16.5.2
(סיום הפרק) 34a ← (משנה ד') 32a

> 1. אַל תִּבְטְחוּ לָכֶם אֶל דִּבְרֵי הַשֶּׁקֶר לֵאמֹר **הֵיכַל ה' הֵיכַל ה' הֵיכַל ה'** הֵמָּה:*ירמיהו פרק ז פסוק ד*
> 2. **שָׁבֻעִים שִׁבְעִים** נֶחְתַּךְ עַל עַמְּךָ וְעַל עִיר קָדְשֶׁךָ לְכַלֵּא הַפֶּשַׁע וּלְהָתֵם חַטָּאת וּלְכַפֵּר עָוֹן וּלְהָבִיא צֶדֶק עֹלָמִים וְלַחְתֹּם חָזוֹן וְנָבִיא וְלִמְשֹׁחַ קֹדֶשׁ קָדָשִׁים:*דניאל ט:כד*

I   משנה ד': further on mistaken הקדש
    a   if someone took a vow of נזירות and then found that his animals (that he was counting on for the קרבן) were stolen
      i   *if*: he took the vow before they were stolen, he is a נזיר
      ii   *if*: they were stolen first, he isn't a נזיר
      iii   *misapplication*: נחום המדי (at time of חרבן) told נזירים that had come to ירושלים to bring their קרבנות and found the מקדש desolate and destroyed:
        1   *he asked them*: had you known that the מקדש was destroyed, would you have taken the vow? (A: "no") and he released them
        2   *חכמים*: he should have asked whether they took the vow before or after the חרבן
      iv   *note*: ר"א's silence here indicates that he accepted חכמים's position, negating פותחין בנולד
        1   *further*: חכמים agree with ר"א that תנאי נולד works
          (a)   *Example*: if someone asked these נזירים – "had someone told you that the מקדש was destroyed, would you have vowed נזירות?" and they answer in the negative – vow is released.
          (b)   *Observation*: ר' יוסף and אביי point to vv. 1-2, forecasting the חרבן הבית←not נולד at all
            (i)   *Rejection*: the verses don't pinpoint the day of destruction exactly

II   משנה ה': vows taken on condition of mutually exclusive realities
    a   *example*: if 2 people (A and B) approach C; A vows on condition that C is פלוני, B vows on condition that C isn't פלוני, D then vows on condition that one of A or B is a נזיר, E vows on condition that neither A nor B is a נזיר, F vows on condition that A and B are both נזירים and then F vows on condition that A through E are all נזירים:
      i   *rulings*:
        1   ב"ש – all are נזירים
        2   ב"ה – only the ones whose words were accurate are נזירים
        3   ר"ט – none of them are נזירים
          (a)   *reason*: נזירות requires הפלאה (clear unequivocal expression)

III   משנה ו': variation on earlier case:
    a   if C ran away (so that we could never identify if he was indeed פלוני)
      i   ת"ק: none of them is a נזיר
      ii   ר"ש: each should stipulate – if C was פלוני, I'm a נזיר חובה; if not, I'm a נזיר נדבה
        1   *implication*: if he hadn't run away, (at least) everyone who was right about his identity would be a נזיר
        2   *authorship*: must be ר' יהודה of case of :כרי
          (a)   *if*: someone takes a vow of נזירות on condition that he has 100 כור in his granary – and comes to find it stolen
            (i)   *ר' יהודה*: not a נזיר (ספק נזירות להקל) - only if we knew that there were 100 כור would he be a נזיר
            (ii)   *ר' שמעון*: נזיר – כור – 100 (ספק נזירות להחמיר) valid - since there may have been 100

IV   משנה ז': if the object of the condition of the vow(s) was a כוי (a type of wild gazelle that has ambiguous חיה/בהמה identity)

    a   נזיר if that's a חיה   e   נזיר if that's a חיה and בהמה
    b   נזיר if that's not a חיה   f   נזיר if that's neither a חיה nor a בהמה
    c   נזיר if that's a בהמה   g   נזיר if one of a-f is a נזיר
    d   נזיר if that's not a בהמה   h   נזיר if none of a-f is a נזיר
    i   נזיר if all of *a-h* are נזירים
      i   *ruling*: all are נזירים
      ii   *note*: tradition records the number 9 here –
        1   *either*: 9 נזירים – if more people continued this chain
        2   *or*: 9 נזירויות (for one person)
          (a)   *Meaning*: he took all 6 statements (חיה/ not חיה, בהמה/not בהמה, neither, both) and then all possible combinations (3 – חיה, בהמה, both/neither) (מאירי)
          (b)   *Alternatively*: he met a group of 9 as above and accepted their entire total of נזירויות (רא"ש)