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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Who can the author of [the first paragraph of] our Mishnah be? For it [agrees] neither with Rabbi Yosi nor with the Rabbis. For it has been taught in a Baraisa: If a man vows [to be a nazir] and transgresses a rule of his nezirus, we do not make ourselves available to him,<sup>1</sup> unless he [first] observes in [nazir] abstinence as many days as he has passed in indulgence. Rabbi Yosi said that thirty days are enough. Now if [the author] be the Rabbis, [the case also of] nezirus for a long period offers difficulty,<sup>2</sup> while if it be Rabbi Yosi, [the case of] nezirus for a short period offers difficulty?<sup>3</sup> — It may be maintained either that [the author] is Rabbi Yosi, or that [the authors] are the Rabbis. It may be maintained that [the author] is Rabbi Yosi, by supposing that [the Mishnah refers] to a long period of nezirus [only], and [the Baraisa] to a short period of nezirus [as well].<sup>4</sup> It can also be maintained that [the authors] are the Rabbis, in which case we must read [in the Mishnah] not: From the time that the vow was made, but: equal [to the period which has elapsed] since the vow was made. (32a1 – 32a2)

The Mishnah had stated: If he seeks release from the sages, and they released him etc.

Rabbi Yirmiyah said: From [the opinion of] Beis Shammai we can infer that of Beis Hillel. Did not Beis Shammai assert that consecration in error is effective and yet when it becomes

clear<sup>5</sup> that the nazir vow is not valid, [the animal] goes out to graze with the herd? So too, for Beis Hillel. Although they say that substitution in error is effective temurah, this is only true where the original consecration remains,<sup>6</sup> but where the original consecration is revoked, [the consecration resulting from] the temurah is also revoked. (32a2)

The Master said: Do you not admit that if he calls the ninth the tenth, etc.

It has been stated: In the case of the ma’aser, Rav Nachman said that [this is the rule only] if this is done in error, not if it is done intentionally.<sup>7</sup> Rav Chisda and Rabbah bar Rav Huna, however, said that [it is certainly the rule] if it is done in error, and all the more so if it is done intentionally.<sup>8</sup>

Rava said to Rav Nachman: According to you who assert that [it is the rule only] if it is done in error and not if done intentionally, when Beis Shammai asked Beis Hillel: Do you not admit that if he called the ninth the tenth, the tenth the ninth, or the eleventh the tenth, that all three are sacred? and Beis Hillel were silent, why could they not have answered that the case of ma’aser is different since these cannot be made sacred intentionally?<sup>9</sup> — Rav Shimi bar Ashi replied: The reason that they did not do so is because of a kal vachomer argument

<sup>1</sup> Should he desire to be released from his vow, nor if he wishes to bring his concluding sacrifices.

<sup>2</sup> The Mishnah allows him to reckon in all cases the days of his transgression as part of his nezirus, while the Rabbis do not do so.

<sup>3</sup> They would conflict in regard to the short period in the manner explained in the previous note. In regard to the long period they would not conflict, since Rabbi Yosi allows him to reckon all the period of transgression, which is more than thirty days, and it could be argued that this is all that the Mishnah means. (Tosafos)

<sup>4</sup> In this case only does Rabbi Yosi require the whole of the period of transgression to be counted afresh.

<sup>5</sup> By the release that was granted.

<sup>6</sup> I.e., when the sanctity of the first animal for which the second is substituted is not afterwards cancelled by a sage.

<sup>7</sup> If he intentionally strikes the ninth animal as though it were the tenth, it does not become sacred.

<sup>8</sup> I.e., in either case the animal becomes sacred.

<sup>9</sup> And since they did not say this, it follows that even if he strikes the ninth animal intentionally, it becomes sacred.



that might be based on this [by Beis Shammai]. For [Beis Shammai might have argued that] if ma'aser that cannot be consecrated [out of turn] intentionally can be so consecrated in error, then ordinary consecration that can be done intentionally should certainly take effect [in error].<sup>10</sup> This [argument], however, would be unsound, for [ordinary] consecration depends entirely upon the intention of the owner.<sup>11</sup> (32a2 – 32a3)

MISHNAH. If a man vows to be a nazir and when he went to bring his animal [for the sacrifice] finds that it has been stolen, then if he had declared himself a nazir before the theft of his animal, he is [still] a nazir, but if he had declared himself a nazir after the theft of his animal, he is not a nazir.<sup>12</sup> It was on this point that Nachum the Mede fell into Error when nezirim arrived [in Jerusalem] from the Diaspora and found the Temple in ruins. Nachum the Mede said to them, 'Had you known that the Temple would be destroyed, would you have become nezirim?' They answered, "No," and so Nachum the Mede released them. When, however, the matter came to the notice of the sages they said: Whoever declared himself a nazir before the destruction of the Temple is a nazir, but if after the destruction of the temple, he is not a nazir. (32a3 – 32b1)

Rabbah said: The Rabbis overruled Rabbi Eliezer and laid down [the law] in accordance with their own views. For we have learned: It is permitted to grant release on the ground of improbable contingencies; this is the opinion of Rabbi Eliezer, but the Sages forbid this.

And Rava said: Although the Rabbis said that improbable contingencies cannot be made the grounds for release, yet conditions involving improbable contingencies can be made a ground for release. For example, it would have been possible to say to them: Suppose someone had come and

said to you that the Temple would be destroyed, would you have uttered your vow?

Rav Yosef said: Had I been there, I should have said to them: Is it not written: The Temple of Hashem, the Temple of Hashem, the Temple of Hashem, they are, which points to [the destruction of] the first Temple and the second Temple?<sup>13</sup> — Granted that they knew it would be destroyed, did they know when this would occur?

Abaye objected: And did they not know when? Is it not written: Seventy sevens have been determined upon your people, and upon your holy city?<sup>14</sup> — All the same, did they know on which day?<sup>15</sup> (32b1 – 32b2)

#### DAILY MASHAL

It is written: The Temple of Hashem, the Temple of Hashem, the Temple of Hashem, they are. Rabbeinu Bachye explains that the term 'heimah' – 'they are' refers to the third Temple, for that connotes something which is eternal, as it is written: And I knew that they were Cheruvim, and also it is written: for they have been since time immemorial.

And so too Chazal expound upon the verse 'kasis lamaor' – 'crushed for lighting.' The first Temple stood for 410 years and the second Temple stood for 420 years; this is the numerical value of the word 'kasis.' This is also hinted at in the meaning of the word – 'crushed,' as the first two Temples were ultimately destroyed, but the third Temple, which should be built speedily in our times, is referenced in the next phrase – 'I'haalos ner tamid' – 'to kindle the lamps continually,' for once it is built, it will remain constant and eternal.

<sup>10</sup> And Beis Hillel do not admit that consecration in error is effective.

<sup>11</sup> Whereas a man is bound to take ma'aser from his animals, and so the rules applying in the one case need bear no resemblance to those applying in the other. Hence Rav Nachman cannot be refuted from this. (Tosafos)

<sup>12</sup> As his vow had been made under a misapprehension.

<sup>13</sup> Since it indicates that there would be three Temples. Thus the destruction was foretold and could have been anticipated.

<sup>14</sup> This prophecy was uttered at the beginning of the seventy years captivity in Babylon. From the restoration to the second destruction is said to have been 420 years, making in all 490. i.e., seventy weeks of years.

<sup>15</sup> And since they did not know, they expected to offer their sacrifices before the destruction.