: bring the same species for ספק as for וודאי (אשם תלוי) וודאי is a בהמה as is חלב as is חטאת חלב → ספק יולדת → חטאת חלב brings (קן ספק יולדת)
- iv but: the man's animal is eaten, the woman's are not
- 1 reason: man's is only 1 possible violation (חולין לעזרה) – food might have been חלב, might have been שומן; woman's involves 2 violations (possible לידה – and מליקה)
- (a) implication: ר' יוסי בר יהודה maintains that both חולין לעזרה and נבלת העוף are violations מדאורייתא
- (b) rejection: he may mean that both are דרבנן, but nonetheless, her offering isn't eaten
- II suggested alignment of the dispute re: the source of the father's right to administer נזירות to his son with dispute regarding the ending-age for such administration:
- a רבי: until the child brings שתי שערות (i.e. גדול)
- i alignment: הלכה היא – lasts until he's reached majority, regardless of his own control over נדרים at עונת נדרים
- b ר' יוסי בר יהודה: until the child reaches עונת נדרים (see note)
- i Alignment: לחנכו – once he's “on his own” vis-à-vis נדרים, no חינוך
- c Alternative1: all hold הלכה היא and the dispute is whether מופלא סמוך לאיש is דאורייתא
- d Alternative2: all hold לחנכו – and דרבנן is מופלא סמוך לאיש; dispute whether דרבנן חינוך דרבנן trumps מופלא דרבנן
- III Suggestion: the dispute ר' יוסי בר יהודה/רבי is parallel to the dispute between ר' יוסי/ת"ק regarding story of ר' חנינא as a child
- a Story: ר' חנינא administered a vow to his son, ר' חמא, to be a נזיר and was brought to גמליאל (of Yavne)
- i ת"ק he was checking to see if the boy had already matured to שתי שערות
- ii ר' יוסי he was checking to see if the boy had already reached עונת נדרים
- b continuation: ר' חנינא told ר"ג not to trouble himself, he would take a vow of נזירות in any case (praise for the boy)
- i assumption: ר' חנינא said “if I've already reached עונת נדרים...” – which is only valid for ריב”
- ii however: for רבי, there is no need to say “if I'm a גדול”, since, in any case, he's still under his father's purview
- iii answer: he said “I'll be a נזיר for my father, and a נזיר for myself”
- 1 however: this is only valid if he brought שתי שערות before coming to ר"ג – or not until he completed the נזירות
- (a) problem: if he brought שתי שערות in the middle of that נזירות
- (b) solution: according to רבי, he'd have to keep two נזירויות (one for father, one for himself)
- IV משנה ז': using father's funds for קרבנות נזיר
- a son may use father's funds, but not daughter (הלכה היא בנוזיר)
- i valid:
- 1 ר' יוסי: if the son was a נזיר while father was alive; father was also a נזיר and set aside moneys that were undesignated and died – son may use them for his own נזירות offerings
- 2 ר' יהודה: only if the son was not yet a נזיר when father, under above circumstances died.
- (a) Reason: son wasn't yet obligated to bring his own קרבן at the time that he inherited the funds
- ii Invalid (and moneys go לנדבה):
- 1 ר' יוסי: if son declared נזירות after father's death
- 2 ר"א, ר"מ, ר"י: if son was נזיר concurrently with father
- iii ר' רבה's series of queries: (all unresolved – תיקו)
- 1 to what extent does the ירושה-component affect the distribution of funds?
- (a) Divided equally as ירושה or given to first son to perform גילוח
- (b) Divided as ירושה – בכור getting 2 parts; or equally?
- (i) Even if it is divided as ירושה (2 parts for בכור), does that apply even after הקרבת הקרבן or only to חולין?
- 2 Do the two נזירויות (father and son) need to be similar?
- (a) 1 is נזיר עולם and the other נזיר סתם
- (b) 1 is נזיר טמא the other טהור