

יכול לא יצא בקרבן אביו בבהמה שהפריש - אפילו מן הקלה על הקלה, מן החמורה על החמורה - שהרי אין אדם מגלח על בהמת אביו בנזירות, אבל יוצא במעות שהפריש אביו אפילו מן החמורה על הקלה או מן הקלה על החמורה - שהרי אדם מגלח על מעות אביו בנזירות,

The *baraita* continues: One might have thought that a son does not fulfill his obligation with his father's offering, i.e., with an animal that his father separated, even from animals that his father designated to atone for a minor transgression, to atone for the son's minor one, or from animals the father set aside to atone for a major transgression, to atone for the son's major one, as stated above, as a person cannot shave, i.e., bring an offering, for naziriteship with his father's animal. Consequently, the *halakhot* of inheritance do not apply to this animal. However, it is nevertheless possible that a son can fulfill his obligation by purchasing a sin-offering with money that his father separated for his own sin-offering, even from money the father set aside to atone for a major transgression in a case where the son is atoning for a minor transgression, or from money the father set aside to atone for a minor transgression in a case where the son is atoning for a major one, as a person can shave, i.e., purchase an offering, with the money his father set aside for naziriteship,

Perek IV

Daf 28 Amud a

HALAKHA

He separated an animal for eating forbidden fat, etc. - הפריש בהמה על החלב וכו': If one separated an animal to be brought as a sin-offering to atone for eating forbidden fat, and instead slaughtered it for the sin of consuming blood, the offering is invalid. Even if he went ahead and sacrificed it he has not gained atonement, and therefore he has not misused Temple property (Rambam *Sefer Avoda, Hilkhot Pesulei HaMukdashin* 15:6 and *Sefer Avoda, Hilkhot Me'ila* 4:5).

בזמן שהן סתומין, ולא בזמן שהן מפורשין? תלמוד לומר "קרבנו" - בקרבנו הוא יוצא, ואינו יוצא בקרבן אביו.

when they are unallocated and not when they are allocated. Consequently, the same should apply to one whose father separated money for a regular sin-offering, i.e., he should be able to use them for his own sin-offering. Therefore, the verse states: "His offering" (Leviticus 4:32), which serves to emphasize: He fulfills his obligation with his own offering, but he does not fulfill his obligation with the money separated for his father's offering.

יכול לא יצא במעות שהפריש, אפילו מן הקלה על הקלה מן החמורה על החמורה, אבל יוצא בקרבן שהפריש לעצמו, מן הקלה על החמורה מן החמורה על הקלה? תלמוד לומר "קרבנו... על חטאתו" - עד שיהא קרבנו לשום חטאו.

The *baraita* continues this line of argument: One might have thought that he does not fulfill his obligation with the money that his father separated if it is from money the father set aside to atone for a minor transgression and the son atones for a minor one, or from money the father set aside to atone for a major transgression and the son atones for a major one. However, the son may fulfill his obligation with the offering he separated for himself. From animals he set aside to atone for a minor transgression, he may atone for a major one, or from animals he set aside to atone for a major transgression he may atone for a minor one. Therefore, the verse states: "Then he shall bring for his offering a goat, a female without blemish, for his sin" (Leviticus 4:28), which indicates that he does not fulfill his obligation unless his offering is for the sake of his particular sin, not for some other transgression.

יכול לא יצא בבהמה שהפריש לעצמו מן הקלה על הקלה או מן החמורה על החמורה, אפילו מן הקלה על החמורה או מן החמורה על הקלה,

One might have thought that he does not fulfill his obligation with the animal he separated for himself, from animals he set aside to atone for a minor transgression to atone for a minor one; or from animals he set aside to atone for a major transgression, to atone for a major one; or even when from animals he set aside to atone for a minor transgression to atone for a major one; or from animals he set aside to atone for a major transgression to atone for a minor one.

שכן אם הפריש בהמה על החלב והביא על הדם או על הדם והביא על החלב - שהרי לא מעל ולא כיפר.

The reason is that if he separated an animal to bring as an offering for unintentionally eating forbidden fat⁴ and he instead brought that sin-offering for unintentionally consuming blood, or if he separated an animal to bring as an offering to atone for blood and instead brought it for eating forbidden fat, in that case he has not misused consecrated property, as the animal cannot lose its consecrated status. And just as it cannot lose its consecrated status, so too it cannot be redesignated to atone for a different sin, and therefore this animal also does not atone for him.

הַפְּרִישׁ...עַל הַדָּם וְכוּ' – If he separated...for blood, etc. With regard to one who separated money to purchase a sin-offering to atone for eating forbidden fat and instead purchased a sin-offering to atone for the consumption of blood, if he acted unintentionally he gains atonement and has misused Temple property. If he did so intentionally, the offering does not atone for him and he has not misused Temple property, as stated in the *Tosefta* in tractate *Karetot* (Rambam *Sefer Avoda, Hilkhot Me'ila* 4:5).

אבל יוצא במעות שהפריש לעצמו מן הקלה לקלה ומן החמורה לחמורה, מן החמורה לקלה ומן הקלה לחמורה.

However, one might think that he fulfills his obligation with the money he separated for himself, from money he set aside to atone for a minor transgression to atone for a different minor transgression; or from money he set aside to atone for a major transgression to atone for a different major transgression; or from money he set aside to atone for a major transgression to atone for a minor one; or from money he set aside to atone for a minor transgression to atone for a major one.

שכן אם הפריש לעצמו מעות מן החלב והביא על הדם על הדם והביא על החלב, שהרי מעל וכיפר.

The reason is that if he separated money for himself to purchase a sin-offering to atone for unintentionally eating forbidden fat and he instead brought a sin-offering with that money for unintentionally consuming blood,¹ or if he separated money to purchase a sin-offering to atone for consuming blood and with that money he instead brought a sin-offering for unintentionally eating forbidden fat, in that case he has misused consecrated property if he uses that money for a non-sacred purpose, as money can lose its sacred status when misappropriated. And just as it can lose its consecrated status, it can be redesignated to atone for a different sin; therefore this money atones^N for him if it was used to purchase an offering for a different transgression.

תלמוד לומר "על חטאתו" – עד שיהא קרבנו לישם חטאו.

Therefore, the verse states: "For his sin" (Leviticus 4:35), which indicates that he does not fulfill his obligation unless his offering is for the sake of his particular sin, and he is not permitted to use money he consecrated for one type of sin to atone for a different sin. This concludes the *baraita*.

קתני מיהת בהמה, מאי לאו אפילו בעלת מום? לא, תמימה.

Rava now asks his question: In any event, the *baraita* teaches that a son may not use an animal separated by his father for his nazirite-offering. What, is it not referring even to a blemished animal? The fact that the *baraita* does not differentiate between types of animals indicates that a blemished animal has the status of allocated funds, as opposed to Rav Nahman's ruling that this animal is like his father's unallocated funds, which the son himself may use. The Gemara rejects this: No; the *baraita* refers solely to an unblemished animal that is fit to be sacrificed; only an animal of this kind is considered allocated.

אבל בעלת מום מאי, כסתומה דמאי? מאי איריא דקתני מעות שהפריש אביו, ליתני בעלת מום! הכי נמי, דלמאי חזיא – לדמי, דמי – היינו מעות.

The Gemara asks: However, according to this explanation, what is the *halakha* of a blemished animal? Is it considered like an unallocated animal? If so, why does the *baraita* specifically teach that one may purchase an offering with the unallocated funds that his father separated? Let the *baraita* teach this *halakha* with regard to a blemished animal, and one would infer that the same applies to money. The Gemara answers as above: So too, this is the case; there is no difference between the two. The reason is that what is a blemished animal fit for? It is fit for its value, and this value is essentially money. Consequently, this *baraita* does not contradict Rav Nahman's opinion that a blemished animal has the status of unallocated funds.

NOTES

מעל – He has misused consecrated property and it atones – וכיפר: When he misuses the money for another purpose, even for an offering for a different sin, it reverts to a non-consecrated state. This is because the sanctity of an item consecrated for its value is less severe and more easily released than an item consecrated for its own use (*Tosafot*). Rabbeinu Azriel, cited in *Shita Mekubbetz*, states that this is referring to a full-fledged

misuse of consecrated property, as this individual thought the money was non-sacred and therefore used it for other purposes. As for the second part of this statement, that the money atones for him, this is because it is considered as though he took non-consecrated money and acquired an animal for the purpose of his atonement (Commentary on *Nazir*).

If the blood from one of her offerings was sprinkled on her behalf, etc. – נזרק עליה אחד מן הדמים וכו' – If a female nazirite brought her offerings upon the completion of her term, and after one of the animals was slaughtered but before its blood was sprinkled her husband heard of her vow and nullified it, it is nullified. Once the blood has been sprinkled, he can no longer nullify the vow. This *halakha* applies only to her offerings of purity, whereas if she is bringing her offerings of impurity he may nullify her vow even after all the offerings have been sacrificed (Rambam *Sefer Hafla'a, Hilkhhot Nezirut* 4:17).

Since she becomes downcast – כיון דאית לה ניוול – If a woman made a vow that entails suffering, whether to a major or minor degree, for a lengthy or short period, her husband can nullify the vow (Rambam *Sefer Hafla'a, Hilkhhot Nedarim* 12:4).

LANGUAGE

Downcast [*menuvvelet*] – מנוולת: The root *nun, vav, lamed*, is close in meaning to *nun, vet, lamed, naval*, meaning ugly, dirty, or despised. Accordingly, the term *menuvval* is used to describe the physical appearance of a person or item that is blemished or marred. It can also refer to emotional or ethical qualities. In this context, a woman who is *menuvvelet* is one who sulks when she does not drink wine, to the extent that she repulses her husband.

מתני' נזרק עליה אחד מן הדמים – אינו יכול להפר. רבי עקיבא אומר: אפילו נשחטה עליה אחת מכל הבהמות אינו יכול להפר.

במה דברים אמורים – בתגלחת הטוהרה, אבל בתגלחת הטומאה – יפר, שהוא יכול לומר: אי אפשי באשה מנוולת. רבי מאיר אומר: אף בתגלחת הטוהרה יפר, שהוא יכול לומר: אי אפשי באשה מגלחת.

גמ' מתניתין דלא כרבי אליעזר, דאי רבי אליעזר – האמר תגלחת מעבבת, וכיון דלא גילחה – אסירה בחמרא, וכיון דאית לה ניוול – מצוי מיפר. (ובגהא פליגי:)

MISHNA The previous mishna discussed the case of a husband who nullified his wife's vow after she separated her offerings of naziriteship. This mishna deals with a husband who nullified his wife's naziriteship after she had completed her term and brought her offerings to the Temple. If the blood from one of her naziriteship offerings was sprinkled on the altar on her behalf,^h the husband cannot nullifyⁿ her vow at this point. **Rabbi Akiva says: Even before the sprinkling of the blood, he cannot nullify the vow as soon as any one of the animals for her offerings has been slaughtered on her behalf.**

The mishna continues: **In what case is this statement, that he can no longer nullify the vow, said?** It is when she is bringing the offerings for her shaving of ritual purity, when she has completed her term of naziriteship without becoming ritually impure (see Numbers 6:18). **However, if she is sacrificing the offerings for her shaving of impurity, when she became ritually impure during her term of naziriteship, after which she restarts her naziriteship (see Numbers 6:9), her husband can nullify her vow. The reason is that he can say: I do not want a downcast [*menuvvelet*]^{nl} wife, who does not drink wine. She would have to refrain from wine for a lengthy period if she were to begin her naziriteship anew. Rabbi Meir says: He can nullify her vow even at the stage of her shaving of purity,ⁿ after she has begun sacrificing her offerings, as he can say: I do not want a shaven wife, and a nazirite is obligated to shave after bringing his or her offerings.**

GEMARA The Gemara comments: **The mishna, which rules that a husband cannot nullify his wife's naziriteship after the blood of her offering has been sprinkled at the end of the naziriteship term, is not in accordance with the opinion of Rabbi Eliezer. As, if it followed the ruling of Rabbi Eliezer, didn't he say that shaving is indispensable for the end of a nazirite's term, i.e., a nazirite at the end of his naziriteship is prohibited from drinking wine and becoming impure from the dead until he actually shaves? And in this case, since she has not yet shaved, she remains prohibited from drinking wine. And since she becomes downcast^h through her abstinence from wine, evidently the husband can nullify her vow even after the sprinkling of the blood of her offerings of purity.**

NOTES

He cannot nullify – אינו יכול להפר: The reason is that as soon as the blood has been sprinkled she is permitted to drink wine and shave, according to the unattributed opinion in the mishna. In the opinion of Rabbi Akiva, the short period of suffering she must endure until the offering is fully sacrificed is insufficient to allow the husband to nullify her vow, as that would invalidate the offerings that have already been slaughtered. With regard to the scope of his nullification, the first *tanna* of the mishna maintains that he is unable to nullify her vow at this stage, as it is not considered a vow of affliction, which a husband may nullify. However, according to the opinion of Rabbi Akiva, whose opinion is based on the loss of offerings that have already been slaughtered, the commentaries are unsure whether the phrase: Cannot nullify, means that he is enjoined from nullifying her naziriteship *ab initio*, or whether it means that he is unable to do so and that any attempt of this kind would be unsuccessful (*Tosafot*). It is possible that the nullification will not take effect despite the fact that it is only a decree of the Sages that he cannot do so, as they can establish their decrees in contradiction to a Torah command if the violation of the Torah command is passive.

Downcast [*menuvvelet*] – מנוולת: The commentaries explain that this refers to the distress that a woman suffers by having to refrain from wine, as wine gladdens the heart (Commentary on *Nazir*). In this context they cite a verse mentioned by the Gemara elsewhere (*Bava Batra* 12b): "New wine shall make the maids flourish" (Zechariah 9:17). Consequently, her abstinence from wine makes her anxious and uneasy (Meiri). There are differences of opinion with regard to the justification for this nullification. Many commentaries claim that the husband may nullify her vow due to the affliction involved; it has been pointed out that *menuvval* is sometimes used as an expression of pain and suffering (*Tosafot*). However, *Tosafot* themselves admit that the phrase: I do not want, does not suit this interpretation. Others indicate that the vow is considered to affect the intimate relations between the couple, as it will make her undesirable in his eyes (Commentary on *Nazir*; Rambam; Rabbeinu Azriel, cited in *Shita Mekubbetzet*).

Rabbi Meir says...even at the stage of her shaving of purity – רבי מאיר אומר אף בתגלחת הטוהרה: Apparently, Rabbi Meir maintains that the husband can nullify her naziriteship even if the blood of all her offerings has been sprinkled, provided that she has yet to shave (Rosh).

תנא דידן סבר: בין דאיזדריק עלה דם – לאלתר שריא בחמרא. והא לית לה ניוול. ורבי עקיבא סבר אפילו אישתחית בהמה – אינו יכול להפר, משום הפסד קדשים.

מתקיף לה רבי זירא: ואמאי? לזרוק דמן שלא לשמן, ויתיר בשר באכילה! מי לא תניא: בבשי עצרת ששחטן שלא לשמן, או ששחטן לפני זמן, או לאחר זמן – הדם יזרק, והבשר יאכל.

ואם היתה שבת – לא יזרק, ואם זרק – הורצה להקטיר אימורין לערב!

אמרי: אי דשחט עולה או שלמים – הכי נמי. אלא הכא במאי עסקינן – בגון ששחט חטאת ברישא.

בדתנן: אם גילח על אחת משלושתן יצא.

”במה דברים אמורים – בתגלחת טהרה, אבל בתגלחת טומאה יפר (מפני שיכול לומר: אי אפשי באשה מנוולת). ורבי מאיר אומר: אפילו בתגלחת טהרה יפר, מפני שיכול לומר: אי אפשי באשה מגלחת.”

The *tanna* of our mishna holds: Once the blood has been sprinkled on her behalf she is immediately permitted to drink wine, and therefore she is not downcast. Consequently, the husband has no right to nullify her naziriteship vow at that point, as her vow does not affect him. And Rabbi Akiva holds: Even if the blood has yet to be sprinkled and wine remains forbidden to her, as soon as an animal is slaughtered for one of her offerings the husband can no longer nullify the vow, due to the loss of consecrated property. If he were to nullify her vow she would have no further need of the offerings, and it is prohibited to waste Sanctuary property.

Rabbi Zeira objects to this: And why should the result be a loss to the Sanctuary? He can avoid this by sprinkling their blood not for the sake of the offeringsⁿ of a nazirite, and he will thereby permit the meat of the offering to be eaten, and the consecrated animal will not go to waste. Isn't it taught in a *baraita*: With regard to the communal peace-offering of two sheep that accompanies the two loaves on *Shavuot*, if one slaughtered them not for the sake of that offering,^h or slaughtered them before their time, on the eve of the Festival, or after their time, after the Festival, the blood shall be sprinkled, although not for the sake of that offering, as it is no longer fit for that purpose, and the meat is eaten.

And if it was a Shabbat, the blood may not be sprinkled. Since the meat cannot be eaten on that day, sprinkling the blood is considered a form of unnecessary labor on Shabbat. And if he sprinkled the blood on Shabbat anyway, the offering is accepted, and he must wait to burn its sacrificial parts on the altar in the evening, after the conclusion of Shabbat. In any case, this shows that it is permitted to sprinkle the blood of an offering not for its own sake *ab initio* so that its flesh can be eaten.

The Sages say in response: If he had slaughtered only the woman's naziriteship offerings of the burnt-offering or the peace-offering, so too, he may certainly proceed to sprinkle the blood not for the sake of that offering, to avoid the loss of a consecrated animal. In that case Rabbi Akiva would agree that the husband can still nullify her vow. However, with what are we dealing here? It is with a case where he slaughtered the sin-offering first. Since a sin-offering whose blood was sprinkled not for its sake is invalid, if the husband were to nullify her vow this would cause a loss of consecrated property.

The Gemara cites the source that the order of a nazirite's offerings may be changed and the sin-offering may be sacrificed first. As we learned in a mishna (45a): If he shaved after the sacrifice of one of the three nazirite offerings, either the burnt-offering, the peace-offering, or the sin-offering, he has fulfilled his obligation.

§ The mishna taught: In what case is this statement, that a husband cannot nullify his wife's vow, said? It is with regard to a shaving of ritual purity; however, with regard to a shaving of impurity the husband can nullify it if he wishes. And Rabbi Meir says: He may even nullify the vow at her shaving of purity because he can say: I do not want a shaven wife.

NOTES

Sprinkling their blood not for the sake of the offerings – לזרוק דמן שלא לשמן: Offerings, with the exception of the Paschal offering and sin-offerings, are valid even if their blood was sprinkled not for their own sake, although their owners do not fulfill their obligation (Rosh). The *baraita* here adds that even if they were slaughtered for their own sake, and the owner cannot fulfill his obligation with them, it is permitted to sprinkle their blood for the sake of a different offering *ab initio*. Furthermore, even if the blood is sprinkled without any particular intention, since the nazirite does not gain atonement through the offering it is as though the blood was sprinkled not for its sake (*Tosafot*).

HALAKHA

The sheep on *Shavuot*, if one slaughtered them not for the sake of that offering – בבשי עצרת ששחטן שלא לשמן – If the sheep of *Shavuot* were slaughtered not for the sake of their offering, or not in the appropriate time, the blood is sprinkled and the meat is eaten, but the community has not fulfilled its

obligation. If this occurred on Shabbat, they may not sprinkle the blood. If they did so, the offering is accepted to the extent that its sacrificial parts may be burned and its flesh eaten in the evening (Rambam *Sefer Avoda, Hilkhot Pesulei HaMukdashin* 15:19).

