NAZIR

TRANSLATED INTO ENGLISH
WITH NOTES, GLOSSARY
AND INDICES

INTRODUCTION

Nazir or Neziroth, as it is also sometimes known, is the fourth treatise of Seder Nashim, and deals with the laws regulating naziriteship. The assumption of nazirite vows, the different types of naziriteship, the observance and breach of the accompanying obligation to abstain from wine, shaving the hair, and contact with the dead, and the order of sacrifice on contact with the dead and on the completion of a nazirite's term, are all discussed. Little not narrowly relevant to these topics will be found in these pages, and the tractate contains but few haggadic passages.

The destruction of the Temple in 70 C.E. and the consequent cessation of the sacrificial system, precluded the nazirite vow from being properly terminated and so naziriteship was no longer undertaken; but the inclusion of the treatise in the order Nashim instead of Kodashim, whether as an antidote to Gittin and Sotah (v. fol. 2a) or because of its resemblance to Nedarim (v. Sotah 2a) led to its provision with an adequate Gemara in both the Babylonian and the Jerusalem Talmud. In Geonic times, however, in common with Nedarim and Kodashim in general, the treatise was neglected, so that its text lacks the finish and excellent state of preservation of other talmudic treatises, whilst the absence of a commentary by Rashi, embodying traditional interpretations, increases the difficulties of the student. The commentary in the standard editions of the Talmud, bearing Rashi's name, is a much glossed one, ascribed to his son-in-law RIBaN (R. Judah b. Nathan); the Tosafoth issued from the school of R. Perez b. Elijah of Corbeil (13th cent.). RIBaN notes a number of resemblances in style between our treatise and the Jerusalem Talmud (v., e.g., fol. 32a), and in this connection it should be remarked that the placing of Nazir between Gittin and Sotah on fol. 2a, follows the order of the treatises in the Palestinian Talmud and not in the Babylonian Talmud.

Of individual cases of naziriteship, the Bible records few — Samson and Absalom naturally spring to mind. Our tractate affords ample evidence, however, of the existence of numerous nazirites in Maccabaean and later times, whilst the naziriteship of Helena, the illustrious proselyte Queen of the Adiabene, should be noted, for it is to her residence in Jerusalem which its observance entailed that we may no doubt trace the many stories of herself and her family preserved elsewhere in the Talmud.

Naziriteship, with its ascetic obligations, found little favour in Pharisee circles, as is evidenced by the implied disapproval of Simeon the Just (v. fol. 4b), and the later statement of R. Eleazar ha-Kappar (fol. 19a) that the nazirite is indeed a sinner. It is not impossible that many of the ascetic sects that flourished in the early centuries of the current era, began as nazirite groups. Little positive evidence of this can, however, be found in our treatise. A brief summary of the contents follow.

CHAPTER I. Assumption of the vow and its duration. The various circumlocutory ways in which naziriteship was undertaken should be noted as instancing the extreme reluctance to utter a direct vow, observed throughout rabbinic literature. The Samson nazirite and the life-long nazirite are also defined.

CHAPTER II. Continues the themes of the first chapter, and discusses whether it is possible to undertake a naziriteship, limited to part only of the nazirite duties.

CHAPTER III. The procedure of polling at the close of naziriteship and when uncleanness intervenes is described.

CHAPTER IV. The annulment of naziriteship by appeal to a Sage, a husband's rights over his wife's nazirite vows, and a father's power to impose nazirite vows on his son are here discussed. In this Chapter there occurs an Haggadic passage dealing with the importance of motive in action.

CHAPTER V. Other aspects of the incidence of nazirite vows are examined, and reference is made to the situation that arose when the destruction of the Temple rendered impossible the completion of

nazirite vows previously undertaken.

CHAPTER VI discusses the duties of the nazirite in greater detail and the steps that must be taken in the event of a breach of observance of the oath.

CHAPTER VII. When a nazirite may knowingly break his vow, and unwitting breaches of the same.

CHAPTER VIII. Deals with uncertain breaches of the vow.

CHAPTER IX. Gentiles cannot become nazirites, women and slaves can. The last Mishnah discusses whether or not the prophet Samuel was a nazirite.

The translation was prepared jointly by my brother, Mr. Hyman Klein, M.A., and myself, and many valuable notes were added by him. The whole of the manuscript was read by Mr. Maurice Simon, whose influence will be apparent to all who are acquainted with the fluidity and charm of his prose. To both of these I take this opportunity of expressing my thanks.

Authorities consulted are mentioned in the notes. Occasionally the German translation of Lazarus Goldschmidt and the English translation of the Mishnah by Canon H. Danby were also referred to.

B. D. KLIEN

The Indices of this Tractate have been compiled by Judah J. Slotki, M. A.

PREFATORY NOTE BY THE EDITOR

The Editor desires to state that the translation of the several Tractates, and the notes thereon, are the work of the individual contributors and that he has not attempted to secure general uniformity in style or mode of rendering. He has, nevertheless, revised and supplemented, at his own discretion, their interpretation and elucidation of the original text, and has himself added the notes in square brackets containing alternative explanations and matter of historical and geographical interest.

ISIDORE EPSTEIN

Folio 2a

CHAPTER I

MISHNAH. ALL THE SUBSTITUTES FOR THE NAZIRITE VOW(1) ARE EQUIVALENT TO NAZIRITE VOWS. IF A MAN SAYS, 'I SHALL BE [ONE].' HE BECOMES A NAZIRITE. [IF HE SAYS.] 'I SHALL BE COMELY, A NAZIRITE, A NAZIK,(2) A NAZIAH(2) A PAZIAH. HE BECOMES A NAZIRITE. [IF HE SAYS.] 'I INTEND TO BE LIKE THIS,' OR 'I INTEND TO CURL [MY HAIR].' OR 'I MEAN TO TEND [MY HAIR].' OR 'I UNDERTAKE TO DEVELOP TRESSES,' HE BECOMES A NAZIRITE. [IF HE SAYS.] 'I TAKE UPON MYSELF [AN OBLIGATION INVOLVING] BIRDS,' R. MEIR SAYS HE BECOMES A NAZIRITE, BUT THE SAGES SAY HE DOES NOT BECOME A NAZIRITE.

GEMARA. Seeing that the Tanna(3) is teaching the order Nashim,(4) why does he speak of the nazirite? — The Tanna had in mind the scriptural verse, Then it cometh to pass if she find no favour in his eyes, because he hath found some unseemly thing in her,(5) and he reasons thus. What was the cause of the woman's infidelity? Wine. Further, he proceeds, whosoever sees an unfaithful wife in her degradation(6) will take a nazirite's vow and abjure wine.(7)

[How is it that in enunciating the general rule,(8) the Mishnah] mentions first 'substitutes' and then gives examples of 'allusions'?(9) — Raba, others say Kadi,(10) said: There is a hiatus [in the Mishnah] and it should read as follows: 'All the substitutes for the nazirite vow are equivalent to nazirite vows, and all allusions to the nazirite vow are equivalent to nazirite vows. The following are allusions. If a man says, "I shall be [one]," he becomes a nazirite [etc.].' Ought not then the substitutes to be enumerated first?(11) — It is customary for the Tanna to explain first what he mentions last. Thus we learn: With what materials may [the Sabbath lamp] be kindled, and with what may it not be kindled?(12) and the exposition begins: It is forbidden to kindle etc. [Again, we learn:] With what materials may [hot victuals] be covered [on the Sabbath,](13) and with what may they not be covered?(14) and the exposition begins: It is forbidden to cover etc. [Again:] What may a woman 'wear when she goes out [on the Sabbath], and what may she not wear when she goes out?(15) and the exposition begins: She must not go out etc.

But have we not learnt: With what trappings may an animal go out [on the Sabbath], and with what may it not go out?(16) whilst the exposition begins: The camel may go out etc.; [and again:] Some both inherit and bequeath,(17) and some inherit but do not bequeath. Some bequeath and do not inherit, and some neither inherit nor bequeath,(18) whilst the exposition begins: The following both inherit and bequeath? The truth is that the Tanna adopts sometimes one method and sometimes the other, [according to circumstances]. In the first set of cases adduced, because the prohibition is a personal one,(19) this personal prohibition is expounded first. On the other hand, in the case of the animal, since the prohibition arises primarily through the animal,(20) those things which are permitted are mentioned first.

1. V. Num. VI, 2-22.
2. These 'substitutes' are mutilations of the Hebrew word nazir. Cf. Ned. 10b.
3. v. Glos.
4. Nashim, the third of the six orders of the Mishnah contains the laws pertaining to women. The inclusion of the nazirite regulations appears at first sight incongruous.
5. Deut. XXIV, 1. The verse is quoted in the concluding paragraph of M. Gittin. This suggests that the order of the treatises assumed was Gittin, Nazir, Sotah, the order of the Jerusalem Talmud. In Sot. 2a, a different reason is given assuming the order of the Babylonian Talmud, viz.: — Nedarim, Nazir, Sotah. V. however Tosaf. s.v. .
6. Cf. Num. v, 11-31.
7. For this reason Nazir is followed by Sotah.

8. I.e., all the substitutes for the nazirite vow, etc.
9. Viz., 'I shall be one' etc. Allusions, Heb. yadoth; lit., 'handles', phrases suggesting the nazirite's vow.
10. Aliter, others quote the statement anonymously.
11. Cf. Ned. 2bff
12. Shah. 20b.
13. To retain their warmth.
14. Ibid. 47b.
15. Ibid. 57a.
16. Ibid. 52b.
17. I.e., to those from 'whom they inherit.
18. B.B. 108a.
19. He himself is forbidden to do the action.
20. He may not allow the animal to wear the trappings.

With inheritance, again. the basic type of inheritance is dealt with first. Granted all this, [in the case of the nazirite vow] why should not the substitutes be enumerated first? — There is a special reason, viz., that [the rule regarding the efficacy of] the allusions is derived [from the scriptural text] by a process of inference(1) and therefore the Tanna set a special value on it. Then why does he not mention them first? — For opening the subject the Tanna prefers to mention the basic type of vow,(2) but in his exposition, he illustrates the allusions first.

IF A MAN SAYS I SHALL BE [ONE].' HE BECOMES A NAZIRITE. But might he not mean, 'I shall keep a fast day'?(3) — Samuel said: We must suppose that a nazirite is passing by [when he makes this declaration]. Are we to infer from this that Samuel is of the opinion that allusions, the significance of which is not manifest,(4) have not the force of a direct statement?(5) — Let me explain. [What Samuel means is that] if a nazirite is passing by, there is no reason to suspect a different intention,(6) but without question, if no nazirite is passing by, we say that he might mean, 'I shall keep a fast day.'(7) But perhaps his purpose was to free the other from his sacrifices?(8) — [We presume it to be known] that he added mentally ['a nazirite']. If so, it is surely obvious [that he becomes a nazirite]? It might be thought that we require his utterance and his intention to coincide, and so we are told [that this is not so].

I SHALL BE COMELY … HE BECOMES A NAZIRITE. Perhaps he means, 'l shall be comely before Him in [the performance of] precepts. as has been taught: [The verse]. This is my God and I will glorify(9) Him(10) means, I will glorify Him in [the performance of] precepts; I shall build an attractive booth,(11) procure a faultless palm-branch.(11) wear elegant fringes, write a mangificent Scroll of the Law and provide it with wrappings of choicest silk? — Samuel said: [We assume that] he takes hold of his hair(12) when he says, 'I shall be comely.'

[Seeing that to become] a nazirite is in a way a sin,(13) can it be termed comely? —

1. They are not mentioned explicitly, but are inferred from the redundant sequence of references to the Nazirite vow in Num. VI, 2. V. Ned. 3a.
2. Heb. 'Korban', 'sacrifice', the generic term for every kind of vow. The 'substitutes' are considered essential forms of the vow, the 'allusions' subsidiary forms.
3. Lit., 'I shall be in a fast'.
4. As would be the case if a nazirite did not pass by at the time.
5. Kid. 5a reports Samuel as holding the opposite.
6. [Although the allusion is not particularly manifest, in accordance with Samuel's view, in Kid. loc. cit. Cf. Asheri.]
7. And in the absence of an allusion of any likely significance, there is no obligation at all. Cf. Asheri.
8. I.e., defray their cost. His meaning would then be, 'I shall be in his place for the purpose of offering his sacrifices;' cf. Num. VI, 14ff..
9. 'Glorify' and 'comely' are from the same Hebrew root.
10. Ex. XV, 2.
11. For the Feast of Tabernacles. Cf. Lev. XXIII, 42 and 40.
12. And so the reference is to the naziriteship, when his hair would grow long.
13. Because he denies himself that which the Torah has permitted.

Folio 3a

Yes. For even R. Eliezer ha-Kappar who says that a nazirite is accounted a sinner, means only the nazirite who has contracted ritual impurity; for, since he must nullify [his previous abstinence](1) in accordance with the rule laid down by the Merciful One, But the former days shall be void, because his consecration was defiled,(2) there is a danger that he may break his nazirite vow.(3) But a nazirite who remains ritually clean is not termed a sinner.(4)

I INTEND TO BE LIKE THIS: Granted that he takes hold of his hair, he does not say 'I intend to be through this,'(5) [but only 'like this']? — Samuel said: We suppose that a nazirite is passing by at the time.

I INTEND TO CURL(6) [MY HAIR]. How do we know that this [word MESALSEL] refers to the curling of the hair? — From a remark made by a maidservant(7) of Rabbi's household, who said to a certain man: How much longer are you going to curl [mesalsel] your hair? But perhaps [it refers to] the Torah(8) in accordance with the verse, Extol her [salseleha] and she will exalt thee?(9) — Samuel said: Here, too, we suppose that he takes hold of his hair.

I MEAN TO TEND(10) [MY HAIR]. How do we know that this [word MEKALKEL] refers to the tending of his hair? — From what we learnt: 'With regard to orpiment.(11) R. Judah said that there must be sufficient to depilate the kilkul,'(12) and Rab commented: [This means the hair of] one of the temples.(13) But might it not mean tending the poor. in accordance with the verse, And Joseph sustained [wa-yekalkel] his father and his brothers?(14) — Samuel said: Here too. we assume that he takes hold of his hair.

I UNDERTAKE TO DEVELOP(15) TRESSES,'(16) HE BECOMES A NAZIRITE. How do we know that this [word] shilluah signifies increase? — From the verse, Thy shoots [shelohayik] are a park of pomegranates.(17) But perhaps it has the significance of 'removal'(18) in accordance with the verse, And sendeth [we-sholeah] waters upon the fields?(19) — The occurrence of the word pera' [tresses] in connection with the nazirite gives the tanna the clue. It says here, He shall be holy. he shall let the locks [pera'] grow long.(20) and it says elsewhere regarding an ordinary priest,(21) Nor' suffer their locks [pera'] to grow long [yeshallehu].(22) Alternatively, we can say that the sholeah used of water,(23) also signifies increase,(24) for when produce is watered it shoots up.

[IF HE SAYS] 'I TAKE UPON MYSELF [AN OBLIGATION INVOLVING] BIRDS,' R. MEIR SAYS HE BECOMES A NAZIRITE. What is R. Meir's reason? — Resh Lakish said: [In making this vow] he has in mind the birds that are coupled with hair in the scriptural verse, Till his hair was grown long like eagles' feathers, and his nails like birds' claws.(25) R. Meir is of the opinion that a man will refer to one thing when he means something else occurring in the same context,(26)

1. The period which elapsed before he became unclean.
2. Num. VI, 22.
3. He may not be able to control his desire for wine for the longer period.
4. Cf. infra 29a, where the opposite is asserted.
5. The text is uncertain. The meaning would apparently be: I intend to discipline myself through my hair, reading instead of in cur. edd.
6. Heb. mesalsel.
7. This maidservant always spoke Hebrew, v. Meg. 28a.
8. I.e., he vows to engage in the study of Torah.
9. Prov. IV, 8.
10. Heb. mekalkel.

11.Heb. sid, usually lime, here orpiment, used as a depilatory.

12.The transference of this amount from a private to a public domain on the Sabbath constitutes an indictable offence.

13.Shah. 80b.

14.Gen. XLVII, 12.

15.Heb. leshaleah.

16.Heb. pera'.

17.Cant. IV, 13.

18.I.e., he vows to remove his hair.

19.Job V, 10. I.e. transports the waters from field to field (cf. the context).

20.Num. VI, 5.

21.I.e., not the High Priest, who is subject to stricter regulations. V. Sanh. 22b.

22.Ezek. XLIV, 20. In Sanh. 22b this same comparison is made to show that pera' means a growth of thirty days' duration (the normal duration of a nazirite vow). Thus whether shilluah means 'grow' or remove', the nazirite vow is implicit in the word pera'.

23.In the verse of Job.

24.[Cur. edd. add in brackets, 'as R. Joseph translated,' referring to the Targum on the Prophets ascribed to R. Joseph. V. B.K. (Sonc. ed.) p. 9, n. 9. The reading that follows is, however, not found in our Targum.]

25.Dan. IV, 30. It is assumed that he takes hold of his hair, or a nazirite is passing by (Rashi). Cf. below.

26.Lit., 'he is seized by what is close to it.' E.g., here, he says 'birds' when he means 'hair'.

whilst the Rabbis are of the opinion that a man will not refer to one thing when he means another. R. Johanan said: Both [R. Meir and the Rabbis] are agreed that a man will not refer to one thing etc.,(1) and R. Meir's reason is that we take account of the possibility that what he had undertaken was to bring the birds of a ritually unclean nazirite.(2)

But if we are to take [possible meanings] into account, why should we not say that he was undertaking [to bring] a free will offering of birds? — in that event, he would have said, 'I undertake to bring a nest.'(3)

But perhaps he meant: I undertake [to bring] the birds of a leper?(4) — We must suppose that a nazirite passes by at the time. But perhaps it was a ritually unclean nazirite and he desired to free him from his [obligatory] sacrifices? — We must suppose that a ritually clean nazirite passes by at the time.(5)

What [practical] difference is there between them?(6) — There would be a difference [for example] if he should say: I take upon myself [an obligation involving] the birds mentioned in the same context as hair. According to R. Johanan, notwithstanding that he says this, he becomes a nazirite if one is passing at the time, but not otherwise;(7) whereas according to R. Simeon b. Lakish, even though no nazirite passes by at the time [he becomes a nazirite].(8)

But is there any authority who disputes that a man may refer to one thing and mean another occurring in the same context? Has it not been taught: If a man says, '[By] my right hand,' it is accounted an oath.(9) Now, surely the reason for this is the verse, When he lifted up his right hand and his left hand unto heaven, and swore by Him who liveth for ever?(10) — Not so. It is because the expression '[By my] right hand,' is itself an oath, as it has been taught: How do we know that if a man says. '[By] my right hand,' it is accounted an oath? From the verse, The Lord hath sworn by his right hand.(11) And how do we know that if a man says. 'By my left hand,' it is accounted an oath? Because the verse continues, And by the arm of his strength.(11)

MISHNAH. [IF A MAN SAYS] 'I DECLARE MYSELF A NAZIRITE [TO ABSTAIN] FROM PRESSED GRAPES, OR FROM GRAPE STONES, OR FROM POLLING, OR FROM [CONTRACTING] RITUAL DEFILEMENT, HE BECOMES A NAZIRITE AND ALL THE REGULATIONS OF NAZIRITESHIP APPLY TO HIM.

GEMARA. The Mishnah is not in agreement with R. Simeon, for it has been taught: R. Simeon says that he does not incur the liabilities [of a nazirite] unless he vows to abstain from everything [that is forbidden to a nazirite], whilst the Rabbis say that even though he vows to abstain from one thing only, he becomes a nazirite.

What is R. Simeon's reason? — Scripture says. [He shall eat] nothing that is made of the grape-vine, from the pressed grapes even to the grape-stone.(12) And what is the Rabbis' reason? — The verse reads, He shall abstain(13) from wine and strong drink.(14)

What does R. Simeon make of the statement, 'He shall abstain from wine and strong drink'? — He requires it to prohibit wine the drinking of which is a ritual obligation as well as wine the drinking of which is optional. What is this [wine the drinking of which is obligatory]? The wine of Kiddush(15) and Habdalah,(15) [is it not]?

1. And therefore R. Meir's reason is not the one given by Resh Lakish.
2. V. Num. VI, 10. [I.e., he undertook to bring such birds should he afterwards become unclean during his proposed naziriteship; hence he becomes a nazirite (Rashi).]
3. As this was the usual manner in which free-will offerings of birds were made.
4. Cf. Lev. XIV, 4. [That is he undertook to bring birds for a leper freeing him from his obligatory sacrifices. Asheri.] This question creates a difficulty both for R. Johanan and Resh Lakish (Rashi).

5. And as such a one has not to bring the offering of birds, he must have referred to himself.
6. Between R. Johanan and Resh Lakish.
7. As he may simply be undertaking to bring an offering of birds.
8. [That is, according to R. Meir; v. Rashi and Tosaf. This difference will, however, apply also on the view of the Rabbis, for where he explicitly states … 'the birds mentioned in the same context as hair,' the Rabbis would also agree according to Resh Lakish that he becomes a nazirite; cf. Rashi 2b (top).]
9. Tosaf. Ned. I, e.g., if he says, 'My right hand that I shall eat this loaf.'
10. Dan. XII, 7; and when he refers to his right hand he means the oath in the same context.
11. Isa. LXII. 8. ['Arm of his strength' refers to the left hand. Ber. 6a.]
12. The emphasis is laid on the word 'nothing', so that the vow must expressly include everything. Num. VI, 4.
13. Lit., 'vow to abstain'.
14. Ibid. VI, 3. Thus it is sufficient if his vow refers specifically to wine only. This verse is made here to refer to the actual taking of the nazirite vow; though from the context it might he thought to he part of the enumeration of objects forbidden the nazirite.

Folio 4a

But surely here he is bound by the oath taken on Mount Sinai?(1) — We must therefore suppose the following dictum of Raba to be indicated, [Viz.:] — [If a man says,] 'I swear to drink [wine]' and later says, 'I wish to be a nazirite,' the nazirite vow operates despite the oath.(2)

And do not the Rabbis also require [this verse] to prohibit wine, the drinking of which is a ritual obligation as well as wine the drinking of which is optional? — If this were its [sole] purpose, only wine need have been mentioned in the verse! [What is the purport of the addition] of 'strong drink'! It is to enable us to infer both things.(3) And R. Simeon?(4) — He [will hold] that the reason for the addition of strong drink is to guide us in the interpretation of the same expression when used in connection with the Temple service, in the verse, Drink no wine nor strong drink, thou, nor thy sons with thee.(5) Just as for the nazirite, only wine is forbidden but not other beverages, so in connection with the Temple service, only wine is forbidden [to the priests], but not other intoxicating beverages. This conflicts with the opinion of R. Judah, for it has been taught: R. Judah said that [a priest] who eats preserved figs from Keilah,(6) or drinks honey or milk, and then enters the Temple, is guilty.(7) Alternatively,(8) R. Simeon rejects the Principle that a prohibition can come into operation when a prohibition [on a different count] is already present,(9) as has been taught: R. Simeon says that a man who eats carrion(10) on the Day of Atonement is not liable [to a penalty for breach of observance of the day].(11)

What do the Rabbis make of the verse, ['He shall eat] nothing that is made of the grapevine'?(12) The Rabbis will tell you that this teaches that [the various kinds of food] forbidden to a nazirite can combine together.(13) R. Simeon. on the other hand, does not require a rule about combination, for it has been taught: R. Simeon says that a mite [of forbidden food] is sufficient [to entail liability] to stripes; a quantity equivalent to an olive is required only where a sacrifice is [the appropriate penalty].

MISHNAH. [IF A MAN SAYS] 'I VOW TO BE LIKE SAMSON,(14) THE SON OF MANOAH, WHO WAS THE HUSBAND OF DELILAH, OR 'WHO PLUCKED UP THE GATES OF GAZAH,'(15) OR 'WHOSE EYES THE PHILISTINES PUT OUT,'(16) HE BECOMES A NAZIRITE LIKE SAMSON.

GEMARA. Why must [the Mishnah] specify all these expressions? — All are necessary. For if he were to say. 'I wish to be like Samson,' I might think that some other Samson [was intended], and so we are told [that he must add] 'like the son of Manoah.' Again, if he were to add [only] 'the son of Manoah,' I might think that there is someone else so named, and so we are told [that he must add], 'like the husband of Delilah,' or 'like him whose eyes the Philistines put out.'(17)

MISHNAH. WHAT DIFFERENCE IS THERE BETWEEN A NAZIRITE LIKE SAMSON AND A LIFE-NAZIRITE?(18) A LIFE-NAZIRITE. WHENEVER HIS HAIR BECOMES BURDENSOME, MAY THIN IT WITH A RAZOR AND THEN OFFER THREE ANIMAL SACRIFICES,(19) WHILST SHOULD HE BE RITUALLY DEFILED, HE MUST OFFER THE SACRIFICE [PRESCRIBED] FOR DEFILEMENT.(20) THE NAZIRITE LIKE SAMSON IS NOT PERMITTED TO THIN HIS HAIR SHOULD IT BECOME BURDENSOME, AND IF [RITUALLY] DEFILED, DOES NOT OFFER THE SACRIFICE [PRESCRIBED] FOR DEFILEMENT.

GEMARA. How does the life-nazirite come in here?(21) — There is a hiatus [in the Mishnah]. and it should read as follows: If a man says, 'I intend to be a life-nazirite,' he becomes a life-nazirite. What difference is there between a nazirite like Samson and a life-nazirite? A life-nazirite whenever his hair becomes burdensome may thin it with a razor and then offer three animal sacrifices, whilst should he be ritually defiled, he must offer the sacrifice [prescribed] for defilement. The nazirite like Samson is not permitted to thin his hair with a razor should it become burdensome,

1. I.e., surely his vow cannot annul obligations in existence since the giving of the law on Mount Sinai, so Rashi. Tosaf. (Rabbenu Tam) replaces the last two sentences by the

following: 'Can it be that the wine of Kiddush and Habdalah is indicated? But is he then bound by an oath taken on Mount Sinai?' According to this view there is no scriptural obligation to drink wine at Kiddush and Habdalah. This is the view usually accepted.

2. I.e., although this is wine the drinking of which is incumbent on him.
3. Viz.: (i) wine the drinking of which is an obligation is forbidden the nazirite. (ii) though he vows to abstain from one thing only he becomes a nazirite.
4. How will he meet the argument of the Rabbis?
5. The verse was addressed to Aaron as High priest. Lev. x, 9.
6. A town in the lowlands of Judea, cf. Josh. XV, 44' v. Sanh. (Sonc. ed.) p. 481, n. 6.
7. Of transgressing the prohibition against strong drink in Lev. X, 9.
8. An alternative reason for R. Simeon's opinion that he does not become a nazirite unless he vows to abstain from everything, is being given (Rashi).
9. In other words, an act already prohibited cannot he prohibited on another count. Hence, once his vow to abstain from wine begins to operate, he can no longer become a full nazirite (Rashi). This interpretation considers the statement, 'I declare myself a nazirite (to abstain) from pressed grapes' to consist of two parts in the following order: (i) I vow to abstain from pressed grapes; (ii) I declare myself a nazirite. For other interpretations, v. Tosaf. and Asheri.
10. Heb. nebelah, v. Glos.
11. Carrion being already in itself prohibited.
12. V. supra p. 7, n. 4.
13. I.e., supposing he eats less of each kind than the minimum size of an olive, yet the total quantity consumed is the size of an olive, he is liable to stripes.
14. Samson was a nazirite to a limited extent only. V. next Mishnah.
15. V. Judg. XVI, 3.
16. V. Judg. XVI, 21.
17. Thus the first three expressions are de rigueur, but for the third equivalents may he used.
18. One who declares himself a nazirite for life. Samson was also a nazirite for life.
19. A nazirite on terminating his abstinence was required to offer three animal sacrifices. V. Num. VI, 13ff
20. Defilement of a nazirite. Num. VI, 9.
21. Lit., 'who mentioned its name'.

and if ritually defiled does not offer the sacrifice [prescribed] for defilement.

[You say that the nazirite like Samson] does not have to offer the sacrifice [prescribed] for defilement,(1) enabling me to infer that he is subject to the nazirite obligation [which forbids him to defile himself]. Who then is [the author of] our Mishnah, [seeing that] it can be neither R. Judah nor R. Simeon? For it has been taught: R. Judah said that a nazirite like Samson is permitted to defile himself [deliberately, by contact] with the dead, for Samson himself did so; R. Simeon says that if a man declares. '[I intend to be] a nazirite like Samson,' his statement is of no effect, since we are not aware that Samson personally ever pronounced a nazirite vow.(2) [We ask then:] Who [is the author of our Mishnah]? It cannot be R. Judah, for he says that [a nazirite like Samson] may even [defile himself] intentionally. whereas our Mishnah [merely] states [that no sacrifice need be offered] if he has become defiled [accidentally]; nor can it be R. Simeon since he says that the vow does not become operative at all! — Actually it is R. Judah [and the nazirite like Samson is permitted to defile himself] but because in referring to the life-nazirite,(3) the Mishnah uses the expression 'SHOULD HE BE [RITUALLY] DEFILED.' the same expression is used in referring to the nazirite like Samson.(4)

May we say that the difference [of R. Judah and R. Simeon] is essentially the same as that of the following Tannaim? For it has been taught: [If a man says.] 'This [food] shall be [as forbidden] for me as a firstling,'(5) R. Jacob says he may not eat it, but R. Jose says he may.(6) May we not say then that R. Judah agrees with R. Jacob in holding that the object [with which the comparison is made,](7) need not itself be one forbidden as the result of a vow, whilst R. Simeon agrees with R. Jose in holding that the object [with which comparison is made] must be one forbidden as the result of a vow? — This is not so. Both [R. Judah and R. Simeon] are agreed that it is necessary for the object [with which comparison Is made] to be one forbidden as the result of a vow, but the case of the firstling is different, since in the verse, [When a man voweth a vow](8) unto the Lord,(9) [the superfluous words 'unto the Lord'] include the firstling(10) [as a legitimate object of comparison].

What does R. Jose reply [to this argument]? — He will say that the expression 'unto the Lord' serves to include the sin-offering and the guilt-offering(11) [but not the firstling]. [We may ask him:] On what ground, then, are the sin-offering and the guilt-offering included rather than the firstling? — [He would reply:] The sin-offering and the guilt-offering are included because they have to be expressly dedicated,(12) but the firstling is excluded since it need not be expressly dedicated. And R. Jacob? — He can rejoin: Firstlings too, are expressly dedicated, for it has been taught: [The members] of our Teacher's household(13) used to say: How do we know that when a firstling is born in a man's flock, it is his duty to dedicate it expressly [for the altar]? Because it says, The males shalt thou dedicate.(14) And R. Jose? — He can reply: Granted that it is a religious duty to dedicate it [expressly], yet if he fails to do so, is it not nevertheless sacred?(15)

[It may be said:] In the case of the nazirite, too, is there not a phrase 'Into the Lord'?(16) — This is required for the purpose taught [in the following passage]: Simon the Just(17) said: In the whole of my life, I ate of the guilt-offering of a defiled nazirite [only once].(18) This man who came to me from the South country, had beauteous eyes and handsome features with his locks heaped into curls. I asked him: 'Why, my son, didst thou resolve to destroy such wonderful hair?' He answered: 'In my native town. I was my father's shepherd, and, on going down to draw water from the well, I used to gaze at my reflection [in its waters]. Then my evil inclination assailed me, seeking to compass my ruin,(19) and so I said to it, "Base wretch! Why dost thou plume thyself on a world that is not thine own, for thy latter end is with worms and maggots. I swear(20) I shall shear these locks to the glory of Heaven!"' Then I rose, and kissed him upon his head. and said to him: 'Like unto thee, may there be many nazirites in Israel. Of such as thou art, does the verse say, When a man shall clearly utter a vow, the vow of a nazirite to consecrate himself unto the Lord.'(21)

But was not Samson a nazirite [in the ordinary sense]?(22) Surely the verse states, For the child shall be a nazirite into God from the womb!(23) — It was the angel who said this.

How do we know that [Samson] did defile himself [by contact] with the dead? Shall I say, because it is written, With the jawbone of an ass have I smitten a thousand men,(24) but it is possible that he thrust it at them without touching them? But [we know it] again from the following. And smote thirty men of then and took their spoil.(25) But it is possible that he stripped them first and slew them afterwards? — It says clearly [first]. And he smote, [and then,] And took. But it is still possible that he [merely] wounded them mortally(26) [before stripping them]! — [We must say], therefore, that it was known by tradition [that he did come into contact with them].

Where does it state [in the Scriptures] that a life-nazirite [may thin his hair]? — It has been taught: Rabbi said that Absalom was a life-nazirite, for it says, And it came to pass at the end of forty years that Absalom said to the king: [pray thee, let me go and pay my vow which I have vowed unto the Lord in Hebron.(27) He used to cut his hair every twelve months, for it says. [And when he polled his head,] now it was at every year's [yamim] end [that he polled it],(28)

1. I.e., if he becomes unclean.
2. Tosef. Nazir I, 3.
3. Who is forbidden to defile himself.
4. And the if is not to he pressed.
5. The firstlings of clean domestic animals were the perquisite of the priests and could be eaten by them only. V. Num. XVIII, 15.
6. V. Ned. 13a.
7. E.g.. the firstling or Samson. It is impossible to vow not to eat a firstling as it is holy from birth.
8. From this phrase we infer that the object used for comparison must be itself prohibited as the result of a vow. V. Ned. 13a.
9. Num. XXX, 3.
10. Since it must he dedicted unto the Lord by the owner.
11. Being obligatory, they might he thought not to count as things dedicated by a vow.
12. Lit., 'they are seized by a vow'. Although the obligation to offer a sin-offering does not result through a vow, yet the animal to be used must he dedicated by the owner, 'This is my sin-offering.'
13. Probably R. Gamaliel III son of R. Judah ha-Nasi I (called simply Our Teacher) cf. Halikoth 'Olam I, 3.
14. Deut. XV, 19.
15. And so the firstling must he excluded as an object of comparison.
16. Num. VI, 2. And so should it not he possible to vow to become a nazirite like Samson?
17. High Priest circa 300 B.C.E., v. however Aboth (Sonc. ed.) p. 2, n. 1.
18. He feared that nazirites, after defilement would regret their vows because of the inevitable prolongation. As the sacrifice would then retrospectively prove to have been unnecessary, he refused to eat of it.
19. Lit., 'drive me from the world'.
20. Lit., 'by the (Temple) service', a common form of oath at this period.
21. Num. VI, 2. [The story has a parallel in the familiar Narcissus story, Ovid, Metamorphoses, III, 402ff; but its moral in endowing the youth with the power of self-mastery is evidently superior.]

22.I.e., was not his naziriteship the result of a vow?

23.Judg. XIII, 5.

24.Judg. XV, 16.

25.Judg. XIV, 19.

26.[Defilement is communicated only after the last breath of life is gone.]

27.The verse following states that Absalom vowed to serve the Lord. This, together with the known length of his hair, leads to the conclusion that he was a life-nazirite. II Sam. XV, 7.

28.II Sam. XIV, 26; yamim usually means 'days'.

and the meaning of the word 'yamim' here is decided by its meaning when used in connection with houses in walled cities;(1) just as there it means twelve months,(2) so here it means twelve months. R. Nehorai said: [Absalom] used to poll every thirty days. R. Jose said: He used to poll on the eve of each Sabbath, for princes usually poll on the eve of each Sabbath.

[We have said that] Rabbi's reason [for interpreting 'yamim' as a year] is because of its occurrence in connection with houses in walled cities. But has not Rabbi himself said that 'yamim' [in that connection] means not less than two days?(3) — The only reason that he uses the comparison at all(4) is because of the reference to the heaviness [of Absalom's hair],(5) and two days' growth is not heavy.(6)

Why should it not be two years, in accordance with the verse, And it came to pass at the end of two full years?(7) From a text containing 'yamim' without mention of years' conclusions may be drawn concerning another text containing 'yamim' without mention of years';(8) but no conclusion can be drawn here from this verse where there is mention of 'years'.

Why should it not be thirty days, for there is a verse, but a whole month?(9) — From a text mentioning 'yamim' without 'months', conclusions may be drawn concerning another text mentioning 'yamim' without 'months',(10) but this verse affords no indication since 'months' are mentioned therewith.

Why should not the inference be made from mi-yamim yamimah ['from days to days']?(11) — Conclusions may be drawn concerning a text containing 'yamim'. from another' [text] containing 'yamim', but not from one containing 'yamimah'.

But what is the difference [between 'yamim' and 'yamimah']? Have not the school of R. Ishmael taught that in the verses, And the priest shall come again,(12) Then the priest shall come in,(12) 'coming again' and 'coming in' mean one and the same thing?(13) — Inference [from nonidentical expressions] is permissible where there is no identical expression [on which to base the inference], but where an identical expression exists, the inference must be drawn from the identical expression.(14)

Another reply [to the suggestion that inference be made from 'yamimah']: How do we know [with certainty] that [they went] once every three months? May not the four times per annum have occurred alternately at intervals of four months and of two months?(15)

'R. Nehorai said: [Absalom] used to poll every thirty days.' What is his reason? — [Ordinary] priests [poll every thirty days](16) because [their hair] becomes burdensome, and so here it would become burdensome [after thirty days].(17)

'R. Jose said: He polled on the eve of each Sabbath, [etc.]' What difference then was there between him and his brothers?(18) — When a festival occurred in mid-week, his brothers polled, but he did not do so. Alternatively, his brothers [if they wished] could poll on Friday morning, but he could not do so until the late afternoon.

What were the forty years referred to [by Absalom]?(19) — R. Nehorai, citing R. Joshua, said that it means 'forty years after [the Israelites] had demanded a king.'(20) It has been taught: The year in which they demanded a king, was the tenth year [of the principate of] Samuel the Ramathean.(21)

MISHNAH. A NAZIRITE VOW OF UNSPECIFIED DURATION [REMAINS IN FORCE] THIRTY DAYS.

GEMARA. Whence is this rule derived? — R. Mattena said: The text reads He shall be [yihyeh] holy,(22) and the numerical value(23) of the word yihyeh is thirty.(24) Bar Pada said: [The duration of the vow] corresponds to the number of times that parts of the root nazar are found in the Torah,(25) viz., thirty less one.(26) Why does not R. Mattena derive [the number of days] from the [occurrences of the various] parts of nazar? — He will tell you that [some of] these are required for

teaching special lessons. [Thus the verse.] He shall abstain [yazzir] from wine and strong drink,(27) is required to prohibit wine the drinking of which is a ritual obligation as well as wine the drinking of which is optional;(28) [whilst the verse,] Shall clearly utter a vow, the vow of a nazirite to consecrate himself,(29) teaches that one nazirite vow can be superimposed on another.(30)

1. V. Lev. XXV, 29.
2. Since the word 'year' is used explicitly in the same connection.
3. V. 'Ar. 31a, where he infers from this text that redemption cannot take place before the second day, though it may take place any time within the year.
4. The Gezerah shawah (v. GIos.).
5. V. II Sam. XIV, 26.
6. Hence the comparison must he with yamim in the sense of year, which it also hears in this passage; v. n. 4.
7. Lit., 'two years of yamim', Gen. XLI, 1.
8. E.g., from Lev. XXV, 29 to II Sam. XIV, 26.
9. Lit., 'a month of yamim', Num. XI, 20.
10. V. supra p. 14, n. 10.
11. The reference is to Jephthah's daughter, visited by the Israelitish maidens 'four days in the year', i.e., apparently, at equal intervals of three months. Judg. XI, 40.
12. Lev. XIV, 39-44. referring to an infected house.
13. For purposes of inference, v. Hot. (Sonc. ed.). p. 57. n. II. How much more so then with words so similar as 'yamim' and 'yamimah'!
14. I.e., since there is another context where the word 'yamim' occurs, we learn from that and not from 'yamimah'.
15. It is impossible therefore to give an exact value to 'yamimah'.
16. V. Ta'an. 17a.
17. And Absalom polled when his hair became heavy. II Sam. XIV, 26.
18. Since all princes poll weekly.
19. In II Sam. XV, 7.
20. V.I Sam. VIII, 5'
21. V. Seder 'Olam XIV.
22. Num, VI, 5.
23. Gematria, v.Sanh. (Sonc.ed.), p. 121, n. 4.
24. Y = 10; H= 5; Y=10; H= 5. In Hebrew, as in Greek, the letters have numerical values.
25. I.e., in the section on the nazirite vow. Num. VI, 1ff. Parts of the root nadar are included in the computation, but the nazar of verse 7 is omitted since it does not mean 'separation', but 'crown'.
26. V. infra.
27. Num. VI, 3.
28. V. supra p. 8.
29. Ibid. VI, 2.

30.If he repeats the vow, he becomes a nazirite twice.

To which Bar Pada can reply: Is there not even one [recurrence of a part of nazar] that is not needed for a special lesson? Since this one may be used for computation. (1)

We have learnt: A NAZIRITE VOW OF UNSPECIFIED DURATION [REMAINS IN FORCE] THIRTY DAYS. Now, this fits in well enough with the view of R. Mattena, but how can it be reconciled with Bar Pada's view?(2) — Bar Pada will tell you that because [the period of the vow closes with] the thirtieth day, on which the nazirite polls and brings his sacrifices, [the Mishnah] says thirty [days].

We have learnt: If a man says, 'I declare myself a nazirite,' he polls on the thirty-first day.(3) Now, this fits in well enough with the view of R. Mattena, but how is it to be reconciled with Bar Pada's view? — Bar Pada will say: Consider the clause which follows, [viz.:] Should he poll on the thirtieth day, his obligation is fulfilled. We see, then, that the second clause [of this Mishnah] lends support to his view, whilst the original clause [must be read] as though it contained the word [I declare myself a nazirite for thirty] 'whole' [days].(4) Does not this second clause need to be reconciled with R. Mattena's view?(5) — He considers part of a day equivalent to a whole day.(6)

But have we not learnt: '[Should someone say,] "I intend to be a nazirite for thirty days," and poll on the thirtieth day, his obligation is not fulfilled'?(7) — [We presume that] he said, 'whole days'.

We have learnt: If a man undertakes two naziriteships, he polls for the first one on the thirty-first day, and for the second on the sixty-first day.(7) This fits in well enough with the view of R. Mattena

1. As well as for teaching special lessons.
2. According to which the period should be 29 days.
3. V. infra 162.
4. And therefore he polls on the 31st day.
5. According to which the polling should he on the thirty-first day.
6. Thus though he polls on the thirtieth day, he has kept thirty days of naziriteship.
7. Infra p. 53.

but how is it to be reconciled with Bar Pada's view? — Bar Pada will say: Consider the clause which follows, [viz.:] If, however, he should poll for the first on the thirtieth day, he can poll for the second on the sixtieth day. Thus the second clause lends support to his view, whilst the original clause [must be read] as though it contained the words 'whole days'.

Is not R. Mattena in conflict with this second clause?(1) — R. Mattena can reply: This must be interpreted in the light of the next clause, which says that the thirtieth day counts as belonging to both periods.(2) This is taken to signify then that part of a day is equivalent to a whole day. But has he [the Tanna] not stated this once already?(3) — It might be thought that this is only true for one naziriteship but not for two, and so we are told [that it is also true for two].(4)

We have learnt: Should he poll on the day prior to the sixtieth, he has fulfillied his obligation. since the thirtieth day is included in the [required] number.(5) Now, this fits in well enough with the view of R. Mattena, but for Bar Pada what necessity is there [for this statement], since he says that [the normal duration] is thirty days less one? — He will say: This is the very passage on which I rely for my opinion.

We have learnt: If a person says, 'I intend to be a nazirite' and contracts ritual defilement on the thirtieth day, the whole period is rendered void.(5) Now, this fits in well enough with the view of R. Mattena, but does it not conflict with that of Bar Pada? —

1. Cf. 11. 4.
2. As end of the first and beginning of the second naziriteship.
3. As an inference from another clause of the same Mishnah (v. supra, p. 17); what necessity is there then for this latter clause?
4. That one part of the day belongs to one and the other to the second period.
5. Infra p. 53.

Bar Pada will say: Consider the subsequent clause [which reads]: R. Eliezer says: Only the [next] seven days are void.(1) Now if you assume that thirty days are necessary [as the minimum period of nazirite separation], should not all be void?(2) [R. Mattena, however, will reply:] R. Eliezer is of the opinion that part of a day is equivalent to the whole.(3)

We have learnt: [If a man says] 'I intend to be a nazirite for one hundred days,' and contracts ritual defilement on the hundredth day, the whole period is rendered void. R. Eliezer said that only thirty days are rendered void.(4) Now, if we assume(5) that R. Eliezer considers part of a day to be equivalent to a whole day, surely only seven days should be annulled?(1) Again [on the other hand] if we assume(6) that he does not regard part of the day as equivalent to a whole day, should not the whole period be annulled?(7) — In point of fact, we do not regard part of a day as equivalent to a whole day. In that case, why is not the whole period annulled? — Said Resh Lakish: R. Eliezer's reason is as follows: Scripture says, And this is the law of the nazirite, [on the day] when the days of his consecration are fulfilled.(8) Thus the Torah expressly declares that if he contracts ritual defilement on the day of fulfilment, the law for a nazirite vow [of unspecified duration] is to be applied to him.(9)

May we say [that the difference between R. Mattena and Bar Pada] is the same as that between the following Tannaim? [For it was taught:] From the verse, Until the days be fulfilled,(10) I can only infer that the vow must continue in force at least two days,(11) and so the text adds, He shall be holy; he shall let the locks grow long,(12) and hair does not 'grow long' in less than thirty days. This is the view of R. Josiah. R. Jonathan, however, said that this [reasoning] is unnecessary, for we have the text, Until the days be fulfilled.(12) What days then are those which have to be 'fulfilled'? You must say the thirty days [of the lunar month].(13) May we assume that R. Mattena agrees with R. Josiah, and Bar Pada with R. Jonathan? — R. Mattena can maintain that both [authorities] agree that thirty days is the necessary period and the point at issue between them is whether the word 'until' [preceding a number] signifies the inclusion or exclusion [of the last unit of that number].(14) R. Josiah is of the opinion that in the term 'until' [the last unit] is not included,(15) whereas R. Jonathan is of the opinion that by the use of 'until', [the last unit] is included.(16)

The Master stated: What days then are those which have to be 'fulfilled'? You must say, The thirty days [of a lunar month]. But could it not be a week(17) — [In the case of] a week, what deficiency is there to make up?

1. Since he is unable to offer his nazirite sacrifices until he has been sprinkled with the ashes of the red heifer on the third and seventh days. V. Num. XIX, 1ff.
2. Because the defilement takes place while the vow is still in force.
3. Hence when the defilement takes place, the vow is no longer in force.
4. Infra P. 53.
5. As does R. Mattena.
6. As does Bar Pada.
7. For then the naziriteship is not complete until the close of the hundredth day and defilement during the naziriteship nullifies the whole preceding period.
8. Num. VI, 13.
9. I.e., he is to be a nazirite again for 30 days. [i.e., not more and not less, irrespective of the question whether or not part of the day is equivalent to a whole day (Tosaf.).]
10. Ibid. 5.
11. 'Two' being the minimum to which the plural 'days' could he applied.

12.Num. VI, 5.

13.An ordinary lunar month contains 29 days, a 'full' month 30 days.

14.I.e., whether e.g. 'until 30' means 30 or 29.

15.And the number thirty is derived by means of the rest of the verse, 'He shall let the locks grow long'.

16.And the number thirty is obtained from 'Until the days be fulfilled'.

17.Lit., 'a Sabbath', i.e., six working days completed by the Sabbath to make a week.

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Could it then not be a year?(1) — Are these reckoned in days? Surely the Rabbis of Caesarea(2) have said: How do we know that a year is not reckoned in days? Because Scripture says, months of the year:(3) [this signifies that] months are counted towards years but not days.

MISHNAH. IF HE SAYS, 'I INTEND TO BE A NAZIRITE FOR ONE LONG [PERIOD,' OR] 'I INTEND TO BE A NAZIRITE FOR ONE SHORT [PERIOD],' THEN EVEN [IF HE ADDS, 'FOR AS LONG AS IT TAKES TO GO] FROM HERE TO THE END OF THE EARTH,' HE BECOMES A NAZIRITE FOR THIRTY DAYS.

GEMARA. Why is this so? Has he not said, 'from here to the end of the earth'?(4) — His meaning is: For me this business is as lengthy as if it would last from here to the end of the earth.

We have learnt: [If a man says,] 'I wish to be a nazirite as from here to such and such a place,' we estimate the number of days' journey from here to the place mentioned, and if this is less than thirty days, he becomes a nazirite for thirty days; otherwise he becomes a nazirite for that number of days.(5) Now why should you not say in this case also that [his meaning is]: For me, this business seems as if it would last from here to the place mentioned?(6) — Raba replied: We assume that [when he made the declaration] he was setting out on the journey.(7) Then why should he not [observe a naziriteship of thirty days] for each parasang?(8) R. Papa said: We speak of a place where they do not reckon [distances] in parasangs. Then let him [observe a naziriteship] for every stage [on the road]; for have we not learnt that [a man who says,] 'I intend to be a nazirite as the dust of the earth,' or 'as the hair of my head,' or 'as the sands of the sea,' becomes a life-nazirite, polling every thirty days?(9) — This [principle](10) does not apply to [a nazirite vow in which] a definite term is mentioned,(11) and this has indeed been taught [explicitly]: [A man, who says,] 'I intend to be a nazirite all the days of my life,' or 'I intend to be a life-nazirite,' becomes a life-nazirite,(12) but even [if he says] 'a hundred years,' or 'a thousand years,' he does not become a life-nazirite,(13) but a nazirite for life.(14)

Rabbah said: Hairs are different [from parasangs or stages], since each is separate from the others.(15)

In the case of days, do we not find the verse, And there was evening and there was morning, one day?(16) — There it is not because [days] are discrete entities [that the verse says one day] but to inform us that a day with the night [preceding it] together count as a day,(17) though they are really not discrete entities.

Raba said: Why raise all these difficulties? The case [in which he says 'FROM HERE TO THE END OF THE EARTH'] is different, because he has already said: I INTEND TO BE A NAZIRITE FOR ONE [SINGLE PERIOD].

MISHNAH. [IF A MAN SAYS] 'I INTEND TO BE A NAZIRITE, PLUS ONE DAY,' OR 'I INTEND TO BE A NAZIRITE, PLUS AN HOUR,' OR 'I INTEND TO BE A NAZIRITE, ONCE AND A HALF,' HE BECOMES A NAZIRITE FOR TWO [PERIODS].

GEMARA. What need is there [for the Mishnah] to specify all these cases?(18) — They are all necessary. For had it mentioned only, 'I INTEND TO BE A NAZIRITE, PLUS ONE DAY,' [it might have been thought] that here only do we apply the rule that 'there is no naziriteship for a single day,' and so he must reckon two [periods], whereas [when he says] 'I INTEND TO BE A NAZIRITE, PLUS AN HOUR,' he is to reckon thirty one days. So this case is mentioned explicitly.

1. And the ordinary year may be considered 'deficient' by the side of a leap year.
2. [On the Rabbis of Caesarea v. Lieberman, S. The Talmud of Caesarea, pp. 9ff.]
3. Ex, XII, 2.
4. And he should be a nazirite for life.

5. Infra p. 23.
6. And his naziriteship should in any case not extend beyond thirty days.
7. The presumption is, then, that the journey and the length of naziriteship are connected.
8. A Persian mile.
9. Infra p. 23.
10. That he has to observe a succession of periods of naziriteship. polling at the end of each period.
11. E.g., from here to such and such a place.
12. And polls every thirty days.
13. Having mentioned a definite term.
14. I.e., he keeps one long naziriteship during which he can never poll. Tosef. Naz. I, 3.
15. But distance is continuous. Hence if he mentions hairs, he is understood to mean a succession of short naziriteships, but if he mentions a distance, one long one.
16. And so distance in terms of days is also discrete, yet the Mishnah quoted above confines the naziriteship to a single period, and not to a succession equal in number to the number of days.
17. For the reckoning of Sabbaths and Festivals.
18. One would be enough, and we could infer the others.

Again, if it had simply added, '[I INTEND TO BE A NAZIRITE] PLUS AN HOUR,' [it might have been thought that he must count two periods] because he was [clearly] not speaking with precision,(1) whereas the expression 'ONCE AND A HALF' is precise, and it might therefore have been thought that he should not reckon two [periods].(2) And so we are told that in each case, he becomes a nazirite for two periods.

MISHNAH. [IF A MAN SAYS,] 'I INTEND TO BE A NAZIRITE FOR THIRTY DAYS PLUS AN HOUR,' HE BECOMES A NAZIRITE FOR THIRTY-ONE DAYS, SINCE THERE IS NO NAZIRITESHIP FOR HOURS.

GEMARA. Rab said: This applies(3) only when he says, 'thirty-one days,' but if he says, 'thirty days plus one day,' he becomes a nazirite for two periods.(4) Rab follows R. Akiba whose method it was to lay stress on superfluities of expression, as we have learnt: [If a man sells a house, the sale includes] neither the cistern nor the cellar, even though he inserted the depth and the height [in the deed of sale]; he must, however, purchase for himself a right-of way.(5) This is the opinion of R. Akiba, but the Sages say that he need not purchase a right-of-way for himself.(6) R. Akiba does admit, however, that if he explicitly excludes [pit and cellar], he does not have to purchase a right-of-way.(7)

1. Since naziriteships are reckoned in days only.
2. But forty-five days.
3. The assumption of the Mishnah that a man can become a nazirite for thirty-one days.
4. See last Mishnah and Gemara.
5. I.e., He does not retain a right-of-way to the cistern and cellar, unless he explicitly reserves it for himself.
6. Since the sale does not include the cistern and cellar, he may be presumed to have reserved a right of way to them.
7. The insertion of this superfluous clause is taken by R. Akiba to indicate that he wished to retain a right of way; v. B.B. 64a.

Folio 8a

MISHNAH. [IF A MAN SAYS,] 'I INTEND TO BE A NAZIRITE AS THE HAIRS OF MY HEAD, OR THE DUST OF THE EARTH, OR THE SANDS OF THE SEA,' HE BECOMES A LIFE-NAZIRITE, POLLING EVERY THIRTY DAYS. RABBI SAID THAT SUCH A MAN DOES NOT POLL EVERY THIRTY DAYS;(1) THE MAN WHO POLLS EVERY THIRTY DAYS IS THE ONE WHO SAYS, 'I UNDERTAKE NAZIRITESHIPS(2) AS THE HAIR ON MY HEAD, OR THE DUST OF THE EARTH, OR THE SANDS OF THE SEA.' [IF HE SAYS,] 'I INTEND TO BE A NAZIRITE AS THE CAPACITY OF THIS HOUSE, OR AS THE CAPACITY OF THIS BASKET,' WE INTERROGATE HIM. IF HE SAYS THAT HE HAS VOWED ONE LONG PERIOD OF NAZIRITESHIP, HE BECOMES A NAZIRITE FOR THIRTY DAYS, BUT IF HE SAYS THAT HE HAS VOWED WITHOUT ATTACHING ANY PRECISE MEANING [TO HIS STATEMENT], WE REGARD THE BASKET AS THOUGH IT WERE FULL OF MUSTARD SEED, AND HE BECOMES A NAZIRITE FOR THE WHOLE OF HIS LIFE.(3) [IF HE SAYS,] 'I INTEND TO BE A NAZIRITE, AS FROM HERE TO SUCH AND SUCH A PLACE,' WE ESTIMATE THE NUMBER OF DAYS' [JOURNEY] FROM HERE TO THE PLACE MENTIONED. IF THIS IS LESS THAN THIRTY DAYS, HE BECOMES A NAZIRITE FOR THIRTY DAYS; OTHERWISE HE BECOMES A NAZIRITE FOR THAT NUMBER OF DAYS. [IF HE SAYS], 'I INTEND TO BE A NAZIRITE, AS THE NUMBER OF DAYS IN A SOLAR YEAR" HE MUST COUNT AS MANY NAZIRITESHIPS AS THERE ARE DAYS IN THE SOLAR YEAR. R. JUDAH SAID: SUCH A CASE ONCE OCCURRED, AND WHEN THE MAN HAD COMPLETED [HIS PERIODS], HE DIED.

GEMARA. WE REGARD THE BASKET AS THOUGH IT WERE FILLED WITH MUSTARD SEED, AND HE BECOMES A NAZIRITE FOR THE WHOLE OF HIS LIFE. But why [mustard seed]? Surely we could regard it as though it were full of cucumbers or gourds, and so provide him with a remedy?(4) — Hezekiah said: This is a matter on which opinions differ, the author [of our Mishnah] being R. Simeon, who has affirmed that people do undertake obligations in which the use of an ambiguous formula results in greater stringency than the use of a precise one.(5) For it has been taught: [If a man has said,] 'I intend to be a nazirite provided this heap [of grain] contains a hundred kor,(6) and on going to it, he finds that it has been stolen or lost, R. Simeon declares him bound [to his vow] since whenever in doubt as to a nazirite's liabilities, we adopt the more stringent ruling.(7) R. Judah, however, releases him since whenever in doubt as to a nazirite's liabilities, we adopt the more lenient ruling.(8)

R. Johanan said: It is even possible that [the author of the Mishnah] is R. Judah. For in the case just mentioned, the man has possibly not entered into a naziriteship at all [if there were not one hundred kor in the heap],(9) whereas in this case [mentioned in the Mishnah,] he does at any rate enter into a naziriteship.(10) On what grounds can he be released from it?(11) But why not regard the basket as though it were full of cucumbers and gourds, and so provide him with a remedy?(12) — Such an idea ought not to cross your mind, for he has undertaken one [unbroken] naziriteship,(13)

1. But becomes a nazirite for life and may never poll.
2.
3. (a) One naziriteship for every grain of mustard, [or, (b) one long naziriteship during which he can never poll].
4. [By enabling him to poll at the end of every thirty days (according to (b) p. 23, n. 6).]
5. As here, the reference to a basketful without specifying its contents, results in naziriteship for life.
6. A dry measure; v. Glos.
7. So that, as we are not certain that the heap contained less than 100 kor, he must observe the naziriteship.

8. Tosef. Naz. II, 2.
9. And therefore we do not declare him a nazirite lest he should eventually bring profane animals into the sanctuary, v. infra p. 102.
10. For some period of time, whatever the basket is regarded as containing.
11. And therefore he must he a nazirite for life.
12. I.e., let him keep as many naziriteships as the basket will contain gourds or cucumbers. The questioner imagines that in R. Judah's view he becomes a life-nazirite, who can poll every thirty days. cf. supra, p. 21, n. 4.
13. And if he brings his sacrifices at the termination of the number of days that the basket would contain gourds or cucumbers, he may he bringing profane animals into the sanctuary, as his naziriteship may he of longer duration. Thus he becomes a nazirite for life, during which he can never poll.

R. Judah agreeing with Rabbi, as we have learnt: RABBI SAID THAT SUCH A MAN DOES NOT POLL EVERY THIRTY DAYS. THE MAN WHO POLLS EVERY THIRTY DAYS IS THE ONE WHO SAYS, 'I UNDERTAKE NAZIRITESHIPS AS THE HAIR OF MY HEAD, OR THE DUST OF THE EARTH, OR THE SANDS OF THE SEA.'

Is it then a fact that R. Judah agrees with Rabbi? Have we not learnt: [IF HE SAYS,] 'I INTEND TO BE A NAZIRITE AS THE NUMBER OF DAYS IN A SOLAR YEAR,' HE MUST COUNT AS MANY NAZIRITESHIPS AS THERE ARE DAYS IN THE SOLAR YEAR. R. JUDAH SAID: SUCH A CASE ONCE OCCURRED, AND WHEN THE MAN HAD COMPLETED [HIS PERIODS], HE DIED? Now if you say that this man, [by using this formula,](1) undertook [consecutive] naziriteships,(2) we can understand why [R. Judah says that] when he finished,(3) he died. But if you say that he undertook a single naziriteship,(4) could it ever be said of such a man that he had 'COMPLETED'?(5) Moreover, could [R. Judah] possibly agree with Rabbi, seeing that it has been taught: R. Judah said: [If a man says,] 'I intend to be a nazirite, as the number of heaps of the fig crop,(6) or the number of ears [in the field] in the Sabbatical year,'(7) he must count naziriteships as the number of heaps of the fig crop, or the number of ears [in the field] in the Sabbatical year?(8) — [Where he explicitly mentions the word] 'number', it is different.

But does Rabbi make a distinction where the word 'number' [is used]? Has it not been taught: [If a man says,] 'I intend to be a nazirite as the number of days in a solar year,' he must count as many naziriteships as there are days in the solar year; if [he says] 'as the days of a lunar year,' he must count as many naziriteships as there are days in a lunar year. Rabbi said that this does not hold unless he says, 'I undertake naziriteships as the number of days in the solar year or as the number of days in the lunar year'?(9) — R. Judah agrees with Rabbi on one point, and differs from him on the other. He agrees with him on one point, viz: that what is undertaken is a [single] naziriteship,(10) but differs from him on the other, for whilst R. Judah distinguishes between [the cases] where the word 'number' is mentioned and where it is omitted, Rabbi does not so distinguish.

Our Rabbis taught: [A man who says,] 'I wish to be a nazirite all the days of my life,' or 'I wish to be a life-nazirite,' becomes a life-nazirite. Even if he says a hundred years, or a thousand years, he does not become a life-nazirite, but a nazirite for life.(11)

Our Rabbis taught: [If a man says,] 'I wish to be a nazirite plus one,' he must reckon two [naziriteships]. [If he adds,] 'and another,' he must reckon three, and if he then adds 'and again'. he counts four. Surely this is obvious? — It might be thought that the words 'and again' refer to the whole [preceding number], making six in all, and so we are told that this is not so.

Our Rabbis taught: [When a man says,] 'I wish to be a nazirite,' Symmachos affirmed [that by adding] hen,(12) [he must reckon] one; digon,(13) two; trigon,(13) three; tetragon,(13) four; pentagon,(13) five [naziriteships].(14)

Our Rabbis taught: A house that is round, or digon,(15) or trigon,(15) or pentagon,(15) does not contract defilement through the plague [of leprosy]. One that is tetragon(15) does. What is the reason? — For Scripture, both in the latter part and in the earlier part of the passage [dealing with the leprosy of houses], puts walls [in the plural](16) instead of wall [in the singular], thus making four walls in all.(17)

1. 'I intend to he a nazirite, etc.'
2. 365 naziriteships, each of thirty days duration.
3. At the end of thirty years.
4. He would then mean, 'I undertake to be a nazirite for the number of the sun's days, i.e., for ever.' (Rashi). [Alternatively: If you say he undertook a single naziriteship (i.e. of 365 days duration) could it be said of him that he had completed the amount of naziriteships required by the Rabbis, in support of whose view R. Judah cites the incident; v. Tosaf.]

5. He could never bring sacrifices.
6. Aliter; paths of the fig-gatherers. v. Kohut, Aruch.
7. Aliter; field.paths in the Sabbatical year.
8. Tosef. Naz. I. Whereas Rabbi holds that in such a case he would have to count only as many days as there are heaps of figs.
9. Tosef. Naz. I. And, according to Rabbi, the same would be the case if he omitted the word 'number', the important thing being the use of the term, 'nazirite' or 'naziriteships'.
10. I.e., when he says, 'I intend to be a nazirite as the capacity of this house'.
11. Tosef. Naz. I, 3, and supra p. 21.
12. Gr. , once.
13. The last syllable is probably a Hebraisation of . Thus digon — — twice; and so on. V. Kohut, Aruch.
14. Tosef. Naz. I.
15. Here we have the normal meaning, two-sided, and so on.
16. Lev. XIV, 39, and 37.
17. Cf. Neg. XII, I.

Folio 9a

CHAPTER II

MISHNAH. [IF A MAN SAYS.] 'I INTEND TO BE A NAZIRITE [AND ABSTAIN] FROM DRIED FIGS AND PRESSED FIGS', BETH SHAMMAI SAY THAT HE BECOMES A NAZIRITE [IN THE ORDINARY SENSE].(1) BUT BETH HILLEL SAY THAT HE DOES NOT BECOME A NAZIRITE. R. JUDAH SAID: EVEN THOUGH BETH SHAMMAI DID AFFIRM [THAT THE FORMULA IS OF SOME EFFECT]. THEY MEANT ONLY WHERE HE SAID,(2) 'THEY ARE [FORBIDDEN] TO ME, AS IS A SACRIFICE.'(3)

GEMARA. [IF A MAN SAYS,] 'I INTEND TO BE A NAZIRITE [AND ABSTAIN] FROM DRIED FIGS AND PRESSED FIGS, BETH SHAMMAI SAY THAT HE BECOMES A NAZIRITE: But why? Does not the Divine Law say, nothing that is made of the grape-vine?(4) — Beth Shammai adopt the view of R. Meir, who said that a man does not make a declaration without meaning something,(5) whilst Beth Hillel adopt the view of R. Jose that a man's intentions are to be gathered from(6) the concluding portion of his statement [equally with the first portion], and [in consequence] the vow here carries with it its annulment.(7)

But surely Beth Shammai also agree that the vow here carries with it its annulment? — We must therefore say, that Beth Shammai adopt the view of R. Meir, who said that a man does not make a declaration without meaning something, and so immediately he utters the words 'I INTEND TO BE A NAZIRITE', he becomes a nazirite, and in adding '[AND ABSTAIN] FROM DRIED FIGS AND PRESSED FIGS, his purpose is to obtain release(8) [from his vow], and Beth Shammai [reject this] in accordance with their general principle that there can be no release from [vows made for] sacred purposes, and since there can be no release from [vows made for] sacred purposes, there can be no release from naziriteship. Beth Hillel, on the other hand, agree with R. Simeon, as we have learnt:(9) R. Simeon declared him free(10) [of obligation], since his offering was not undertaken in the customary manner:

1. I.e., he must abstain from wine and grapes.
2. I.e., he added (Rashi). [Tosaf: … as if he said'; Asheri: … here he intended'].
3. They then become forbidden, but he does not become a nazirite even according to Beth Shammai.
4. Num. VI, 4, which would show that naziriteship applies only to wine etc.
5. Even though taken altogether his words are meaningless, and we therefore select that part which has a meaning and hold him to it.
6. Lit., 'a man is held by'.
7. Lit., 'its door' for escape; by his concluding remarks, he has withdrawn from his nazirite vow.
8. Lit., 'to ask for remission.
9. In connection with one who vowed to bring a meal-offering of barley flour; v. infra.
10. From bringing the offering, since a meal-offering could be brought only of wheaten flour.

Nazir 9b

Our Mishnah is not in agreement with the following tanna. For it has been taught: R. Nathan said that Beth Shammai declare him both to have vowed [to abstain from figs] and to have become a nazirite, whilst Beth Hillel declare him to have vowed [to abstain from figs], but not to have become a nazirite. [Here,] Beth Shammai agree with R. Meir(1) and R. Judah,(2) and Beth Hillel with R. Jose.(3)

According to another report, R. Nathan said that Beth Shammai declare him to have vowed [to abstain from figs], but not to have become a nazirite, whilst Beth Hillel declare him neither to have vowed, nor to have become a nazirite. [Here,] Beth Shammai agree with R. Judah, and Beth Hillel with R. Simeon.(4)

We have learnt elsewhere: A man who says, 'I undertake to bring a meal-offering of barley-flour,' must [nevertheless] bring one of wheaten flour.(5) If he says, 'of coarse meal,' he must [nevertheless] bring fine meal. If,'without oil and frankincense,' he must [nevertheless] add oil and frankincense; 'of half a tenth,' he must offer a whole tenth; 'of a tenth and a half', he must offer two tenths. R. Simeon declared him, free [of obligation], since his offering was not undertaken in the customary manner.(6)

Who is the Tanna [who asserts that] if anyone undertakes to bring a meal-offering of barley-flour, he must bring one of wheaten flour? — Hezekiah replied: The matter is a subject of controversy, [the Tanna here] representing Beth Shammai. For have not Beth Shammai averred that when a man says ['I intend to be a nazirite and abstain] from dried figs and pressed figs,' he becomes a nazirite? So too, if he says 'of barley-flour', he must bring one of wheatenflour. R. Johanan, on the other hand, replied that it is possible to maintain that [the passage quoted] represents the views of both [Beth Shammai and Beth Hillel] and that it refers to a man who says, 'Had I known that such vows are not made, I should not have vowed in this wise, but in the [correct] manner

Hezekiah said: The rule just laid down applies only where he said 'of barley', but if he says 'of lentils',(7) he need bring nothing at all. [Can this be so?] Consider: To whom does Hezekiah ascribe the Mishnah [containing this ruling]? To Beth Shammai! Now lentils in regard to a meal-offering, are as dried figs to a nazirite, and there Beth Shammai declare him to be a nazarite?(8) Hezekiah relinquished that opinion.(9) Why did he relinquish it? — 10 Raba said: Because he found that Mishnah difficult to understand. Why does it say 'barley' and not 'lentils'?(11) And so Hezekiah concluded that Beth Shammai's assertion was what R. Judah [maintained it to be].(12)

R. Johanan, on the other hand, affirmed that [the rule of the Mishnah is applicable] even if he says 'of lentils'. But was it not R. Johanan who averred that [he only brings the offering if] he affirms: Had I known that such vows are not made, I should not have vowed in this wise, but in the [correct] manner?(13) — He(14) was arguing on Hezekiah's premises. You relinquished your former opinion,(15) because [the Mishnah] does not mention [the case] 'of lentils'. But might it not be a case of progressive argument, viz, not only is it true that when he says, 'of lentils' he must bring a proper mealoffering, since we may hold that he is there repenting [of his vow], and so we lay stress upon the opening portion of his statement, but even if he says 'of barley', where we could take it as certain that his intention is: If it can become consecrated after the manner of the 'Omer meal-offering,(16)

1. That a man does not make a declaration without meaning something.
2. Of our Mishnah.
3. That a man's intention may be gathered from the concluding portion of his statement, and not like R. Simeon; cf. n. 7.
4. That a vow must be undertaken in the customary manner.
5. Which alone was permissible for a meal-offering. v. Lev. II. 2: And when anyone bringeth a meal-offering unto the Lord, his offering shall be of fine flour; and he shall pour oil upon it

and put frankincense thereon.

6. M. Men. 103a.
7. There was an obligatory offering of barley for the 'Omer but no offering of lentils at all (v. Lev. XXIII, 10ff.).
8. And so here he ought to bring a meal-offering of wheaten Hour if he says 'of lentils'.
9. That the Tanna of the Mishnah of Men. 103a is Beth Shammai. [He will consequently accept the explanation of R. Johanan (Tosaf.).]
10. He could still have maintained that the Mishnah of Men. represents the view of Beth Shammai, and retract from the second statement holding that the ruling applies even if the man said 'of lentils'!
11. If the view of Beth Shammai is that we hold a man to the first portion of his vow, then even if he says, 'I intend to offer a mealoffering of lentils', he should be obliged to bring one of wheaten flour.
12. [The text is in disorder, and the interpretations suggested are many and varied. It appears to be best understood on the basis of Rashi's interpretation of R. Judah's statement in our Mishnah, viz., that he actually added, THEY ARE FORBIDDEN TO ME AS IS A SACRIFICE (v. supra p. 28, n. 2). On this view, even according to Beth Shammai, where he vowed to bring a meal-offering from barley, he would not be obliged to bring one of wheat unless he, e.g., explicitly stated that had he known that such vows are not made, he would have vowed in the correct manner, as R. Johanan (supra p. 30), but while such a plea would be accepted if he vowed barley because it could have been a bona-fide error, it could not be admitted if he undertook to offer 'lentils'. Granted this, the Mishnah in Men. can represent the views of both Beth Hillel and Beth Shammai, as R. Johanan stated, hence the reason for Hezekiah relinquishing his former opinion (v. p. 30, 11. 4).]
13. [A plea which is not admitted if he vowed to bring 'lentils', v. n. 4.]
14. [R. Johanan, in affirming that the ruling is applicable even if he says 'of lentils'.]
15. [V. supra p. 30, n. 4.]
16. Which was of barley. v. Lev.XXIII, 10ff.

or the meal-offering of the faithless wife,(1) then I desire it to become consecrated, but not otherwise — even there we are told that he must bring one of wheaten flour.(2)

MISHNAH. IF HE SAYS, 'THIS HEIFER IS SAYING I SHALL BECOME A NAZIRITE IF I RISE,'(3) OR 'THIS DOOR IS SAYING I SHALL BECOME A NAZIRITE IF I OPEN', BETH SHAMMAI SAYS THAT HE BECOMES A NAZIRITE, BUT BETH HILLEL SAY THAT HE DOES NOT BECOME A NAZIRITE. R. JUDAH SAID: EVEN THOUGH BETH SHAMMAI DID AFFIRM [THAT THE FORMULA WAS OF SOME EFFECT], IT WAS ONLY WHERE HE SAYS:(4) 'THIS HEIFER SHALL BE [FORBIDDEN] TO ME AS IS A SACRIFICE, IF IT SHOULD STAND UP [OF ITSELF]'.

GEMARA. Is it possible for a heifer to talk? — Rami b. Hama replied: [The Mishnah] here, refers to where a heifer lay crouching before him, and he said, 'This heifer thinks that it is not going to stand up. I intend to be a nazirite [and abstain] from its flesh, if it stands up of its own accord,' and it then arose of its own accord. Beth Shammai now apply their customary view and Beth Hillel their customary view. Beth Shammai who affirm that [in spite of his saying], 'from dried figs and pressed figs', he becomes a nazirite, assert here that [even] when he says 'from its flesh', he becomes a nazirite, whilst Beth Hillel declare that he does not become a nazirite.

But have not Beth Shammai asserted this once, already? Raba replied: A second and a third time(5) [did they repeat it]. R. Hiyya, too, taught it a second and a third time, and so did R. Oshaia teach it a second and a third time, and they are all necessary statements; For if the rule had been stated merely in the case of dried figs and pressed figs, [it might have been argued] that Beth Shammai were of the opinion there that his words take effect and he becomes a nazirite because [figs and] grapes can be confused,(6) whereas flesh and grapes cannot be confused. Similarly had it been affirmed regarding flesh [it might have been argued] that Beth Shammai were of the opinion in this instance that he becomes a nazirite, because flesh and wine [are naturally associated],(7) but it would not apply to dried figs and pressed figs, and so this case also is given explicitly. Again, had it been affirmed in these two cases [only, it might have been argued] that only in these cases was Beth Shammai's assertion to be applied, whilst as concerns the door, they would defer to Beth Hillel.(8) Further, had only the door been referred to, [it might have been argued] that only in this case do Beth Hillel dissent, but in the other two they defer to Beth Shammai, and so we are told that this is not so.

[Nevertheless,] said Raba, does the Mishnah say if [the cow] rises of its own accord?(9) But, said Raba, we must explain thus: The heifer, for example, is recumbent before him, and he says, 'I undertake to bring it as a sacrifice'.

This is all very well as regards the heifer which can be offered as a sacrifice but can a door be sacrificed?(10) — Raba therefore [corrected himself and] said: The heifer, for example, is recumbent before him,(11)

1. This was also barley, v. Num. V, 15.
2. I.e. although his vow ban a certain meaning even if taken at face value, and there is no need for us to emphasise the first clause to the exclusion of the second, yet we do so.
3. Apparently this is taken as a clumsy way of saying: 'If I do not make this cow get up, I vow abstinence from its flesh.'
4. Cf. supra p. 28, n. 2.
5. The case of the DOOR.
6. So that when he said figs he may have meant grapes.
7. And when he spoke of the one, he thought of the other.

8. Because there is no association between a door and grapes.
9. Whilst admitting the necessity of restating the principle in our Mishnah, Raba objects to the explanation of Rami b. Hama on the ground that the word 'rises' might mean with the help of others, whereas according to Rami b. Hama the vow is effective only when the heifer rises of its own accord.
10. Since the case of the door in the Mishnah is parallel to that of the heifer, any explanation applying to the heifer must hold good if the door is substituted.
11. And appears as if it will never rise, even if force is used.

and he says, 'I undertake a nazirite-vow [to abstain] from wine if it does not stand up,' and it then stood up of its own accord. In Beth Shammai's opinion, the substance(1) of this man's vow lay in his intention to cause [the heifer] to rise by force,(2) and this he did not do,(3) whereas Beth Hillel are of the opinion that [the vow was made] because [the heifer] was recumbent,(4) and it has risen.(5)

If this is [the meaning of the Mishnah], how is the subsequent clause to be understood, viz.: R. JUDAH SAID: EVEN THOUGH BETH SHAMMAI DID AFFIRM [THAT THE FORMULA WAS OF SOME EFFECT], IT WAS ONLY WHERE HE SAYS, AND SHALL BE FORBIDDEN TO ME AS A SACRIFICE ETC.'? Does [his vow] then, attach to the heifer at all?(6) — [It must be] therefore, that he said, for example, 'I undertake a nazirite vow [to abstain] from its flesh if it should not stand up,' and it then stands up of its own accord. In Beth Shammai's opinion, the substance of this man's VOW is his intention to cause [the heifer] to rise by force, and this he has not done, whereas according to Beth Hillel, the substance of his vow lies in the fact that [the heifer] was recumbent, and it has risen.(7)

But are Beth Hillel of the opinion that if [the heifer] does not stand up, [the man] becomes a nazirite? Have they not said that [by a vow to abstain] from flesh, he does not become a nazirite?(8) — They were arguing on the premises of Beth Shammai. In our opinion, he does not become a nazirite even if [the heifer] should not stand up, but you who say that he does become a nazirite(9) should at least admit that the substance of his vow lay in the fact that [the heifer] was recumbent, and it has since risen. Beth Shammai reply that this is not so, and the substance of the man's vow lay in his intention to cause [the heifer] to rise by force, and this he has not done.(10)

1. Lit., 'the obligation'.
2. Lit., 'with his hand'. The word 'stand up' being taken to mean 'stand up through me'.
3. He therefore becomes a nazirite.
4. And can only take effect if it remains recumbent.
5. He does not therefore become a nazirite.
6. The words 'it is forbidden to me as a sacrifice' imply that the heifer itself was the object of the vow, whereas in Raba's explanation it is the heifer's not standing up which is the condition for the operation of the man's naziriteship, and he has no intention of attaching any sanctity to the heifer.
7. But if it did not rise he would be a nazirite.
8. Even as in the case of a vow to abstain from pressed figs, v. supra p. 32.
9. Where he says simply, 'I undertake to he a nazirite (and abstain) from flesh.'
10. And so he becomes a nazirite.

Folio 11a

MISHNAH. IF A CUP OF WINE DULY TEMPERED(1) IS OFFERED TO A MAN, AND HE SAYS, 'I INTEND TO BE A NAZIRITE IN REGARD TO IT,' HE BECOMES A NAZIRITE. ON ONE OCCASION A CUP OF WINE WAS OFFERED TO A WOMAN ALREADY INTOXICATED AND SHE SAID, 'I INTEND TO BE A NAZIRITE IN REGARD TO IT.' THE SAGES RULED THAT ALL THAT SHE MEANT WAS TO FORBID IT TO HERSELF, AS A SACRIFICE [IS FORBIDDEN].

GEMARA. You cite a case to disprove [the rule]! You begin by saying that HE BECOMES A NAZIRITE, and then quote the case of the woman [who does not become a nazirite], from which I should conclude that [by means of this formula] he forbids to himself only this [cup that is offered to him] but is allowed to drink other wine? — There is a hiatus [in the Mishnah], which should read: 'If a cup of wine duly tempered is offered to a man, and he says "I undertake a nazirite vow [to abstain] from it", he becomes a nazirite.' If, however, he was [already] intoxicated when he said 'I intend to be a nazirite [and abstain] from it', he does not become a nazirite,(2) (since he is accounted as having merely forbidden it to himself as a sacrifice is forbidden. If you should object that he ought to have said so [unambiguously], [the reply is] that he thought they would bring a fresh one and importune him, and so he thought, 'I will say something to them which will leave them in no doubt [as to my intention]). ON ONE OCCASION, TOO, A WOMAN [ALREADY INTOXICATED etc.].

MISHNAH. [IF A MAN SAYS,] 'I DECLARE MYSELF A NAZIRITE, ON CONDITION THAT I CAN DRINK WINE, OR CAN HAVE CONTACT WITH THE DEAD', HE BECOMES A NAZIRITE, AND ALL THESE THINGS ARE FORBIDDEN HIM. [IF HE SAYS,] 'I WAS AWARE THAT THERE IS SUCH A THING AS NAZIRITESHIP BUT I WAS NOT AWARE THAT A NAZIRITE IS FORBIDDEN TO DRINK WINE', HE IS BOUND [TO HIS VOW].(3) R. SIMEON, HOWEVER, RELEASES HIM.(4) [IF HE SAYS,] 'I WAS AWARE THAT A NAZIRITE IS FORBIDDEN TO DRINK WINE,(5) BUT I IMAGINED THAT THE SAGES WOULD GIVE ME PERMISSION, SINCE I CANNOT DO WITHOUT WINE', OR 'SINCE I AM A SEXTON',(6) HE IS RELEASED.(7) R. SIMEON, HOWEVER, BINDS HIM [TO HIS VOW].(8)

GEMARA. Why does R. Simeon not dissent from the first ruling [also]? — R. Joshua b. Levi said: R. Simeon did in fact dissent from the first ruling also. Rabina said: In the opening clause, R. Simeon does not dissent, because the condition [there attached to the vow](9) is contrary to an injunction of the Torah, and whenever a condition is contrary to an injunction of the Torah, it is void.(10) R. Joshua b. Levi, on the other hand, considered that the words ON CONDITION here are equivalent to 'except'.(11)

It has been taught in support of Rabina's view: If he said, 'I declare myself a nazirite, on condition that I may drink wine, or have contact with the dead,' he becomes a nazirite and all these things are forbidden to him, since the condition he lays down is contrary to an injunction of the Torah; and whenever a condition is contrary to an injunction of the Torah, it is void.(12)

[IF HE SAYS] I WAS AWARE THAT A NAZIRITE IS FORBIDDEN TO DRINK WINE [etc.]: In the preceding clause,(13) we find it is [the Rabbis] who bind him [to his vow] and R. Simeon who releases him [and why is it not the same here]? — Here, too, it should read: [The Rabbis] bind him whilst R. Simeon releases.

Alternatively, you need not reverse the text,

1. Wine in ancient times was never drunk neat.
2. His intention being to cease from drinking.
3. I.e. be becomes a full nazirite
4. He does not become a nazirite at all, P. Simeon being of opinion that a nazirite vow is not

effective unless it comprises all the things forbidden to a nazirite, v. supra 3b.

5. [Add, 'or that a nazirite may have no contact with the dead.']
6. [And therefore thought the Rabbis would permit me to come in contact with the dead.]
7. He does not become a nazirite at all.
8. He becomes a full nazirite.
9. That he should be allowed to touch a dead body or drink wine.
10. And therefore the vow stands.
11. Hence the vow was not all-inclusive, and therefore R. Simeon regards it as null.
12. Tosef. Naz. II, 1.
13. Where he says he did not know that wine is forbidden.

[and we may explain thus]. In the first clause, where he makes a nazirite vow [to abstain] from one thing(1) only, according to the Rabbis, who hold that [the nazirite vow takes effect] even though he forswears one thing only, he becomes a nazirite and [the things forbidden to a nazirite] are forbidden to him; whereas according to R. Simeon who holds that [the nazirite vow does not take effect] until he forswears all of them, [all the things forbidden to a nazirite] are permitted to him. In the subsequent clause where he forswears all, and desires release as regards one thing, according to the Rabbis who declare him to be a nazirite even though he forswears one thing only, if he desires release as regards one only, he is released [from all]; according to R. Simeon who requires him to forswear them all, he cannot obtain release from one, until he obtains release from all. This is the reason we have the reading [in the second clause]: R. SIMEON BINDS HIM.

Yet another solution is possible. The controversy concerns vows [broken] under pressure,(2) and the difference [between R. Simeon and the Rabbis] is the same as that between Samuel and R. Assi [in the following passage]. For we have learnt: Four types of vows were remitted by the Sages,(3) incentive Vows,(4) vows of exaggeration,(5) inadvertent vows(6) and vows [broken] under pressure.(7) And [commenting thereon] R. Judah said: 'R. Assi ruled that it was necessary with these four types of vow to seek remission from a Sage. When I told this to Samuel, he said to me, The Tanna says that the Sages have remitted them, and you say that they must still be asked to remit them!' The Rabbis agree with Samuel,(8) R. Simeon with R. Assi.(9)

MISHNAH. [SHOULD A MAN SAY,] 'I DECLARE MYSELF A NAZIRITE AND I UNDERTAKE TO POLL A NAZIRITE',(10) AND SHOULD HIS COMPANION, HEARING THIS, SAY: 'I TOO, AND I UNDERTAKE TO POLL A NAZIRITE', THEN, IF THEY ARE CLEVER THEY WILL POLL EACH OTHER; OTHERWISE THEY MUST POLL OTHER NAZIRITES.

GEMARA. The question was propounded: If his companion, on hearing [his vow], says [simply]: 'I TOO', what are the consequences? Does [the remark] 'I TOO' embrace the whole of the original statement,(11) or does it embrace only half of it? If it should be decided that it embraces only half of the statement, is this to be the first half or the second half? — Come and hear: [AND HIS COMPANION, HEARING THIS, SAYS:] I TOO, AND I UNDERTAKE TO POLL A NAZIRITE, THEN IF THEY ARE CLEVER THEY WILL POLL EACH OTHER. From the fact that he is made to say both I TOO' and 'I UNDERTAKE, it may be inferred that 'I TOO' has reference to half of the statement only.

Quite so: it has reference to half of the statement only, but is this the first half or the second half? — This follows from the same [passage]. For since he is made to say AND I UNDERTAKE TO POLL'(12) it follows that 'I Too' has reference to the first half.

R. Huna, the son of R. Joshua said to Raba: How can we be sure that this is so? May we not suppose that 'I TOO' really refers to the whole statement, and that the additional 'AND I UNDERTAKE', merely confirms his Undertaking? For if you do not admit this, [what do you make of] the subsequent [Mishnah] that reads: [Should a man say:] 'I undertake half the polling of a nazirite', and should his companion, hearing this, say: 'I too, I undertake half the polling of a nazirite'?(13) Are there here two sections to which he can be referring? We can only suppose that there he is merely repeating 'I have undertaken this obligation', and in this case too [it is possible] that he is merely repeating 'I have undertaken this obligation.' Raba replied: How now! If you are prepared to say that in the first [Mishnah the words 'I UNDERTAKE etc.'] are of importance, but not in the subsequent one, then they are repeated in the subsequent one — unnecessarily, it is true — because they are included in the first one where it is important,(14) but if you maintain that it is of importance neither in the first [Mishnah] nor in the subsequent one, would it be included unnecessarily in both?

R. Isaac b. Joseph citing R. Johanan said: If a man instructs his representative

1. I.e., one of the things forbidden a
2. Viz., his inability to live without wine.
3. I.e., without the need of remission being asked for.
4. E.g.. 'I vow … if I pay more', made during bargaining to show himself in earnest.
5. E.g., 'I vow … if there were not a million people there', the number being obviously exaggerated.
6. E.g., 'I vow … if I was there,' and he later remembers that he was there.
7. E.g., through illness. V. Ned. 20b.
8. Since it is impossible for a nazirite to be a sexton, the vow is null of itself and he is not a nazirite.
9. Though he cannot be a nazirite, the vow must be remitted by a Sage.
10. I.e., enable a nazirite to poll by providing his sacrifices.
11. I.e., both (i) 'I wish to be a nazirite,' and (ii) 'I undertake to poll a nazirite.'
12. And not merely 'I Too'.
13. Mishnah infra 12b.
14. I.e., the second Mishnah repeats the phrasing of the first, for the sake of parallelism.

to go and betroth for him a wife, without specifying any woman, he becomes [in the meanwhile] forbidden [to marry] any woman in the world, since it is presumed that the messenger carries out his commission, and since he did not specify [the woman], he does not know which he betrothed for him.(1)

Resh Lakish raised an objection against R. Johanan [from the following]: If a dove of an indeterminate pair(2) should fly away into the air, or amongst those sin-offerings that have to be killed,(3) or if one of the pair should perish, a partner is to be taken for the other one.(4) [This implies that] with a determinate pair there is no remedy;(5) though all other pairs [in the world] would be valid.(6) Now why should this be so? Should we not say of each one, perhaps this is one [that flew away]?(7) He replied: I spoke of a woman who is stationary and you raise objections from prohibited things that are mobile!(8) Should you argue further that here too the woman may be mobile, for it is possible that he may have met her in the street and betrothed her, [the cases are still different] for the woman returns to her customary place, but can the same be said of the bird-pair?

Raba said: R. Johanan would admit that a woman who has [among her unmarried relatives] neither daughter, daughter's daughter, nor son's daughter; neither mother nor maternal grandmother, nor sister, although she may have a sister who was divorced after [the representative was sent] — such a woman would be permitted to him,(9) because at the time that he gave his instructions, [the sister] was still married, and when a person appoints a deputy, it is [to perform] something that is possible at the time,(10) but for something that is not possible at the time he does not appoint a deputy.(11)

We have learnt: [SHOULD A MAN SAY:] '(11) DECLARE MYSELF A NAZIRITE, AND I UNDERTAKE TO POLL A NAZIRITE,' AND SHOULD HIS COMPANION, HEARING THIS, SAY: 'I TOO, AND I UNDERTAKE TO POLL A NAZIRITE, THEN, IF THEY ARE CLEVER, THEY WILL POLL EACH OTHER; OTHERWISE THEY MUST POLL OTHER NAZIRITES. Now this [suggestion](12) is all very well as regards the latter, since the former had become [a nazirite] first,(13) but as to the former, was the latter a nazirite [when he made his vow]?(14)

1. Any woman may therefore be a relative, of a forbidden degree of kinship, of his betrothed wife.
2. A pair of doves of which it has not yet been determined which is to be the sin-offering and which the burnt-offering.
3. v. Kin. 1, 2.
4. The pair is then to be determined in the usual way; Kin. II, I.
5. Since it is not known which is the survivor.
6. We assume that a random pair does not contain the missing dove, as we are guided by the majority.
7. [And could not be offered except on behalf of the owner who originally determined it.]
8. Where the objects are stationary (), a majority is not considered decisive, but any minority is as potent as the majority (cf. Sanh. [Sonc. ed.] p. 531. n. 4) and so there is an even chance that any woman is a near kinswoman of his betrothed wife.
9. I.e., to betroth before the deputy returns.
10. Here, to betroth an unmarried woman.
11. Hence the deputy could not possibly have betrothed the other sister.
12. Viz., that they should poll each other.
13. Lit., 'since the former was in his presence'; and so his vow to poll a nazirite can be

understood as applying to the former.

14. How then can his vow apply to the latter, if we accept Raba's contention that a man can appoint an agent only for something which is possible at the time.

It follows therefore that he must have meant: 'If I should find one who is a nazirite, I shall poll him'; and so here too, perhaps he means: 'If you find one who is divorced, [you can] betroth her on my behalf'? — We may put [our maxim] thus. A person can appoint a deputy only for a commission that he himself can execute at the moment, but he cannot appoint him for a commission that he himself cannot execute at the moment [but can only do later].

But is that so? Come and hear: If a man says to his agent,(1) 'You are to declare void any vows that my wife makes from the present moment until the time I return from such-and-such a place,' and he does so, it might be imagined that they become void, but Scripture says: Her husband may let it stand, or her husband may make it void.(2) This is the opinion of R. Josiah. R. Jonathan said: In all circumstances do we find that a man's representative is equivalent to himself.(3) Now, [R. Josiah's] reason derives from the statement of the Divine Law, Her husband may let it stand, or her husband may make it void, and but for this, the agent would be able to declare them void, whereas where [the husband] himself is concerned, it has been taught: Should a man say to his wife, 'All the vows that you may make from the present moment until I return from such-and-such a place are to stand,' this is of no effect. [Should he say,] 'They are to be void,' R. Eliezer declares them void, but the Sages say that they are not void.(4) Now assuming that R. Josiah agrees with the Rabbis that he himself could not make them void, [we nevertheless find that] had not the Divine Law said, Her husband may let it stand or her husband may make it void, the agent could have declared them void?(5) — It is possible that he agrees with R. Eliezer that [the husband] can make them void [in advance]. If that is so, why does he trouble to appoint a deputy? Why does he not declare them void himself? — He fears that [at the moment of departure](6) he might forget, or be angry, or be too busy.

MISHNAH. [SHOULD A MAN SAY,] 'I UNDERTAKE THE POLLING OF HALF A NAZIRITE,'(7) AND HIS COMPANION, HEARING THIS, SAY 'I, TOO; I UNDERTAKE THE POLLING OF HALF A NAZIRITE,' THEN, ACCORDING TO R. MEIR, EACH MUST POLL A NAZIRITE COMPLETELY, BUT THE SAGES SAY: EACH POLLS HALF A NAZIRITE.

GEMARA. Raba said: All agree that if he Says, 'I undertake half the sacrifices(7) of a nazirite,' he is obliged to bring only half the sacrifices;(8) if he says 'I undertake the sacrifices of half a nazirite,' he must bring a complete set of sacrifices, since partial naziriteship is impossible.(9) Where they differ is when the phraseology of the Mishnah [is used].(10) R. Meir considers that as soon as he says 'I undertake [to poll]' he becomes liable to the complete sacrifice of naziriteship, and when he [afterwards] specifies half a naziriteship, it is no longer within his power [to limit his obligation].(11) The Rabbis, on the other hand, look upon it as a vow accompanied by its own modification.(12)

MISHNAH. [SHOULD A MAN SAY,] '(11) UNDERTAKE TO BECOME A NAZIRITE WHEN I SHALL HAVE A SON,' AND A SON BE BORN TO HIM, HE BECOMES A NAZIRITE. IF THE CHILD BORN BE A DAUGHTER, OR SEXLESS, OR AN HERMAPHRODITE, HE DOES NOT BECOME A NAZIRITE. SHOULD HE SAY, WHEN I SHALL HAVE A CHILD,' THEN EVEN IF IT BE A DAUGHTER, OR SEXLESS, OR AN HERMAPHRODITE, HE BECOMES A NAZIRITE.

1. A person left by a man in charge of his household while he is away.
2. Num. XXX, 14.
3. Ned. 72b.
4. Ned. 72a.
5. Which seems to show that a man can appoint an agent for something which cannot be done at once but can be done later.
6. Until then, he wishes to retain his option of declaring his wife's vows void or not, at his

pleasure.

7. I.e., to bring half the sacrifices accompanying the polling of a nazirite.
8. Because there is no ambiguity.
9. The phrase 'half a nazirite' is meaningless and must therefore be replaced by 'a nazirite', since it is presumed that he intended to undertake a real obligation.
10. Here the actual obligation, which is to provide sacrifices, is not mentioned explicitly but must be inferred. The position of the word 'half' is no longer decisive, since no other position yields more sense. Accordingly, its significance must be determined.
11. Limitation is now only possible on application to a Sage, and so he must bring a complete sacrifice.
12. And therefore only the modified vow comes into operation and it is sufficient for him to bring half the sacrifices. V. supra p. 28, n. 7.

Folio 13a

SHOULD HIS WIFE MISCARRY, HE DOES NOT BECOME A NAZIRITE. R. SIMEON SAID: [IN THIS CASE] HE MUST SAY, IF IT WAS A VIABLE CHILD, I AM A NAZIRITE OBLIGATORILY; OTHERWISE I UNDERTAKE A NAZIRITESHIP VOLUNTARILY.'(1) SHOULD [HIS WIFE] LATER BEAR A CHILD,(2) HE THEN BECOMES A NAZIRITE. R. SIMEON SAID: HE SHOULD SAY, 'IF THE FIRST WAS A VIABLE CHILD, THE FIRST [NAZIRITESHIP] WAS OBLIGATORY, AND THE PRESENT ONE WILL BE VOLUNTARY, OTHERWISE, THE FIRST ONE WILL HAVE BEEN VOLUNTARY, AND THE PRESENT ONE IS OBLIGATORY.

GEMARA. For what purpose are we told this?(3) — Because of the subsequent clause, viz.: — IF IT BE A DAUGHTER, OR SEXLESS, OR AN HERMAPHRODITE, HE DOES NOT BECOME A NAZIRITE. But is not this obvious? — It might be thought that his meaning was 'If I beget a child'(4) and so we are told that this is not so.

SHOULD HE SAY 'WHEN I SHALL HAVE A CHILD' etc.: But is not this obvious? — It might be thought that he only meant the child that is reckoned amongst men,(5) and so we are told [that any child is meant].

SHOULD HIS WIFE MISCARRY HE DOES NOT BECOME A NAZIRITE. The author of this statement is the R. Judah of the heap of grain.(6)

R. SIMEON SAID: HE SHOULD SAY, 'IF THE CHILD WAS VIABLE, THEN I AM A NAZIRITE OBLIGATORILY; OTHERWISE I UNDERTAKE NAZIRITESHIP VOLUNTARILY.' — R. Abba put the following question to R. Huna: Should a man say, 'I undertake to become a nazirite when I shall have a son', and his wife miscarries, and he set aside a sacrifice,(7) and then his wife gave birth [to a son],(8) what is the law?(9) From whose standpoint [was this problem propounded]? If from the standpoint of R. Simeon, what problem is there? Does not R. Simeon say that wherever there is a doubt in questions concerning naziriteship we adopt the more stringent ruling?(10) — It must therefore be from the standpoint of R. Judah, who maintains that in questions concerning naziriteship, if there is a doubt the more lenient ruling is adopted. The query then is whether [the animal] became sacred or not,(11) But what [practical] difference can it make [which it is]?(12) — [There would be the question of] whether he might shear it, or work with it.(13) The problem was unsolved.

Ben Rehumi put the following question to Abaye: [Should a man say,] 'I undertake to become a nazirite when I shall have a son, and his companion, hearing this, add 'And I undertake likewise,' what would be the law? Is the reference to his words(14) or to him himself?(15) Should your finding be that the reference is to him himself,(16) then if a man should say, 'I undertake to become a nazirite when I shall have a son,' and his companion, hearing this, add 'I too' what would be the law? Is the reference to himself, I or does he mean, 'I am as much your good friend as you are yourself'?(17) Should your finding be that whenever the other is present

1. And in either case he becomes a nazirite.
2. After her miscarriage.
3. That if a son is born, he becomes a nazirite.
4. The Hebrew word son', is a denominative of 'to beget children', and might be used for any child (Rashi).
5. I.e., a son through whom the family is propagated.
6. v. supra 8a.
7. To bring at the end of his proposed naziriteship.
8. As a result of the same confinement.

9. I.e., what about the sacrifice between the time it was set aside, and the time the second child was born. The question is made clearer anon.
10. So that the husband was a nazirite in law, and the sacrifice properly set aside from the first.
11. [Does the birth of the second child prove that the first was the result of the same pregnancy and consequently not premature and viable, or do we assume that it was the result of a later pregnancy and thus premature and non-viable?]
12. Since it is now sacred.
13. In the interval between the birth of the first and second child, as no benefit might be derived from sacred property.
14. I.e., 'I also undertake to become a nazirite when I have a son'.
15. The former, i.e., I also undertake to become a nazirite when you have a son'.
16. The latter, meaning, 'I too shall be a nazirite when I have a son'.
17. I.e., 'I too shall be a nazirite when you have a son'.

he would be ashamed [to refer to himself],(1) then if a man should say, 'I undertake to be a nazirite when so-and-so has a son,' and his companion, hearing this, add 'I too,' what would be the law? Would it be said then that because the other is not present he is referring to himself,(2) or does he mean, 'I am as good a friend to him as you are'?(3)

The problem was left unsolved.

MISHNAH. [IF A MAN SAYS,] 'I INTEND TO BE A NAZIRITE [NOW] AND A NAZIRITE WHEN I SHALL HAVE A SON', AND BEGINS TO RECKON HIS OWN [NAZIRITESHIP]. AND THEN HAS A SON BORN TO HIM, HE IS TO COMPLETE HIS OWN NAZIRITESHIP] AND THEN RECKON THE ONE ON ACCOUNT OF HIS SON. [IF HE SAYS,] 'I INTEND TO BE A NAZIRITE WHEN I SHALL HAVE A SON, AND A NAZIRITE [ON MY OWN ACCOUNT]', AND HE BEGINS TO RECKON HIS OWN [NAZIRITESHIP] AND THEN HAS A SON BORN TO HIM, HE MUST INTERRUPT HIS OWN [NAZIRITESHIP], RECKON THE ONE ON ACCOUNT OF HIS SON, AND THEN COMPLETE HIS OWN.

GEMARA. Raba put the following question. If he should say, 'I wish to be a nazirite(4) after twenty days time,' and then 'For one hundred days commencing now', what would be the law? Seeing that these hundred days will not be complete in twenty, are they to be inoperative [for the time being](5) or, seeing that there will remain sufficient time afterwards(6) for the hair to grow long,(7) do they come into operation [immediately]?(8)

Why does [Raba] not [first] raise the question of a [second] naziriteship of short duration?(9) It is a problem within a problem that he has raised:

1. And he must have meant, 'I shall be a nazirite when you have a son.'
2. I.e., 'I too shall be a nazirite when I have a son.'
3. I.e., 'I too shall be a nazirite when so-and-so has a son.
4. An ordinary naziriteship of thirty days.
5. I.e., till thirty days after the twenty.
6. At the termination of the ordinary naziriteship.
7. A nazirite could not poll until his hair had grown for thirty days.
8. He will count twenty days, observe an ordinary naziriteship of thirty days, and then count eighty days to complete the naziriteship of one hundred days.
9. 'I wish to be a nazirite after twenty days', and then, 'An (ordinary) nazirite commencing now.'

Folio 14a

Suppose it is decided that with a short naziriteship, since only ten days remain,(1) these ten days would certainly not be reckoned,(2) [what are we to say] of a naziriteship of a hundred days?(3) Seeing that eighty remain, would these [eighty days] be reckoned(2) or not?

And again, suppose it is decided that [the naziriteship] [in this case] operates [immediately], what would be the law if he were to say 'I wish to be a nazirite after twenty days time' and then 'I wish to be a life nazirite now',(4) would this become operative [at once] or not?(5) And again, supposing it is decided that in all these cases, since it is possible to secure release,(6) they become operative [at once],(7) what would be the law if he were to say 'I wish to become a nazirite like Samson in twenty days time', and then 'I wish to be an ordinary nazirite now'? In this case, since release cannot be secured,(8) would it become operative or not?

If he were to say, 'I desire to be as Moses on the seventh of Adar,'(9) what [would his meaning be]?(10)

Of these [questions], decide the first, [For it was taught: Should a man say] 'I wish to be a nazirite after twenty days time,' and then 'For a hundred days from now,' he reckons twenty days, and then thirty days, and then eighty days to complete the first naziriteship.(11)

[SHOULD HE SAY, 'I WISH TO BE A NAZIRITE WHEN I SHALL HAVE A SON, AND A NAZIRITE ON MY OWN ACCOUNT etc.']

If he contracts ritual defilement(12) during the period [of naziriteship] on account of his son, R. Johanan said: This renders void [the first(13) period as well], but Resh Lakish said: It is not void. 'R. Johanan said that it becomes void,' — because [the whole] is one long period of naziriteship; 'but Resh Lakish said that it is not void,' — since his own naziriteship, and the one on account of his son are distinct.

1. If it is interrupted by a naziriteship after twenty days.
2. As completing the first naziriteship by adding them to the twenty days, since ten days do not allow for the hair to grow long and therefore this naziriteship does not commence until the other one is finished.
3. Is it on the same footing as the short one, or does it commence at once?
4. Though a life-nazirite polls every thirty days, the naziriteship is continuous and cannot be interrupted. Thus once the life-naziriteship operates it is impossible for the ordinary naziriteship to take effect.
5. I.e., shall the life-naziriteship be suspended until the ordinary naziriteship has been observed, or does it become operative and he must obtain release from the other naziriteship.
6. From the naziriteship which is to become operative in twenty days time.
7. And he must secure release from the naziriteship which was to have operated after twenty days.
8. A nazirite like Samson could never be freed from his vow, since Samson could not be freed.
9. Supposed to be the date of the birth and death of Moses, v. Kid. 38a.
10. Either 'As after the death of Moses on the seventh of Adar'; when presumably many nazirite vows were made by the Israelites, or, 'As after the birth of Moses on the seventh of Adar', a festive occasion.
11. Tosef. Nazir II.
12. With the dead.
13. The period counted before his son's naziriteship came into operation.

If he contracts ritual defilement during the period that he is leprous.(1) R. Johanan said: This renders void [the earlier period of naziriteship]; but Resh Lakish said: It is not void. 'R. Johanan said that it becomes void,' — since he is in the midst of his period of naziriteship,(2) 'but Resh Lakish said that it is not void,' — because the period of leprosy and the naziriteship are distinct.

And it is necessary [to have both these controversies on record]. For if only the first(3) were recorded, [we might say that] there R. Johanan was of the opinion that [the first period] becomes void because the same term, naziriteship, applies to both, whereas in the other he would agree with Resh Lakish that the nazirite period and the leprosy are distinct. Similarly had only the other [regarding leprosy] been recorded, [we might suppose that] only there did Resh Lakish hold [the two periods to be distinct], whereas in the first he would agree with R. Johanan. Thus the necessity [for recording both controversies] is demonstrated.

If he becomes unclean on a day [during the period that] his hair is growing.(4) — Rab said: This does not render void [the earlier period]; this even according to R. Johanan who said [above] that the [earlier period] does become void, for this is only so [when the uncleanness is incurred] during the naziriteship itself, but not during the period his hair is growing which is merely the complement of the naziriteship.(5) Samuel, on the other hand, said: It does render void [the earlier period]; and this even according to Resh Lakish who said [above] that [the earlier period] does not become void, for whereas there, there are two distinct naziriteships, here(6) there is but one naziriteship.(7)

R. Hisda said: All would agree that should his hair be still unshorn(8) when the blood [of his sacrifice had been sprinkled],(9) he would have no remedy.(10) With whose opinion does this statement accord? It cannot be with that of R. Eliezer,(11) for seeing that in his opinion polling estops [him from drinking wine, the uncleanness](12) is still prior to the 'fulfilment of his [consecration]'(13) and [the whole period] should become void!(14) Nor can it accord with the Rabbis, Seeing that they say that the polling does not estop [him from drinking wine]!(15) — In point of fact, it does accord with the opinion of the Rabbis, the phrase, 'he would have no remedy', meaning, 'he would have no means of fulfilling the precept of polling [in purity]'.

R. Jose son of R. Hanina said: A nazirite whose period is completed, is scourged for contracting ritual defilement,(16) but not for polling or for [drinking] wine. Why is he scourged for ritual defilement? [Assuredly] because Scripture says. All the days that he consecrateth himself unto the Lord [he shall not come near to a dead body],(17) thus including the days after fulfilment equally with the days before fulfilment! But in that case, for polling too he should be liable to scourging seeing that the All-Merciful Law Says. All the days of his naziriteship there shall cone no razor upon his head,(18) thereby including the days after fulfilment equally with the days before fulfilment. Again, All the days of his naziriteship shall he eat nothing that is made of the grape-vine,(19) should also include the days after fulfilment equally with the days before fulfilment? —

1. One who becomes leprous during his naziriteship completes it when the leprosy is cured.
2. As is proved by the fact that when he recovers from his leprosy he completes his period.
3. Relating the naziriteship on account of his son.
4. If he had his hair polled by force, his naziriteship is not interrupted thereby and he completes his period. If this is less than thirty days, he must nevertheless allow his hair to grow for thirty days. The additional days constitute the 'period that his hair is growing'.
5. And not an integral part of it.
6. When he allows his hair to grow after having been polled by force.
7. The additional days are an integral part of naziriteship and not a mere complement.
8. Lit., 'hallowed', cf. Num. VI, 11.

9. And he became unclean.

10.In regard to polling and wine drinking-so it is assumed at present.

11.V. infra 472.

12.He cannot drink wine after polling

13.Cf. Num. VI, 13.

14.Cf. ibid. 12, and he begins a new period at the end of which he finds the remedy.

15.And defilement after the termination of his period does not affect the naziriteship.

16.Before offering his sacrifices.

17.Num. VI, 6.

18.Ibid. VI, 5.

19.Num. VI. 4.

Folio 15a

[Defilement] is different, for the All-Merciful Law says, And he defile his consecrated head,(1) showing that [the penalty for defilement lies] wherever the nazirite ship depends on the head.(2)

An objection was raised: A nazirite who has completed his period is forbidden to poll, or drink wine, or have contact with the dead. Should he poll or drink wine, or have contact with the dead he is to receive the forty stripes. [This is] a refutation of R. Jose son of R. Hanina.

MISHNAH. [SHOULD A MAN SAY.] 'I UNDERTAKE TO BECOME A NAZIRITE WHEN I SHALL HAVE A SON, AND TO BE A NAZIRITE FOR ONE HUNDRED DAYS [ON MY OWN ACCOUNT],' AND A SON BE BORN TO HIM BEFORE THE EXPIRATION OF SEVENTY DAYS, HE LOSES NONE OF THIS PERIOD;(3) BUT IF AFTER SEVENTY DAYS, THESE SEVENTY DAYS ARE VOID, SINCE THERE CAN BE NO POLLING FOR LESS THAN THIRTY DAYS.(4)

GEMARA. Rab said: The seventieth day itself is reckoned as part of both periods.(5)

We learnt: IF [A SON] BE BORN TO HIM BEFORE THE EXPIRATION OF SEVENTY DAYS, HE LOSES NONE OF THIS PERIOD. Now if you assume that [the day of birth] is reckoned as part of both periods, [not only does he not lose but] he actually profits!(6) — Strictly speaking there should have been no mention of the period-before the seventieth day,(7) but because it says in the subsequent clause [of the Mishnah], that [birth] after the seventieth day renders these seventy days void, the period before the seventieth day is mentioned in the first clause.

Come [then] and hear the subsequent clause: 'IF IT BE BORN AFTER THE SEVENTIETH DAY,(8) THE SEVENTY DAYS ARE VOID(9) — The meaning of 'AFTER' is, after [the day] after [the seventieth day],(10) You say then that [a birth on] the day after [the seventieth day] itself,(11) would not render void [the previous period]. But if this is so, why should we be told that if the birth occurs before the seventieth day none of the period is lost, seeing that the same is true [of a birth occurring] on the day after the seventieth day? — It is consequently to be inferred that 'AFTER' means [the day] after literally, and thus the Mishnah unquestionably [contradicts] Rab.

Whose authority was Rab following in making this assertion? Shall we say it was Abba Saul, [in connection with whom] we have learnt: If a man bury his dead three days before a festival, the enactment of seven days' [full mourning] ceases to apply to him, if eight days before the festival, the enactment of thirty days [halfmourning] ceases to apply, and he may trim his hair on the eve of the festival. Should he, however, fail to trim his hair on the eve of the festival, he is not permitted to do so afterwards [until the thirty days' half-mourning elapse].

1. Num. VI, 9.
2. I.e., as long as his head is unpolled. though the 'days of his consecration are fulfilled'.
3. I.e., He counts a naziriteship of thirty days on account of his son, and then completes the hundred days on his own account.
4. And since there are not thirty days left over from the first naziriteship, the whole of it becomes void, and he has to start his one hundred days over again.
5. So that on the one hand seventy days of his own naziriteship are completed, and on the other he need only reckon twenty-nine more days for the naziriteship following the birth of his son. The same will of course be true of the last day of this naziriteship, when he must again commence the remainder of his own (Rashi).
6. For each of the days between the naziriteships counts as two.
7. Because there is no manner of doubt as to what the law should be and he does in fact gain.
8. I.e., as we should suppose on the seventy-first.

9. Whereas if Rab be right, a birth on the seventy-first day should not render void the previous period, since reckoning both ways, thirty days remain.

10. I.e., The seventy-second day, which on any reckoning would not leave more than twenty-nine.

11. I.e., seventy-first day.

Abba Saul said: Even if he should fail to trim his hair before the festival, he is permitted to do so afterwards, for just as the observance of three days [before the festival] causes the enactment of seven days [full mourning] to lapse, so the observance of seven days [full-mourning before the festival] causes the enactment of thirty days [half-mourning] to lapse. Now, Abba Saul's reason is surely that the seventh day is reckoned as part both of [the full-mourning] and of [the halfmourning]![1] — Possibly Abba Saul only makes this avowal in connection with the periods of the seven days'[2] mourning which are a rabbinic enactment, whereas he would not do so in connection with naziriteship, a scriptural enactment?[3] It must therefore be that Rab follows R. Jose. for it has been taught: R. Jose said that a woman, 'on the wait' for gonorrhoenic issue,[4] on whose behalf [the paschal lamb] has been slaughtered and [its blood] sprinkled, on the second day [of her waiting], and who later [in the same day] observes an issue, may not eat [of the passover],[5] and does not have to prepare the second passover.[6] Now R. Jose's reason is surely because in his opinion, part of the day counts as a whole day, so that she becomes unclean only from the moment [of observing the issue] and thereafter.[7]

Is this indeed R. Jose's opinion?[8] Has it not been taught: R. Jose said that a sufferer from gonorrhoea who has observed unclean issue on two occasions, and on whose behalf [the paschal lamb] has been slaughtered and [its blood] sprinkled 'on the seventh day [of his impurity], and Similarly a woman, on the wait' for gonorrhoeic issue on whose behalf [the paschal lamb] has been slaughtered and [its blood] sprinkled — if they afterwards observe an unclean issue, then even though they render unclean couch and seat[9] retrospectively, they are not obliged to offer the second passover?[10] — [The uncleanness] is retrospective only by enactment of the Rabbis. This is indeed evident, for if it were scriptural, on what grounds would they be exempt from the second passover?[11] [No!][12] In point of fact it would be possible for the uncleanness [to be retrospective] in biblical law also, the concealed impurity[13] of gonorrhoea not being reckoned a ban [to the offering of the passover].

R. Oshaya. too, is of the opinion that the retrospective incidence is rabbinic in origin,[14] for it has been taught:[15] R. Oshaia said that one who observes a gonorrhoeic issue on his seventh day, renders void the preceding [seven days]. R. Johanan said to him: Only that day itself becomes void. But consider! [What is R. Johanan saying?] If it renders void at all, it should render all [seven days] void, otherwise it should not render void even the same day? — Read therefore: [R. Johanan said that] it does not even render void the same day,

1. In the same way as Rab reckons the 70th day twice over.
2. The argument applying with greater force to the period of half-mourning.
3. Hence Rab cannot appeal to his authority.
4. V. Lev. XV, 25ff. Should a woman observe issue after her menstrual period, she becomes unclean until evening. From that time she is 'on the wait', and if there is an issue on the second day, she becomes unclean for seven days. A third day certifies her as gonorrhoeic, and she must then bring a sacrifice after purification; v. Sanh. (Sonc. ed.) p. 577. n. i. Whilst unclean she must not eat the flesh of sacrifices.
5. For she is now unclean for seven days.
6. On the 14th day of the following month, Iyar; v. Num. IX, 9ff.
7. She was fit to offer the Passover, although she cannot now eat it. Adopting the reading of Tosaf., Asheri and others.
8. That she becomes unclean only from that moment.
9. Cf. Lev. XV, 4.
10. Since they render unclean couch and seat retrospectively, the day must count as belonging

wholly to the unclean period!

11. Since they were already unclean when the paschal lamb was killed.

12. This would afford no proof.

13. Lit., 'impurity of the abyss', a technical term for an impurity of which there is no sign until its issue.

14. In the opinion of R. Jose.

15. [var. Iec.: For R. Oshaia said].

Folio 16a

[R. Oshaia] replied: You have on your side R. Jose, who said that the uncleanness is incident [according to the Scripture] from the moment [of observation] and thereafter. Now was it not R. Jose who said that the uncleanness was retrospective? We see therefore that the retrospective incidence must [in his opinion] be rabbinic.(1)

Now seeing that R. Jose is of the opinion that part of a day counts as a whole day, how is it ever possible for there to be a certified(2) female sufferer from gonorrhoea to offer the [prescribed] sacrifice, for if the issue is observed in the second half of the day, then the first half of the day counts as the period of 'waiting'?(3) — It is possible either if she should have continual issue for three days, or alternatively, if she observes the issue on each of the three days shortly after sunset, so that there is no part of the day that can be reckoned [as a period of cleanness].

CHAPTER III

MISHNAH. IF A MAN SAYS, 'I INTEND TO BE A NAZIRITE', HE POLLS ON THE THIRTY-FIRST DAY, BUT SHOULD HE POLL ON THE THIRTIETH DAY, HIS OBLIGATION IS FULFILLED. [IF, HOWEVER, HE SAYS] 'I INTEND TO BE A NAZIRITE FOR THIRTY DAYS,' AND POLLS ON THE THIRTIETH DAY, HIS OBLIGATION IS NOT FULFILLED. IF A MAN UNDERTAKES TWO NAZIRITESHIPS, HE POLLS FOR THE FIRST ONE ON THE THIRTY-FIRST DAY, AND FOR THE SECOND ON THE SIXTY-FIRST DAY. IF, HOWEVER, HE SHOULD POLL FOR THE FIRST ON THE THIRTIETH DAY, HE CAN POLL FOR THE SECOND ON THE SIXTIETH DAY, WHILST SHOULD HE POLL ON THE DAY PRIOR TO THE SIXTIETH, HE HAS FULFILLED HIS OBLIGATION; FOR THIS WAS THE TESTIMONY THAT R. PAPAIAS BORE CONCERNING ONE WHO UNDERTAKES TWO NAZIRITESHIPS, VIZ., THAT IF HE SHOULD POLL FOR THE FIRST ON THE THIRTIETH DAY, HE IS TO POLL FOR THE SECOND ON THE SIXTIETH DAY, WHILST SHOULD HE POLL ON THE DAY PRIOR TO THE SIXTIETH DAY, HE HAS FULFILLED HIS OBLIGATION, THE THIRTIETH DAY COUNTING TOWARDS THE REQUIRED NUMBER. IF A MAN SAYS, 'I INTEND TO BE A NAZIRITE,' AND CONTRACTS RITUAL DEFILEMENT ON THE THIRTIETH DAY, HE RENDERS VOID THE WHOLE PERIOD. R. ELIEZER SAYS: ONLY THE SEVEN DAYS ARE VOID. [IF HE SAYS,] 'I INTEND TO BE A NAZIRITE FOR THIRTY DAYS, AND CONTRACTS RITUAL DEFILEMENT ON THE THIRTIETH DAY, THE WHOLE PERIOD IS VOID. [IF HE SAYS,] 'I INTEND TO BE A NAZIRITE FOR ONE HUNDRED DAYS,' AND CONTRACTS RITUAL DEFILEMENT ON THE HUNDREDTH DAY, HE RENDERS VOID THE WHOLE PERIOD. R. ELIEZER SAYS:(4) ONLY THIRTY DAYS ARE VOID. IF HE CONTRACTS DEFILEMENT ON THE HUNDRED AND FIRST DAY, THIRTY DAYS ARE VOID. R. ELIEZER SAYS: ONLY SEVEN DAYS ARE VOID.

GEMARA. IF A MAN SAYS, 'I INTEND TO BE A NAZIRITE' AND CONTRACTS RITUAL DEFILEMENT ON THE THIRTIETH DAY, HE RENDERS VOID THE WHOLE PERIOD. R. ELIEZER SAYS: ONLY THE SEVEN DAYS ARE VOID.

1. Otherwise he would he contradicting himself.
2. One who has observed an issue on three successive days.
3. During which she has been clean. and being clean part of the day. she is considered to have been clean all day.
4. no note.

R. Eliezer is of the opinion that any [defilement contracted] after the fulfilment'[of the period] renders only seven days void.(1)

[IF HE SAYS,] 'I INTEND TO BE A NAZIRITE FOR THIRTY DAYS, AND CONTRACTS RITUAL DEFILEMENT ON THE THIRTIETH DAY, THE WHOLE PERIOD IS VOID. Here, R. Eliezer does not dissent because [we assume that] the man said, 'whole days'.(2)

[IF HE SAYS,] 'I INTEND TO BE A NAZIRITE FOR A HUNDRED DAYS, AND CONTRACTS RITUAL DEFILEMENT ON THE HUNDREDTH DAY, HE RENDERS VOID THE WHOLE PERIOD. R. ELIEZER SAYS: ONLY THIRTY DAYS ARE VOID. All this may be taken [in two ways,] according as we follow Bar Pada or R. Mattena as explained above.(3)

MISHNAH. IF A MAN MAKES A NAZIRITE VOW WHILST IN A GRAVEYARD, THEN EVEN IF HE REMAINS THERE FOR THIRTY DAYS, THESE ARE NOT RECKONED,(4) AND HE DOES NOT HAVE TO BRING THE SACRIFICE [PRESCRIBED] FOR RITUAL DEFILEMENT. IF HE LEAVES(5) IT AND RE-ENTERS,(6) [THE PERIOD](7) IS RECKONED, AND HE MUST BRING THE SACRIFICE [PRESCRIBED] FOR DEFILEMENT. R. ELIEZER SAID: NOT [IF HE RE-ENTERS] ON THE SAME DAY, FOR IT SAYS, BUT THE FORMER DAYS SHALL BE VOID,(8) [IMPLYING] THAT THERE MUST BE 'FORMER DAYS'

GEMARA. It has been stated: If a man makes a nazirite vow whilst in a graveyard, then according to R. Johanan the naziriteship takes effect, but according to Resh Lakish it does not take effect. R. Johanan says: The naziriteship does take effect because he considers it merely to be suspended and in readiness, so that whenever he becomes ritually clean, it commences to operate; whereas Resh Lakish holds that, the naziriteship does not take effect; if he repeats [the vow] later [when he is clean], it will commence to operate, but not otherwise.

R. Johanan raised an objection to Resh Lakish [from the following]: IF A MAN MAKES A NAZIRITE VOW WHILST IN A GRAVEYARD, THEN EVEN IF HE REMAINS THERE FOR THIRTY DAYS, THESE ARE NOT RECKONED, AND HE DOES NOT HAVE TO BRING THE SACRIFICE [PRESCRIBED] FOR RITUAL DEFILEMENT. [This implies, does it not,] that it is only the sacrifice [prescribed] for ritual defilement that he does not have to bring, but [the vow] does take effect? — He replied: [Not so;] he does not come within the scope of the law, either of ritual defilement or of the sacrifice.

An objection was again raised by him [from the following]: If a man is ritually defiled, and vows to become a nazirite, he is forbidden to poll, or to drink wine, or to touch a dead body. Should he poll, or drink wine, or touch a dead body, he is to receive the forty stripes.(9) If now you admit that [the vow] takes effect, then we see why he receives the forty stripes; but if you say that it does not take effect, why should he receive the forty stripes? —

1. V. supra 6b.
2. And the thirty are not yet completed.
3. According to H. Mattena a naziriteship whose duration is not specified lasts thirty days, whilst Bar Pada says that it lasts twenty-nine days. The full discussion of the Mishnah occurs above, fols. 5b-7a.
4. I.e., the naziriteship does not begin.
5. [And submits to the process of purification.]
6. After becoming clean, v. infra.
7. He is considered an ordinary nazirite from the time he becomes clean until he re-enters the graveyard.

8. Num. VI, 12.
9. Tosef. Naz. II, 9.

Folio 17a

We are dealing here with the case in which he left [the graveyard] and re-entered it.(1)

A [further] objection was raised by him [as follows]: The only difference between a person ritually defiled who makes a nazirite vow, and a ritually clean nazirite who becomes unclean, is that the former reckons his seventh day [of purification] as part of his period [of naziriteship], whereas the latter does not reckon his seventh day [of purification] as part of his [new] period. If now you assume that [the vow of the unclean person] does not take effect, how is [the seventh day] to be counted [in his period]? — Mar b. R. Ashi said: Both [R. Johanan and Resh Lakish] agree that [the vow] does take effect; where they differ is whether there is [to be a penalty of] stripes.(2) R. Johanan is of the opinion that since [the vow] takes effect, he suffers the penalty of stripes, but Resh Lakish is of the opinion that there is no penalty of stripes, although [the vow] does take effect.

R. Johanan raised an objection to Resh Lakish [from the following]: IF A MAN MAKES A NAZIRITE VOW WHILST IN A GRAVEYARD, THEN EVEN IF HE SHOULD REMAIN THERE FOR THIRTY DAYS, THESE ARE NOT RECKONED, AND HE DOES NOT HAVE TO BRING THE SACRIFICE [PRESCRIBED] FOR RITUAL DEFILEMENT. [This implies, does it not,] that it is only the sacrifice prescribed for ritual defilement that he does not have to bring, but he does suffer stripes? — Strictly speaking, it should have stated that he does not receive stripes, but since it was requisite in the subsequent clause to mention that where HE LEAVES [THE GRAVEYARD] AND RE-ENTERS, THE [PERIOD] IS RECKONED, AND HE MUST BRING THE SACRIFICE [PRESCRIBED] FOR DEFILEMENT, the initial clause, too, mentions that he need not bring the sacrifice [prescribed] for ritual defilement.(3)

Come and hear: The only difference between a ritually defiled person who makes a nazirite-vow, and a ritually clean nazirite who becomes unclean, is that the former reckons his seventh day [of purification] as part of his period [of naziriteship], whereas the latter does not reckon his seventh day as part of his period. [Does not this imply] that as regards stripes, they are on a par? — He(4) replied: Not so. Where they are on a par is as regards polling.

[You aver, then,] that the latter receives stripes,(5) but the former does not do so. Why is this not mentioned? — The [Baraitha] is referring to that which is serviceable(6) to him, not to that which is to his detriment.(7)

Come and hear: Whosoever was ritually defiled and vowed to be a nazirite is forbidden to poll, or to drink wine. If he should poll, or drink wine, or come into contact with the [human] dead, he is to receive the forty stripes? This is undeed a refutation.(8)

Raba enquired: If a man vows to be a nazirite whilst in a graveyard, what is the law? Has he to be [in the graveyard] a certain time(9) for him to be liable to stripes, or not?

What are the circumstances? If he was told not to make a nazirite vow, why should any length of stay be necessary? What is the reason why no length of stay [in the graveyard] is necessary for the [ritually clean] nazirite [to be liable to stripes]? It is because he was forewarned;(10) and here too he was forewarned!

1. When he had become clean and repeated the vow.
2. [For contracting defilement whilst making his vow in the graveyard.]
3. Thus making the two clauses symmetrical in form.
4. Resh Lakish.
5. For defilement.
6. To know when to commence the naziriteship.
7. To receive stripes.

8. Of Resh Lakish
9. A minimum period. V. Shebu. 17a.
10. Of the prohibition against defiling himself.

We must suppose, therefore, that he entered [the graveyard] in a box, or a chest, or a portable turret,(1) and his fellow came and broke away the covering.(2) [The question then arises] whether [the rule requiring] a certain length of stay(3) was only laid down with reference to [defilement within] the Temple precincts, but not outside,(4) or whether there is no distinction.(5) The problem was unsolved.

R. Ashi raised the following question: If a man vows to become a nazirite whilst in a graveyard, is he required to poll or not? Is polling required only of a ritually clean nazirite who has contracted ritual defilement, because he has defiled his consecration,(6) and not of a ritually unclean person who makes a nazirite vow, or is there no difference [between the two]? — Come and hear: IF A MAN MAKES A NAZIRITE VOW WHILST IN A GRAVEYARD, THEN EVEN IF HE REMAINS THERE FOR THIRTY DAYS, THESE ARE NOT RECKONED, AND HE DOES NOT HAVE TO BRING THE SACRIFICE [PRESCRIBED] FOR RITUAL DEFILEMENT. [This implies, does it not,] that it is only the sacrifice prescribed for ritual defilement that need not be brought, but that polling is necessary! [That is not so.] The statement is made as a reason [for something else]. The reason that he need not bring the sacrifice prescribed for ritual defilement is that polling is unnecessary.(7)

Come and hear: The only difference between a ritually defiled person who makes a nazirite vow and a ritually clean nazirite who contracts ritual defilement is that the former reckons his seventh day [of purification] as part of his period [of naziriteship], whereas the latter does not reckon his seventh day as part of his [new] period. Surely, then, as regards polling both are on the same footing? — No! Where both are on the same footing is as regards stripes. In the case of polling, [you aver that] one polls and the other does not. Then why not mention this? — The seventh day is mentioned, and includes all observances dependent upon it.(8)

Come and hear: I am only told here(9) that the period of his ritual defilement is not reckoned [in the days of his naziriteship]. How do we know [that the same is true] of the period of declared leprosy?(10) This can be derived from an analogy [between the two]. Just as after the period of ritual defilement he is required to poll and bring a sacrifice, so after the period of declared leprosy he is required to poll and bring a sacrifice; and so just as the period of ritual defilement is not reckoned, the period of declared leprosy ought not to be reckoned. — Not so! For in the case of the period of defilement, it may he because this renders void the former reckoning(11) that it is not reckoned, whereas the period of declared leprosy does not render void the former reckoning,(12) and therefore it should itself be reckoned. — I will put the argument differently. Seeing that 'a nazirite in a graveyard',(13) whose hair is ripe for polling,(14) does not count [the days spent in the graveyard as part of his naziriteship], surely the period of declared leprosy, when his hair is not ripe for polling,(15) should not be counted.(16) Now surely polling as a result of his defilement is meant?(17) — No! the reference may be to polling [after observing the nazirite vow] in ritual purity.(18) This is indeed evident.

1. And therefore did not con-tract uncleanness when in the graveyard, being in a separate place.
2. After he had vowed to become a nazirite.
3. Viz., sufficient for prostration. V. Shebu. 17a.
4. To cases not connected with the Temple, e.g.. when a nazirite becomes unclean inside the graveyard.
5. And therefore in the graveyard also a certain length of stay is required.
6. V. Num. VI, 9.
7. The problem therefore remains.

8. The seventh day is counted as part of his naziriteship because he need not bring a sacrifice, and he does not bring a sacrifice since he does not poll.
9. In Num. VI, 22.
10. Cf. Lev. XIII, 3ff.
11. The period of naziriteship counted before defilement.
12. The period counted before leprosy.
13. I.e., one who made the vow of naziriteship in a graveyard.
14. For he will poll automatically at the end of the seven days of purification, just as a ritually clean nazirite polls at the end of his naziriteship. This is the initial interpretation of the argument as understood by the Gemara.
15. There is no definite period at which he has to poll, but he must wait until he recovers from the disease.
16. The whole of the above paragraph is a quotation from Sifre on Num. VI, 12.
17. I.e., surely the phrase 'whose hair is ripe for polling' means that he must poll as a result of his defilement in the graveyard, so that R. Ashi's question is answered in the affirmative.
18. So that the argument is: Seeing that 'a nazirite in a graveyard' whose hair will be ripe for polling after he has purified himself and observed the period of his naziriteship, does not count etc., surely the leper, whose hair is not ripe for polling as part of his naziriteship because he must poll on recovery from his disease before he commences to count the naziriteship, ought not to count etc.

Folio 18a

For if you assume that polling as a result of the defilement is intended, does he not have to poll after the period of declared leprosy?(1) — No, [this does not constitute proof, for] the reference is to the polling on account of the naziriteship.(2)

Come and hear: The verse, And he defile his consecrated head(3) refers to a ritually clean [nazirite] who contracts ritual defilement; it enjoins on such a one to remove his hair and sacrifice birdofferings, but [by implication] exempts one, who vows to become a nazirite at a graveside, from removing his hair and sacrificing bird-offerings. For you might argue a fortiori: if the ritually clean [nazirite] who contracts ritual defilement must remove his hair and sacrifice bird-offerings, all the more must one who commenced [his naziriteship] whilst defiled remove his hair and sacrifice bird-offerings; therefore the text says expressly, 'And he defile his consecrated head', [implying] that only the ritually clean [nazirite] who contracts ritual defilement is required by Scripture to remove his hair and sacrifice bird-offerings, but not the person who vowed to become a nazirite at a graveside. This proves then [that the latter is exempt].

Who is the author of the following dictum, taught by the Rabbis, [viz.,] The only difference between a ritually defiled person who makes a nazirite vow, and a ritually clean nazirite who contracts ritual defilement, is that the former reckons his seventh day [of purification] as part of his period [of naziriteship],(4) whilst the latter does not reckon his seventh day as part of his [new] period? — R. Hisda said: It is Rabbi, for Rabbi has said that the naziriteship [after defilement] does not recommence until the eighth day of purification, for if you were to say it is R. Jose son of R. Judah, surely he holds that the naziriteship [after defilement] begins to operate on the seventh day of purification.

Where are these opinions of Rabbi and R. Jose son of R. Judah [to be found]? — It has been taught: And he shall hallow his head that same day;(5) Rabbi says [that this refers to] the day on which he offers his sacrifices,(6) but R. Jose son of R. Judah says [it refers] to the day on which he polls.(7)

And who is the author of the teaching that, 'A nazirite who contracts ritual defilement many times brings a single sacrifice only'?(8) — R. Hisda said: It is R. Jose son of R. Judah, who has said that the naziriteship [after defilement] recommences on the seventh day of purification. Thus the case [contemplated] could arise if he were to contract defilement on the seventh day [of purification](9) and then again on the seventh day after that,(10) nevertheless since there was no period when he could have brought his sacrifice,(11) he need offer one sacrifice only [for both defilements]. According to Rabbi, however, if he contracted ritual defilement on the seventh day and then again on the seventh day,(12) the whole is one long period of ritual defilement,(13) whilst if we suppose he contracts ritual defilement upon the eighth day and again upon the eighth day, then there is a point of time [on each occasion] when he could bring his sacrifice.(14)

What is Rabbi's reason [for his opinion]? — The verse says [first], And make atonement for him that he sinned by reason of the dead,(15) and then, And he shall hallow his head.(16) And what does R. Jose son of R. Judah [say to this]? — If this is its intention, the text should read simply, 'And he shall hallow his head'.

1. So that the two cases are exactly analogous, and we cannot call one 'ripe for polling' and the other 'not ripe for polling'.
2. The defiled nazirite has to poll because he is a nazirite, whereas the leper polls because he was a leper. There would thus still be room for the argument even if the meaning were that 'a nazirite in a graveyard' must poll.
3. Num. VI. 9.
4. I.e., the seventh day is counted as the first day of his thirty days of naziriteship.
5. Num. VI, 12.

6. The eighth day after the occurrence of the defilement.
7. The seventh day after the occurrence of the defilement.
8. Ker. II, 3.
9. After he has bathed.
10. After the occurrence of the second defilement, so that this is a separate defilement. But if he became unclean on the sixth day, it would be the same defilement.
11. Which has to be brought on the 8th day.
12. After the occurrence of the second defilement.
13. Hence we cannot say 'many times' as in the passage quoted.
14. And he must bring a sacrifice for each period of defilement.
15. Num. VI, 11.
16. Hence the naziriteship is to recommence after the offering of the sacrifice, which took place on the eighth day.

What is the purpose of [the additional phrase], 'that day'? Since it cannot refer to the eighth day,(1) we may take it as referring to the seventh day. And Rabbi? He can say that the purpose of the phrase 'that day' is to tell us that even if he should fail to bring his sacrifices [the naziriteship commences].

Now what compelled R. Hisda to ascribe the authorship of this dictum to R. Jose son of R. Judah? Why should he not have interpreted it as referring to where he became unclean on the eighth night,(2) and ascribed the authorship to Rabbi?(3) Are we to understand from the fact that he does not ascribe the authorship to Rabbi, that in his opinion the night [before the day that his sacrifice is due] is not regarded as belonging to the preceding period?(4) — R. Adda b. Ahaba replied: One thing depends on the other. If we hold that the night [before the day his sacrifice is due] is regarded as belonging to the preceding period, then, since he can offer his sacrifice only in the morning, the naziriteship does not begin to operate until the morning;(5) whereas if the night [before the day his sacrifice is due] is not regarded as belonging to the preceding period, the naziriteship after purification [from defilement] begins in the evening.(6)

Our Rabbis taught:(7) If [a nazirite](8) contracts defilement on the seventh day [of purification], and then he again contracts defilement on the seventh day [following], he is only required to offer one sacrifice. If he contracts defilement on the eighth day, and then once more on the eighth day [following], he is required to offer a sacrifice for each [defilement]. He begins to reckon [the new naziriteship] immediately;(9) this is the opinion of R. Eliezer, but the Sages say: He is required to offer but one sacrifice for all [the defilements] so long as he has not yet offered his sin-offering.(10) If he has brought his sin-offering and then contracts defilement, and again offers his sin-offering and again contracts defilement, he is required to furnish a [full] sacrifice for each defilement. If he has furnished his sin-offering, but not his guilt-offering, he [nevertheless] commences to reckon [the new naziriteship]. R. Ishmael, the son of R. Johanan b. Beroka said: Just as his sin-offering estops him [from commencing to reckon the new naziriteship], so does his guilt-offering.

Now, all is in order according to R. Eliezer, for the verse says, And he shall hallow his head that same day,(11) even though he may not yet have provided the sacrifices. [And likewise] the Rabbis [explain] 'that [day]', [implying], even though he may not yet have provided the guilt-offering.(12) But what does R Ishmael, the son of R. Johanan b. Beroka make of the words 'that [day]'? — He will reply: [His naziriteship commences] 'that [day]', even though he may not yet have provided the burnt offering. And the Rabbis? — They do not consider it necessary to have an excluding phrase for [permission to dispense with] the burnt offering, since it is [brought] simply as a gift.(13)

What is the Rabbis' reason [for stating that the guilt-offering is no bar]? — It has been taught: What is the implication of the verse, And he shall consecrate unto the Lord the days of his Naziriteship, and shall bring a he-lamb of the first year for a guilt-offering?(14) Since we find that all other guilt-offerings mentioned in the Torah are a bar [to atonement so long as they are not brought], it might have been thought that this one is also a bar,

1. For if it did, it would be superfluous.
2. I.e., the night preceding the eigth day.
3. So that the defilements are separate, though in regard to sacrifices they would be considered one, seeing that no sacrifice can be brought at night.
4. Lit., 'wanting time. Although the sacrifice cannot be brought till the next day.
5. So that there would still be only one defilement.
6. And he would have to bring, according to Rabbi, a sacrifice for each defilement.
7. [So Rashi; cur. edd., read, 'The text (states)'. This term, however, would not have the same

meaning here as elsewhere in the Talmud where the reference is to a text previously cited; v. Asheri.]

8. Who became unclean.
9. Though he has not yet offered his sacrifices.
10. The sacrifice of a nazirite who had become unclean consisted of two doves, one a sin-offering, the other a burnt-offering, and also a he-lamb as a guilt-offering. V. Num. VI, 10-12.
11. Num. VI, 11.
12. But the new naziriteship cannot commence till he has brought the others.
13. [And not to effect atonement, as the other sacrifices, v. Zeb. 7b.]
14. Num. VI, 12.

and so the text says, 'And he shall consecrate … and shall bring [a guilt-offering]' implying that even though he may not yet have brought [the guilt-offering], he is to consecrate. R. Ishmael, son of R. Johanan b. Beroka said: 'And he shall consecrate … and shall bring'. When does he consecrate? After he has brought.(1)

Who is the Tanna of the following [teaching] taught by the Rabbis: 'If a woman undertakes a nazirite vow, and contracts ritual defilement, and then her husband declares [her vow] void, she must bring the sin-offering of a bird, but not the burnt-offering of a bird'? — R. Hisda replied: It is R. Ishmael.(2) How comes [R. Ishmael] to this ruling? — If he holds that the husband nullifies [his wife's vow],(3) then she should not be required to bring the sinoffering of a bird, whilst if he holds that the husband only terminates(4) [the vow],(5) why should she not be required to bring the burnt-offering of a bird as well? — Actually he is of the opinion that a husband nullifies [his wife's vow], and he further agrees with R. Eleazar ha-Kappar. For it has been taught: R. Eleazar ha-Kappar, Berabbi,(6) said: Why does the Scripture say, And make atonement for him, for that he sinned by reason of the soul.(7) Against what 'soul' did he then sin? It can only be because he denied himself wine.(8) If then this man who denied himself wine only is termed a sinner, how much more so is this true of one who is ascetic in all things!

But the verse is referring to an unclean nazirite,(9) whilst we are applying it even to a ritually clean nazirite? — R. Eleazar ha-Kappar(10) is of the opinion that a ritually clean nazirite is also a sinner, and the reason that Scripture teaches this [lesson in connection] with a defiled nazirite is that he repeats his sin.(11)

IF HE LEAVES IT AND RE-ENTERS, THE DAYS ARE RECKONED. It is stated that they are reckoned.(12) Does then the naziriteship begin to operate merely because he has left [the graveyard]?(13) — Samuel said: [We are speaking of] where he has left it, been sprinkled [a first and] a second time and bathed.(14) But [are we to infer that] if he re-enters, then only are they reckoned, whilst if he does not re-enter, they are not reckoned? — The argument is progressive. Not only [do they count] if he leaves, but [they count] also if he re-enters [immediately after purification].(15)

R. Kahana and R. Assi asked Rab: Why have you not explained [the Mishnah] to us in this manner? — He replied: I was under the impression that you did not require [to be told].

R. ELIEZER SAID: NOT IF HE DOES SO ON THE SAME DAY, FOR IT SAYS, AND THE FORMER DAYS SHALL BE VOID, IMPLYING THAT THERE MUST BE FORMER DAYS. 'Ulla said: R. Eliezer was referring only to a ritually defiled person who makes a nazirite vow, but a ritually clean nazirite who contracts ritual defilement, makes [his naziriteship] void, even on the first day.(16)

1. The naziriteship begins anew after he has brought the guilt-offering.
2. [Who, in contradistinction to the Rabbis, holds that the burnt-offering is not brought as a mere gift, but specifically as a sacrifice of a nazirite, and since her naziriteship is void, she brings no sin-offering.]
3. Lit., 'uproots' i.e., that his action is retrospective and the vow has never been valid.
4. Lit., 'cuts off'.
5. When he disallows it; until then it was effective.
6. [Or 'Berebi'. Designation by which Bar Kappara is known in order to distinguish him from his father who bore the same name. The meaning of the title is uncertain: (a) a compound of 'house', be, and 'rabbi', i.e., belonging to the school of an eminent teacher (Jast.), or (b) a compound of 'son', 'bir', and 'rabbi', 'a son of a scholar', i.e., 'a scholar', v. J.E. III, 52.]
7. , E.V.: 'dead'. Num. VI, II.

8. And so the woman must bring the sin-offering because she wished to deny herself wine.
9. The section of which it forms part begins (Num. VI, 9), If any man die suddenly upon him, so that he becomes defiled, … he shall bring two turtle doves, of which one was a sin-offering brought because, … he sinned by reason of the soul.
10. Cf., however, supra 3a, where R. Eleazar ha-Kappar is reported as saying that a ritually clean nazirite is not a sinner.
11. For the period before defilement is void and he must now recommence to count thirty days.
12. So that he must bring the sacrifices of a nazir who becomes unclean.
13. For he is still unclean.
14. I.e., undergone the purification rites. V. Num. XIX, 19.
15. In which case we might think that he is as at first.
16. When there are no 'former days'.

Raba added: R. Eliezer's reason(1) is that the text continues, Because his consecration was defiled,(2) i.e., because he undertook the naziriteship during defilement.

Abaye raised an objection [from the following]. [If a man says,] 'I wish to be a nazirite for one hundred days,' and contracts ritual defilement at the very beginning of them, it might be held that this makes void [the naziriteship], but the text reads, 'And the former days shall be void'; there must first be 'former days', and here there are no former days. If he contracts ritual defilement at the end of the hundred days, it might be held that this makes void [the naziriteship], but the text reads, 'And the former days shall be void', implying that there are later days too' and here there are no days to come. If he contracts ritual defilement on the ninety-ninth day. It might be held(3) that he should not make void the naziriteship, but the text reads, And the former days shall be void, implying that there must be days to come, and here there are both former days(4) and days to come. Now it cannot be said that we are dealing with a ritually defiled person who makes a nazirite vow, since the account begins. "'I wish to be a nazirite for a hundred days," and he contracts defilement at the very beginning of them,' and yet it says that former days are necessary. — This indeed is a refutation [of 'Ulla].

R. Papa asked Abaye: Regarding the days that are required, is it sufficient if one has passed and [the defilement occurs when] the second begins, or must two pass, and [the defilement occur when] the third has begun? — [Abaye] had no information on the subject, so [Rab Papa] went and asked Raba. He replied: The text reads they shall fall away.(5)

Both the word 'days', and the [plural] form, 'they shall fall away' are needed,(6) for if the Divine Law had used the word 'days' and not the form 'they shall fall away', it might have been held that it is sufficient if one day has passed, and the second begun,(7) and so the Divine Law wrote 'they shall fall away'. And if it had used the form 'they shall fall away', and not [the plural] 'days', it might have been held that even one day is sufficient, and so the Divine Law uses the word days.

MISHNAH. IF A MAN VOWS A NAZIRITESHIP OF LONG DURATION AND COMPLETES IT AND THEN ARRIVES IN THE LAND [OF ISRAEL], BETH SHAMMAI SAY THAT HE IS A NAZIRITE FOR THIRTY DAYS, BUT BETH HILLEL SAY THAT HIS NAZIRITESHIP COMMENCES AGAIN AS AT FIRST. IT IS RELATED THAT QUEEN HELENA,(8) WHEN HER SON WENT TO WAR,(9) SAID: 'IF MY SON RETURNS IN PEACE FROM THE WAR, I SHALL BE A NAZIRITE FOR SEVEN YEARS. HER SON RETURNED FROM THE WAR, AND SHE OBSERVED A NAZIRITESHIP FOR SEVEN YEARS. AT THE END OF THE SEVEN YEARS, SHE WENT UP TO THE LAND [OF ISRAEL](10) AND BETH HILLEL RULED THAT SHE MUST BE A NAZIRITE FOR A FURTHER SEVEN YEARS. TOWARDS THE END OF THIS SEVEN YEARS, SHE CONTRACTED RITUAL DEFILEMENT, AND SO ALTOGETHER SHE WAS A NAZIRITE FOR TWENTY-ONE YEARS. R. JUDAH SAID: SHE WAS ONLY A NAZIRITE FOR FOURTEEN YEARS.(11)

GEMARA. The first clause reads: BETH SHAMMAI SAY [HE] IS A NAZIRITE FOR THIRTY DAYS, BUT BETH HILLEL SAY THAT HIS NAZIRITESHIP COMMENCES AGAIN AS AT FIRST. May we say that the ground on which they differ is that Beth Shammai are of the opinion [Rabbis declared] foreign lands [to be unclean] on account of their soil,

1. For making a distinction between one who undertook the naziriteship in purity, and an unclean person who undertakes a naziriteship, where we require former days'.
2. Num. VI, 12.
3. Since there is only one day to come and not 'days'.
4. Viz., part of the ninety-ninth and the hundredth.
5. Meaning that two complete days must have passed. So Rashi.

6. [The text could have read 'And he shall hallow his head on that day apart from the previous days' (Tosaf.)]
7. Because part of a day is like the whole. The reading of Rashi and the BaH. has been adopted. Our printed text reads: It might have been held that it is necessary for two days to have passed and the third begun, and so the Divine Law used the form 'they shall fall away'. Thus the inference conflicts with the usually accepted interpretation of Raba's reply. The objection to it is that the Gemara above appears to imply that the two phrases are weak forms needing to be strengthened by the appearance of both. The printed text, on the other hand, at the last treats 'days' as a strong form.
8. Queen of the Adiabene, circa 40 C.E., Mother of Izates, V. Josephus Ant. XX, 2-4.
9. Possibly the war of the restoration of Artabanus as King of Parthia. Ibid. 3.
10. Also recorded by Josephus 2, 5.
11. V. the Gemara, infra.

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whilst Beth Hillel are of the opinion that it was on account of the air also?(1) — No! All are agreed that the enactment was because of the soil, but Beth Shammai are of the opinion that we penalise(2) him by [the imposition of] a naziriteship of normal length, whilst Beth Hillel are of the opinion that he is penalised from the very commencement of his naziriteship.

IT IS RELATED THAT QUEEN HELENA etc.: The question was asked: [Does R. Judah agree that] she contracted impurity, in which case his statement concurs with Beth Shammai's opinion,(3) or does he 'deny that she contracted impurity, in which case his statement concurs with Beth Hillel's opinion?(4)

Come and hear: SHE WENT UP TO THE LAND [OF ISRAEL]. AND BETH HILLEL RULED THAT SHE MUST OBSERVE NAZIRITESHIP FOR A FURTHER SEVEN YEARS etc. Now if you assume that she did contract impurity, and that [R. Judah] concurs with Beth Shammai, then the text should read: R. Judah said: She was a nazirite for fourteen years and thirty days, instead of [simply] fourteen years! There has also been taught in the same sense: R. Judah quoting R. Eliezer said that the implication of the verse, And this is the law of the Nazirite [on the day when the days of his separation are fulfilled](5) is: the Torah says that if he contracts ritual defilement on the day of his fulfilment, he is to be given the law of a nazirite.(6)

MISHNAH. WHERE TWO GROUPS OF WITNESSES GIVE EVIDENCE CONCERNING A MAN, ONE SAYING THAT HE VOWED TWO NAZIRITESHIPS(7) AND THE OTHER THAT HE VOWED FIVE, BETH SHAMMAI SAY THAT THE EVIDENCE IS CONFLICTING [IN TOTO], AND NO NAZIRITESHIP OPERATES AT ALL, BUT BETH HILLEL SAY THAT 'FIVE' INCLUDES 'TWO', SO THAT HE BECOMES A NAZIRITE FOR TWO PERIODS.

GEMARA. The Mishnah disagrees with the following Tanna. For it has been taught: R. Ishmael, the son of R. Johanan b. Beroka, said that Beth Shammai and Beth Hillel did not dispute that five included two where there are two groups of witnesses one saying five and one two. Where they differed was when of a single pair of witnesses, one says five and the other two, Beth Shammai averring that this is conflicting evidence, whilst Beth Hillel maintained that [here also], five includes two.

Rab said: All are agreed that where [the witnesses] enumerate [the evidence is conflicting]. R. Hama said to R. Hisda: What does this mean? It cannot mean that one says it was five and not two, and the other it was two and not five, for they plainly contradict each other. And if again it means that one says, [he vowed] a first and a second time, and the other a third, fourth and fifth time.

1. Hence according to Beth Hillel the defilement which he has contracted by being on a foreign land is much more severe.
2. For incurring a defilement instituted by the Rabbis though not recognised by the Torah.
3. That only thirty days are required, the second seven years being due to the impurity.
4. That seven years are required, the fourteen being made up of the original seven, and the seven imposed because of absence from Palestine.
5. Num. VI, 13.
6. The implication is probably that R. Judah does require a nazirite who becomes defiled in his last day to observe thirty more days, so we are entitled to make an inference from the brief form 'fourteen years as is done in the text.
7. So Tosaf. Rashi renders 'years of naziriteship'.

[we may ask,] what need is there for the se cond to repeat [the first two]?(1) Seeing that [the second witness] testifies to the more stringent ones,(2) then he certainly testifies to [the first two] that are less stringent?(3) — In the West(4) they maintain that where there is enumeration, there is no conflicting [of evidence].(5)

CHAPTER IV

MISHNAH. SHOULD A MAN SAY, 'I INTEND TO BE A NAZIRITE, AND HIS COMPANION OVERHEAR AND ADD 'I TOO,' [AND THE NEXT REPEAT] 'I TOO', ALL BECOME NAZIRITES. IF THE FIRST IS RELEASED [FROM HIS VOW],(6) ALL ARE [AUTOMATICALLY] RELEASED, BUT IF THE LAST ONE IS RELEASED, HE ALONE BECOMES FREE, THE OTHERS REMAINING BOUND [BY THEIR VOWS]. IF HE SAYS, 'I INTEND TO BE A NAZIRITE, AND HIS COMPANION OVERHEARS AND ADDS, 'LET MY MOUTH BE AS HIS MOUTH AND MY HAIR AS HIS HAIR, HE [ALSO] BECOMES A NAZIRITE. [IF HE SAYS,] 'I INTEND TO BE A NAZIRITE, AND HIS WIFE OVERHEARS AND ADDS, 'I TOO,' HE CAN DECLARE HER [VOW] VOID,(7) BUT HIS OWN REMAINS BINDING. [IF A WOMAN SAYS,] 'I INTEND TO BE A NAZIRITE, AND HER HUSBAND OVERHEARS AND ADDS, 'I TOO,' HE CANNOT DECLARE [HER VOW] VOID.(8) [IF HE SHOULD SAY IN CONVERSATION WITH HIS WIFE,] 'I INTEND TO BE A NAZIRITE. WHAT ABOUT YOU?' AND SHE ANSWER 'AMEN,' HE CAN DECLARE HER [VOW] VOID, BUT HIS OWN REMAINS BINDING. [BUT IF SHE SHOULD SAY,] 'I INTEND TO BE A NAZIRITE, WHAT ABOUT YOU?' AND HE ANSWER, 'AMEN,' HE CANNOT DECLARE [HER VOW] VOID.(8)

GEMARA. Resh Lakish was [once] seated in the presence of R. Judah the Prince,(9) and discoursed as follows: [They become nazirites by saying 'I too,'] only if they all attach their vows within the interval of a break in conversation.(10) And how much is the length of such an interval? The time sufficient for a greeting. And how much is this? The time taken by a disciple to greet his master.(11) [R. Judah] said to him: You do not allow a disciple any further opportunity.(12)

1. There is still no conflict, although there is enumeration, for seeing that, etc.
2. To the existence of a third, fourth, and fifth naziriteship.
3. In this paragraph, the reading of Tosaf. has been adopted. [According to printed texts, render: 'Why was it necessary to state this; seeing that Rab ruled to this effect in a more stringent case, would he not rule likewise in a less stringent one?' The stringent case referred to is where the enumeration is made by two groups of witnesses, in which case Rab ruled (in a passage which Rashi cites from J. Sanh. V) that the evidence is conflicting.]
4. I.e., in Palestine, cf. J. Sanh. V, 2.
5. He is therefore required to observe two naziriteships, Rab's opinion being wrong. The second witness is not really contradicting the first, and thus there are two witnesses to the first two naziriteships.
6. Under certain conditions release can be obtained from a vow on application to an authorised Rabbi. V. Ned. 78a.
7. The husband has the power of confirming or declaring void his wife's vows 'on the day that he hears them' — v. Num. XXX, 9.
8. For by attaching his vow to hers, he incidentally confirms her vow.
9. Nesi'ah; R. Judah II.
10. I.e., the normal interval between the remarks of two persons holding a conversation. Lit., 'within the time sufficient for (the next) remark.' The point of Resh Lakish's statement is that

we do not consider the remark 'I too' as being like one of the 'allusions' of the beginning of the first chapter, but its validity depends solely on its being obviously a reference to the original vow. Hence it must follow it, as though they were part of the same conversation.

11. I.e., to say the three words, Shalom 'aleka Rabbi; 'Peace unto Thee, Master'.

12. Both to greet his master and say 'I too', (one word), if he wishes to. According to Rashi, R. Judah agreed with Resh Lakish, but other commentators consider that he disagreed with Resh Lakish and allowed four words as the interval in this case.

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The same principle(1) is taught in the following passage: If a man says, 'I intend to be a nazirite' and his companion overhear and delay long enough to make a break in conversation and then add, 'I too,' he himself is bound [by his vow], but his companion is free. The length of a break in conversation is the time taken by a disciple to greet his master.(2)

May we say that the following [passage] corroborates [Resh Lakish's statement]? [For the Mishnah says:] SHOULD A MAN SAY, I INTEND TO BE A NAZIRITE, AND HIS COMPANION OVERHEAR AND ADD 'I TOO,' [AND THE NEXT REPEAT] 'I TOO,' [ALL BECOME NAZIRITES];(3) and carries the series no further?(4) — Do you expect the Tanna to string together a list like a pedlar [crying his wares]?(5) Then why should he not mention ['I too'] once only and leave us to infer the rest?(6) — He could very well have done so, but because in the clause that follows he says: IF THE FIRST IS RELEASED [FROM HIS VOW] ALL ARE [AUTOMATICALLY] RELEASED, BUT IF THE LAST ONE IS RELEASED, HE ALONE BECOMES FREE, THE OTHERS REMAINING BOUND [BY THEIR VOWS], thus [using a phrasing which] implies that there is a person [or persons] in between, he mentions 'I too,' twice [in the opening clause].(7)

The question was propounded: Does each link up with his immediate predecessor, or do they all link up with [the utterance of] the first? The practical issue involved is whether the process can be continued indefinitely. If each links up with his immediate predecessor, then it would be possible to continue indefinitely,(8) but if they all link up with the first one, the process could not continue for longer than the space of a break in conversation.(9) What then is the law? — Come and hear: SHOULD A MAN SAY, I INTEND TO BE A NAZIRITE,' AND HIS COMPANION OVERHEAR AND ADD 'I TOO,' [AND THE NEXT REPEAT] 'I TOO'; without going further; and so we can infer that they all link up with the first,(10) for if it be the case that each links up with his immediate predecessor, why should not the phrase 'I too' be repeated many more times? — Do you expect the Tanna to string together a list like a pedlar [crying his wares]? Then let him mention ['I too'] once, and indicate all the rest in this manner?(11) — Since he continues: IF THE FIRST IS RELEASED [FROM HIS VOW] ALL ARE [AUTOMATICALLY] RELEASED, BUT IF THE LAST ONE IS RELEASED, HE ALONE BECOMES FREE, THE OTHERS REMAINING BOUND [BY THEIR VOWS; thus using a phrasing] which implies that there are persons in between, he therefore mentions 'I too' twice [in the first clause].(12)

Come and hear: IF THE FIRST IS RELEASED [FROM HIS VOW] ALL ARE RELEASED; [it follows that] only [on the release of] the first are the others released, but not [on the release of] an intermediate one, and so we can infer that they all link up with the first one!(13) — I can reply that actually each links up with his immediate predecessor, and the reason [why the first is mentioned] is that [the Tanna] desired to say that 'ALL ARE RELEASED', and if he had stated this in connection with the intermediate one there would have remained the first one unreleased; therefore he preferred to mention in this connection the first.(14)

Come and hear: IF THE LAST ONE IS RELEASED, HE ALONE BECOMES FREE, THE OTHERS REMAINING BOUND [BY THEIR VOWS]. [Now the reason for this is presumably because] there are no others following him,(15) but if the second one, who is followed by others, [were released,] these would also become free,(16) and so we can infer that each links up with his immediate predecessor! — In point of fact, I can argue that they all link up with the first, and that the expression 'THE LAST' [as used by the Tanna] refers to those in between [also], but because he speaks [in the preceding clause] of 'THE FIRST', he refers to the others as THE LAST.(17)

Come and hear [the following passage] where it is taught explicitly: If the first is released they all become free; if the last is released he alone becomes free, the rest remaining bound; if an intermediate one is released, those following him also become free, but those preceding him remain bound. This shows conclusively that each links up with his immediate predecessor.(18)

[IF HE SAYS,] 'I INTEND TO BE A NAZIRITE' AND HIS COMPANION OVERHEARS AND ADDS, 'LET MY MOUTH BE AS HIS MOUTH AND MY HAIR AS HIS HAIR,' [HE ALSO BECOMES A NAZIRITE]: Simply because he says, 'LET MY MOUTH BE AS HIS MOUTH AND MY HAIR AS HIS HAIR,' does he become a nazirite?(19)

1. According to the other commentators: To the same effect as Resh Lakish, as opposed to R. Judah.
2. Tosef. Naz. III, 1.
3. Which would show' that only two can attach themselves.
4. The argument is: If the Tanna merely desired to state that any number of persons can become nazirites by saying 'I too', he should not have stopped after two. Since he does stop, he must have had a different aim, viz to fix the length of the interval that can elapse and the formula still be valid. The interval is naturally that of a break in conversation.
5. Although the expression 'I too', is repeated only twice, there may be no limit to the number of persons who could become nazirites in this
6. Viz. That it is possible for any number to become nazirites by saying 'I too'.
7. To provide the extra person in between the first and the last.
8. Since any number of persons could become nazirites by each saying 'I too' within the specified interval after his immediate predecessor's declaration, 'I too'.
9. I.e., within the specified interval after the first person's declaration, 'I intend to be a nazirite.'
10. So that not more than two persons can say 'I too', consecutively and became nazirites.
11. I.e., since the Tanna does not wish to give a long list, why should he mention even as many as two persons. All the information is contained in the first statement that by saying 'I too' it is possible to become a nazirite.
12. Thus indicating the person in between the first and the last.
13. For otherwise all those who had spoken after any one of the intermediate ones should he released with that one.
14. But in point of fact if any one of the others is released, all the succeeding ones are released.
15. There are in existence several readings of the text at this point. We have adopted that of Tosaf., which keeps very close to the usual printed text.
16. The Mishnah is taken to mean: Only if it is the last one who is released, do all the others remain bound by their vows.
17. But his intention is to exclude only the first.
18. The Gemara frequently attempts to obtain a ruling from a Mishnah even though a Baraitha states explicitly what is required.
19. Which would seem to show that if he says, 'My mouth is a nazirite,' he is a nazirite.

Does not this conflict with the following passage? [It has been taught that if a man says,] 'Let my hand be a nazirite,' or 'Let my foot be a nazirite,' his words are of no effect. [But if he says,] 'Let my head be a nazirite,' or 'let my liver be a nazirite,' he becomes a nazirite. The rule is: If the organ is one upon which life depends, he becomes a nazirite!(1) — Rab Judah replied: [In the Mishnah] he is presumed to say, 'Let my mouth be as his mouth as regards wine,' or 'my hair as his hair as regards shearing.'(2) 9-20-2

[IF A WOMAN SAYS,] 'I INTEND TO BE A NAZIRITE, AND HER HUSBAND OVERHEARS AND ADDS, 'I TOO,' HE CANNOT DECLARE [HER VOW] VOID: The question was propounded: Does the husband nullify(3) or does he only terminate [the vow]?(4) The difference is of importance for deciding the case of a woman who vows to be a nazirite and whose companion overhears and says, 'I too,' and whose husband subsequently hears of the matter and declares her vow void. If it be decided that he nullifies [her vow], her companion is also set free,(5) but if it be decided that he merely terminates [the vow], she herself will be released, and her companion will remain bound [to the vow]. What, then, is the law?

Come and hear: [IF A WOMAN SAYS,] 'I INTEND TO BE A NAZIRITE,' AND HER HUSBAND OVERHEARS AND ADDS, 'I TOO,' HE CANNOT DECLARE [HER VOW] VOID. Now, should you suppose that the husband terminates [the vow], he ought to be able to declare his wife's [vow] void, whilst remaining bound himself.(6) It surely follows, therefore, [from the fact that he cannot do so] that a husband nullifies [his wife's vow]?(7) — Not at all! Strictly speaking, the husband [in general] only terminates [the wife's vow,] and here by rights he should be able to declare her vow void,(8) and the reason why he cannot do so is because his saying, 'I too,' is equivalent to saying, 'I confirm it for you,'(9) and so if he [later] seeks to have the confirmation revoked,(10) he can then declare [his wife's vow] void,(11) but not otherwise.

Come and hear: If a woman undertakes a nazirite vow and sets aside the requisite animal [for the sacrifice] and her husband subsequently declares [the vow] void, then, if the animal was one of his own, it can be put to pasture with the herd,(12) but if it was one of hers, the sin-offering is to be left to die [etc.].(13) Now, should you suppose that the husband nullifies [the vow, the animal] should become profane?(14) It surely follows, therefore, that the husband [merely] terminates [the vow]?(15) — In point of fact, we can maintain that the husband nullifies [the vow], but [the animal remains sacred] for this reason. Since she no longer requires atonement,(16) [the case] is similar to that of a sin-offering whose owner has died, and it is a tradition that sin-offerings whose owners have died are left to die.

Come and hear: If a woman undertakes a nazirite vow and then drinks wine or is defiled by a corpse, she is to receive forty stripes.(17) What exactly are the circumstances? If her husband has not declared [the vow] void, would it have been necessary to tell us this?(18) Obviously, then, her husband must have declared [the vow] void.(19) Now if you suppose that the husband nullifies [the vow], why should she receive forty stripes?(20) It surely follows, therefore, that the husband [only] terminates [the vow]?(21) — In point of fact, we can maintain that the husband really nullifies [the vow], but [in this case] because we are told in the clause that follows: If her husband declares it void without her being aware of it, and she drinks wine or is defiled by a corpse, she does not receive the stripes;(22)

1. But it is possible to live without hair or mouth-hence the conflict. Tosef. Naz. III, 1.
2. Thus expressly referring to the obligations of a nazirite. The statement is now very similar to the 'allusions' of Chapter I.
3. Lit., 'uproot'.
4. I.e., is it as though the vow had never been made, or is the vow only cancelled from the time it is declared void? V. Num, XXX, 7ff.

5. Since the words 'I too' have no object of reference.
6. She would be free hereafter, whilst he would remain a nazirite. Because the termination, while freeing her, in no wise affects the force of his 'I too'.
7. And so he cannot declare his wife's vow void, for by so doing, he would incidentally retract his own vow, which is forbidden.
8. Since the termination of her naziriteship does not affect his own naziriteship.
9. Once the husband has confirmed his wife's vow, he can no longer declare it void; v. Num. XXX, 16.
10. By applying to a Sage.
11. And he himself will remain a nazirite.
12. I.e., it ceases to be sacred and may be returned to the fold.
13. I.e., it is still sacred, v. infra 24a.
14. For the naziriteship is null, and the animal was set aside in error, v. infra 31a.
15. And the animal is actually a sin-offering, but cannot be offered since the woman is no longer a nazirite.
16. For she has ceased to be a nazirite; thus Rashi and the printed text, Tosaf. and other MSS. read: 'Since she requires atonement,' i.e., because she denied herself wine (v. supra 19a).
17. Infra 23a.
18. Viz., that she receives stripes. For she is no different from any other nazirite.
19. After his wife drank wine.
20. For we now see that she was not really a nazirite when she violated the rules of naziriteship.
21. And though she is no longer a nazirite, she must receive stripes for drinking wine when she was a nazirite,
22. Infra 23a.

we are also taught in the first clause that, [if her husband does not annul her naziriteship,] she does receive [stripes].(1)

Come and hear: If a woman undertakes a nazirite vow and contracts ritual defilement, and then her husband declares [the vow] void, she is to bring a bird as a sin-offering, but not one as a burnt-offering.(2) Now if you suppose that the husband terminates [the vow], she ought also to bring a bird as a burnt-offering?(3) — What then would you have us think? That [the husband] nullifies [the vow]? Then she ought not to bring a bird as a sin-offering either?(4) — That is so. Here, however, we are being given the opinion of R. Eleazar ha-Kappar, for it has been taught: R. Eleazar ha-Kappar Berabbi said: [It may be asked,] Why does Scripture say, [And make atonement for him] for that he sinned by reason of the soul?(5) For against what soul has he sinned? [The reply is,] however, that because he denied himself wine, he is called a sinner. If then this man who denied himself wine only is called a sinner, how much more so is this true of one who is ascetic in all things!(6)

Come and hear the following where it is taught explicitly: If a woman vows to be a nazirite and her companion overhears and says, 'I too, and then the husband of the first woman declares [her vow] void, she is released [from her vow] but her companion remains bound.(7) From this it follows that the husband terminates [the vow].(8) R. Simeon however says(9) that where [her companion] says to her, 'I undertake the same [obligation] as you,' both become free.

1. Though here it is obvious,
2. A nazirite who contracts defilement must bring one bird as a burnt offering and one as a sin-offering, (cf. Num. VI, 10, 11); v. supra 19a.
3. For the husband does not affect the period before his declaration that the vow is to be void.
4. Since she was not really a nazirite when she violated her vow.
5. For notes v. supra p. 64.
6. Thus she must bring a sin-offering even though the husband nullifies the vow, because she had denied herself wine.
7. Tosef. Naz. III, 5.
8. Continuation of the cited Baraitha.
9. Since otherwise both women should become free together.

Mar Zutra, the son of Rab Mari said: The same problem is raised here as was raised by Rami b. Hama.(1) For Rami b. Hama wished to know the effect of saying, 'Let these [victuals] be, as far as I am concerned, as the flesh of [this] peace-offering.'(2) Does a man, in thus linking one thing with another, refer to the original state [of the subject of comparison],(3) or to its ultimate state?(4)

But surely [the two cases] do not bear comparison?(5) For when he says in that case, 'Let these [victuals], as far as I am concerned, be as the flesh of this peace-offering,' [the fact remains that] even though once the blood is sprinkled, this may be eaten outside [the Temple precincts, yet it] is still sacred.(6) In our case, on the other hand, if we suppose that she has the ultimate state in mind, then the husband [of the first woman] has declared [the vow] void!(7)

Some consider that our problem and that of Rami b. Hama are undoubtedly identical.(8)

If [a woman] says to her [companion], 'I intend to be a nazirite in your wake,'(9) what would the law be? Does 'in your wake' [mean,] 'I intend to follow in your wake in every respect,' so that she becomes free, or does it refer to her [companion's] condition before her husband declared [the naziriteship] void, so that she remains bound?

Come and hear: If a woman vows to be a nazirite and her husband overhears and adds, 'I too',(10) he cannot declare [her vow] void. Now should you assume that when he says, 'I intend to follow in your wake,'(11) he has in mind the original situation,(12) why should he not be able to declare her [vow] void, whilst allowing his own to remain? Does it not follow, therefore, that what he refers to is the situation with all its developments, and so [it is only when] he himself [is involved that he] cannot declare [the vow] void,(13) but where [another] woman says, 'I intend to follow in your wake,' she would also be freed?(14) — This is not the case. In point of fact, he may be referring to the original situation, but in this case, when he says, 'I too,' it is as though he says. 'I confirm it for you,' and so if he consults [a wise man] in order to have his ratification upset, he will be able to declare [her vow] void, but not otherwise.

[IF HE SHOULD SAY IN CONVERSATION WITH HIS WIFE,] 'I INTEND TO BE A NAZIRITE, WHAT ABOUT YOU'(15) AND SHE ANSWER' AMEN,' HE CAN DECLARE HER [VOW] VOID, BUT HIS OWN REMAINS BINDING: The following passage seems to contradict this statement. [If a man says to his wife,] 'I intend to be a nazirite. What about you?'(16) if she answers 'Amen,' both become bound [to their vows],(17) but otherwise both are free, because he made his vow contingent on hers?(18) — Rab Judah replied: You should [emend the Baraitha to] read, He can declare her [vow] void, but his own remains binding.

Abaye said: It is even possible to leave the reading intact. The Baraitha supposes him to say to her, 'I intend to be a nazirite with you,' thus making his vow contingent on her vow;(19)

1. I.e., whether the vow of the second woman remains binding or not depends, not on the precise force of the husband's declaration that a vow is void, but on the alternatives enunciated by Rami b. Hama.
2. This might not be eaten before its blood was sprinkled on the altar, but could be eaten afterwards.
3. Here, the flesh before the sprinkling of the blood; so that the victuals indicated would also become forbidden. This problem is treated differently in Ned. 11b (q.v.).
4. After the sprinkling of the blood, when the flesh may be eaten. Similarly in the case of the second woman the problem is: — Did she contemplate the original state of the first woman, so that she remains a nazirite, or did she also consider the possibility of the husband declaring the vow void, when her own would also become void. As the Baraitha says that her vow remains binding we may also infer that in Rami b. Hama's case the original state was meant and the victuals are forbidden. The word used to convey the idea of a final state is usually taken from the root meaning 'cold', i.e., 'when it had cooled down'. L. Goldschmidt

suggests that it may be derived from a Syriac word 'zenana' meaning the savour of roast meat,' and refers to the time when the flesh is prepared for food.

5. And therefore the solution of the one problem obtained from the Baraitha, does not give the solution of the other.
6. For it may be eaten for a limited period only, viz.: two days and one night (v. Zeb. V, 7), and so the victuals might also be subject to this restriction. Hence whichever of the alternatives enunciated by Rami is adopted, there is a restriction on the victuals.
7. And the vow of the second will not operate. But she must have meant something by the vow, and we are therefore forced to conclude that she had only the original state in mind. Thus the solution of this problem given by the Baraitha affords no clue to the solution of Rami's problem.
8. These do not consider the distinction drawn above decisive, for the woman may have considered it sufficient if she abstained from wine until the husband of the first one declared the vow void, and so once more we have two alternatives.
9. And then the vow of the other is declared void.
10. This is taken to be the same as 'in your wake', for since the husband can declare her vow void and the outcome of her vow is in his power, he would be referring to her ultimate as well as her present state.
11. And all the more if he says, 'I too', to his wife.
12. And he himself is not affected by any change in her vow.
13. Since he would be freeing himself.
14. If the husband annuls the first woman's vow'.
15. Lit., 'I intend … and thou …'
16. Lit., 'I intend … and thou.'
17. But our Mishnah empowers him to declare her vow void,
18. Tosef. Naz. III.
19. Thus he cannot declare her vow void, for he would be nullifying his own at the same time.

whilst our Mishnah supposes him to say to her, 'I intend to be a nazirite. What about you?'(1) And so he may declare her [vow] void but his own remains binding.

MISHNAH. IF A WOMAN UNDERTAKES A NAZIRITE VOW AND THEN DRINKS WINE OR IS DEFILED BY A CORPSE,(2) SHE IS TO RECEIVE FORTY [STRIPES]. IF HER HUSBAND DECLARES IT VOID WITHOUT HER BEING AWARE OF IT, AND SHE DRINKS WINE OR IS DEFILED BY A CORPSE, SHE DOES NOT RECEIVE THE FORTY [STRIPES]. R. JUDAH SAID: ALTHOUGH [IT MAY BE A FACT THAT] SHE DOES NOT RECEIVE THE FORTY [STRIPES]. SHE SHOULD RECEIVE THE STRIPES INFLICTED FOR DISOBEDIENCE.(3)

GEMARA. Our Rabbis taught: [In the verse,] Her husband hath made them void,' and the Lord will forgive her,(4) Scripture is speaking of a woman whose husband has declared her [vow] void without her knowledge.(5) [intimating] that she requires atonement and forgiveness. When R. Akiba reached this verse. he wept: 'For if one who intended to take swine's flesh and by chance takes lamb's flesh(6) stands in need of atonement and forgiveness, how much more so does one who intended to take swine's flesh and actually took it, stand in need thereof'?(7)

A similar inference may be made [from the verse]. Though he know it not, yet is he guilty and shall bear his iniquity.(8) If of one who intends to take lamb's flesh and by chance takes swine's flesh, for instance in the case of [one who ate] a slice of fat concerning which it was uncertain whether it was of the permitted or the forbidden kind,(9) the text says, 'and shall bear his iniquity', how much more so [is this true] of one who intended to take swine's flesh and actually took it.

Isi b. Judah interpreted [the verse], Though he know it not, yet is he guilty and shall bear his iniquity, [as follows]. If of one who intends to take lamb's flesh and takes swine's flesh for instance in the case of [one who eats one of] two slices(10) of fat one of which is forbidden fat and the other permitted fat, the text says, and shall bear his iniquity, how much more so [is this true] of one who intended to take swine's flesh and actually took it. For this let them grieve that are fain to grieve.

But what need is there for all these cases?(11) — They are all necessary. For if we had only been told about the woman, [we might have thought] that atonement and forgiveness are necessary there,(12) because from the very beginning her intention was to do that which is forbidden, whereas with the slice concerning which it is uncertain whether it is forbidden or permitted fat, where his intention was to do that which is permitted,(13) [we might have thought] that atonement and forgiveness are not necessary. If, on the other hand, we had only been told about the latter, [we might have thought] that it is because there is a definite prohibition involved,(14) whereas the woman whose husband has declared her [vow] void and whose act is [consequently] permitted, should not require atonement and forgiveness. Again, if we had only been told of these two cases, we might have thought that in these two cases atonement and forgiveness suffice, since the presence of something forbidden is not definite, whereas with two slices of which one is forbidden and one permitted fat, where the presence of something forbidden is definite, atonement and forgiveness do not suffice.(15) We are therefore told that there is no difference.

Rabbah b. Bar Hana, quoting R. Johanan, said:(16) The verse, For the ways of the Lord are right, and the just do walk in them,' but transgressors do stumble therein,(17) may be illustrated by the following example. Two men roast their paschal lambs.(18) One eats it with the intention of fulfilling the precept(19) and the other eats it with the inten tion of having an ordinary meal. To the one who eats it to fulfil the precept [applies]. 'And the just do walk in them,' but to the one who eats it to have an ordinary meal [applies], 'but transgressors do stumble therein'. Resh Lakish remarked to him: Do you call such a man wicked? Granted that he has not fulfilled the precept in the best possible manner, he has at least carried out the passover rite. Rather should it be illustrated by two men, each of whom had his wife and his sister staying with him. One chances upon his wife and the other chances upon his sister. To the one who chances upon his wife [applies], 'And the just do walk

in them', and to the one who chances upon his sister [applies], 'but transgressors do stumble therein'.

But are the cases comparable? We speak [in the verse] of one path, whereas here [in the example given] there are two paths.(20) Rather is it illustrated by Lot when his two daughters were with him.(21) To these [the daughters], whose intention it was to do right,(22) [applies], 'the just do walk in them', whereas to him [Lot] whose intention it was to commit the transgression [applies], 'but transgressors do stumble therein'.

But perhaps it was his intention also to do right? — [Do not think this for a moment, for](23) R. Johanan has said: The whole of the following verse indicates [Lot's] lustful character. And Lot lifted up(24) is paralleled by, And his master's wife lifted up her eyes upon;(25) 'his eyes' is paralleled by, for she hath found grace in my eyes(26) 'and beheld' is paralleled by, And Shechem the son of Hamor beheld her;(27) 'all the kikar ['plain'] of the Jordan' by For on account of a harlot, a man is brought to a kikar ['loaf'] of bread,'(28) and 'fat' it was well watered everywhere' by, I will go after my lovers, that give me my bread and my water, my wool and my flax, mine oil and my drink.(29)

But [Lot] was the victim of compulsion?(30) — It had been taught on behalf of R. Jose son of R. Honi that the dot(31) over the letter waw [_ 'and'] in the word U-bekumah ['and when she arose'](32) occurring in [the story of] the elder daughter, is to signify that it was her lying down that he did not notice, but he did notice when she arose. But what could he have done, since it was all over? — The difference is that he should not have drunk wine the next evening.

Raba expounded as follows: What is the significance of the verse, A brother offended is harder to be won than a strong city;

1. Thus his own naziriteship is independent of hers.
2. Intentionally.
3. These were administered at the discretion of the court and are Rabbinical in origin.
4. Num. XXX, 13.
5. Since the same words in verse 9 refer to a woman who knows that her husband has declared her vow void.
6. I.e., the woman who thought to drink wine during her naziriteship, but was not really a nazirite.
7. Tosef. Naz. III, 6.
8. Lev. V, 27. with reference to the offering of a guilt-offering.
9. Heb. Heleb, 'suet'. Animal fat used in the sacrificial rite. This fat might not be eaten even in the case of ordinary animals.
10. Isi b. Judah holds that this guilt-offering was not brought if he ate a slice concerning which it was doubtful whether it was permitted or forbidden fat, but only if he ate one of two slices and did not know if it was the permitted or the forbidden slice.
11. R. Akiba's interpretation of the nazirite woman and the two cases of one who may have eaten forbidden fat.
12. The passage in Lev. V. 27, says that a guilt-offering must be brought for 'atonement' and the offender will be 'forgiven'.
13. He thought it was the permitted kind of fat.
14. For the slice might in fact be forbidden fat.
15. And there must also be expiation. A guilt-offering could be brought only to make as atonement for an unintentional transgression.

16. The whole passage from here to the next Mishnah occurs again in Hor. 10b-12b; for fuller notes v. Hor. (Sonc. ed.). p. 73.

17. Hosea XIV, 20.

18. The passover was to be eaten as the final course of the evening meal when the guests had already eaten their fill.

19. To eat the passover offering. V. Ex. XII, 8.

20. Each has done a different act.

21. After the destruction of Sodom. V. Gen. XIX, 32.

22. Viz., to preserve the human species, for they imagined that the rest of mankind had perished. V. Gen. XIX, 31.

23. Inserted from 'En. Jacob.

24. Gen. XIII, 10.

25. E.V., 'east' her eyes; Potiphar's wife to Joseph. Gen. XXXIX, 7.

26. E.V., 'For she pleaseth me well'; Samson of the Philistine woman. Jud. XIV, 3.

27. Gen. XXXIV, 2.

28. Prov. VI, 16.

29. Hosea II, 7. 'Watered' and 'drink' are from the same root.

30. His daughters first made him drunk.

31. One of the puncta extraordinaria. V. Ges. K. Grammar, sec. 5n.

32. 'And the first born went in and lay with her father; and he knew not when she lay down,' nor 'when she arose'. Gen. XIX, 33.

And their contentions are like the bars of a castle?(1) 'A brother offended is harder to be won than a strong city', refers to Lot who separated from Abraham,(2) 'And their contentions are like the bars of a castle', for he gave rise to contentions [between Israel and Ammon](3) for An Ammonite or a Moabite shall not enter into the assembly of the Lord.(4)

Raba and some say R. Isaac, expounded as follows: What is the significance of the verse, He that separateth himself seeketh his own desire and snarleth against all sound wisdom?(5) 'He that separateth himself seeketh his own desire' refers to Lot. 'And snarleth [yithgale'] against all sound wisdom', tells us that his disgrace was published [nithgaleh](6) in the Synagogues and Houses of Study, as we have learnt: An Ammonite and a Moabite(7) are forbidden [in marriage] and the prohibition is perpetual.(8)

'Ulla said: Both Tamar(9) and Zimri(10) committed adultery. Tamar committed adultery and gave birth to kings and prophets.(11) Zimri committed adultery and on his account many tens of thousands of Israel perished.(12)

R. Nahman b. Isaac said: A transgression performed with good intention is better than a precept performed with evil intention.(13) But has not Rab Judah, citing Rab, said: A man should always occupy himself with the Torah and [its] precepts, even though it be for some ulterior motive,(14) for the result will be that he will eventually do them without ulterior motive?(15) — Read then: [A transgression performed with good intention is] as good as a precept performed for an ulterior motive, as it is written, Blessed above women shall Jael be, the wife of Heber the Kenite. Above women in the tent shall she be blessed,(16) and by 'women in the tent', Sarah, Rebecca, Rachel and Leah are meant.(17)

R. Johanan said: That wicked wretch [Sisera] had sevenfold intercourse [with Jael] at that time, as it says, At her feet he sunk, he fell, he lay; etc.(18) But she derived pleasure from his intercourse? — R. Johanan said:(19) All the favours of the wicked are evil to the righteous, for it says, Take heed to thyself that thou speak not to Jacob either good or bad.(20) Now [that he was not to speak] bad we can understand, but why was he not to speak good? Thus it may properly be inferred that the good of such a one is an evil.

The above text [states]: Rab Judah, citing Rab, said: A man should always occupy himself with the Torah and [its] precepts, even though it be for some ulterior motive, for the result will be that he will eventually do them without ulterior motive. For as reward for the forty-two sacrifices which the wicked Balak offered,(21) he was privileged to be the progenitor of Ruth, for R. Jose son of R. Hanina has said that Ruth was descended from(22) Eglon, [the grandson of Balak,](23) king of Moab.

R. Hiyya b. Abba, citing R. Johanan. said: How do we know that the Holy One, blessed be He, does not withhold the reward even for a decorous expression? The elder daughter [of Lot] called her son Moab(24) and so the All-Merciful One said [to Moses]:(25) Be not at enmity with Moab, neither contend with them in battle.(26) Only war was forbidden, but they might be harassed. The younger daughter, on the other hand, called [her son's] name Ben-Ammi(27) and so it says, Harass them not, nor contend with them.(28) They were not to be harassed at all.

R. Hiyya b. Abin said: R. Joshua b. Korha said: A man should always be as alert as possible to perform a precept, for as reward for anticipating the younger by one night, the elder daughter [of Lot]

1. Prov. XVIII, 19.
2. Thereby offending him. V. Gen. XIII, 11.
3. Corrected from Hor. 10b. Thus Moab and Ammon, Lot's descendants, were barred from intermarriage with Israel because Lot offended Abraham. [The text here reads: 'like bolts and the palace.' I.e., the contentions constitute the bolts which bar the admission of Ammon

and Moab into the house of Israel — the palace.]

4. Deut. XXIII, 4.
5. Prov. XVIII, 1.
6. A play on the Hebrew roots indicated.
7. But not an Ammonite woman or a Moabite woman.
8. Yeb. 76b.
9. With her father-in-law, Judah. V. Gen. XXXVIII, 14.
10. With the Midianitish woman. V. Num. XXV, 14.
11. David and his descendants were of the tribe of Judah; Amos and Isaiah are traditionally said to have been of the tribe of Judah. V. Sot. 10b.
12. In the plague; v. Num. XXV, 9.
13. For an example see below.
14. 'for its own sake'.
15. An example of this occurs below.
16. Jud. V, 24.
17. The word 'tent' occurs in connection with each of these (Tosaf.). Rashi omits Rebecca and says that the reference is to the fact that each of the other three gage their handmaidens to their husbands with ulterior motive.
18. The words 'he sunk', 'he fell', occur three times each, and the words 'he lay' once. Jud. V. 27.
19. Var. lec., R. Johanan said R. Simon b. Yohai said (Hor. 10b).
20. Gen. XXXI, 29.
21. On the occasion of Balaam's attempt to curse Israel. V. Num. XXIII-XXIV.
22. Lit., 'the granddaughter of', cf. Tosaf.
23. Inserted from Hor. 10b.
24. Lit., 'of my father'.
25. Inserted from Hor. 10b.
26. Deut. II, 9.
27. Lit., 'son of my people'. A less shameless appellation.
28. Deut. II, 19.

was privileged to appear in the genealogical record of the royal house of Israel, four generations(1) earlier.

MISHNAH. IF A WOMAN MAKES A NAZIRITE VOW AND SETS ASIDE THE REQUISITE ANIMAL [FOR THE SACRIFICE] AND HER HUSBAND SUBSEQUENTLY DECLARES [THE VOW] VOID, THEN, IF THE ANIMAL WAS ONE OF HIS OWN, IT CAN BE PUT TO PASTURE WITH THE HERD,(2) BUT IF IT WAS ONE OF HERS, THE SIN-OFFERING IS TO BE LEFT TO DIE, THE BURNT-OFFERING IS TO BE OFFERED AS AN [ORDINARY] BURNT-OFFERING, AND THE PEACE-OFFERING IS TO BE OFFERED AS AN [ORDINARY] PEACE-OFFERING. THIS [LAST], HOWEVER, MAY BE EATEN FOR ONE DAY [ONLY],(3) AND REQUIRES NO LOAVES.(4) IF SHE HAS A LUMP SUM OF MONEY(5) [SET ASIDE FOR THE PURCHASE OF SACRIFICES]. IT IS TO BE USED FOR FREE-WILL OFFERINGS;(6) IF EARMARKED MONEY,(7) THE PRICE OF THE SIN-OFFERING IS TO BE TAKEN TO THE DEAD SEA;(8) THE USE OF IT IS FORBIDDEN, BUT INVOLVES NO MALAPPROPRIATION;(9) FOR THE SUM SET ASIDE FOR THE BURNT-OFFERING, A BURNT-OFFERING IS TO BE PROVIDED, THE USE OF WHICH INVOLVES MALAPPROPRIATION;(10) WHILST FOR THE SUM SET ASIDE FOR THE PEACE-OFFERING, A PEACE-OFFERING IS TO BE PROVIDED, WHICH MAY BE EATEN FOR ONE DAY [ONLY] AND REQUIRES NO LOAVES.(11)

GEMARA. Who is the Tanna [of our Mishnah, who intimates] that the husband is not liable for the wife's [sacrifices]?(12) — R. Hisda said: It is the Rabbis, for if you suppose it is R. Judah [then since he is liable,] why should [the animals] be sent to pasture with the herd?(13) For it has been taught: R. Judah says: A man [who can afford to do so] must offer the rich man's sacrifice(14) on his wife's behalf, as well as all other sacrifices for which she may be liable. For thus does he write to her [in the marriage settlement, viz.: I shall pay] every claim you may have against me from before up to now.(15)

Raba said: It may even be R. Judah. [The reply to R. Hisda's objection being that the husband] is liable only for something which she needs, but not for something which she does not need.(16)

Another version [of the above discussion is as follows]. Who is the Tanna [of our Mishnah]? — R. Hisda said: It is R. Judah,(17) [the husband, however,] being liable only for something that she needs, but not for something that she does not need.(18) For if it were the Rabbis [do they not say that] he is not liable for her [sacrifices] at all?(19) The only possible interpretation of the liability [implicit in the Mishnah](20) would be that he transferred [the animals] to her, but on transference it becomes her own property.(21)

1. Obed, Jesse, David and Solomon through Ruth; while Rehoboam was a son of Naamah, the Ammonitess.
2. I.e., it ceases to be sacred and may be returned to the fold.
3. Until midnight, the period allowed for a nazirite offering (v. Zeb. V, 6); whereas an ordinary peace-offering could be eaten for two days and a night. (V. Ibid. V, 7).
4. Whereas a nazirite offering does require them. V. Num. VI, 15.
5. I.e., if the sums to be spent on the separate sacrifices were still unspecified.
6. Burnt-offerings, whose hides became the perquisite of the priests.
7. I.e., divided into portions for the separate sacrifices.
8. 'Taken to the Dead Sea' is the usual Talmudic mode of saying, 'not applied to any useful purpose.'
9. I.e., there is no penalty. For the rules regarding the unauthorised use of sacred property. v.

Lev. V, 15.

10. Heb. me'ilah, the diversion of sacred or priestly things to secular or lay uses. E.V. uses 'trespass', but 'mal-appropriate' expresses better the sense of the Hebrew word (cf. N.E.D.).

11. Thus earmarked money is treated in the manner prescribed for sacrifices.

12. By declaring that if she sets aside his animals without his consent, they do not remain sacred at all.

13. They ought to remain sacred, because she had the right to take them.

14. Where the kind of sacrifice to be offered depends upon a man's means. e.g., Lev. V, 7.

15. This clause is taken as referring to sacrifices for which she may have become liable after the betrothal. This shows that in R. Judah's opinion the husband is liable. Other versions read instead of the last sentence: For thus does she write (in the receipt for her marriage-settlement when she claims it after divorce): And every claim that I may have had against you before now (is hereby discharged).

16. And his annulment of her vow shows that there was no need for her sacrifice, which thereby loses its sanctity.

17. Who says that a man must offer a rich man's sacrifice for his wife.

18. And therefore when the husband declares the vow void, the animals lose their sanctity.

19. What need therefore for the rule? She cannot make his animal sacred at all.

20. Which in saying that the animals are sent to pasture only if the husband declares her vow void, implies that if he does not declare it void, they become sacred.

21. And this ease is considered in the second clause of the Mishnah: 'BUT IF IT WAS ONE OF HERS. Thus this interpretation on the view of the Rabbis is impossible.

Raba said: It may even be the Rabbis, for even when he transfers it to her [his intention is] to provide something which she needs, but he does not transfer it to provide something she does not need.(1)

IF IT WAS ONE OF HERS, THE SIN-OFFERING IS TO BE LEFT TO DIE, THE BURNT-OFFERING IS TO BE OFFERED: Where did she get it from, seeing that it has been affirmed that whatever a woman acquires becomes her husband's? — R. Papa replied: She saved it out of her housekeeping money.(2) Another possibility is that it was given to her by a third person with the proviso that her husband should have no control over it.

THE BURNT-OFFERING IS TO BE OFFERED AS AN [ORDINARY] BURNT-OFFERING, AND THE PEACE-OFFERING IS TO BE OFFERED [etc.]. Samuel said to Abbahu b. Ihi: 'You are not to sit down(3) until you explain to me the following dictum: 'The four rams that do not require loaves [as an adjunct of the sacrifice] are the following: — his, hers, and those after death and after atonement!'(4) — [He explained as follows:] 'Hers' is the one referred to [in our Mishnah]. 'His' is referred to in the following [Mishnah]: For we learnt: A man is able to impose a nazirite vow on his son, whereas a woman cannot impose a nazirite vow on her son. Consequently, if [the lad] polls himself [within the period of his naziriteship] or is polled by his relatives, or if he protests(5) or his relatives protest on his behalf, then if a lump sum was set aside, it is to be used to provide free-will offerings, and if earmarked monies, the price of the sin-offering is to be taken to the Dead Sea, [the use of it is forbidden, but involves no malappropriation];(6) for the price of the burnt-offering, a burnt-offering is to be provided and this can involve malappropriation, whilst for the price of the peace-offering, a peace-offering is to be provided which may be eaten for one day only and requires no loaves.(7) Whence do we know [this of] 'the one after death'? — For we have learnt: Should a man set aside money for his nazirite offerings, the use of it is forbidden but involves no malappropriation since it may all be expended on the purchase of a peace-offering.(8) If he should die, monies not earmarked are to be used for providing freewill-offerings, whilst with regard to earmarked monies, the price of the sin-offering is to be taken to the Dead Sea, the use of it is forbidden but involves no malappropriation; for the price of the burnt-offering, a burnt-offering is to be provided, and this does involve malappropriation; whilst for the price of the peace-offering, a peace-offering is to be provided, which may be eaten for one day [only] and requires no loaves.(9)

[That] 'the one after atonement' [requires no loaves] we learn by a process of reasoning. For the reason that the 'one after death' does not [require loaves] is because it is not eligible for the purposes of atonement,(10) but then neither is the 'one after atonement' eligible for the purpose.(11)

But are there no more? What of the following [passage that Levi taught]:(12) All other peace-offerings of a nazirite, not slaughtered in the prescribed manner(13) are fit [for the altar], but they do not count as fulfilment of their owner's obligation;(14) they may however be eaten for one day [only],(15) and do not require loaves or [the gift of] the shoulder(16) [to the priest]?(17) — The enumeration [of Samuel] includes [animals offered] in the prescribed manner but omits those not [offered] in the prescribed manner.

['If he should die,] and have a lump sum of money it is to be used for providing free-will offerings'.(18)

1. The transference is thus provisional, and this case is not the same as that of the second clause.
2. Lit., 'scraped it off her dough.'
3. [Lit., 'sit on your legs.' with reference to their custom of sitting on the ground with the legs crossed under them, v. Orah Mishor, a.l.]
4. 'After atonement' means an animal that was lost and replaced and then found. The others are explained below.

5. Even if be does not poll.
6. Added with R. Akiba Eger (d. 1837) from the Mishnah text infra 28b.
7. Infra 28b. For the various terms used see our Mishnah (24a) and notes.
8. A peaceoffering could not be malappropriated until after the ritual sprinkling of its blood, v. Me'il, 6b. For the other offerings extra money could be provided.
9. Me'il III, 2.
10. For the owner is dead and no further atonement is necessary.
11. Because the atonement has already been made, and so here too loaves are not required.
12. So BaH, cf. Men. 48b.
13. The prescribed peace-offering for a nazirite is a ram of the second year.
14. And he must offer another beast.
15. V. supra p. 85, n. 10.
16. V. Num. VI, 19.
17. V. Tosef. Naz. IV.
18. Quoted from Mishnah Me'il, cited above.

Folio 25a

But money for a sinoffering is included in it?(1) — R. Johanan said: This is a traditional rule(2) relating to the nazirite. Resh Lakish said: The Torah says, [in the verse] Whether it be any of their vows or any of their-freewill offerings.(3) This indicates that anything left over from [money subscribed for] vowed offerings is to be spent on freewill-offerings.(4)

Now if we accept the view of R. Johanan who says that this ruling concerning the nazirite is traditional, we can understand why it [applies only to] a lump sum of money and not to earmarked money.(5) But on Resh Lakish's view that it is derived from the verse, Whether it be any of their vows, or any of their freewill offerings, why should it apply only to money in a lump sum? Surely it should also apply to earmarked monies? — Raba replied: You cannot maintain that the reference is also to specific monies, for a Tanna of the School of R. Ishmael has already given a [different] decision [as follows]: The verse, Only thy holy things which thou hast and thy vows,(6) speaks of the offspring and substitutes(7) of sacred animals. What is to be done with them? Thou shalt take [them] and go unto the place which the Lord shall choose.(6) It might be thought [from this] that they are to be taken to the Temple and kept without food and drink until they perish, but Scripture continues, And thou shalt offer thy burnt-offerings, the flesh and the blood,(8) as much as to say, as you do with the burnt-offering so do with its substitute,(9) as you do with the peace-offering so do with its offspring [and substitutes]. It might further be thought that the same applies to the offspring [and substitutes] of a sin-offering and the substitute of a guiltoffering,(10) but the text states 'only' [precluding these].(11) The above is the opinion of R. Ishmael. R. Akiba says that it is unnecessary [to use this argument for the guilt-offering], for it says. It is a guiltoffering,(12) which shows that it retains its status.(13)

[The above passage] states: 'It might be thought that they are to be taken to the Temple and kept without food and drink until they perish, but Scripture continues, And thou shalt offer thy burnt-offerings, the blood and the flesh.' But why [should one think this]; seeing that only in regard to the sin-offering is there a traditional teaching that it is left to perish?(14) — Were it not for the verse, it might have been thought that the offspring of the sin-offering [may be allowed to perish] anywhere,

1. Should not this be 'taken to the Dead Sea'?
2. Lit., 'a halachah'.
3. Lev. XXII, 18.
4. And here there is money left over from the naziriteship money.
5. For presumably the tradition mentioned one and not the other.
6. Deut. XII, 26. The words in themselves are superfluous.
7. Substitution of a sacrifice was not allowed, and if it was attempted both animals became sacred, v. Lev. XXVII, 33.
8. Deut. XII, 27.
9. I.e., sacrifice it in the same way. 'Offspring' is not mentioned in connection with the burnt-offering or guilt-offering because these are males.
10. That they be offered as guilt-offerings or sin-offerings.
11. The particle, er only, is one of the particles invariably considered to indicate a limitation of the rule that follows it.
12. Lev. V, 19.
13. The word 'it is', is emphatic in the Hebrew'. Hence if money is ear-marked for a sin-offering etc., it cannot be used for voluntary offerings, but must be used in the manner described in the Mishnah.

14.Tem. 21b.

whilst the offspring of other sacred animals [are left to perish] in the Temple only;(1) hence we are told that they are not [left to perish at all].

It also states above: It might further be thought that the same applies to the offspring [and substitutes] of sin-offerings and the substitute of a guilt-offering, but the text states 'only' precluding [these]. But what need is there of a verse, for there is a traditional ruling that the offspring of a sin-offering is to perish? — That is so; but the verse is required for the guilt-offering.

But for the guilt-offering, too, there is a traditional ruling viz., that wherever [an animal] if intended as a sin-offering, is left to perish, if intended as a guilt-offering it is allowed to pasture [until a blemish appears]?(2) — If we had only the traditional ruling, it might be thought that the traditional ruling [is indeed so], but [nevertheless] should someone sacrifice [the animal] he would incur no guilt by so doing; hence the verse tells us that if someone should sacrifice it, he has transgressed a positive precept.(3)

'R. Akiba says that it is unnecessary [to use this argument for the guilt-offering] for it says, It is a guilt-offering, which shows that it retains its status.' What need is there of the verse, since we have it as a traditional ruling that wherever [an animal] if intended as a sin-offering is left to perish, if intended as a guilt-offering it is to pasture [until a blemish appears]? — That is so, and the verse is only necessary for [the case described by] Rab. For R. Huna. citing Rab, said: If a guilt-offering which had been relegated to pasture(4) [until a blemish appears] was slaughtered as a burnt-offering, it is a fit and proper [sacrifice].(5) This is true only if it was [already] relegated, but not otherwise, for the verse says, 'It is [a guilt-offering,' implying] that it retains its status.(6)

The master said [above]: 'This is a traditional ruling(7) concerning the nazirite.' Are there then no other spheres [in which it applies]? Has it not been taught: 'And all others(8) required by the Torah to offer a nest of birds,(9)

1. Since it says, 'Thou shalt take (them) etc.'
2. When it would be sold and the money devoted to sacred purposes.
3. Viz.: that only the others are to be sacrificed and not this one. A prohibition inferred from a positive command, as here, is called a positive precept.
4. Lit., 'was transferred (from the category of guilt-offering) to pasture.'
5. And the flesh may be burnt on the altar.
6. As a guilt-offering and if offered as a burnt-offering, the flesh is not fit for the altar.
7. That no account is taken of the presence of money that should have gone to purchase a sin-offering, but the whole of the money if in a lump sum is utilised for freewill-offerings.
8. As well as the nazirite.
9. E.g., a leper who must offer on recovery a sin-offering and a burnt-offering, and may provide birds if he cannot afford animals; v. Lev. XIV, 21ff.

who set aside money for this purpose and then desire to use it to provide an animal(1) as sin-offering, or as burnt-offering can do so. Should such a one die and leave a lump sum of money, it is to be used to provide freewill-offerings'?(2) — He mentions the nazirite, meaning also [to include] those required to offer birds whose case is similar,(3) but excluding [the following case]. For it has been taught: If a man, under an obligation to offer a sin-offering, says, 'I undertake to provide a burnt-offering,' and sets aside money saying, 'This is for my obligation,' should he then desire to provide from it either a sin-offering or a burnt-offering he must not do so.(4) Should he die and leave a lump sum of money, it is to be taken to the Dead Sea.(5)

R. Ashi said: In the statement(6) that moneys earmarked must not be used [for freewill-offerings], you should not presume [the meaning to be] that he said, 'This [portion] is for my sin-offering, this for my burnt-offering, and this for my peace-offering,' for even if he says simply, '[All] this is for my sin-offering, burnt-offering and peace-offering,' it counts as earmarked money.(7) Others say that R. Ashi said, Do not presume that he must say, '[All] this is for my sin-offering, burnt-offering and peace-offering,' for even if he says, '[All] this is for my obligation,' it is regarded as earmarked money.(8)

Raba said: Though we have said that a lump sum of money is to be used for freewill-offerings, yet if the money for the sin-offering becomes separated from the rest,(9) all is regarded as earmarked.

1. If they become more affluent.
2. Thus the ruling applies to these as well as to the nazirite.
3. Since their obligation to provide both a sin-offering and a burnt-offering springs from a single source, and they are not separate obligations.
4. Here the obligations are separate. What he must do is to add more money and buy both animals at the same time (Tosaf.).
5. The traditional ruling does not apply here, and there is now no remedy since a sin-offering cannot be brought after death. Tosef. Me'il. I, 5.
6. In the various texts quoted above.
7. And must not be used for freewill-offerings.
8. And the sums required are regarded as unspecified only if he put them aside without stating their purpose.
9. E.g., if sufficient for a sin-offering is lost, the rest is to be used as to half for a peace-offering and half for a burnt-offering.

Nazir 26b

It has been taught in agreement with Raba: [If a nazirite says,] 'This is for my sin-offering and the remainder for the rest of my nazirite obligations,' [and then dies,] the money for the sinoffering is to be cast into the Dead Sea, and the rest is to be used, half to provide a burnt-offering, and half, a peace-offering.(1) The law of malappropriation applies to the whole of it,(2) but not to any separate part of it.(3) [If he says,] 'This is for my burnt-offering and the remainder for the rest of my nazirite obligations,' [and then dies,] the money for the burnt-offering is to be used for a burnt-offering and it can suffer malappropriation, whilst the rest is to be used to provide freewill-offerings and can suffer malappropriation.(4)

Rab Huna, citing Rab, said that [our rule](5) applies only to money, but animals would be regarded as earmarked.(6) R. Nahman added that the animals that would be regarded as earmarked would only be unblemished animals, but not blemished ones.(7) [Three] bars of silver, on the other hand, would be counted as earmarked.(8) R. Nahman b. Isaac, however, considered even bars of silver as unspecified,(9) but not [three] piles of timber.(10)

R. Shimi b. Ashi asked R. Papa: What is the reason [for the distinctions made] by these Rabbis?(11) Is it that they interpret money',(12) as meaning neither animals, nor bars of silver, nor piles of timber [as the case may be]? For if so, they should also say money' but not birds.(13) Should you reply that they do make this distinction too, how comes R. Hisda to say that birds(14) do not become earmarked except [when earmarked] by the owner at their purchase, or by the priest at their preparation,(15) seeing that our tradition is that only money [is regarded as unspecified]? —

1. In agreement with Raba.
2. Since the money for the burnt-offering can suffer malappropriation.
3. Since the money for the peace-offering may be in the part used, and a peace-offering does not suffer malappropriation.
4. Adopting an emendation of the Wilna Gaon after the text of Tosef. Me'il. I, 5. Our texts read: 'The law of malappropriation applies to the whole of it, but not to any part of it.' This cannot be the case since all the rest is to be used for freewill burnt-offerings which suffer malappropriation.
5. Regarding the disposition of a lump sum of money.
6. Even if they were not the animals that a nazirite must bring (v. Tosaf. and Asheri for various explanations of the distinctions). Possibly the reason is that it can be assumed that he intended to exchange each one for one of the animals suitable for his sacrifice.
7. He would have to sell these first in order to purchase others, and would not think of them In terms of animals but in terms of money.
8. He would not sell the silver to buy animals, in order not to lose on the two transactions, but would await his opportunity to barter for animals.
9. They are easily convertible into money at a very small loss, and would therefore naturally be thought of in terms of money.
10. Which would not be sold, in order to avoid loss, but bartered for animals.
11. Rab, R. Nahman and R. Nahman b. Isaac.
12. In the phrase, 'money in a lump sum,' occurring in our Mishnah and the other texts.
13. I.e., they should regard birds as specified.
14. Lit., 'nests', i.e., the pair of birds brought as offerings; cf. e.g., Lev. XII, 8.

15. But not by the mere purchase. Hence if the owner dies, the pair is indeterminate and becomes a freewill-offering in the cases considered, contrary to the assumption that this is true only of money.

Folio 27a

He replied: But on your own argument [that all these are unspecified], how are we to explain [the following] which we learnt: R. Simeon b. Gamaliel said that if [a nazirite] brings three animals and does not say explicitly [what they are for], the one which is fit to be a sin-offering shall be offered as a sin-offering,(1) the one fit to be a burnt-offering(2) shall be offered as a burnt-offering and the one fit for a peace-offering(3) shall be offered as a peace-offering?(4) Now why should this be so? Do you not say that animals are not regarded as earmarked?(5) — [R. Shimi b. Ashi](6) rejoined: [The explanation is this.(7) In R. Hisda's case] the reason(8) is because the All-merciful has said, And she shall take [two turtle doves, the one for a burnt-offering and the other for a sin-offering],(9) and also, And [the priest] shall take [the one for a sin-offering and the other for a burntoffering(10) showing that they can be earmarked] either when the owner takes them or when the priest offers them. [In R. Simeon b. Gamaliel's case] too

1. The ewe lamb; v. Num, VI, 14.
2. The one year old male lamb.
3. The two year old ram.
4. Infra 45a.
5. Surely therefore we must regard them as earmarked and take the expression 'money' as excluding all else from being regarded as unspecified.
6. So Asheri. According to Rashi, R. Papa is still speaking; but v. Yoma 41a where the statement following is attributed to R. Shimi b. Ashi.
7. R. Shimi now assumes that unless there has been explicit earmarking, everything is unspecified, and he therefore goes on to explain why R. Hisda allows the priests to earmark the birds and the reason for R. Simeon b. Gamaliel's statement.
8. That it is possible for the priest to sacrifice the birds even if the owner does not specify them, although birds are otherwise specified.
9. Lev. XII, 8.
10. Lev. XV, 30.

would it be possible to say that the one that should be the sin-offering is to be the burnt-offering, seeing that one is female and the other male?(1)

R. Hamnuna raised an objection: Do we really say that an animal which has a blemish is regarded as unspecified? Come [then] and hear [the following]: What are the circumstances in which a man is permitted to poll at the expense of his father's naziriteship? Suppose his father had been a nazirite and had set apart the money for his nazirite sacrifices and died, and [the son then] said, 'I declare myself a nazirite on condition that I may poll with my father's money,'(2) [then he may do so].(3) If he leaves unspecified moneys, they fall to [the Temple treasury to provide] freewillofferings. If there were animals set apart, the sin-offering is left to die, the burnt-offering is to be offered as a burnt-offering, and the one for a peace-offering is to be offered as a peaceoffering.(4) Is not this the case even if the animal is blemished?(5) — No; only if it is without blemish. But if a blemished one is unspecified, why is money' mentioned?(6) The text ought to read: If he left a blemished animal, it is to be used to provide freewill-offerings?(7) — That is precisely what it means. For a blemished animal is made sacred purely in respect of the price it will bring; and this price is [included in] 'money'.

Raba raised an objection: [It has been taught: The expression] his offering(8) [signifies] that he can discharge his obligation with his own offering but not with that of his father. It might be thought [that this means merely] that an obligation with regard to a serious offence cannot be discharged with an offering set aside by his father for a less serious offence or vice versa, whereas he could discharge an obligation entailed by a less serious offence, with an offering set aside by his father for a similar offence, or [an obligation] entailed by a more serious offence, with [an offering set aside for] a similar offence. Hence Scripture repeats the words, his offering,(9) [to show that] he can discharge an obligation with his own offering but not with that of his father [even in this instance]. Again, it might be supposed that [the rule that] he cannot discharge an obligation with his father's offering applies only if it is an animal set aside by his father albeit for an offence of a similar degree of gravity, since [there is a similar rule] that a man cannot make use of his father's [nazirite] animal for polling in respect of [his own] naziriteship,(10) but that he could discharge his obligation with motley set aside by his father, and even [transfer it] from a serious offence to one less serious or vice versa, for a man can make use of his father's [nazirite] money for polling in respect of [his own] naziriteship,

1. And so formal earmarking is not necessary, but in all other cases it is necessary and without it they are regarded as unspecified. Thus R. Shimi b. Ashi disagrees with the Rabbis mentioned above. Maim. Yad Neziruth IX, 5, also rules in agreement with this interpretation of R. Shimi's views.
2. I.e., buy the sacrifices that must be offered on polling with my father's money.
3. The quotation is incomplete. V. the Tosef. and cf. infra 30b.
4. Tosef. Naz. III, 9.
5. Viz., that it is left to die or to be used to provide a burnt-offering or a peace-offering, as the case may be. How then does R. Nahman (R. Hamnuna's contemporary) distinguish between blemished and unblemished animals?
6. In the opening clause of the Baraitha.
7. This is a finer distinction than the one between animals and money.
8. Used with reference to the sacrifice a ruler must bring if he sins in error, Lev. IV. 23.
9. Used also with reference to the goat brought as a sacrifice by one of the common people who sins in error, Lev. IV, 28.
10. V. infra 30a.

always provided that it is a lump sum and not earmarked money.(1) Hence Scripture repeats the expression his offering(2) [a third time, to show] that he can discharge his obligation with his own offering, but not with that of his father [even in this instance]. It might be thought, further, [that we can only lay down] that he is unable to discharge an obligation with money set aside by his father, albeit for an offence of equal gravity, but that he could discharge his obligation with an offering he himself has set apart, [even transferring it] from a less serious to a more serious offence, or vice versa. Hence Scripture uses the expression, his offering … for his sin,(3) to show that the offering must be for the particular sin. It might be argued, again, that [we can only lay down that] he cannot discharge his obligation with an animal which he has set apart for himself whether for an equally serious offence or for an offence of a different degree of gravity, since [we know that] if he sets aside an animal [to make atonement] for [the offence of eating] forbidden fat,(4) and [by mistake] sacrifices it for [the offence of eating] blood, or vice versa, he has not been guilty of malappropriation and [consequently] has not procured atonement;(5) but [we might think] that he could discharge his obligation with money which he set aside for himself whatever be the degree of gravity of the offence, since [we know that] if he set aside money for himself [to make atonement] for [the offence of eating] forbidden fat, and used it [by mistake] for [the offence of eating] blood, or vice versa, he is guilty of malappropriation and [consequently] does procure atonement,(6) and so Scripture says, for his sin(7) to show that the offering must be for the particular sin [even in such circumstances].(8) Now this passage refers simply to an animal.(9) Surely this includes even a blemished one?(10) — Not at all. One without blemish is meant. But if a blemished animal is regarded as not earmarked, why go on to speak of money set aside by his father when it could speak of an animal which has a blemish [instead]?(11) — That is precisely [what is meant], for the only use [of such an animal for sacrificial purposes] is for the price it will bring, and this price is 'money'.

MISHNAH. IF ONE OF THE KINDS OF BLOOD(12) HAS BEEN SPRINKLED ON HER BEHALF, [THE HUSBAND] CAN NO LONGER ANNUL [THE VOW].(13) R. AKIBA SAYS, IF EVEN ONE OF THE ANIMALS HAS BEEN SLAUGHTERED ON HER BEHALF, HE CAN NO LONGER ANNUL [THE VOW]. THE ABOVE IS TRUE ONLY IF SHE IS POLLING(14) [AFTER OBSERVING THE NAZIRITESHIP] IN PURITY, BUT IF SHE IS POLLING AFTER RITUAL DEFILEMENT, HE CAN [STILL] ANNUL [THE VOW], BECAUSE HE CAN SAY, 'I CANNOT TOLERATE AN UNSEEMLY WIFE,'(15) RABBI(16) SAYS THAT HE CAN ANNUL [HER VOW] EVEN IF SHE IS POLLING [AFTER OBSERVING THE NAZIRITESHIP] IN PURITY, SINCE HE CAN AVER THAT HE CANNOT TOLERATE A WOMAN WHO IS POLLED.

GEMARA. Our Mishnah does not agree with R. Eliezer, for R. Eliezer says that polling is a bar [to the drinking of wine],(17) and since she has not polled, she is forbidden wine, and so since she is [still] unseemly, he is able to annul [her vow].

1. Ibid.
2. Used also with reference to the lamb brought as a sacrifice by one of the common people who sins in error, Lev. IV, 32.
3. 'He shall bring for his offering a goat … for his sin which he hath sinned.' Lev. IV, 28.
4. Heb Heleb.
5. He is guilty of malappropriation if he transfers an object in error from sacred to profane use, This cannot be done with animals intended for the altar, but only with objects intended for general temple use. Since an animal intended for the altar cannot be transferred from sacred to profane use, it cannot possibly become his again, and so once he sets aside an animal for the offence of eating forbidden fat, he cannot gain possession of it in order to use it to atone

for his offence of eating blood.

6. For malappropriating sacred money renders it his and it can now be used for any purpose he likes; v. note 2.
7. Lev. IV, 18. The phrase used is the same as that from which the last inference was drawn. Rashi uses the verse in Lev. IV, 16, 'as concerning his sin'; but the parallel quotation in Ker. 27b is identical with this.
8. And so, although the transference in error was valid, he is unable to transfer it at will. This Baraitha occurs also in Ker. 27b.
9. In mentioning that a nazirite cannot poll with his father's animal.
10. And so we see that a blemished animal is regarded as specific.
11. And so make the distinction finer.
12. I.e., the blood of one of the sacrifices.
13. And her hair must be shorn.
14. I.e., bringing the sacrifices at the polling.
15. A teetotaller. This is based on the verse in Zach. IX, 1. 'New wine shall make the maids flourish.'
16. Some versions read R. Meir.
17. No wine may be drunk until after polling.

Our Tanna [on the other hand] takes the view that as soon as the blood is sprinkled on her behalf, she is permitted to drink wine and as a result she is no longer unseemly, whilst R. Akiba is of the opinion that even though the animal has only been slaughtered, he is no longer able to annul [her vow] since destruction of sacred property [would result].(1)

R. Zera objected: But why [should there necessarily be destruction of sacred property, in such a case]? Could not the blood be sprinkled as though it were some other [sacrifice],(2) when it would be permitted to eat the flesh? For has it not been taught: If the lambs prepared for the Festival of Assembly(3) were slaughter ed as though they were a different sacrifice, or before or after the proper time,(4) the blood is to be sprinkled and the flesh can be eaten. Should [the mistake] occur on a Sabbath, [the blood] is not to be sprinkled, but if [notwithstanding] it is sprinkled, [the sacrifice] is acceptable, but the portions belonging to the altar must be roasted after dark?(5) — The reply is this. If it were the burntoffering or the peace-offering that had been slaughtered,(6) this [procedure] could be followed, but [the Mishnah] assumes that the sin-offering was slaughtered first [as could in fact happen], for we have learnt: If [the nazirite] polls after [the sacrifice] of any one of the three, his duty is performed.(7)

THE ABOVE IS TRUE ONLY IF SHE IS POLLING [AFTER OBSERVING THE NAZIRITESHIP] IN PURITY, BUT IF SHE IS POLLING AFTER RITUAL DEFILEMENT, HE CAN [STILL] ANNUL [THE VOW], BECAUSE HE CAN SAY, 'I CANNOT TOLERATE AN UNSEEMLY WIFE.' RABBI SAYS THAT HE CAN ANNUL [HER VOW] EVEN IF SHE IS POLLING [AFTER OBSERVING THE NAZIRITESHIP] IN PURITY, SINCE HE CAN AVER THAT HE CANNOT TOLERATE A WOMAN WHO IS POLLED. The first Tanna [does not allow this objection] because she can wear a wig, but Rabbi considers that [the husband] will not be satisfied with a wig because of the dirt [it collects].(8)

MISHNAH. A MAN IS ABLE TO IMPOSE A NAZIRITE VOW ON HIS SON,(9) BUT A WOMAN CANNOT IMPOSE A NAZIRITE VOW ON HER SON. IF(10) [THE LAD] POLLS HIMSELF OR IS POLLED BY HIS RELATIVES, OR IF HE PROTESTS OR HIS RELATIVES PROTEST ON HIS BEHALF, THEN IF [THE FATHER] HAD SET ASIDE AN ANIMAL [FOR THE SACRIFICE], THE SIN-OFFERING IS LEFT TO DIE, THE BURNT-OFFERING IS TO BE OFFERED AS AN [ORDINARY] BURNT-OFFERING, AND THE PEACE-OFFERING IS TO BE OFFERED AS AN [ORDINARY] PEACE-OFFERING. THIS [LAST], HOWEVER, MAY BE EATEN FOR ONE DAY [ONLY], AND REQUIRES NO LOAVES. IF HE HAD UNSPECIFIED MONIES, THEY FALL [TO THE TEMPLE TREASURY] TO PROVIDE FREEWILL-OFFERINGS: WHILST WITH REGARD TO EARMARKED MONIES, THE PRICE OF THE SIN-OFFERING IS TO BE TAKEN TO THE DEAD SEA, IT BEING NEITHER PERMISSIBLE TO USE IT, NOR POSSIBLE TO MALAPPROPRIATE IT; FOR THE PRICE OF THE BURNT-OFFERING, A BURNT-OFFERING IS TO BE PROVIDED AND THIS CAN SUFFER MALAPPROPRIATION, WHILST FOR THE PRICE OF THE PEACE-OFFERING, A PEACEOFFERING IS TO BE PROVIDED, WHICH MAY BE EATEN FOR ONE DAY ONLY AND REQUIRES NO LOAVES.

GEMARA. A man can [subject the son to a nazirite vow], but not a woman. Why? — R. Johanan said: It is a [traditional] ruling with regard to the nazirite.(11) R. Jose son of R. Hanina,

1. For the flesh could not be eaten. R. Akiba, however, would admit her right to drink wine after the sprinkling of the blood.
2. Lit., 'be sprinkled not in its own name.'
3. Pentecost.
4. [In the absence of a fixed calendar there was always the possibility of the festival sacrifice

being offered on a day earlier or later, and this Baraitha explains the procedure to be followed should such an incident occur.]

5. And thus we see that an animal slaughtered as though it were some other sacrifice need not be destroyed, but can be eaten.
6. On behalf of the nazirite woman.
7. And so if the husband is allowed to annul the vow, this sin-offering would have to be destroyed as is asserted by R. Akiba, like all sin-offerings the owners of which no longer stand in need of atonement. Infra 45a.
8. And so in order not to provoke ill-feeling between them, the husband should be allowed to annul the vow and save her from polling.
9. Until what age wall be discussed in the Gemara.
10. [So Tosaf. and Asheri, omitting ('how?') in our texts which Bertinoro however explains: How (shall the offerings be treated) if the lad polls himself, etc.?]
11. And requires no other justification. A tradition has the force of a Biblical injunction.

citing Resh Lakish, said: So as to train him to [carry out his] religious duties.(1) If so, why should not a woman also be able to do so? — [Resh Lakish] holds that it is a man's duty to train his son to [carry out his] religious duties, but not a woman's duty to train her son.(2)

Now on R. Johanan's view that it is a [traditional] ruling with regard to the nazirite vow, we can understand why he can do this with his son but not with his daughter,(3) but according to Resh Lakish, ought not the same to be true of a daughter? — He holds that it is his duty to train his son, but not to train his daughter.

Now on R. Johanan's view that it is a [traditional] ruling with regard to the nazirite, we can understand why he can impose naziriteship [on his son], but not [ordinary] vows;(4) but on Resh Lakish's view, why should he not be able [to impose ordinary] vows too? — [The Mishnah] argues progressively.(5) Not only is it his duty to train [his son] by [imposing upon him] vows which do not make him unseemly, but it is even his duty to impose a naziriteship, although this will make him unseemly.

Now on R. Johanan's view that it is a [traditional] ruling with regard to the nazirite, we can understand how it teaches: IF HE PROTESTS OR HIS RELATIVES PROTEST ON HIS BEHALF [THE NAZIRITESHIP IS VOID];(6) but on Resh Lakish's view, as cited by R. Jose son of R. Hanina, have relatives the power to tell [the father] not to instruct [the son] in religious duties? — He holds that [the son] objects to any training which is undignified.(7)

Now on R. Johanan's view that it is a [traditional] ruling with regard to the nazirite, we can understand why [the boy] is permitted to poll,(8) although [this means] rounding [the corners of the head];(9) but on Resh Lakish's view as cited by R. Jose son of R. Hanina that it is in order to train him to [carry out his] religious duties, he would be [transgressing] in rounding [the corners of his head]?(10) — [Resh Lakish] holds that the rounding of the whole head(11) is [prohibited only by] a rabbinic enactment,(12) and since training is [a duty] imposed by the Rabbis, [the duty as to] training imposed by the Rabbis can overrule the rabbinic enactment against rounding [the whole head].

Now on R. Johanan's view that it is a [traditional] ruling with regard to the nazirite, we can understand why [the boy] is allowed to poll and offer the sacrifices [of a nazirite]; but on the view of Resh Lakish as cited by R. Jose son of R. Hanina that it is in order to train him to [carry out his] religious duties, he would be bringing profane [animals] into the Temple court?(13) — [Resh Lakish] holds that [the prohibition against the bringing of] ordinary animals into the Temple-court is not Scriptural.(14)

Now on R. Johanan's view that it is a [traditional] ruling with regard to the nazirite, we can understand why if he contracts ritual defilement, he may bring an offering of a pair of birds, which the priest will eat after pinching off [the head];(15) but on Resh Lakish's view, as cited by R. Jose son of R. Hanina, he will be eating carrion?(16) — [Resh Lakish] agrees with R. Jose son of R. Judah that fowl do not require to be [ritually] slaughtered in Torah law, and considers that [the prohibition against bringing] non-sacred [fowl] into the Temple court is not Scriptural.(17)

Is this in fact R. Jose's opinion? Has it not been taught: R Jose son of R. Judah said: Whence do we infer that a sin-offering of fowl, brought in a doubtful case [of childbirth](18) is not to be eaten?(19) From the verse, And of then that have an issue, whether it be a man or a woman.(20) Woman is here compared to man.(21) Just as a man is required to bring an offering for [a transgression],(22) which has certainly been committed so must the woman bring an offering for [a childbirth] which has certainly occurred;(23) and just as there is an offering to be brought by a man after a doubtful [transgression], so must an offering be brought by a woman after a doubtful [childbirth]. Again, just as a man brings [an offering of] the same kind in a case of doubtful [transgression] as he does after a certain one,(24) so must a woman bring [an offering of] the same kind after a doubtful [childbirth] as she does after a certain one.(25) [Shall we] then [infer further

that] just as [in a doubtful case] a man brings an offering that is eaten,(26) so is the offering brought by the woman to be eaten?

1. I.e., it is Rabbinic in its origin.
2. And so she has not the power to impose upon him an obligation involving the offering of sacrifices.
3. For the tradition was only known with regard to sons.
4. The Mishnah mentions only naziriteship and not other vows.
5. And the inference that he cannot impose ordinary vows is wrong.
6. This being part of the tradition.
7. On account of the need to shave his head. And so the relatives can protest on his behalf.
8. On completing the term of naziriteship.
9. Which is otherwise forbidden; v. Lev. XIX, 27.
10. [Which vitiates the whole value of the training.]
11. Which is the manner in which a nazirite polls.
12. The Scriptural verse says that 'the corners' are not to be rounded, and this is taken to mean the corners by themselves, but not in conjunction with the rest of the head.
13. I.e., offer profane animals on the altar, for as he is not a nazirite the animals do not become sacred. This is forbidden.
14. And is therefore permitted in this instance.
15. Birds offered as sacrifices were not slaughtered ritually with a knife, but the priest pinched off their heads with his thumb nail.
16. Since there was no obligation to offer birds, these birds are not really an offering and should be killed in the usual way.
17. There is a controversy on this point in Hul. 27b.
18. After childbirth, or even a miscarriage, a mother was required to offer certain sacrifices, including a bird as sin-offering (v. Lev. XII, 6). In this Baraitha R. Jose son of R. Judah explains what is to happen if there is a doubt as to a birth (i.e., a true miscarriage) having taken place (cf. also Ker, I, 1).
19. Although after certain childbirth it was eaten.
20. Lev. XV. 33'
21. I.e., cases in which a man (as well as a woman) is required to furnish an offering, with the ease in which only a woman can do so, viz.: childbirth,
22. When the Torah prescribes an offering for some offence, e.g., the eating of forbidden fat, it is understood that there is to be no doubt that an offence was committed. Where a doubt existed a different offering, the guilt-offering, was prescribed (v. Lev. V, 17).
23. I.e., Lev. XII, 6. which describes the offering, is referring to a certain and not a doubtful childbirth.
24. Viz., an animal (and not a bird) in both cases if the offence is, e.g., the eating of forbidden fat.
25. Including a sin-offering of a bird in both cases.
26. [The flesh of a guilt-offering for a doubtful transgression was eaten, v. Zeb. 54b.]

You cannot say so. Whilst this applies in the case of a man where only one forbidden act is involved,(1) you cannot argue that this should also be the case with a woman where two forbidden acts are involved. Now what are the two forbidden acts referred to? Are they not the prohibition against the eating of carrion,(2) and the prohibition against the entry of profane [sacrifices] into the Temple court?(3)

R. Aha, the son of R. Ika [however] demurred [to this inference(4) being drawn], for it is surely possible that [the eating was forbidden](5) because it would appear as though two rabbinic enactments were being transgressed.(6)

Can we say that [the controversy between R. Johanan and Resh Lakish] is the same as that between [the following] Tannaim? [For it has been taught:] Rabbi says that he can impose a nazirite vow on his son until his majority;(7) but R. Jose son of R. Judah says, [only] until he reaches the age of making vows [for himself].(8) Now surely [the controversy between R. Johanan and Resh Lakish] is the same as [that between these] Tannaim, Rabbi considering it to be a [traditional] ruling with regard to the nazirite, so that though [the son] may have reached the age of making vows [for himself, the father] can still impose a [nazirite] vow on him until he attains his majority, whereas R. Jose son of R. Judah who asserts [that he can do so only] until [the son] reaches the age of making vows [for himself] is of the opinion that [the father may impose a naziriteship] in order to train him to [carry out his] religious duties, and, now that he has passed out of his [father's] control,(9) there is no longer an obligation [to train him]?(10) — I will tell you; not at all. Both [Rabbi and R. Jose son of R. Judah may] agree that this is a [traditional] ruling with regard to the nazirite. Where they differ is about [the vows of] one who can discriminate(11) [but] who has not quite reached manhood. Rabbi considers that [a youth] who can discriminate [but] who has not quite reached manhood is [permitted to make vows] only by enactment of the Rabbis and so the right granted by the Torah [to the parent](12) overrules the Rabbinical right [of the youth];(13) whereas R. Jose son of R. Judah considers that [a youth] who can discriminate [but] who has not quite reached manhood, has a Scriptural right [to make vows].(14)

Alternatively, it may be that both [Rabbi and R. Jose son of R. Judah] would agree that [the father may impose a naziriteship] in order to train him to [carry out his] religious duties, and that [the right of a youth,] who can discriminate [but] who has not quite reached manhood, [to make vows] is Rabbinic. Rabbi, on the one hand, holds that [the parent's duty] to train, which is itself Rabbinic, overrules [the right of the youth,] who can discriminate [but] who has not quite reached manhood, [to make vows for himself] which is also Rabbinic;(15) whilst R. Jose son of R. Judah, who says [that the father's right lasts only] until [the lad] reaches the age of making vows, holds that the Rabbinic duty to train [the lad] does not set aside [the right of a youth] who can discriminate [but] who has not quite reached manhood [to make his own vows, although this is also Rabbinic].(16)

Can we say that [the controversy between] the above Tannaim(17) is the same as that between the following Tannaim?(18) For it has been taught: It is related that R. Hanina's father once imposed a nazirite vow upon him and then brought him before R. Gamaliel. R. Gamaliel was about to examine him to discover whether or not he had reached his majority(19) — according to R. Jose(20) it was to discover whether he had reached the age of making vows(21) — when [the young Hanina] said to him, 'Sir, do not exert yourself to examine me. If I am a minor, then I am a nazirite because of my father's [imposition], whilst if I am an adult,(22) I undertake it on my own account.' Thereupon R. Gamaliel rose and kissed him upon his head, and said, 'I am certain that this [lad] will be a religious leader(23) in Israel.' It is said that in a very short space of time, he became in fact a religious leader in Israel.(24)

Now on R. Jose son of R. Judah's view that [the father's control lasts only] until [the boy] reaches the age at which he can make vows [for himself], we can understand why he should have said, 'If I am a minor,(25) I shall be [a nazirite] because of my father's [action, and so on].' But on Rabbi's view that [it lasts] until manhood, [of what value was the statement], 'whilst if I am an adult, I

undertake it on my own account,'

1. If he was not in fact guilty, a profane animal was sacrificed on his behalf. This the Tanna of the Baraitha considers is forbidden.
2. The bird, having its neck pinched, is carrion, pinching being only permitted to a true sacrificial bird.
3. And thus we see that R. Jose considers both these acts forbidden by the Torah, in contradiction to the statement attributed to him above.
4. That the above acts are forbidden by the Torah.
5. Our text has, instead of this inserted phrase, 'She is liable', which gives no sense. We have therefore followed all the commentators and omitted it.
6. I.e., the eating of the bird brought by the woman was forbidden not because the comparison with the guilt-offering brought by the man did not extend to cover it, but because two enactments of the Rabbis were involved, and this outweighs the analogy with the guilt-offering.
7. Lit., 'until two hairs appear', i.e., until there is definite evidence that he has reached puberty, usually after the end of the thirteenth year.
8. I.e., between the twelfth and thirteenth birthdays, when he understands the significance of a vow.
9. For he can now make his own vows.
10. And therefore he cannot impose one.
11. I.e., who realises the significance of a vow.
12. To impose a naziriteship. A halachah or traditional ruling has the force of a scriptural enactment.
13. To make vow's himself.
14. And when he reaches this age, his father can no longer impose a naziriteship upon him.
15. And the father can impose a naziriteship until the boy is thirteen.
16. And when the boy reaches the age of making vows, the father's right to impose a naziriteship ceases.
17. Rabbi and R. Jose son of R. Judah.
18. This is put as a question although the answer in this case is not negative. This is not uncommon (Asheri).
19. Lit., 'produced two hairs', as a sign of puberty. On this view, he was thirteen years old at the time.
20. I.e., R. Jose son of R. Judah. V. Tosaf.
21. The boy was only twelve years old according to R. Jose.
22. In regard to making vows.
23. Lit., will render halachic decisions.'
24. Tosef. Nid. V.
25. It is here supposed that all the young R. Hanina meant was, 'If I cannot yet make vows myself,' no special significance attaching to his use of the word minor'.

seeing that he was still under his father's control?(1) — [Rabbi will reply that] he really said, 'I intend to be one on my father's account [if he still has the right to impose it],(2) and on my own account [otherwise].' Now if he had in fact reached manhood at that time, his own naziriteship would take effect; if [he reached manhood] after [observing the naziriteship], he would have observed his father's naziriteship.(3) But suppose he reaches [manhood] during this period, what is to happen then?(4) Now on R. Jose son of R. Judah's view that [the father's right lasts] until the age at which he can make vows [for himself], all will be well,(5) but on Rabbi's view that [the right lasts] until he reaches manhood, how will you explain what happened?(6) — In point of fact, on Rabbi's view no other solution is possible,(7) than that he should observe [naziriteships] both on the father's account and on his own account.(8)

MISHNAH. A MAN CAN POLL [WITH OFFERINGS DUE FOR] HIS FATHER'S NAZIRITESHIP.(9) BUT A WOMAN CANNOT DO SO. WHERE, FOR EXAMPLE, A MAN'S FATHER HAD BEEN A NAZIRITE, AND HAS SET APART A LUMP SUM OF MONEY FOR [THE SACRIFICES OF] HIS NAZIRITESHIP AND DIED AND [THE SON THEN] SAID, 'I DECLARE MYSELF A NAZIRITE ON CONDITION THAT I MAY POLL WITH MY FATHER'S MONEY. R. JOSE SAID THAT THESE MONEYS ARE TO BE USED FOR FREEWILL-OFFERINGS AND THAT SUCH A MAN CANNOT POLL AT THE EXPENSE OF HIS FATHER'S NAZIRITESHIP. WHO CAN DO SO? HE WHO WAS A NAZIRITE TOGETHER WITH HIS FATHER, AND WHOSE FATHER HAD SET APART A LUMP SUM OF MONEY FOR HIS NAZIRITE [SACRIFICES] AND DIED. [ONLY] SUCH A MAN CAN POLL AT THE EXPENSE OF HIS FATHER'S NAZIRITESHIP.(10)

GEMARA. Why [cannot a woman poll with her father's money]? — R. Johanan said: It is a [traditional] ruling with regard to the nazirite.(11) Surely this is obvious and so what purpose does [the ruling] serve, for a son inherits his father but a daughter does not do so?(12) — It is not necessary, except in the case where he had a daughter only.(13) It might have been thought that the tradition received was that [all] heirs [could poll](14)

1. So that although he could make vows himself, his father could still impose a naziriteship on him.
2. I.e., minor means 'under my father's control.'
3. This is the explanation of R. Han. quoted in Tosaf.
4. For his father's naziriteship will automatically lapse on his reaching manhood; v. Tosef. Naz. III.
5. For on his reaching the age of making vows, vows imposed by his father beforehand are unaffected, and manhood is a long way off.
6. I.e., how do you account for the acceptance by Rabban Gamaliel of the double vow without further ado, since R. Hanina might reach manhood during the naziriteship.
7. If the boy does not wish to be examined.
8. I.e., observe a naziriteship of sixty days, instead of thirty, so that all contingencies are covered.
9. I.e., may purchase the sacrifices due on polling with money set apart for his father's sacrifices.
10. Many MSS. (v. Tosaf.) reverse these two examples, making R. Jose permit him to poll if he becomes a nazirite afterwards, but not if he is a nazirite together with his father. In the parallel passage Tosef. Naz. III, there is the same MS. confusion. Cf. also supra 17b, and infra 30b,

11.No justification is therefore needed.

12.And so she could not obtain the money. For the rules of inheritance, v. Num. XXVII, 6ff.

13.In such a case the daughter inherits (ibid.).

14.So that where there was no son, the daughter could poll.

and so the ruling tells us [that this is not so].

The question was asked: Do the Rabbis differ from R. Jose or not;(1) and if it should be decided that they differ, whether with the first clause [only] or with the subsequent clause also?(2) Come and hear: In what circumstances was it said that a man may poll at the expense of his father's naziriteship? Where his father who had been a nazirite set apart money for [the sacrifices of] his naziriteship and died, and [the son then] said, 'I declare myself a nazirite on condition that I may poll with my father's money,' he [the son] is permitted to poll with his father's money. But where both he and his father were nazirites together, and his father set apart money for [the sacrifices of] his naziriteship and died, the money is to be used for freewill-offerings. The above is the opinion of R. Jose.(3) R. Eliezer,(4) R. Meir and R. Judah said: Just such a one may poll with his father's money.(5)

Rabbah raised the problem: Suppose [the nazirite] has two sons, both nazirites,(6) what is the law? Did the tradition state [simply] that there is a halachah,(7) so that the one who was first [to become a nazirite] may poll, or did it state [that the son may use the money because it is his] inheritance and so they divide it?

Raba raised the problem: Suppose [the sons were] the firstborn(8) and another, what would the law be? Was the tradition received as a halachah and [the first-born] is therefore not entitled to receive for polling the same proportion as he receives [of the rest of the estate], or is [the money for the nazirite sacrifices, part of his] inheritance, and just as he takes a double portion there, so also is it with the [money for] polling?

Should it be decided that [the money for the nazirite sacrifices is part of] the inheritance, so that [the first-born] receives for polling in proportion to what he receives [of the rest of the estate], does [the first-born] receive a double portion only when [the money] is profane, but not when it becomes sacred,(9) or is there no difference, seeing that he has acquired [a double portion] for polling?(10)

Suppose his father was a life-nazirite(11) and he an ordinary nazirite, or his father an ordinary nazirite and he a life-nazirite, what would the law be?(12) Was the halachah received only with regard to ordinary naziriteships,(13) or is there no difference?(14)

Should it be decided that [such is the case] here [because] both the naziriteships(15) were discharged in ritual purity,(16) [then] R. Ashi raised a [further] problem. Suppose his father were an unclean nazirite(17) and he a clean nazirite,(18) or his father were a clean nazirite(19) and he an unclean nazirite,(20) what would be the law? The problem was unsolved.

CHAPTER V

MISHNAH. BETH SHAMMAI SAY THAT CONSECRATION IN ERROR IS [EFFECTIVE] CONSECRATION,

1. The problem arises because of the wording of our Mishnah. If no one differs from R. Jose, why say 'R. Jose said'?
2. I.e., do they permit the son to poll in both cases, or do they permit the one R. Jose forbids and vice versa.
3. The opinion here ascribed to R. Jose is not that of our version of the Mishnah, but is that of the MS. versions. One or other must be emended, for consistency (v. Tosaf.).
4. Our text, R. Eliezer, is a common scribal error for R. Eleazar b. Shamua, the colleague of the other Rabbis mentioned.
5. Tosef. Naz. III. 9. Hence, (a) these Rabbis differ from R. Jose. (b) the difference covers both cases, for the 'Just such a one' is emphatic. So Rashi. Tosaf., Maim. Yad. (Neziruth VIII, 15), and most other commentators, however, consider that in the opinion of these Rabbis he

may use his father's money under all circumstances.

6. And then dies, leaving money for sacrifices.
7. A ruling. Viz.: that it is possible for the son to use the money left by his father for his own naziriteship, no reason being given as to why he may do so.
8. Who is entitled to a double portion of the heritage. V. Deut. XXI, 17.
9. I.e., he receives two thirds of the money left towards his own nazirite sacrifices, but after the animals have been slaughtered and sacrificed he must return part of the sacred meat to his brother, so that each obtains just half of the meat which is to be eaten. — This question is raised because except for unslaughtered peace-offerings a first-born does not obtain a double portion of the sacred animals left at his father's death.
10. And so he will also keep a double portion of the meat.
11. And he put aside money for his naziriteship and died.
12. I.e., may the son use the money for his own naziriteship or not?
13. And he may not use the money.
14. And he may use the money.
15. Of the father and of the son.
16. And there is no distinction between the kind of naziriteship undertaken.
17. And he had set aside money to buy the sacrifices required for purification (v. Hum. VI, 10), and then died.
18. I.e., may the son use the money towards the sacrifices he must offer on completing his naziriteship.
19. And he had set aside money for the sacrifices and then died.
20. I.e., may the son use the money towards the sacrifices of an unclean nazirite.

BUT BETH HILLEL SAY THAT IT IS NOT EFFECTIVE. FOR EXAMPLE, IF SOMEONE SAYS, THE BLACK BULL THAT LEAVES MY HOUSE FIRST SHALL BE SACRED,' AND A WHITE ONE EMERGES, BETH SHAMMAI DECLARE IT SACRED, BUT BETH HILLEL SAY THAT IT IS NOT SACRED. [OR IF HE SAYS,] 'THE GOLD DENAR THAT COMES INTO MY HAND FIRST SHALL BE SACRED, AND A SILVER DENAR CAME TO HIS HAND BETH SHAMMAI DECLARE IT SACRED, WHILST BETH HILLEL SAY THAT IT IS NOT SACRED. [AGAIN, IF HE SAYS,] 'THE CASK OF WINE THAT I COME ACROSS FIRST SHALL BE SACRED,' AND HE COMES ACROSS A CASK OF OIL, BETH SHAMMAI DECLARE IT SACRED, BUT BETH HILLEL SAY THAT IT IS NOT SACRED.

GEMARA. BETH SHAMMAI SAY THAT CONSECRATION, etc.: Beth Shammai's reason is that they compare original consecration(1) with secondary consecration.(2) Just as substitution, even when made in error, is effective,(3) so [original] consecration, even when made in error, is effective. Beth Hillel, however, contend that this is true only of substitution,(4) but that no consecration in error can take effect in the first instance.

But suppose, according to Beth Shammai, someone says, 'This [animal] is to replace that [one] at midday,' it would surely not become a substitute [immediately] from that moment, but only when midday arrives, and so here too, [surely, consecration should not take effect] until the condition [under which it was made] becomes realized?(5) — R. Papa replied: The reason that [the word] 'FIRST' was mentioned by him was [simply] to indicate that one [of his black oxen] which should emerge first.(6) — But the text says, 'the black bull,' and surely it contemplates the case where he may have only the one?(7) — In the case considered, he is assumed to have two or three.(8) Beth Hillel, however, contend that if this [was his intention](9) it should have said, '[The black hull] that leaves earliest.'(10) — Raba of Barnesh(11) said to R. Ashi; Is this [called] consecration in error? It is surely intentional consecration?(12) — [He replied:] Quite so, but [it is called consecration in error] because at first the expression he used gave a wrong impression.(13)

Is it indeed Beth Shammai's opinion that consecration in error is not effective consecration?(14) Have we not learnt: If a man, who vows to be a nazirite, sets aside an animal [for the sacrifice], and [then] applies to the Sages [for absolution from his vow] and they release him, [the animal] goes forth and pastures with the flock.(15) Beth Hillel said to Beth Shammai: Do you not admit that this is a case of consecration in error,(16) and yet [the animal] goes forth and pastures with the flock?(17) Whence(18) it follows [does it not] that Beth Shammai hold consecration in error to be effective? — No; Beth Hillel were mistaken. They took the reason for Beth Shammai's view(19) to be that consecration in error is effective, but the latter replied that [the consecration is effective] not because it was consecration in error, but because at first the expression he used gave a wrong impression.(20)

But is it Beth Shammai's opinion that consecration in error is not effective? Come [then] and hear: If [some people] were walking along the road

1. Consecration of a profane object.
2. Lit., 'final consecration'. If anyone substitutes a profane animal for one already sacred, the substitution is not effective, but the profane animal becomes sacred too (v. Lev. XXVII, 20). Substitution is termed 'secondary consecration'.
3. V. Tem. 27a.
4. Since one animal was already sacred.
5. But not where the stipulation was not fulfilled, as, e.g., a white bull emerged and not a black one. Thus the comparison with substitution is not borne out.
6. R. Papa rejects the explanation of Beth Shammai's opinion given above, and says that even on Beth Shammai's view, it is the black bull that emerges first which becomes sacred. In

other words we do not set aside his statement because a white bull emerged first, as 'FIRST' may be understood as applying to the black oxen only (Tosaf.).

7. In which case, he could not mean 'the first of the black bulls.'
8. I.e., unless he has two or three black bulls, the question of one bull becoming sacred does not arise.
9. Viz., that the first black bull to emerge should become sacred, irrespective of whether others came out before it.
10. 'at first', which may also denote the first (black bull) that leaves.
11. [Near Sura, v. Obermeyer. Die Landschaft Babylonien, p. 296.]
12. For on R. Papa's view, he intended to make the first black bull to emerge sacred.
13. For he appears to mean that the black bull must come out before any other bull.
14. As is maintained by R. Papa.
15. I.e., it ceases to be holy.
16. For when he consecrated the animal he believed himself liable, whilst his subsequent release showed that he was not.
17. Infra 31b.
18. From Beth Hillel's remark.
19. That the first black bull is sacred.
20. I.e., he really meant that bull to be sacred, but appeared to be saying something else.

and [saw] someone coming towards them, and one said, 'I declare myself a nazirite if it is So-and-so,' whilst another said, 'I declare myself a nazirite if it is not So-and-so,' [and a third man,] 'I declare myself a nazirite if one of you is a nazirite, [a fourth, 'I declare myself a nazirite] if neither of you is a nazirite, [a fifth, 'I declare myself a nazirite] if both of you are nazirites,' [and a sixth, 'I declare myself a nazirite] if all of you are nazirites,' Beth Shammai say that all [six] of them are nazirites.(1) Now this is a case of consecration in error,(2) and yet [the Mishnah] teaches that all of them are nazirites? — From this it certainly follows that Beth Shammai are of the opinion that consecration in error is effective, but not from the other.(3)

Abaye said: You should not assume that [the declaration] was made in the morning.(4) We speak here of a case where it was already midday, and he then said, 'The black bull that left my house first [to day] shall be sacred,'(5) and when informed that a white one left [first], he remarked, 'Had I known that a white one left, I should not have said black.'(6) But how can you say that it refers to what took place at midday,(7) seeing that the text reads: THE GOLD DENAR THAT COMES?(8) — Read, 'that has come.'(9) [But the text also reads,] THE CASK OF WINE THAT I COME ACROSS?(8) — Read, 'that I came across.(9)

R. Hisda said: Black [oxen] amongst white [ones] spoil the herd.(10) White [patches] on black [oxen] are a blemish.

We have learnt: [IF SOMEONE SAYS,] 'THE BLACK BULL THAT IS THE FIRST TO LEAVE MY HOUSE [SHALL BE SACRED,' AND A WHITE ONE EMERGES, BETH SHAMMAI DECLARE] IT SACRED. Now when a person consecrates, he does so with an ill grace,(11) and yet Beth Shammai say that [the white bull] is sacred?(12) Do you suggest then that a person consecrates with a good grace?(13) [If so, how can we explain the following clause: IF HE SAYS,] 'THE GOLD DENAR THAT COMES INTO MY HAND FIRST [SHALL BE SACRED],' AND A SILVER DENAR CAME TO HIS HAND, BETH SHAMMAI DECLARE IT SACRED?(14) — Do you submit, then, that a person consecrates with an ill grace? [Consider then the following: IF HE SAYS,] 'THE CASK OF WINE THAT I COME ACROSS FIRST [SHALL BE SACRED],' AND HE COMES ACROSS A CASK OF OIL, BETH SHAMMAI DECLARE IT SACRED,' and yet oil is superior to wine? — That raises no difficulty, for it was taught with reference to Galilee where wine is superior to oil. But the first clause [of our Mishnah] seems to contradict R. Hisda? — R. Hisda will reply: My statement(15) referred to Carmanian(16) oxen.

R. Hisda also used to say: A black ox for its hide, a red one for its flesh, a white one for ploughing.(17)

But R. Hisda said that black [oxen] amongst white ones spoil the herd?(18) — He said that with reference to Carmanian oxen.

MISHNAH. IF A MAN VOWS TO BE A NAZIRITE AND THEN SEEKS RELEASE FROM A SAGE(19) BUT IS FORBIDDEN [TO ANNUL HIS VOW], HE CAN RECKON [THE NAZIRITESHIP] FROM THE TIME THAT THE VOW WAS MADE.(20) IF HE SEEKS RELEASE FROM A SAGE AND IS ABSOLVED AND HAS AN ANIMAL SET ASIDE [FOR A SACRIFICE], IT GOES FORTH TO PASTURE WITH [THE REST OF] THE HERD.(21) BETH HILLEL SAID TO BETH SHAMMAI: DO YOU NOT ADMIT THAT HERE WHERE THE CONSECRATION IS IN ERROR,(22) [THE ANIMAL] GOES FORTH TO PASTURE WITH THE HERD?(23) BETH SHAMMAI REPLIED: DO YOU NOT ADMIT THAT IF A MAN IN ERROR CALLS THE NINTH [ANIMAL], THE TENTH,(24) OR THE TENTH THE NINTH, OR THE ELEVENTH THE TENTH, EACH BECOMES SACRED?(25) BETH HILLEL RETORTED: IT IS NOT THE ROD THAT MAKES THESE SACRED,(26) FOR SUPPOSE THAT IN ERROR HE PLACED THE ROD UPON THE EIGHTH OR UPON THE TWELFTH, WOULD THIS HAVE ANY EFFECT? [THE FACT IS] THAT SCRIPTURE WHICH HAS DECLARED THE TENTH TO BE SACRED, HAS ALSO DECLARED SACRED THE NINTH

1. Mishnah, infra 32b. q.v.
2. Since they become nazirites whether or no their conditions are fulfilled.
3. I.e., not from our own Mishnah, which is only apparently but not really a case of consecration in error, as explained by R. Papa and R. Ashi.
4. I.e., that when the man said, 'The black bull etc.' he was referring to a future event and not a past one.
5. Vocalizing instead of .
6. The case is now analogous to substitution in error, and Beth Shammai's reason will be that they infer consecration in error from substitution in error.
7. I.e., to a past event.
8. 'Left' and 'will leave' have the same consonants in Hebrew but are pronounced differently (v. p. 112, n. 7); but in these cases, the past has different consonants from the future and so cannot be confused with it.
9. I.e., change the reading. Instead of read and instead of , read .
10. Because black oxen are inferior to white ones.
11. Lit., 'malevolent eye'. He does not wish anything more than he has specified to become sacred.
12. And so white bulls must be worth less than black ones.
13. Lit., 'benevolent eye'.
14. Thus he is satisfied to give a silver coin instead of a gold one, but had he consecrated with a good grace, the silver would not become sacred.
15. That white oxen are better than black.
16. Carmania, a province of Persia, the oxen of which were generally employed for ploughing.
17. I.e., each kind is most suitable for the purpose mentioned. Thus in respect to its hide, a black ox is superior to a white one. [V. Lewysohn, Zoologie, p. 131.]
18. Yet here he says that their hides are superior.
19. It is presumed that he had drunk wine in the interval.
20. I.e., presumably, his transgression has not affected the validity of the period past.
21. I.e., it ceases to be holy.
22. Because his release shows that no sacrifice was necessary.
23. And so no consecration in error should be effective.
24. During tithing of cattle; cf. Lev. XXVII, 32.
25. Thus consecration in error is effective.
26. I.e., it is not his error in striking the wrong animal with the tithing rod that makes it sacred.

Folio 32a

AND THE ELEVENTH.(1)

GEMARA. Who can the author of [the first paragraph of] our Mishnah be? For it [agrees] neither with R. Jose nor with the Rabbis. For it has been taught: If a man vows [to be a nazirite] and transgresses a rule of his naziriteship, his case is not examined,(2) unless he [first] observes in [nazirite] abstinence as many days as he has passed in indulgence.(3) R. Jose said that thirty days are enough.(4) Now if [the author] be the Rabbis, [the case also of] naziriteship for a long period offers difficulty,(5) whilst if it be R. Jose, [the case of] naziriteship for a short period offers difficulty?(6) — It may be maintained either that [the author] is R. Jose, or that [the authors] are the Rabbis. It may be maintained that [the author] is R. Jose, by supposing that [the Mishnah refers] to a long period of naziriteship [only],(7) and [the Baraitha] to a short period of naziriteship [as well].(8) 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,'(9) but 'equal [to the period which has elapsed] since the vow was made.'(10)

IF HE SEEKS RELEASE FROM THE SAGES, AND THEY ABSOLVE HIM etc.: R. Jeremiah said: From [the opinion of] Beth Shammai we can infer that of Beth Hillel. Do not Beth Shammai assert that consecration in error is effective and yet when it becomes clear(11) that the nazirite vow is not valid, [the animal] goes forth to pasture with the herd? So too, for Beth Hillel. Although they say that substitution in error is effective substitution, this is only true where the original consecration remains,(12) but where the original consecration is revoked,(13) [the consecration resulting from] the substitution is also revoked.(14)

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 tithe, R. Nahman said that [this is the rule only] if this is done in error, not if it is done intentionally.(15) R. Hisda and Rabbah b. R 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.(16)

Raba said to R. Nahman: According to you who assert that [it is the rule only] if it is done in error and not if done intentionally, when Beth Shammai asked Beth 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 Beth Hillel were silent,(17) why could they not have answered that the case of tithes is different since these(18) cannot be made sacred intentionally?(19) — R. Shimi b. Ashi replied: The reason that they did not do so is because of an a fortiori argument that might be based on this [by Beth Shammai].(20) For [Beth Shammai might have argued that] if tithes 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].(21) This [argument], however, would be unsound, for [ordinary] consecration depends entirely upon the intention of the owner.(22)

MISHNAH. IF A MAN VOWS TO BE A NAZIRITE AND ON GOING TO BRING HIS ANIMAL [FOR THE SACRIFICE] FINDS THAT IT HAS BEEN STOLEN, THEN IF HE HAD DECLARED HIMSELF A NAZIRITE BEFORE THE THEFT OF HIS ANIMAL,(23) HE IS [STILL] A NAZIRITE,

1. If they are struck in error; v. infra for source.
2. Should he desire to be released from his vow.
3. I.e., the number of days which have elapsed between his transgression and his seeking for absolution.
4. Tosef. Ned. I; i.e., if his period of transgression was longer than thirty days, he is made to keep a naziriteship of thirty days, before being released.
5. The Mishnah allows him to reckon in all cases the days of his transgression as part of his naziriteship, whilst the Rabbis do not do so.

6. 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 R. Jose 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. The text adopted here is that of Tosaf.; Asheri, Maim. and most other commentators, agreeing with the quotation in Ned. 200. Our printed text, which reads that the short period offers a difficulty for the Rabbis and the long period for R. Jose, assumes a reading of the Tosefta which would agree with most MSS. of the Tosef. (Ned. I, 11) and with the Jerusalem Talmud (J. Naz. V, 4), but requires an argument at once more complicated and subtle.
7. There being no conflict with R. Jose's view, as explained in the previous note.
8. In this case only does R. Jose require the whole of the period of transgression to be counted afresh.
9. Which implies that the period when there was transgression forms part of the naziriteship and so conflicts with the view of the Baraitha.
10. Mishnah and Baraitha now agree.
11. By the release that was granted.
12. I.e., when the first animal for which the second is substituted is not afterwards declared profane.
13. [E.g., owing to the remission of the naziriteship for which the animal was reserved.]
14. I.e., the animal substituted also becomes profane.
15. If he intentionally strikes the ninth animal as though it were the tenth, it does not become sacred.
16. I.e., in either case the animal becomes sacred.
17. I.e., they found no flaw in the argument itself, but were compelled to reply that it is only in this case that Scripture has declared consecration in error effective.
18. I.e., the ninth or eleventh animal.
19. And since they did not say this, it follows that even if he strikes the ninth animal intentionally, it becomes sacred.
20. If it is assumed that the cases are comparable.
21. And Beth Hillel do not admit that consecration in error is effective.
22. Whereas a man is bound to tithe his animals, and so the rules applying in the one case need bear no resemblance to those applying in the other. Hence R. Nahaman cannot be refuted from this (Tosaf.).
23. I.e., the three animals which a nazirite offers on completing his vow.

BUT IF HE HAD DECLARED HIMSELF A NAZIRITE AFTER THE THEFT OF HIS ANIMAL, HE IS NOT A NAZIRITE.(1) IT WAS ON THIS POINT THAT NAHUM THE MEDE FELL INTO ERROR WHEN NAZIRITES ARRIVED [IN JERUSALEM] FROM THE DIASPORA AND FOUND THE TEMPLE IN RUINS.(2) NAHUM THE MEDE SAID TO THEM, 'HAD YOU KNOWN THAT THE TEMPLE WOULD BE DESTROYED, WOULD YOU HAVE BECOME NAZIRITES?' THEY ANSWERED, NO, AND SO NAHUM THE MEDE ABSOLVED THEM.(3) WHEN, HOWEVER, THE MATTER CAME TO THE NOTICE OF THE SAGES THEY SAID: WHOEVER DECLARED HIMSELF A NAZIRITE BEFORE THE DESTRUCTION OF THE TEMPLE IS A NAZIRITE, BUT IF AFTER THE DESTRUCTION OF THE TEMPLE, HE IS NOT A NAZIRITE.

GEMARA. Rabbah said: The Rabbis overruled R. Eliezer and laid down [the law] in accordance with their own views. For we have learnt: It is permitted to grant release on the ground of improbable contingencies;(4) this is the opinion of R. Eliezer, but the Sages forbid this.(5)

Rabbah(6) said further: 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(7) that the Temple would be destroyed, would you have uttered your vow?

R. Joseph said: Had I been there, I should have said to them:(8) Is it not written, The temple of the Lord, the temple of the Lord, the temple of the Lord, are these,(9) which points to [the destruction of] the first and second temples?(10) — Granted that they knew it would be destroyed, did they know when this would occur?(11)

Abaye objected: And did they not know when? Is it not written, Seventy weeks are determined upon thy people, and upon thy holy city?(12) — All the same, did they know on which day?(13)

MISHNAH. IF [PEOPLE] WERE WALKING ALONG THE ROAD AND [SAW] SOMEONE COMING TOWARDS THEM, AND ONE SAID, 'I DECLARE MYSELF A NAZIRITE IF IT IS SO-AND-SO, WHILST ANOTHER SAID, 'I DECLARE MYSELF A NAZIRITE IF IT IS NOT SO-AND-SO,' [AND A THIRD MAN,] '(7) DECLARE MYSELF A NAZIRITE IF ONE OF YOU IS A NAZIRITE,' [A FOURTH, 'I DECLARE MYSELF A NAZIRITE] IF NEITHER OF YOU IS A NAZIRITE,' [A FIFTH, 'I DECLARE MYSELF A NAZIRITE] IF BOTH OF YOU ARE NAZIRITES,' [AND A SIXTH, 'I DECLARE MYSELF A NAZIRITE] IF ALL OF YOU ARE NAZIRITES.' BETH SHAMMAI SAY THAT ALL [SIX] OF THEM ARE NAZIRITES, BUT BETH HILLEL SAY THAT ONLY THOSE WHOSE WORDS WERE NOT FULFILLED, ARE NAZIRITES.(14) R. TARFON SAID: NOT ONE OF THEM IS A NAZIRITE. IF [THE PERSON APPROACHING] TURNED AWAY SUDDENLY(15) [WITHOUT BEING IDENTIFIED], HE(16) IS NOT A NAZIRITE. R. SIMEON SAYS: HE SHOULD SAY, 'IF I WAS RIGHT,(17) I AM A NAZIRITE OBLIGATORILY, OTHERWISE I WISH TO BE A NAZIRITE, VOLUNTARILY.

GEMARA. Why should the ones whose words were not fulfilled become nazirites?(18) — Rab Judah replied: Read, 'those whose words were fulfilled.'

1. As his vow had been made under a misapprehension.
2. The nazirite vow was binding until the sacrifices had been offered.
3. As the vow had been made under a misapprehension.
4. I.e., the grounds for release need not have been anticipated at the time the vow was entered into.
5. Mishnah, Ned. IX, 1. Here in Nazir, on the other hand, R. Eliezer's view is not quoted, showing that it was not considered permissible to rely on it under any circumstances

whatsoever.

6. Our text, in error, has Raba.
7. When you were about to declare yourselves nazirites.
8. To those who contended that the destruction of the Temple, being an event which could not have been foreseen, could not be used as a ground for release (Asheri).
9. Jer. VII, 4.
10. Since it indicates that there would be three temples. Thus the destruction was foretold and could have been anticipated.
11. And so they could not anticipate it.
12. Dan. IX, 24. 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.
13. And since they did not know, they expected to offer their sacrifices before the destruction.
14. This is explained in the Gemara.
15. Lit., 'he shuddered back'.
16. I.e., one whose naziriteship was contingent oil the identity of the person approaching.
17. In my identification.
18. According to Beth Hillel.

Folio 33a

Abaye replied: We suppose him to have added, for example, 'even if it be not So-and-so I intend to be a nazirite,' the meaning of the phrase HIS WORDS WERE NOT FULFILLED [used in the Mishnah] being, his first words were not fulfilled but his later ones were.(1)

IF [THE PERSON APPROACHING] TURNED AWAY SUDDENLY [WITHOUT BEING IDENTIFIED] HE IS NOT A NAZIRITE etc.: The reason [that he is not a nazirite] is because the other turned away, which would show that had the other come before us, he would become a nazirite. Who is the author [of this opinion)?(2)

(Part b does not exist)

1. And so he becomes a nazirite.
2. There is no Gemara on 33b, this page being taken up with Tosaf.

Folio 34a

Should you say it is R. Tarfon, would he become a nazirite? For since he did not know at the time he uttered the nazirite vow whether it was So-and-so or not, would the naziriteship have become operative [at all]? For have we not been taught: R. Judah on behalf of R. Tarfon said that not one of them(1) is a nazirite because naziriteship is not intended except when assumed unequivocally?(2) — It must, therefore, be R. Judah [who indicated this in connection] with the heap of grain. For it has been taught: [If a man says,] 'I declare myself a nazirite, provided that this heap of grain contains one hundred kor,' and then finds that [the heap] has been stolen or is lost, R. Simeon binds [him to a naziriteship], whilst R. Judah frees him [from the vow].(3)

R. Simeon holds that since, had it not been stolen, it might have been found to contain one hundred kor, in which case he would have become a nazirite, he must now also become a nazirite. Here,(4) too, since, had the other come before us and we had known that it was So-and-so, he would have become a nazirite, now [that the other has not come] he also becomes a nazirite.

MISHNAH. IF [ONE MAN] SAW A KOY(5) AND SAID, 'I DECLARE MYSELF A NAZIRITE IF THAT IS A BEAST OF CHASE, [AND ANOTHER] 'I DECLARE MYSELF A NAZIRITE IF THAT IS NOT A BEAST OF CHASE,' [A THIRD SAID] 'I DECLARE MYSELF A NAZIRITE IF THAT IS CATTLE,' [A FOURTH SAID,] 'I DECLARE MYSELF A NAZIRITE IF THAT IS NOT CATTLE,' [A FIFTH SAID,] I DECLARE MYSELF A NAZIRITE IF THAT IS BOTH A BEAST OF CHASE AND CATTLE,' [AND A SIXTH SAID,] 'I DECLARE MYSELF A NAZIRITE IF THAT IS NEITHER BEAST OF CHASE NOR CATTLE.' [THEN A SEVENTH SAID,] 'I DECLARE MYSELF A NAZIRITE IF ONE OF YOU IS A NAZIRITE,' [AN EIGHTH SAID,] I DECLARE MYSELF A NAZIRITE IF NOT ONE OF YOU IS A NAZIRITE,' [WHILST A NINTH SAID,] 'I DECLARE MYSELF A NAZIRITE IF YOU ARE ALL NAZIRITES, THEN ALL OF THEM BECOME NAZIRITES.

GEMARA. In one [Baraitha] it is taught that nine [can become] nazirites,(6) and in another that nine naziriteships [can be undertaken].(7) Now there would be nine nazirites if, for example, a number of men referred to [the Koy] one after another;(8) but how is it possible for nine naziriteships [to be undertaken] by one man? There could indeed be six, as enumerated in our Mishnah,(9) but how could the other three be undertaken? — R. Shesheth replied: He could say,(10) 'I declare myself a nazirite and undertake the naziriteships of you all.'(11)

CHAPTER VI

MISHNAH. THREE THINGS ARE FORBIDDEN TO A NAZIRITE, VIZ.: — RITUAL DEFILEMENT, POLLING, AND PRODUCTS OF THE VINE. ALL PRODUCTS OF THE VINE CAN BE RECKONED TOGETHER(12) WHILST THERE IS NO PENALTY UNLESS HE EATS AN OLIVE'S BULK OF GRAPES,

1. One of those, mentioned in our Mishnah, who undertook a naziriteship if the person approaching were So-and-so.
2. Tosef. Naz. III.
3. Thus in R. Judah's view unless the vow is free from all doubt it does not become operative. Tosef. Naz. II. Cf., however, Ned. 192, where the view of R. Judah here, and R. Judah on behalf of R. Tarfon and held by R. Ashi to be identical.
4. I.e., in the Mishnah.
5. The Rabbis were uncertain whether the Koy, an animal permitted for food, should be considered of the genus cattle, vnvc or a beast of chase, vhj. V. Aruch s.v. huf. [It is generally taken as a cross between a goat and some species of gazelle; v. Lewysohn, op. cit. p. 215.]
6. By using different formulae and making the vow contingent on the Koy being a beast of

chase or cattle.

7. I.e., one man can undertake nine naziriteships by using different formulae with reference to the Koy.
8. As described in our Mishnah.
9. For the first six formulae could all be uttered by one man.
10. Referring to nine men who had each undertaken a naziriteship in the manner of the Mishnah.
11. I.e., 'I undertake a naziriteship for each one of you who is a nazirite.
12. To form a total of an olive's bulk in the case of solids, or as the earlier Mishnah has it, a quarter of a 108 in the case of fluids, for the consumption of which there is a penalty, viz. stripes. (Meiri's interpretation of a very difficult passage).

[OR,] ACCORDING TO THE EARLIER MISHNAH,(1) UNLESS HE DRINKS A QUARTER [OF A LOG](2) OF WINE. R. AKIBA SAID THAT THERE IS A PENALTY EVEN IF HE SOAKS HIS BREAD IN WINE AND ENOUGH [IS ABSORBED] TO MAKE UP ALTOGETHER(3) AN OLIVE'S BULK.(4)

THERE IS A SEPARATE PENALTY FOR WINE, FOR GRAPES, FOR HARZANIM AND FOR ZAGIM.(5) R. ELEAZAR B. AZARIAH SAID: THERE IS NO PENALTY [IN THE CASE OF THE LAST TWO SPECIES] UNLESS HE EATS TWO HARZANIM AND ONE ZAG.

BY HARZANIM AND ZAGIM ARE MEANT THE FOLLOWING. ACCORDING TO R. JUDAH, HARZANIM MEANS THE OUTER PORTION [OF THE GRAPE].(6) ZAG THE INNER PORTION,(7) BUT R. JOSE SAID: THAT YOU MAY NOT ERR, [THINK OF] THE ZOG [BELL] OF AN ANIMAL,(8) OF WHICH THE OUTER PART IS TERMED THE ZOG [HOOD].(9) AND THE INNER PART THE INBAL [CLAPPER].

GEMARA. THREE THINGS ARE FORBIDDEN TO A NAZIRITE, VIZ.: RITUAL DEFILEMENT etc.: Products of the vine are [forbidden] but not the vine itself, so that our Mishnah differs from R. Eleazar, for it has been taught: R. Eleazar said that even leaves and shoots [of the vine] are included [in the things forbidden to a nazirite].

Some draw the inference(10) from the subsequent clause, viz.: WHILST THERE IS NO PENALTY UNLESS HE EATS AN OLIVE'S BULK OF GRAPES. GRAPES only [carry a penalty] but not the vine itself, so that our Mishnah differs from R. Eleazar, for it has been taught: R. Eleazar said that even leaves and shoots are included.

In what [essentially] does the difference [between R. Eleazar and the Rabbis of our Mishnah] lie? — R. Eleazar interprets [certain scriptural passages as consisting of] 'amplifications and limitations,'(11) whilst the Rabbis interpret [them as] general statements and specifications.(12) R. Eleazar [argues as follows:] He shall abstain from wine and strong drink(13) is a limitation,(14) whilst, Nothing that is made of the grape-vine(15) is an amplification. When a limitation is followed by an amplification all things are embraced.(16) What then does the amplification serves to include [here]? Everything [coining from the vine],(17) and what does the limitation exclude? Only the twigs.

The Rabbis, on the other hand, [argue as follows:] 'He shall abstain from wine and strong drink' is a specification;(18) '[He shall eat] nothing that is made of the grape-vine' is a general statement; 'from the pressed grapes even to the grape-stone'(19) is again a specification. When we have a specification, a generalisation, and a [second] specification, only what is similar to the specification may be adjudged [to be within the scope of the prohibition]. In the specification fruit(20) and fruit refuse(21) are particularised, and so whatever is fruit(22) or fruit refuse [is prohibited].(23) Should you object that in the specification ripe fruit is particularised, and so only what is ripe fruit [is prohibited],(24) the reply is that [in this view] nothing would be left implicit in Scripture, everything being explicitly mentioned.(25) Fresh grapes and dried grapes are mentioned, as are also wine and vinegar. It follows that the inference must be drawn not in the latter form,(26) but in the first form. Again, seeing that we finally include everything [similar to fruit or fruit refuse], for what purpose is 'from pressed grapes even to the grape-stone mentioned [separately from the other specification]?(27) To tell us that wherever a specification is followed by a general statement it is not permissible to extend [the terms of the specification] so as to include only whatever is similar to it, but the general statement widens the scope of the specification,(28) unless Scripture indicates the specification in the manner in which it is indicated in the case of the nazirite.(29)

The Master said: 'In the specification fruit and fruit refuse are particularised, and so whatever is fruit or fruit refuse [is prohibited].' 'Fruit' means grapes, but what is 'fruit refuse'? — Vinegar. What is meant by 'Whatever is fruit'? — Unripe grapes. And by 'whatever is fruit refuse'? — R. Kahana said that this serves to include worm-eaten grapes.(30) [And what is the significance of] 'even to

the grape-stone'?(31) Rabina said that this serves to include the intermediate part.(32)

The Master said: 'Should you object that in the specification raw ripe fruit is particularised, and so only what is ripe fruit [is prohibited], the reply is that [on this view] nothing would be left implicit in Scripture, everything being explicitly mentioned. Fresh grapes and dried grapes are mentioned, as are also wine and vinegar. It follows that the inference must be drawn not in the latter form, but in the first form. Again, seeing that we finally include everything [similar to fruit or fruit refuse], for what purpose is from pressed grapes even to the grape-stone mentioned [separately from the other specification]? To tell us that wherever a specification is followed by a general statement it is not permissible to extend [the terms of the specification] as as to include only whatever is similar to It, but the general statement widens the scope of the specification, unless Scripture indicates the specification

1. [Or 'First Mishnah', a collection of Halachoth the compilation of which began according to Geonic accounts as early as Hillel and Shammai; v. Sanh. (Sonc. ed.) p. 163, n. 7.]
2. A quarter of a log is between 50 and 60 c.c. (= the bulk of one and a half average-sized eggs).
3. I.e., along with the bread.
4. According to R. Akiba, an olive's bulk (less than 10 c.c.) carries with it a penalty in the case of liquids.
5. There is no need to consume more than one variety to incur the penalty. All four species are mentioned in Num. VI, 3-4. harzanim being usually translated 'pressed grapes' and zag, 'grape-stone', following the opinion of R. Judah given later in the Mishnah.
6. The skin.
7. The stone.
8. The bell suspended at the animal's neck.
9. And so, too, zag of a grape is its skin.
10. That our Mishnah and R. Eleazar differ.
11. Ribbni u-Mi'ut. I.e., as consisting of clauses that amplify and clauses that restrict.
12. Kelal u-ferat. The significance of these technical terms will become clearer in the argument set out below. For a full explanation of these terms, v. Shebu. (Sonc. ed.) p. 12, n. 3.
13. Num. VI, 3.
14. The things prohibited are confined to the things mentioned.
15. Num. VI, 3. Lit., Of everything that is made … he shall not eat.
16. I.e., the scope, in this case of the prohibition, is as wide as possible, the restriction serving merely to exclude some one thing, here the twigs.
17. And so also the leaves and the shoots.
18. Of the things forbidden.
19. Num. VI, 4; the concluding half of the last verse quoted.
20. Grapes and wine.
21. Vinegar.
22. Including unripe grapes.
23. Worm-eaten grapes.

24.And thus unripe grapes would be excluded.

25.I.e., there is no form of ripe fruit different from those mentioned in the verses quoted.

26.Restricted to ripe fruit.

27.I.e., why does not the whole specification precede the generalisation.

28.And includes also things not similar to the specification.

29.With the general statement interrupting it.

30.That went bad before they ripened.

31.In Num. VI, 3.

32.What remains of the flesh after the wine has drained off.

in the manner in which it is indicated in the case of the nazirite.

Now, R. Eleazar b. Azariah utilises the clause, 'from the pressed grapes even to the grape stone' for the inference that there is no penalty unless he eats two pressed grapes and one grape-stone.(1) Where does he find a [second] specification?(2) — He will agree with R. Eleazar who interprets [the passage as a clause that] amplifies [followed by a clause] that limits.(3) Alternatively, it can be argued that he agrees with the Rabbis, for [he might say] if [the sole object of this clause were the inference] of R. Eleazar b. Azariah, the Torah could have included, 'from the pressed grapes even to the grape-stone' with the other items specified.(4) Why then does it appear after the general statement? To show that the text is to be construed as a general statement followed by a specification.

But why should not this be its sole object?(5) If this were so, the verse should have read either 'pressed grapes and grape-stones [with both words in the plural] or 'pressed grape and grape-stone [with both in the singular]. The reason why the All-merciful says, 'from the pressed grapes even to the grape-stone' can only be that we should both interpret as a general statement followed by a specification and infer [that there is no penalty] unless he eats two pressed-grapes and one grape-stone.

Now R. Eleazar interprets [the text as consisting of] a clause that amplifies and a clause that limits. Where then does he find [in the Scripture the typical example of] specification, general statement and second specification? — R. Abbahu said that he finds it in the following verse. If a man deliver unto his neighbour an ass, or an ox, or a sheep,(6) is a specification; or any beast is a generalisation; to keep is a further specification(7) and so we may infer only what is similar to the specification.(8)

Raba said that [R. Eleazar] could find one in the following verse. And if [his offering] be of [the flock](9) is a specifications the flock a general statement, and [whether of] the sheep, [or of] the goats a further specification, and so we may infer only what is similar to the specification.(10)

Rab Judah of Diskarta(11) asked Raba: Why should not [R. Eleazar] find it in the following verse? [Ye shall bring your offering] of(12) is a specification the cattle [beasts] a general statement, and [of] the herd [or of] the flock a further specification, and so only what is similar to the specification can be inferred?(13) — He replied: This is not a clear case, for if [he inferred it] from there it could be argued that [in the expression] 'the cattle',

1. V. our Mishnah supra.
2. To be able to continue the argument as the Rabbis do.
3. In R. Eleazar's argument no second specification is needed.
4. In the verse preceding.
5. Leaving no room for R. Eleazar b. Azariah's further ruling.
6. As a bailment. Ex. XXIII, 9.
7. For it excludes beasts of prey which cannot be 'kept', i.e. guarded.
8. Domestic animals of any kind and also poultry.
9. Lev. I, 10. The inference depends on the Hebrew construction which could have read 'And if flock', so that the expression 'of the flock' does limit the choice permitted.
10. In this example it is not clear from the verse what is excluded. An animal that had been worshipped as a deity would be forbidden as a sacrifice, but the commentators differ as to whether Raba could have had this in mind.
11. [Deskarah, sixteen parasangs N.E. of Bagdad Obermeyer op. cit. p. 146.]

12.Lev. 1, 2. (V. note 4).

13.Viz.: domestic clean animals, though the age would be immaterial.

cattle includes beasts of chase.(1) — [Rab Judah] retorted: Could beasts of chase be included In 'cattle' [in this instance]? For 'the herd and the flock'(2) are mentioned, making in fact a specifications a general statement, and a specifications and only what is similar to the specification can be inferred!(3)

How do we know that [the rule] is correct?(4) — It has been taught: And thou shalt bestow the money for whatsoever thy soul desireth(5) is a general statement, for oxen or for sheep or for wine or for strong drink a specification, and or for whatsoever thy soul asketh of thee a further general statement, making a general statement, a specification and a second general statement. Only what is similar to the specification may be inferred,(6) and so because the specification particularises the product of that which is itself a product,(7) whose sustenance is drawn from the earth,(8) whatever is a product of a product-bearing species that draws its sustenance from the earth [may be purchased].(9)

Seeing that when there is a general statement, a specifications and a general statement, we infer whatever is similar to the specification, what is then the function of the second general statement? It is to add whatever resembles the things specified.(10) Again, seeing that when there is a specifications a general statement, and a specifications what is similar to the specification is inferred, what is the purpose of the second specification? — But for its presence it would be said that it is a case of general statement being added to the [first] specification.(11) Further, seeing that both when there are two general statements [separated by] a specification and when there are two specifications [separated by] a general statement, what is similar to the specification is inferred, what then is the difference between the two cases? — It is that whereas in the former case we include even things that resemble the specification In one respect only,(12) in the latter case we include only what resembles [the specification] in two respects, but not what resembles it in one respect.(13)

Seeing that when a specification is followed by a general statement, the general statement supplements the specification, all things being included, and again when a limitation is followed by an amplifying clause, this amplifies to the fullest extent, all things being included, what then is the difference between [the two cases]? — The difference is that whereas in the case of a specification followed by a general statement, both shoots and leaves [say],(14) would be included, in the case of a limitation followed by an amplifying clause, Only the shoots, but not the leaves [would be included].(15)

R. Abbahu said: R. Johanan said that what is permitted is not reckoned together with what is forbidden(16) in the case of any prohibition of the Torah with the exception of the prohibitions of the nazirite where the Torah says explicitly, [Neither shall he drink] that which is soaked in grapejuice.(17)

1. And so the second specification is in any case necessary to exclude these, and we cannot use it to derive the method of specification etc.
2. Which are domestic clean animals and not beasts of chase, and their mention serves to exclude beasts of chase.
3. Thus beasts of chase would be automatically excluded by the operation of the rule, so that the rule can be applied.
4. Viz.: that when there is more than one specification, whatever is similar can be inferred (Rashi).
5. Deut. XIV, 26, referring to money converted from the second tithe.
6. Thus the presence of a second generalisation alters the rule that applies when there is a single clause of each kind. The same is taken to be true when there is a second specification.

7. Mineral substances are thus excluded.
8. In contrast to fish.
9. E.g., poultry also.
10. Without the second general statement, only the things actually specified would be included in the scope of the subject under discussion.
11. [In which case the rule is that even things that do not resemble the specification are included.]
12. E.g., in the case of the second tithe we do not also require the thing purchased to be attached to the soil and so exclude poultry.
13. And so, for example, vine shoots are not forbidden the nazirite although they may be edible.
14. This is not referring to any particular case, but is simply an illustration of how the difference might arise.
15. V. Shebu. (Sonc. ed.) p. 12, n. 3.
16. I.e., there is no penalty unless a full olive's bulk of the forbidden food is consumed. Thus half an olive's bulk of forbidden fat and half of permissible meat would entail no penalty.
17. E.V. 'liquor'. Num. VI, 3. Hence an olive's bulk of, e.g., bread soaked in wine carries the penalty.

Folio 36a

Ze'iri said: Another [exception] is leaven which it is prohibited to burn [on the altar].(1) According to whom [will Ze'iri infer this? Evidently] after the manner of R. Eleazar who interprets the particle kol [any].(2) But then should not another exception be leaven [on passover]?(3) — Quite so. But [Ze'iri wished to indicate his] dissent from the opinion of Abaye that the burning of even less than an olive's bulk counts as an offering,(4) and so he [incidentally] tells us that the burning of less than an olive's bulk does not count as an offering.(5)

As R. Dimi was once sitting and repeating the above reported decision [of R. Johanan](6) Abaye raised the following objection. [A Mishnah says:] If part of a stew of terumah(7) containing garlic and oil of hullin(8) is touched by a [defiled person who] had bathed that day,(9) the whole is rendered unfit [to be eaten].(10) If part of a stew of hullin containing garlic and oil of terumah is touched by a [defiled person who] had bathed that day, only that part that was touched becomes unfit [to be eaten].(11) Now, in discussing this it was asked why the part touched should become unfit(12) and Rabbah b. Bar Hanah quoting R. Johanan replied: The reason is that a layman(13) would be scourged for eating an olive's bulk.(14) Surely this

1. Lev. II, 11.
2. Ibid. 'any leaven' as a sign that even in combination it is forbidden, with the full penalty for transgression.
3. For here R. Eleazar explicitly makes this interpretation of kol, (v. Pes. 43b), and so why does not Ze'iri mention it.
4. So that even if the total bulk burnt is less than an olive, there is a penalty. V. Men. 58a.
5. Although not all the olive's bulk need be leaven. That leaven on passover is another exception we are expected to infer.
6. That what is permitted does not combine with what is forbidden.
7. The priestly heaveoffering (v. Glos.). It had to be kept in ritual purity.
8. 'Profane food' i.e. not terumah.
9. And would become ritually pure after sunset. Although counted as clean for many purposes he could still defile terumah.
10. Including the garlic and the oil, which are regarded as though absorbed in the terumah.
11. Teb. Y. II, 3.
12. Seeing that hullin predominates.
13. A non-priest who is forbidden to eat terumah.
14. Thus the predominance of hullin does not take away the sacred character of the terumah contained in the mixture.

is because permitted food combines with forbidden?(1) — [R. Dimi] replied: No! [What R. Johanan means] by an olive's bulk is that an olive's bulk [of actual terumah](2) would be consumed during the time taken to eat a peras.(3) [Abaye objected:] Is then the time taken to eat a peras [reckoned] as a meal by the Torah?(4) — [R. Dimi] replied: It is. Then, [Abaye asked], why do the Rabbis differ from R. Eleazar as regards Babylonian kutah?(5) [R. Dimi] replied: Let Babylonian kutah alone,(6) since there is no olive's bulk [of leaven] consumed in the time it takes to eat a peras. For if a man does gulp down [a large quantity] at once, we disregard such a fancy as being quite exceptional,(7) whilst if one merely dips [other food] into it, you will not find an olive's bulk [of the leaven] consumed in the time taken to eat a peras.(8)

He [Abaye] raised objection against [R. Dimi's ruling from the following passage]. [It has been taught:] If two [spice] mortars, one containing terumah and the other hullin stood near two pots, one containing terumah and the other hullin, and [the contents of] the first pair fell into the other pair,(9) both [dishes] may be eaten,(10) for we assume that hullin fell into hullin and terumah into terumah. Now if it is a fact that the consumption of an olive's bulk within the time taken to eat a peras is [prohibited by] the Torah, why do we make this assumption?(11) — But if, [granting your view, replied R. Dimi] permitted and forbidden foods combine, how again could the assumption be justified?(12) The fact is that no argument can be based on the terumah of spices, [for its sanctity is the result] of a rabbinic enactment.(13)

He [Abaye] raised a [further] objection. [It has been taught:] If two baskets, one containing terumah and the other hullin stood near two vessels,(14) one of terumah and the other of hullin and the former pair were tipped into the latter, both are permitted, for we assume that hullin fell into hullin and terumah into terumah.(15) Now if it is a fact that an olive's bulk consumed within the time taken to eat a peras is [prohibited by] the Torah, how can we make such an assumption?

1. Seeing that scourging is the penalty for eating an olive's bulk of the mixture.
2. Not of the mixture.
3. Lit. 'piece', a piece of bread equal in size to four average eggs. This interval constitutes a single meal (Ker. III, 3). Since the quantity of terumah contained in the amount of stew eaten in this interval was an olive's bulk, there would be a penalty of scourging for a layman. [According to Maimonides, Yad, Erubin I, 9, peras is equal to three average 'eggs'].
4. So that stripes would be inflicted even if other food is taken in the same interval.
5. A preserve of sour milk, bread crusts and salt used as a source. R. Eleazar considered it to be prohibited on Passover by the Torah, so that its consumption entailed a penalty, whilst the Rabbis considered it to be forbidden only by rabbinic decree; v. Pes. 43a.
6. For if indeed permitted and forbidden foods combined, you would be still harder put to it to explain why the Rabbis would not consider it forbidden by the Torah-law! (So the text in yes. 44a).
7. Because ordinary people do not use it as a food, his eccentric eating of it is not treated as eating to entail a penalty.
8. And so it is only forbidden by rabbinic decree.
9. Without it being known which was tipped into which.
10. I.e., the dish of hullin may still be eaten by a layman.
11. Since a mixture of terumah and hullin would be forbidden in Torah-law, our doubt concerning the dishes should be resolved (as it always is in cases of Torah-law) in the stricter sense, and both declared terumah.
12. For then the doubt would certainly be concerned with Torah-law, so that both dishes should

be forbidden.

13. The Torah does not require terumah to be separated from spices. Hence the doubt concerns only what is forbidden by the Rabbis and so is resolved in the more lenient sense.

14. Heb. Sa'in, plural of Sa'ah, a large dry measure, here assumed to contain grain.

15. Tosef. Ter. VI, 15.

On my view that what is permitted and what is forbidden combine fin general], this will offer no difficulty, for it may be taken for granted that hullin predominated;(1) whereas on your view [that there is a prohibition whenever] an olive's bulk is consumed within the time taken to eat a peras, what difference would the predominance of hullin make?(2) — [R. Dimi] replied: Do not seek to argue from terumah at the present time, for [its sanctity] is rabbinic.(3)

Abaye asked [R. Dimi]: What ground is there for assuming that the purpose of the phrase 'soaked in'(4) is to indicate that what is permitted and what is forbidden combine,(5) for may not its purpose be to indicate that the taste is equivalent to the substance itself?(6) (Is not this curious? First Abaye is perplexed by R. Dimi's statement(7) and points out all the above contradictions, and then he suggests that perhaps, after all, the flavour is equivalent to the substance!(8) — After [R. Dimi] had answered him,(9) he went on to suggest that perhaps its purpose is to indicate that the taste is equivalent to the substance itself.)(10) For it has been taught: The phrase 'soaked in' makes the taste equivalent to the substance itself, so that if [the nazirite] soaked grapes in water and this acquired the taste of wine, there would be a penalty [for drinking it].(11) From this case, an inference may be drawn applicable to all prohibitions of the Torah. For seeing that in the case of the nazirite where the prohibition is not permanent,(12) where he is not forbidden to derive any benefit [from wine],(13) and where he may even have the prohibition removed,(14) the taste was declared to be equivalent to the substance, then in the case of mixed seeds in the vineyard(15) where the prohibition is permanent, where it is forbidden to derive any benefit from them, and where there is no way in which the prohibition can be removed it surely follows that the flavour is to be equivalent to the substance itself. The same argument applies to Orlah(16) which has two [of these properties].(17) — [R. Dimi] replied:(18) The above represents the view of the Rabbis, whereas R. Abbahu, in making his statement [on behalf of R. Johanan],(19) was following the opinion of R. Akiba.

To what [statement of] R. Akiba [does this refer]? Shall I say that it is the [dictum of] R. Akiba to be found here [in our Mishnah] where we learn: R. AKIBA SAID THAT THERE IS A PENALTY EVEN IF HE SOAKS HIS BREAD IN WINE AND ENOUGH [IS ABSORBED] TO COMBINE INTO AN OLIVE'S BULK;(20) But whence [do you know that the olive's bulk includes the bread eaten]?(21) May it not mean that the wine alone must be an olive's bulk! And should you object that the statement would then be obvious?(22) [To this we may reply] that its object is to indicate dissent from the opinion of the first Tanna(23) [that there is no penalty] Unless he drinks a quarter [of a log] of wine! It must therefore be the [statement of] R. Akiba to be found in the following Baraitha where it is taught: R: Akiba said that a nazirite who soaks his bread in wine and eats an olive's bulk of the bread and wine is liable [to the penalty].

R. Aha, the son of R. Iwia, asked R. Ashi: Whence will R. Akiba, who interprets the phrase 'whatever is soaked in' as implying that permitted and forbidden foods combine, derive the rule that the taste is equivalent to the substance itself?(24) — He can derive it from [the prohibition of] meat and milk [seethed together],(25) for there is no more than the mere taste in that case(26) and yet it is forbidden, whence we may infer that the same is true here.(27) The Rabbis do not allow this inference to be made from meat and milk because it is an anomalous [prohibition].(28)

What constitutes its anomaly? Shall I say it is the fact that each constituent is permitted separately, while the combination is forbidden? Surely also in the case of mixed [seeds](29) each constituent is permitted separately and the combination is forbidden!(30) — It is, therefore, the fact that If soaked in milk all day long, [the meat] remains permitted, and yet on seething it becomes forbidden.(31)

Must not R. Akiba, too, agree that [the seething together of] meat and milk is an anomalous [prohibition]?(32) — It must therefore be

1. So that there would no longer be a Torah-prohibition, for the predominance of the hullin causes the terumah to lose its identity in Torah-law. This argument could not be used of

spices since its flavour which permeates the whole dish is too strong to become neutralised.

2. For it is unlikely that the Baraitha is assuming that there was so little in the baskets that a peras of the mixed contents afterwards contained less than an olive's bulk of the contents of one of them. The Torah-doubt would therefore remain.
3. After the destruction of the Temple and the depopulation of Judea, many scriptural precepts, including the separation of tithes and terumah were still observed by the people, although not strictly binding on them in Torah law.
4. V. supra p. 128, n. 6.
5. In the case of the nazirite prohibitions only, as asserted by R. Dimi quoting R. Johanan. V. supra 35a, end.
6. I.e., anything flavoured with a forbidden substance is equally forbidden, even as the forbidden substance itself. [That is, provided the forbidden substance consisted originally of the size of an olive. This requirement distinguishes Abaye's principle from the one reported by R. Dimi in virtue of which what is permitted combines with what is forbidden, even though the Iatter is less in size than an olive's bulk.]
7. And considers that the same should be true of all prohibitions, not merely the nazirite prohibition.
8. Thus rejecting the inference in toto!
9. All the questions he put to him.
10. The bracketed passage is an interjection.
11. And so why does not R. Johanan make the same inference as the author of this Baraitha? The rest of the paragraph contains the concluding portion of the Baraitha.
12. But lasts as long as the naziriteship, which may be as little as thirty days.
13. He may, for example, sell it.
14. By giving sufficient grounds for this to a Sage.
15. It was forbidden to sow grain between the vines, v. Deut. XXII, 9.
16. The fruit of a tree during its first three years after planting, v. Lev. XIX, 23.
17. The prohibition is permanent, and it is forbidden to derive any benefit from it, but after the 3rd year the fruit may be eaten. — This ends Abaye's argument.
18. [So Var. lec. Cur. edd.: 'A certain scholar said to him'.]
19. Supra 35b, that permitted and forbidden foods combine in the case of the nazirite prohibition.
20. Supra 34b.
21. To enable us to infer that permitted and forbidden foods combine.
22. In which case there would have been no point in having it in the Mishnah.
23. The Tanna of the 'earlier Mishnah' mentioned in our Mishnah.
24. It is assumed that R. Akiba admits this rule.
25. V.Ex. XXIII, 19.
26. Since the meat by itself is forbidden owing to the taste of the milk it absorbed.
27. I.c., that water having the taste of wine is forbidden the nazirite.
28. And 50 cannot be made the basis of a general rule.

29.The planting of mixed seeds in a vineyard, v. Deut. XXII, 9.

30.So that milk and meat are not unique in this respect.

31.Thus it is not the taste but the seething that is at the root of the prohibition.

32.From which no analogies can be drawn.

that he derives the rule from the [necessity for] scalding the vessels of a Gentile.(1) For the All-Merciful Law has said, Everything that may abide the fire [ye shall make go through the fire etc,](2) telling us that they are [otherwise] forbidden. Now the scalding of a Gentile's vessels [must be done] because the mere taste is forbidden, and so here too, the same is true.

Then why should not the Rabbis also infer this rule from the scalding of a Gentile's vessels? — [Rab Ashi] replied: There [too] the prohibition is anomalous for everywhere else in the Torah whatever imparts a worsened flavour is permitted,(3) whereas in the case of the scalding of a Gentile's vessels a worsened [flavour](4) is forbidden.

Must not R. Akiba agree that this case is anomalous?(5) — R. Huna b. Hiyya replied: According to R. Akiba, the Torah only forbade utensils that had been used [by a gentile] on the same day, in which case the flavour is not detrimental.(6) And the Rabbis? — They considered that even with a pot that had been used on the same day it was impossible for the flavour not to be slightly detrimental. R. Aha, the son of R. Iwia, said to R. Ashi: The Rabbis' opinion should throw a certain light on the views of R. Akiba. For the Rabbis say that [the phrase] 'whatever is soaked in' has as its object to indicate that the taste is equivalent to the substance itself, and [further] that a rule may be derived from this applicable to all prohibitions of the Torah. And so, ought not R. Akiba also, who interprets this same [phrase] 'whatever is soaked in' as implying that what is permitted combines with what is forbidden, infer [further] from it a rule applicable to all prohibitions of the Torah?(7) [R. Ashi] replied: [He does not do so] because the nazirite and the sin-offering(8) are dealt with in two verses [of Scripture] from which the same inference(9) is possible, and whenever there are two verses from which the same inference is possible no other cases may be inferred.(10)

The nazirite [passage] is the one just explained.(11) What is [the inference from] sin-offering? It has been taught: [The verse] Whatsoever [food] shall touch the flesh thereof(12) shall be holy(13) might be taken to imply that [it becomes holy] even if none [of the sin-offering] is absorbed by it.(14) Scripture [however] says the flesh thereof, [this indicates that it becomes sacred] only when It absorbs from its flesh;(15) 'it [then] shall be holy', [that is, have the same degree of sanctity] as [the sin-offering] itself.(16) If the latter is ritually unfit [to be eaten](17) the other becomes unfit also, whilst if it is still permitted, the other is also permitted, only under the same conditions of stringency [as the sin-offering].(18)

What can the Rabbis [say to this argument]?(19) — They will contend that both verses are necessary.(20) For if the All-Merciful had inscribed only the verse relating to the sin-offering it would have been said that we have no right to infer from it the case of the nazirite, for we could not infer anything about the nazirite from [regulations applying to] sacrificial meats.(21) Again, had the All-Merciful inscribed only the verse relating to the nazirite, It could have been argued that no rule can be derived from the nazirite, since the prohibitions in his case are very severe indeed for he is forbidden even the skin of the grape. On this ground we should have been able to infer nothing. [Thus both verses are necessary.]

What is R. Akiba's reply [to this argument]? — He will reply that both verses are certainly not necessary. Granted that had the All-Merciful inscribed only the verse relating to the sin-offering, we could not have deduced the case of the nazirite because what is profane cannot be inferred from [regulations applying] to sacrificial meats,(22) yet the All-Merciful could have inscribed only the verse relating to the nazirite, and the case of the sin-offering could have been deduced from this, since [in any case] all other prohibitions of the Torah are inferred from the nazirite prohibition.(23) And the Rabbis? — They [can] reply that while the [verse relating to] sin-offering [tells us] that permitted and forbidden foods combine, we cannot infer from [regulations applying to] sacrificial meats any rule concerning profane food,(24) [whereas] when the phrase 'whatever is soaked in' tells us that the taste is equivalent to the substance itself, a rule is inferred from this applicable to all prohibitions of the Torah. And R. Akiba? — He considers that both verses are intended to tell us that what is permitted combines with what is forbidden, so that these are two verses from which the

same inference can be made, and when two verses occur from which the same inference can be made, no other cases may be inferred.(25)

R. Ashi said to R. Kahana: How are we to explain the following, where it is taught: '[The verse] Nothing that is made of the grape-vine, from the pressed grapes even to the grape-stone,(26) teaches that the things forbidden to a nazirite can combine together'?(27) For seeing that it is possible, according to R. Akiba, for what is permitted to combine with what is forbidden, need we be told that the same is true of two species of forbidden substances? — [R. Kahana] replied: What is permitted [combines with] what is forbidden only [if they are eaten] together, whereas two species of forbidden substances combine even [if eaten] consecutively.

Now R. Simeon

1. Before they can be used by Jews.
2. Referring to the vessels captured by the Jews during the campaign against Midian. Num. XXXI, 23. The scalding prescribed causes the sides of the vessel to exude forbidden flavours that may have been absorbed.
3. And consequently does not cause what is permitted to become forbidden. For the derivation of this rule v. A.Z. 67b.
4. Any flavour exuded from the sides of a cooking-utensil nor properly scalded of course worsens the food.
5. And so bow can it form the basis of our rule.
6. And we may properly infer that the flavour of a forbidden substance is forbidden.
7. Whereas R. Johanan, who is following the opinion of R. Akiba, expressly confines the rule to nazirite prohibitions only; v. supra 35b.
8. This is explained immediately below.
9. Viz.: That a permitted and a forbidden substance combine.
10. Ordinarily a rule is derived from a single passage. If another passage occurs from which exactly the same rule would follow, it can only be because there is in fact no rule, and both the cases are exceptional; v. Sanh. (Sonc. ed.) p. 458, n. 9.
11. Whatever is soaked in … Num. VI, 3.
12. I.e. of the sin-offering.
13. Lev. VI, 20.
14. The meaning is: It might have been taken as implying this if the word flesh had not been used.
15. In which case the permitted and forbidden foods have combined. R. Akiba's deduction now follows. [The text of cur. edd. is difficult. A better reading is preserved in the Sifra a.l. 'till it absorbs', omitting the words, 'into its flesh.]
16. The sin-offering could be eaten only 'by the males of the priesthood, within the hanging of the court, the same day and evening until midnight'. (M. Zeb. V, 3; Singer's P. B. p. 12). For other meats there were other, often less stringent regulations. (Ibid.).
17. E.g. because it is after midnight.
18. See note 10.
19. If the verses relating to nazirite and sin-offering both lead to the same inference how do they establish their rule about taste and substance?
20. I.e. That it is in fact impossible to infer the rule from either one of the passages taken alone,

since its presence would have been put down to other properties of the sinoffering or the nazirite, which are really irrelevant as far as the rule is concerned.

21. Since no rule about profane things can be inferred from sacred ones. This is a general principle.

22. So that the inference that could be drawn from the sin-offering is admittedly not exactly the same as that drawn from the nazirite prohibitions

23. By the Rabbis. For no mention of the sin-offering is made in the Baraitha (supra 37a). Thus this verse would be altogether superfluous, and the principle of 'two verses from which the same inference can be drawn' can be applied.

24. And so this principle is confined to sacred meats.

25. And that is why R. Akiba confines the principle to the nazirite prohibitions.

26. Num. VI, 4.

27. So that provided an olive's bulk is consumed there is a penalty, even if the quantity of each constituent is less than this.

does not require the principle of combination.(1) What interpretation does he put on the verse, 'Nothing that is made etc.'? — He requires it for the rule that one cannot become a nazirite without undertaking explicitly to abstain from all the things [that are forbidden a nazirite].(2)

R. Abbahu, quoting R. Eleazar, said: In none of the instances In the Torah requiring a quarter [of a log](3) does what is permitted combine with what is forbidden, with the exception of the quarter [of a log] of the nazirite, where the Torah uses the phrase 'soaked in'.(4) What is the difference between R. Johanan(5) and R. Eleazar? — It is that the former includes solid foods,(6) the latter liquids only but no other things.

R. Eleazar said that there are ten quarters [of a log](7) and R. Kahana knew for a fact(8) that five [involved] red [liquids](9) and five white.(10) For the five red ones [there is the following mnemonic]:(11) A nazirite and a celebrant of the passover who delivered judgment in the sanctuary and died. 'A nazirite' indicates the quarter [log] of wine [entailing a penalty] for the nazirite [who drinks it].(12) 'A celebrant of the passover' refers to the following dictum quoted by Rab Judah on behalf of Samuel viz: — Each of these four cups(13) should contain sufficient [undiluted wine] to make a quarter of a log [of diluted wine].(14) 'Who delivered judgment' [refers to the law that] one who has partaken of a quarter of a log of wine must not render a decision.(15) 'In the sanctuary [refers to the law that a priest] who drinks a quarter of a log of wine and then enters the sanctuary renders himself liable to death penalty.(16) 'And they died' [indicates the following teaching]: For it has been taught, whence do we infer that a quarter of a log of blood taken from two corpses renders unclean the contents of a tent? Because it is said, Neither shall he go to any dead body.(17)

The five white [fluids are indicated in the following mnemonic]: The cake of a nazirite or a leper who were disqualified on the Sabbath. 'The cake' [signifies] the quarter of a log of oil for the cake;(18) 'of a nazirite', the quarter of a log of oil [that must be brought] by a nazirite;(19) 'or a leper,' the quarter of a log of water [that must be used] for a leper.(20) 'Disqualified' [indicates] what we have learnt: Other ritually defiled liquids render the body unfit(21) if a quarter of a log [is partaken of].(22) 'On the Sabbath' [indicates] what we have learnt: For all other liquids [the legal quantity](23) is a quarter of a log, and for all waste liquids [the legal quantity] is a quarter of a log.

But is there no instance other than [the ten mentioned, requiring a quarter of a log?] There is surely the case: 'With a quarter [of a log of water] the hands of one person, and even of two may be washed [before food]'!(24) Disputed cases are not included.(25) But we have [also the following case]: He brought an earthenware phial and poured into it half a log of water from the laver.(26) According to R. Judah it was only a quarter of a log'?(27) — Disputed cases are not included.

But we have [also the following]: 'How much water must be poured [into the chamber-pot]?(28) As little as one pleases. R. Zakkai said: It must be a quarter of a log'.(29) — Disputed cases are not included.

But there is also the ritual-bath?(30) — [There are ten cases] besides this one, for the Rabbis [subsequently] disallowed this quantity.(31)

1. Because in his opinion there is a penalty even for a minute quantity of any one of the things forbidden the nazirite. V. supra 4a.

2. Supra 3b.

3. E.g., The quarter-log of blood that spreads defilement throughout a tent; Cf. infra 54a.

4. Num. VI, 3.

5. Who uses the term 'all the prohibitions of the Torah' instead of 'all quarters (of a log) in the Torah'. Supra 35b.

6. In the scope of the application of the principle.

7. In ten instances the quantity of fluid required by the Law is a quarter of a log.

8. Lit., 'held in his hand'.

9. Wine or blood.

10. Water or oil.

11. Each term of the mnemonic indicates one of the instances.

12. Mishnah supra 34b

13. That must he partaken of at the passover meal; v. Pes. X, 1.

14. Wine was usually diluted with three parts of water, v. Pes. 108b.

15. Inferred from the juxtaposition of the forbidding of wine to priests about to enter the sanctuary (Lev. X, 9) and the statement that a priest's duty is to 'teach (lit., 'render decisions for') the children of Israel'. (Ibid. V, 11).

16. M. Ker. III, 3, inferred from Lev. X. 9.

17. Lev. XXI, 11. Heb. 'nafshoth' in the plural, and so two or more corpses, v. Sanh. 4a.

18. I.e., the unleavened portion of the thankoffering, which required half of what was brought for the whole thank-offering. V. Lev. VII, 12 and Men. 8 (Tosaf).

19. Num. VI, 15.

20. Lev. XIV, 5.

21. I.e., ritually unclean.

22. V. Me'il. 17b. [There the reading is 'all liquids'. Our text is difficult to explain; cf. Bertinoro on Mik. x, 7.]

23. The removal of which from a public to a private domain carries with it a penalty for breach of the Sabbath.

24. Yad. I, 1.

25. This is not a unanimous opinion, R. Jose contending that each person requires a quarter of a log (ibid.).

26. The Mishnah is describing the preparation of the 'bitter waters' to be drunk by a faithless wife. V. Lev. V, 17.

27. Sotah II, 2.

28. To enable one to say one's prayers in the same room.

29. Ber. 25b.

30. A ritual-bath containing a quarter of a log might be used for dipping small vessels such as needles to remove ritual defilement; v. Pes. 17b.

31. And enacted that only a full-size ritual-bath containing 40 seahs was to be used even for needles. V. Hag. 21b.

WHILST THERE IS NO PENALTY UNLESS HE EATS AN OLIVE'S BULK OF GRAPES etc.:] The first Tanna(1) does not put all the things forbidden a nazirite on the same footing as drinking,(2) whereas R. Akiba, because of the verse nor eat fresh grapes nor dried,(3) says that just as in eating an olive's bulk [entails a penalty], so for all the prohibitions(4) an olive's bulk [is sufficient to entail a penalty].

THERE IS A SEPARATE PENALTY FOR WINE etc. Our Rabbis taught: [The verse,] 'Nor eat fresh grapes nor dried' indicates that there is a penalty for [eating] the one by itself, and a penalty for [eating] the other by itself.(5) From here a rule may be derived applicable to all prohibitions of the Torah.(6) Just as here where we have a single species [grapes] known by two different names [fresh and dried], each entails a distinct penalty, so wherever we find a single species known by two different names, each entails a penalty distinct from the other. In this way, new wine and grapes are included.(7)

Abaye said: For eating pressed-grapes [the nazirite] is scourged twice;(8) For eating grape-stones he is scourged twice; for eating both pressed-grapes and grape-stones he is scourged three times. Raba(9) said: He is scourged once only [in the first two cases] since we do not scourge for [breach of] the prohibition expressed in general terms.

R. Papa raised an objection: [It is taught] R. Eleazar said that a nazirite who drank wine all day long would be scourged once only. If, however, he was warned, 'Do not drink', and again 'Do not drink', [and so on], there would be a penalty for each [warning]. If he ate fresh grapes, dried grapes, pressed-grapes, grape-stones, and squeezed a cluster of grapes and drank [the liquor] he would be scourged five times.(10) Now if [Abaye is right] he should be scourged six times, including once on account of 'He shall eat nothing [that is made of the grape-vine]'? — [Abaye replied:] He mentioned some and omitted others.(11) But what other [count] is omitted, that the one referred to(12) should have been omitted?(13) — He omitted, He shall not break his word.(14) Had this last, however, been the only one, it would not have been considered an omission,(15) [as it could be argued that R. Eleazar] mentioned only [those prohibitions] that are not found elsewhere, whereas this one is found in connection with ordinary vows too.(16)

Rabina of Parazikia(17) said to R. Ashi: But he has in any case omitted the intermediate portion of the grape!(18) — But said R. Papa(19) [in reply to the various arguments advanced]: Five is not actually mentioned [in the Baraitha].(20) But [R. Papa]

1. I.e. the 'earlier Mishnah' of our text, which prescribes a different legal quantity for drinking (viz.: a quarter of a log) than for eating.

2. And so in other cases an olive's bulk entails a penalty. Thus the first Tanna makes no use of the arguments of R. Akiba given later at all.

3. Num. VI, 3, the first half of which is the prohibition against drinking.

4. Including drinking.

5. So that in eating both together there will be a double penalty.

6. Tosaf. has the preferable reading 'all prohibitions of the nazirite'.

7. Although the first can be obtained simply by squeezing the second, a nazirite who partakes of both is scourged twice.

8. The general prohibition contained in the verse, 'He shall eat nothing that is made of the grape-vine' is held by Abaye to add one scourging to the total number entailed by eating forbidden substances.

9. In Pes. 41b, where this controversy also occurs, the names are interchanged, Raba's appearing before the statement here attributed to Abaye. V. D.S. a.l

10. Tosef. Naz. IV, 1. (Here there is a variation based on the Mishnah infra 42a).

11. I. e. 'five' does not represent the total number of counts, but there are five scourgings in addition to others on counts not mentioned.

12. Viz., The general prohibition 'He shall eat nothing etc.'

13. It is assumed that the Tanna would not ordinarily omit one count only.

14. Num. XXX, 3. There would be stripes for breach of this injunction also.

15. And so its omission cannot be used as a counter argument against Raba (Tosaf). Aliter 'This is not an omission at all, for R. Eleazar etc.' so that the original contradiction remains.

16. There is thus a good reason for its omission, and so no objection to its being the only one omitted. (Tosaf.)

17. [Or Parazika, Farausag, near Bagdad, Obermeyer, p. 269. Var. lec. Raba of Parazikia, v. B.B. (Sonc. ed.) p. 15.]

18. The pulp, which entails a separate penalty, (v. supra, 34b near end). This would be present in the squeezed cluster, so that there should be six counts apart from the other two.

19. [Var. lec. Rabina; cf. n. 7.]

20. The correct reading is '… he would be scourged on each count', so that both Abaye and Raba can interpret it to suit their opinions. Incidentally the objection of Rabina of Parazikia is also disposed of.

quoted the passage in contradiction [of Abaye] because of the five [scourgings], and if five is not mentioned in it, why did he quote it as a contradiction? — R. Papa said [to himself]: I imagined that [Abaye's opinion] was not a tradition [he had received], and so he would retract [on hearing my quotation], for I did not know that it was a tradition and that he would not retract.(1)

R. ELEAZAR B. AZARIAH SAID etc.: R. Joseph said: In agreement with whom is the rendering in the Targum(2) as 'from the kernels even unto the skins'?(3) — In agreement with the opinion of R. Jose.(4)

MISHNAH. A NAZIRITESHIP OF UNSPECIFIED DURATION LASTS THIRTY DAYS.(5) SHOULD [THE NAZIRITE] POLL HIMSELF OR BE POLLED BY BANDITS,(6) THIRTY DAYS ARE RENDERED VOID.(7) A NAZIRITE WHO POLLS HIMSELF, NO MATTER WHETHER HE USES A SCISSORS OR A RAZOR, OR WHO TRIMS [HIS HAIR] HOWEVER LITTLE, INCURS A PENALTY.

GEMARA. [The Academy] wished to know whether the growth of the hair takes place at the roots or at the tips.(8) [The knowledge] is of importance for the case of a nazirite polled by bandits who left enough [of each hair] for the end to be curled in towards the root.(9) If [the hair] grows at the roots the consecrated part has been removed,(10) but if it grows at the tips, then the part he consecrated is still there.(11)

Judge from the live nit found at the root of a strand [of hair], for if it were true that the growth is at the root ought it not to be found at the tip?(12) — The growth may well be at the tip, but the nit, being alive, continually moves down [towards the root].

Judge(13) from a dead nit [that is found] at the end of a strand[of hair], for if it were true that the growth takes place at the end, ought it not to be found near the root? There again [it may well be] because it has no power [to grasp the hair](14) that it slides more and more along it.

Judge from the pigtails of heathens(15) that loosen near the root after growing [for some time]!(16) There too, [it may well be] because of its being creased by his lying on it that it grows loose.(17)

Judge from the sekarta(18) for the wool grows fresh again underneath [the marking], and this is something which we learned [in a Mishnah];(19) further when old men dye their beards, these grow white again

1. Instead he tried to explain away the Baraitha as quoted, and so R. Papa explained that there was in fact no contradiction.

2. V. Targum Onkelos on Num. VI, 4.

3. Instead of from the 'pressed-grapes (skins) even to the grape-stone as our versions have.

4. V. Our Mishnah.

5. This statement is repeated here (from supra 5a) to explain the rule of the next sentence.

6. Before bringing his sacrifices.

7. So that he should have a nazirite's poll when his sacrifices are offered and the vow terminated.

8. I.e., Does the growth of the hair result from new portions emerging from beneath the scalp, so that the part at first in contact with the scalp is afterwards found at a distance from it; or does this part remain where it is, and the growth take place in the visible part of the hair?

9. I.e., a seven-days growth, v. infra 39b.

10. And so this nazirite would have to observe a further thirty days as enjoined in the Mishnah.

11. And he may proceed to bring his sacrifices and poll in the ordinary manner. In this argument it

is taken for granted that a nazirite consecrates the hair on his head at the time of his vow.

12. Assuming that the nit stays on the same point of the strand all the time.

13. Lit., 'come and hear'.

14. Now that it is dead.

15. [Heb. belorith (etym. obscure), a heathen fashion of growing locks from the crown of the head hanging down in plaits at the back; v. Krauss, TA I, 645.]

16. So that new hair must have appeared near the roots.

17. And not because new hair has grown.

18. A red paint with which the tenth animals were marked during tithing, v. Bek. IX, 7 (58a).

19. The Mishnah (Bek. IX, 7) would not have suggested marking with sekarta if the markings were to become hidden shortly afterwards by a new growth. Mishnaic verification is always preferable to a mere argument.

at the roots.(1) From this we can justly infer that hair increases at the roots. This proves it.

But it has been taught [as follows]: A nazirite polled by bandits who left sufficient [of each hair] for the end to be curled inwards towards the root is not required to render void [his naziriteship].(2) Now if it is true that the hair grows from beneath, why should he not render it void? — It is here assumed that they polled him after the termination [of his naziriteship], and the author is R Eliezer in whose opinion whatever happens after the termination of the naziriteship renders void only seven days,(3) his reason being that he applies the same rule to polling in ritual purity(4) as to polling after defilement. Just as in polling after defilement seven days become void,(5) so in polling in ritual purity seven days are to be come void; and the Rabbis knew for a fact that every seven days enough hair grows for the tip to be curled inwards towards the root.(6)

A NAZIRITE WHO POLLS HIMSELF, NO MATTER WHETHER HE USES A RAZOR OR A SCISSORS,(7) OR WHO TRIMS [HIS HAIR] HOWEVER LITTLE INCURS A PENALTY: Our Rabbis taught: [From the word] razor,(8) I only know [that he is forbidden to use] a razor. How do I know that if he pulls [his hair] out, or plucks it [with tweezers] or trims it however little [he is equally culpable]? The verse continues, He shall be holy, and shall let the locks of the hair of his head grow long.(9) The above is the opinion of R. Josiah, whereas R. Jonathan said that 'razor' implies razor only, and if he plucks [his hair] or pulls it out, or trims it but a little there is no penalty.(10) But it says, He shall be holy etc.?(11) — This is to tell us that if he removes it with a razor, he has transgressed both a positive and a negative precept.(12)

Another [Baraitha] taught: 'Razor' tells me only [that he is forbidden to use] a razor. How do I know that if he pulls out [his hair], or plucks it, or trims it but a little [he is equally culpable]? The verse reads, [A razor] shall not come upon his head.(13) Now seeing that we are finally [intended] to include all means [of removing the hair], why are we told that a razor shall not come upon his head? This is because we should not otherwise be able to infer that the final polling must be done with a razor.(14) For it is impossible to derive this from the leper(15),

1. So that the same is true of human hair as of sheep's wool.

2. But may proceed to bring his sacrifices and Poll in the ordinary manner.

3. This view is stated in connection with a nazirite who contracted defilement after the termination of his period. V. supra. Mishnah and Gemara 160.

4. I.e. polling after the termination of the vow in ritual purity. Before the termination, in both cases thirty days become void according to R. Eliezer; Ibid.

5. Viz.: the seven days during which he is unclean.

6. So that if this amount was already left by the bandits, he need not wait at all.

7. In the Mishnah the order is, scissors or razor'.

8. 'There shall no razor come upon his head' (Num. VI, 5) — of the nazirite.

9. Indicating that the objection is to removing the hair and not simply to the use of a razor, as the means of removing it.

10. It is not even forbidden to do this according to R. Jonathan (v. Tosaf.).

11. Implying at least that it is forbidden to remove his hair by any means, even if there is no penalty (see previous note).

12. I.e., the implication is also a razor only, the prohibition of its use being merely strengthened.

13. Interpreted, omitting the first word 'razor', as 'he shall not remove (the hair) of his head'.

14. At the termination of the naziriteship; v. Num. VI, 18, where the instrument to be used for

polling is not mentioned, and so we infer it from the mention of the razor earlier in the passage.

15. Who is also required to poll; v. Lev. XIV, 8-9.

since we could not argue to the less stringent(1) from the more stringent(2) and impose [on the former] greater stringency.(3) Rabbi said: This argument is unnecessary.(4) For the text [can be] read, A razor shall not come upon his head until [the days of his naziriteship] are fulfilled,(5) so that the Torah says explicitly that after fulfilment, polling is to be carried out only with a razor.

But it [also] says, A razor shall not come upon his head?(6) — This is to provide for a penalty on two counts.(7)

R. Hisda said that stripes are incurred by [removing] one hair; [the completion of his naziriteship] is held up if two hairs [remain];(8) [the naziriteship] does not become void unless the greater part of his hair is removed by a razor.

[Are we to understand that] a razor only [is meant by R. Hisda] but no other method? Is it not taught 'How do we know that all other methods of removing [the hair are equally forbidden] etc.'? — You must therefore say [in R. Hisda's dictum] 'removed as though by a razor.'(9)

Likewise has it been taught: A nazirite who pulls out [his hair], or plucks it, or trims it but a little [incurs a penalty, but he](10) does not render void [the previous period] unless [he shaves] the greater part of his head with a razor.(11) R. Simeon b. Judah in the name of R. Simeon said: Just as two hairs [if they are left] hold up [the termination of the naziriteship], so also [the removal of] two hairs renders void [the previous period].(12)

We learn elsewhere: There are three who must poll, and whose polling is a religious duty, the nazirite, the leper, and the levites.(13) If any one of them polled without a razor, or left behind two hairs, his act is invalid.(14)

The Master said, 'There are three who must poll and whose polling is a religious duty.' Surely this is obvious?(15) It might have been thought that they are simply required to remove their hair, and even smearing it with nasha(16) [is valid] and so we are told that this is not so.(17)

It is [also] stated, 'If any one of them polled without a razor etc. Now we can grant this in the case of a nazirite where there is written, There shall no razor come upon his head,(18) and of the levites where there is written, And let them cause a razor to pass over all their flesh,(19) but how do we know that a leper must use a razor? Should you reply that this can be inferred from the levites [by the following argument, viz.] The levities require to poll, and the polling must be performed with a razor, and so I will infer of the leper who is required to poll that the polling must be performed with a razor; [your argument] can be refuted. For although it is true of the levites [that they must use a razor, this may be] because they had to be offered as a wave-offering,(20) which is not the case with the leper. You will therefore attempt to infer it from the nazirite.(21) But [it may be asked] although it is true of the nazirite, [this may be] because his sacrifice must be accompanied by cakes,(22) whereas a leper's does not require this. It being thus impossible to infer what is required from one by itself, you will try to infer it from both together in the following way. You will infer it [using the above argument] from the levites. [To the objection] that although it is true of the levites [this may be] because they had to be offered as a wave-offering, [you will reply that] the nazirite will show [that this cannot be the reason].(23) [To the objection that] although it is true of the nazirite [this may be] because his sacrifice must be accompanied by cakes, [you will reply that] the levites show [that this cannot be the reason].(24) The argument thus goes round; what applies to one side does not apply to the other; and what applies to the other side does not apply to the one side. What they have in common is that they both require to poll(25) and this polling must be done with a razor, and so I will infer with regard to the leper(26) who is also required to poll that his polling must be done with a razor.

Said Raba of Barnesh(27) to R. Ashi: But can it not be objected that another common property of [the levites and the nazirite] is

1. The nazirite who polls only his head.

2. The leper who must shave his wholy body.

3. Requiring a razor to be used, because the leper uses a razor. It might well be that a nazirite could use any means for removing his hair.

4. Viz.: The argument that because the word razor is superfluous in v. 5, polling in v. 18 means with a razor.

5. By altering the punctuation in v. 5, which concludes 'Until the days of his naziriteship are fulfilled he is holy to the Lord'.

6. Implying equally that a razor only is forbidden during the naziriteship.

7. There is a penalty for removing the hair, and a second penalty if a razor is used during the naziriteship.

8. The polling is invalidated thereby, and the procedure at the termination cannot continue as long as these remain.

9. I.e. close to the scalp.

10. Added from the Tosef. agreeing with the reading of the various commentators.

11. Thus the Baraitha agrees with R. Hisda.

12. Tosef. Naz. IV, 2.

13. When first appointed to office the levites had to poll. V. Num. VIII, 7.

14. Neg. XIV, 4.

15. For in each case there is a verse requiring them to poll.

16. Or nesa, a plant the sap of which was used as a depilatory. [Others regard it as a poisonous drug. Krauss, op. cit. I, 642, takes nasa as a variant of nasam mentioned in Neg. X, 10.]

17. But that a razor is essential.

18. Num. VI, 5. From this it is inferred that only a razor may be used at the final polling. V. supra.

19. Num. VIII, 7.

20. V. Num. VIII, 11. To refute an argument of the above kind, it is sufficient to show some difference however trivial between the procedure to he followed in both cases.

21. By an argument similar in the above.

22. V. Num. VI, 15.

23. For a nazirite was not required to be offered as a wave-offering yet had to use a razor.

24. For although the same was not true of the levites, yet they had to use a razor.

25. And it must be this common property that determines the other common property, viz.: that a razor must be used.

26. Lit., 'add to them the leper …'

27. [Near Matha Mehasia, a suburb of Sura; Obermeyer op. cit. p. 297].

that their sacrifice could not be offered in poverty,(1) whereas the sacrifice of a leper could be offered in poverty?(2)

Raba b. Mesharsheya said to Raba: This Tanna first asserts that [the rule of the nazirite] could not be deduced from that of the leper(3) because we must not argue to the less stringent from the more stringent in order to impose on it the same stringency, and then he goes on to say that [the case of the leper itself] should be inferred by argument,(4) whereas in fact we are not able to infer it from any argument!(5) — [Raba] replied: The former discussion is based on the view of the Rabbis,(6) the latter on that of R. Eliezer,(7) for we have learnt:(8) Whilst there is no penalty(9) unless he plucks out [the hair] with a razor. R. Eliezer said that even if he plucks it with tweezers or with a rohitni(10) he incurs a penalty.(11)

What is the reason of the Rabbis?(12) It has been taught: Why does Scripture mention his beard?(13) Because we find elsewhere(14) the verse, Neither shall they shave off the corners of their beards,(15) it might be thought that this applies even to [a priest who is] a leper. We are therefore told [that the leper must shave] 'his beard'.(16) Whence [do we know] that he must use a razor? — It has been taught: [The verse,] Neither shall they shave off the corners of their beards(17) could mean that even if they shaved it with scissors there would be a penalty, and so we are told [elsewhere], Neither shalt thou mar [the corners of thy beard].(18) [This last verse alone] could mean that even if he plucks it out with tweezers or a rohitni there is a penalty, and so we are told, Neither shall they shave the corners of their beards. How [do we make the inferences from these verses]? The kind of shaving that also mars [the beard] is with a razor.(19)

But how does it follow?(20) For may it not well be that even if [the leper] uses tweezers or a rohitni he has carried out his religious duty, the purpose of the verse(21) being to tell us that even if he uses a razor there is no penalty? — I will explain. If you assume that even if he uses tweezers or a rohitni he has carried out his religious duty, the verse should have remained silent on the subject(22) and I should have argued as follows. Seeing that a nazirite, who has done what is forbidden,(23) is nevertheless obliged [to use a razor], then [the leper] who is here doing a religious duty(24) should certainly [be allowed to use a razor].

1. A nazirite or a levite who could not afford the necessary sacrifices was given no alternative but had to wait until he could do so.

2. For a leper who was poor, special sacrifices of doves were permitted (v. Lev. XIV, 21ff.). Hence the leper is less stringent than either of the others, and so should perhaps not be obliged to use a razor for his ritual shaving.

3. Thus assuming that a leper certainly has to use a razor (v. supra 39b end). Raba b. Mesharsheya is here taking it for granted that the two Baraithas to which he makes reference form a single text.

4. For the gathering together of the three cases, nazirite, leper, and levites, into a single Baraitha is an indication that the case that is not explicit is deducible from those that are.

5. Since the argument from the levites or the nazirite fails completely. Even to an argument from the common properties there is the objection of Raba of Barnesh. How then, Raba b. Mesharshaya asks, is the sequence of the two Baraithas to be explained?

6. Who do in fact deduce that a leper must use a razor from an independent source. V. infra.

7. Who deduces that a leper must use a razor from the nazirite obligation to do so. V. infra 41a.

8. This Mishnah is quoted simply in order to show the existence of a controversy between R. Eliezer and the Rabbis, the Baraithas adduced to expound the sources of the controversy being anonymous.

9. For rounding the corners of the head.

10. Rohitni, usually a plane, here appears to mean some instrument for removing single hairs, since it is compared to a tweezers. V. Jastrow s.v.

11. Mak. 202.

12. I.e., what is their source for the case of the leper?

13. In Lev. XIV, 9, of the leper, for we already know that he must shave 'all his hair'.

14. Of the priests.

15. Lev. XXI, 5.

16. Even if he is a priest.

17. Lev. XXI, 5.

18. Of ordinary Israelites, not priests. Here the word 'mar' is used and a scissors does not 'mar'.

19. And since what is forbidden the ordinary person is prescribed for the leper, as is inferred in the previous Baraitha, a leper can, nay must, use a razor.

20. That he must use the razor.

21. Which says that the leper must shave, and also that he must shave his beard, and not simply that he must remove the hair.

22. Not using the word shave'.

23. By becoming defiled; aliter, by becoming a nazirite at all, in accordance with the opinion of R. Eleazar ha-Kappar, v. supra 19a.

24. He was not responsible for his leprosy, so that the act of purification is purely a religious duty, not an expiation.

Folio 41a

Moreover, should you assume that if he uses tweezers or a rohitni he has carried out his religious duty, then because a razor is not mentioned explicitly [it should be entirely forbidden](1) in accordance with the dictum of Resh Lakish who has said that wherever we find both a positive command and a prohibition(2) then, if it is possible to observe both(3) well and good, otherwise the positive command is to override the prohibition.(4)

And what is R. Eliezer's reason?(5) — It has been taught: Why does Scripture mention 'his head'?(6) — Since it says in connection with the nazirite, There shall no razor come upon his head(7) it might be thought that this is true even of a nazirite who becomes a leper. We are therefore told that [the leper must shave] his head.(8)

How does it follow?(9) May it not well be that even if he uses tweezers or a rohitni he has carried out his religious duty? And should you object that the razor should not have been mentioned,(10) [the answer would be that] this tells us that [the leper] may use even a razor; for I might have thought that because a nazirite who uses a razor(11) incurs a penalty, so does a leper(12) who uses a razor incur a penalty, and so we are told that this is not so?(13) — If you assume that a leper who uses tweezers or a rohitni has carried out his religious duty, then because a razor is not mentioned explicitly [in his case, it should be forbidden entirely], in accordance with the dictum of Resh Lakish.(14)

What interpretation do the Rabbis put on [the mention of] 'his head'?(15) — They require it to override the prohibition against rounding [the corners of the head], as it has been taught: [The verse] Ye shall not round the corners of your heads(16) might mean that the same is true of a leper, and we are therefore told [that he must shave] 'his head'.

But this(17) can be deduced from [the mention of] 'his beard'. For it has been taught: Why does Scripture mentions his beard? Since it says, Neither shall they shave off the corners of their beards,(18) it might be thought that even [a priest who is] a leper may not do so. And we are therefore told [that the leper must shave] 'his beard'. Now why should it be necessary to mention both 'his head' and 'his beard'?(19) — It is necessary. For had the All-Merciful mentioned 'his beard' and not 'his head' it might have been thought that the rounding of the whole head is not considered [as infringing the prohibition against] rounding,(20) and so the All-Merciful Law also mentions 'his head'.(21)

1. I.e., even if the word 'shave' had been used without the additional use of the expression 'his beard' we should not have made the inference that he is allowed to use a razor because of the dictum of Resh Lakish now given.

2. I.e., a command to do something (e.g., the leper is told to shave his beard) forbidden under certain circumstances.

3. I.e., carry out the positive command without transgressing the other.

4. The positive command must be fulfilled at all costs.

5. I.e., what is his source for the law that a leper must use a razor, since he holds that the prohibition of marring his beard applies to all instruments, there is no proof that a leper is obliged to use a razor.

6. Of a leper, seeing it has already said he must shave all his hair. Lev. XIV, 9.

7. Num. VI, 5.

8. And we see also that it must be with a razor, since it is this that is explicitly forbidden the nazirite.

9. That he is obliged to use the razor.

10. In Num. VI, 5, in connection with the nazirite, seeing that all things are forbidden him.

11. During his naziriteship.

12. [Who is also a nazirite.]

13. But there is still no proof that he must use a razor.

14. V. supra p. 149.

15. Since they already know that a leper may use a razor.

16. Which applies to all persons. Lev. XIX, 27.

17. Viz. the fact that the injunction to the leper to shave overrides any prohibition that might otherwise prevent him from so doing.

18. Lev. XXI, 5; of the priests.

19. Seeing that either case could be inferred from the other.

20. I.e., that shaving the head is permitted even to an ordinary person, only the rounding of the corners without the rest of the head being forbidden because it was a heathen practice. Whether this is in fact the case is discussed infra 57b-58, both sides of the question receiving arguments in its favour.

21. Enabling us to infer that even the shaving of the whole head is also forbidden an ordinary person.

Again, had 'his head' been mentioned and not 'his beard' I would have understood that two things are implied, first that the positive command [to shave] overrides the prohibition, and secondly that the rounding of the whole head is considered [to infringe the prohibition against] rounding, but there would still remain [the question], how do we know that a razor must be used?(1) And so the All-Merciful Law mentions his beard.(2)

And whence does R. Eliezer learn that a positive command overrides a prohibition? — He infers it from the [command to wear] twisted cords. For it has been taught: Thou shalt not wear a mingled stuff, [linen and wool together];(3)

1. For there the expression 'rounding' is used, and in fact 'rounding' is forbidden even if no razor is used.

2. In this case the expression is 'shave' which has been shown (supra 40b) to imply the use of a razor.

3. Deut. XXII, 11. The next quotation is the beginning of the next verse.

but nevertheless, Thou shalt make thee twisted cords of them.(1)

The Master said: 'If any one of them polled without a razor, or left behind two hairs, his act is invalid.'(2) R. Aha the son of R. Ika said: This implies that Torah-law accepts [the principle that] the majority(3) counts as the whole.(4) In what way [does this follow]? — From the fact that the All-Merciful reveals in the cafe of the nazirite that, On the seventh day he shall shave it,(5) [for we infer that] here only [is his duty unfulfilled] until the whole [has been shaved],(6) whilst elsewhere the majority counts as the whole.

R. Jose son of R. Hanina demurred to this: But this [verse] is speaking of a defiled nazirite?(7)

In the West(8) they laughed at this [objection]. Consider, [they said]. That a defiled nazirite is required to use a razor [in shaving his head] is inferred from a ritually pure nazirite.(9) [It stands to reason then that] we can now infer the rule of the ritually pure nazirite from the defiled nazirite, viz. that just as when the latter leaves two hairs standing his act is invalid, so when the former leaves two hairs standing his act is invalid.

Abaye propounded [the following question]: What [would be the Law] if a nazirite shaved and left two hairs standing, and then when his head showed a new growth shaved off [those two hairs], would this hold up [the termination of the naziriteship] or not?

Raba propounded [the following question]: What [would be the law] if a nazirite shaved, leaving two hairs standing,(10) and then shaved one and one fell out?(11)

R. Aha of Difti(12) asked Rabina: Has Raba any doubt in the case where hair is shaved one at a time?(13) — [He replied], We must say then, [the question arises if] one fell out and he shaved the other.(14)

He then replied:(15) Here is no polling, for here is no hair.

But if there is no hair here, then polling has been performed?(16) — The meaning is: Although there is no hair left, the duty to poll has not been validly observed.(17)

MISHNAH. A NAZIRITE MAY SHAMPOO [HIS HAIR] AND PART IT [WITH HIS FINGERS] BUT MAY NOT COMB IT.(18)

GEMARA. HE MAY SHAMPOO [HIS HAIR] AND PART IT [WITH HIS FINGERS]. Who is the author of this opinion? — It is R. Simeon who says a breach of the law which is not intended is allowed.(19) BUT HE MAY NOT COMB IT; here we come round to the opinion of the Rabbis.(20) [Are we then to understand that] the first clause is by R. Simeon and the next one by the Rabbis? — Rabbah replied: The whole is by R. Simeon, [for] a man who combs his hair intends to remove loose strands.(21)

MISHNAH. R. ISHMAEL SAID: HE IS NOT TO CLEANSE IT WITH EARTH BECAUSE IT CAUSES THE HAIR TO FALL OUT.

GEMARA. The Academy wished to know whether we read 'because it causes the hair to fall out,' or 'because of [the kinds of earth that] cause the hair to fall out.' Where would a practical difference arise? In the case where there is a variety of earth that does not cause it to fall out. If you say that we read 'because it causes it to fall out,' then wherever we know that it does not cause it to fall out, it could be used. But if you say 'because of [the kinds of earth that] cause it to fall out' that he may not use any kind at all! This was left undecided.

MISHNAH. A NAZIRITE WHO HAS DRUNK WINE ALL DAY LONG HAS INCURRED A SINGLE PENALTY ONLY. IF HE WAS TOLD 'DO NOT DRINK,' 'DO NOT DRINK' AND HE DRANK,(22) HE HAS INCURRED A PENALTY FOR EACH [WARNING].

FOR POLLING ALL DAY LONG HE INCURS ONE PENALTY ONLY. IF HE WAS TOLD, 'DO NOT POLL,' 'DO NOT POLL AND HE DID POLL,(22) HE HAS INCURRED A PENALTY

FOR EACH [WARNING]. FOR DEFILING HIMSELF [BY CONTACT] WITH THE DEAD ALL DAY LONG HE INCURS ONE PENALTY ONLY. IF HE WAS TOLD, DO NOT DEFILE YOURSELF, DO NOT DEFILE YOURSELF, AND HE DID DEFILE HIMSELF,(23) HE HAS INCURRED A PENALTY FOR EACH [WARNING].

1. From the juxtaposition of the two laws it is inferred that the second is to be carried out even at the cost of transgressing the first. A further discussion of this point will be found infra (58a-b).

2. Supra 40a.

3. Or the larger portion.

4. I.e., is legally equivalent to the whole.

5. Num. VI, 9. This sentence is a superfluous repetition of the previous one, 'He shall shave his head on the day of his cleansing', and is therefore taken as indicating that the whole head must be shaved

6. Because here we have a special indication that the larger portion is insufficient

7. Whereas according to the Baraitha, even a clean nazirite who leaves two hairs standing has not shaved effectively.

8. I.e., the Palestinian Academies. [The reference elsewhere is to R. Jose b. Hanina. Here it may be to R. Eleazar. V. Sanh. 17b.]

9. The razor mentioned in Num. VI, 5, refers to an undefiled nazirite.

10. So that the polling is invalid and must be repeated on the remaining two hairs.

11. So that he had not polled two hairs validly.

12. [Dibtha below the Tigris, S.E. Babylon, Obermeyer, op. cit. 197.]

13. There would finally remain two as in the present instance, and the polling of one would, R. Aha assumes, certainly complete the polling.

14. Thus when he commenced the final polling, there were not two hairs left, but one.

15. I.e., Raba answered his own problem (v. the parallel text in B.K. 105a).

16. For he is only required to poll what is actually there.

17. Since there were not two hairs when he started. He should therefore poll again later (v. Asheri and Maimonides, Yad Neziruth, VIII, 7); Rashi, here, does not require him to poll again.

18. I. e., may not use a comb, because hair will come out.

19. Provided that the act he is doing is permitted, he is not made to refrain because he may unintentionally also do something forbidden (v. Shab. 50b). So here, although hairs may detach themselves even if he uses only his fingers, we do not forbid him to use them.

20. For here too it is not his intention to detach hairs.

21. And this is forbidden.

22. After each warning.

23. After each warning.

GEMARA. It was stated: Rabbah, citing R. Huna, said: Scripture [speaking of the nazirite] makes the comprehensive statement, He shall not make himself unclean;(1) when it adds, He shall not enter [by a dead body],(2) [its intention is] to utter a [separate] warning against defilement [by contact] and a [separate] warning against entering [a tent],(3) but not against defilement [by contact] from two scources [at the same time].(4) R. Joseph, however, said: By God! R. Huna said that even for defilement [by contact] from two sources [at the same time there are separate penalties]. For R. Huna has said that a nazirite, standing in a cemetery, who was handed the corpse of his own [relative] or some other corpse, and touched it incurs a penalty.(5) Now why should this be so? Is he not actually being defiled all the time?(6) It follows therefore that R. Huna must have said that even for defilement [by contact] from two sources [he is to receive separate penalties].

Abaye raised an objection from the following. [A Baraitha teaches:] 'A priest,(7) carrying a corpse on his back, who was handed the corpse of his own [relative] or some other corpse and touched it, might be thought to have incurred a penalty,(8) but the text says, Nor profane [the sanctuary](9) [prescribing a penalty] for one not already profaned [and thus] excluding this man who is already profaned?(10) — [R. Joseph] replied: But our Mishnah should cause you the same perplexity, for we learn [there], FOR DEFILING HIMSELF [BY CONTACT] WITH THE DEAD ALL DAY LONG HE INCURS ONE PENALTY ONLY. IF HE WAS TOLD, 'DO NOT DEFILE YOURSELF,' 'DO NOT DEFILE YOURSELF,' AND HE DID DEFILE HIMSELF, HE HAS INCURRED A PENALTY FOR EACH [WARNING]. But why should this be so? Is he not already defiled? We can therefore only conclude that [the Mishnah and the Baraitha] contradict each other.(11)

[Abaye retorted:] There is no difficulty [in reconciling the Mishnah and the Baraitha]. The latter assumes that there is concatenation,(12) the former that there is no concatenation.

Is then defilement through concatenation a Torah enactment? Has not R. Isaac b. Joseph said: R. Jannai said that defilement through concatenation was held to be effective only as it affects terumah and sacrificial meats,(13) but not the nazirite or a celebrant of the passover?(14) Now, if as you assert, it is a Torah [defilement], why should there be this difference?(15) — There concatenation of one man with another is meant;(16) in our case concatenation of the man with the corpse.(17)

'But not against defilement [by contact] from two sources [at the same time,'(18) said Rabbah] because he is actually defiled already. But in the case of defilement [by contact] and entering [a tent containing a corpse] is he not also already defiled?(19) — R. Johanan replied: In the latter case [he is supposed to enter] a house [whilst undefiled];(20) in the former, [which takes place] in the open [there cannot be two penalties].(21)

1. Num. VI, 7.

2. E.v. 'come near to', Num. V. 6.

3. Containing a dead body. So that a nazirite, duly warned, who enters a covered place containing a corpse and actually touches the corpse is scourged twice.

4. I.e., for touching two corpses at the same time he is scourged only once, even if warned against each separately.

5. I.e., a penalty for touching the corpse.

6. By being in the cemetery.

7. Some versions (including Tosaf. and Asheri) read 'a nazirite'.

8. I.e., a further penalty for the second contact.

9. Of the High Priest. Lev. XXI, 12; so our text. Tosaf. and others read the verse, 'to profane himself' (Ibid. 4) spoken of an ordinary priest. In either case it is presumed that the same is true of

the nazirite.

10. Whereas according to R. Joseph there should be an extra penalty. Hence the contradiction.

11. And I, says R. Joseph, agree with the Mishnah which is more important.

12. I.e., that the person and the two corpses are in contact at the same time, and that is why there is no extra penalty. Where there is contact at different times there is an additional penalty.

13. I.e., a person defiled through concatenation (in what way is explained below) is forbidden to eat terumah (v. Glos.) or sacrificial meats for seven days, as though there had been direct contact with the corpse.

14. These observe defilement for one day only.

15. Hence concatenation is not a Torah enactment, and why should there be the difference between the Mishnah and the Baraitha.

16. I.e., a man touching a second man in contact with a corpse. Here the defilement for seven days instead of one is rabbinic.

17. If he then touches a second corpse there is no further defilement and so no further penalty.

18. The Torah does not prescribe two scourgings in such a case, v. supra.

19. Why then does Rabbah say that he is to receive two scourgings in this case?

20. So that he both enters the house of the dead and becomes defiled at the same instant. Hence both prohibitions are transgressed together.

21. Because he becomes unclean by the first contact and then no further penalty can lie for contact or entering a tent of the dead.

Folio 43a

But even [on entering] a house, as soon as his hands are inside he becomes unclean,(1) so that when he has gone right in he is already unclean?(2) — As a matter of fact, said R. Eleazar, if he put his hands together and entered there would be [a penalty only] for defilement but none for entering, but if he drew himself up(3) and entered, defilement and entering occur at the same moment.

But it is impossible for his nose not to go in first? — As a matter of fact, said Raba, if he introduces his hand(4) there would be [a penalty] for defilement and not for entering, but if he introduces his body,(5) defilement and entering are simultaneous.

But it is impossible for his toes not to enter first? — R. Papa therefore said: It is supposed that he entered in a box, or a chest, or a turret,(6) and his fellow came and broke away the covering,(7) so that defilement and entering are simultaneous. Mar b. R. Ashi said: It is supposed that he entered whilst the other lay dying,(8) and whilst he was sitting there the spirit departed so that defilement and entering were simultaneous.

Our Rabbis taught: To profane himself(9) signifies that until the time that the other dies [he is permitted to remain with him].(10) Rabbi said that, When they die(11) signifies that he may be in contact with them until they die.

What is the difference between these two [alternative reasons]?(12) — R. Johanan said that they differ only as to the texts selected.(13) Resh Lakish said: They differ as regards the rule for a dying man. The one who takes the text 'To profane himself' considers a dying man [as profanation],(14) whilst the one who takes, 'When they die', says that [there is no prohibition] until he is dead, and so none in the case of one who is dying.

Now, according to the one who derives [the law] from 'to profane himself', is there not the text, 'When they die'?(15) — He requires this for [the following inference] of Rabbi. For it has been taught: Rabbi said that 'When they die' he is forbidden to defile himself, but he may defile himself [by association with them] when they are suffering from leprosy(16) or an issue.(17)

But does not the one who derives [the law] from 'when they die' also require it for this inference? — If this is [its sole purpose], the text should read 'When dead'. Because it says 'When they die' we infer both things.

Now according to the one who derives [the law] from 'When they die', is there not the verse, 'to profane himself'?(18) — 'To profane himself' signifies the following, viz: — that one who is not profaned [incurs a penalty] but not the one who is already profaned.(19)

But does not the one who derives [the law] from 'to profane himself' also require it for this inference? — If this were its sole purpose, the text should read 'to profane'. Because it reads, 'to profane himself' we infer both things.

An objection was raised. [We have learnt:] A man does not spread defilement until his life departs. Not even one whose arteries are severed or who is in the throes of death does so.(20) Now according to the one who bases the rule on 'to profane himself',(21) does it not say here that they do not spread defilement?(22) — Defilement is not spread until the life departs, but there is profanation already.(23)

1. Defilement is supposed to pervade the whole of the interior of a house containing a corpse, and so any organ introduced has touched the source of defilement.

2. And thus even with a house there can be no additional penalty for entering.

3. I.e., kept his hands at his sides.

4. Or any other organ. Asheri reads here 'head'.

5. Keeping his head and arms well back.

6. Being in a separate domain he would not then become unclean.

7. Making the interior of the box part of the interior of the tent. [It is assumed that he too helped in the removal of the covering, or otherwise he would incur no penalty (Asheri)].

8. [As a priest he had no right to enter a house where a person lay dying, v. infra (Asheri)].

9. Spoken of the priests in connection with the prohibition against defiling themselves with the dead other than near kin, Lev. XXI, 4.

10. I.e., only the actual profanation is forbidden.

11. Spoken of the nazirite prohibition against defilement even with near kin. Num. VI, 7.

12. I.e., what difference in law results.

13. Lit., 'the implications of the phrases in need of interpretation'. There is no practical difference.

14. For most people who are dying do die and so actual defilement is very probable. The risk therefore counts as profanation.

15. What is his interpretation of the latter verse?

16. V. Lev. XIII, 1ff.

17. Gonorrhoea, v. Lev. XV, 1ff.

18. What is his interpretation of it?

19. Cf. supra 42b.

20. Oh. 1, 6.

21. To include a dying man as profanation, as the Rabbis interpret this verse in the opinion of Resh Lakish.

22. Contradicting Resh Lakish.

23. A priest is accordingly forbidden to come in contact with the dying.

R. Hisda, citing Rab, said: [A priest] if his father was decapitated, must not defile himself for him, For what reason? The text says for his father,(1) meaning when he is whole and not when he is defective.(2) R. Hamnuna said to him: In that case, suppose [the father] were travelling through the valley of 'Araboth(3) and robbers cut off his head, would you also maintain that [the son] is not to defile himself for him?(4) — He replied: You raise the question of a meth mizwah!(5) Seeing that we consider it his duty [to defile himself under such circumstances] to strangers,(5) how much more so is this true of his father!

But is this considered a meth mizwah? Has it not been taught: A meth mizwah is [a corpse] with none to bury him. Were he able to call and others answer him,(6) he is not a meth mizwah;(7) and here this man has a son?(8) — Because they are travelling on the road, it is as though he had none to bury him.

An objection was raised [from the following]: [It has been taught,] For her may he defile himself(9) signifies that he may defile himself for her herself but not for one of her limbs; for he may not defile himself for a limb cut off [even] from his father(10) whilst still alive; but he may search for a bone the size of a barleycorn.(11) Now what means 'he may search for a bone the size of a barleycorn'? Surely that if there is a small part missing [he may nevertheless defile himself]?(12) — No. The author of that statement is R. Judah. For it has been taught.' R. Judah said that he may defile himself for her, but not for her limbs; for he is forbidden to defile himself for limbs severed from his father whilst still alive; but he may defile himself for limbs severed from his father after death.

But R. Kahana taught amongst [the Baraithas of] R. Eliezer b. Jacob [the following one]: 'For her may he defile himself,' but he must not defile himself for limbs, thus excluding an olive's bulk of [the flesh of] a corpse, or an olive's bulk of nezel(13) or a spoonful of rakab.(13) It might be thought that he is also forbidden to defile himself for the spinal column, or the skull, or the greater part of the bodily frame [of his sister's corpse](14) or the majority [of its bones],(14) but since it is written, and say unto them,(15) it follows that Scripture has permitted you an additional defilement.

1. Although the priest is forbidden to defile himself for the dead yet he may defile himself for near relatives such_as his father, Lev. XXI. 2.

2. If the head is severed from the body, even though it is beside it, the corpse is considered defective.

3. A valley in Babylonia, notorious for its robber bands. (Jast.).

4. R. Hamnuna assumes rightly that R. Hisda would not deny this.

5. A corpse whose burial is a religious duty, v. Glos. Infra 44a.

6. I.e., if he has relatives to provide for his burial.

7. And a priest must not defile himself by undertaking his burial.

8. Who could arrange for other people to bury his father. If, then, he is allowed to do so himself it must be because decapitation does not matter; which contradicts R. Hisda.

9. Of the spinster sister of a priest, Lev. XXI, 3.

10. Who is a closer relation.

11. I.e., if he is engaged in burying his father he may search for any parts missing to restore them to the corpse.

12. And since no other opinion is mentioned, it is to be presumed that no-one disagrees with the statement; and thus R. Hisda is contradicted.

13. V. Mishnah infra 49b.
14. Each of these counts as a whole corpse for the purposes of defilement in a tent.
15. Lev. XXI. 1. The phrase is superfluous, for the verse begins, Speak unto the priests …

Folio 44a

It might be thought [further] that he is not to defile himself for the spinal column, or the skull, or the greater part of the bodily frame or the majority of the bones of the other [relations],(1) but I will tell you [why that is not so]. His sister is distinguished [from strangers] by the fact that her body depends on him [for its burial], and he is required to defile himself for the spinal column, or the skull, or the greater part of its bodily frame or the majority [of its bones], and so in all cases where the body depends on him [for burial], he is required to defile himself, for its spinal column, or its skull, or the greater part of its bodily frame, or the majority [of its bones]. [This contradicts Rab, does it not?](2) — The author of this [Baraitha] too is R. Judah, whereas Rab agrees with the following Tanna. For it has been taught: The story is told that the father of R. Isaac [the priest](3) died at Ginzak(4) and he was informed three years later. He went and asked R. Joshua b. Elisha and the four Elders with him,(5) and they replied: For his father(6) when he is whole, but not when he is defective.(7)

MISHNAH. THREE THINGS ARE FORBIDDEN THE NAZIRITE, VIZ: — DEFILEMENT, POLLING AND PRODUCTS OF THE VINE. DEFILEMENT AND POLLING HAVE A STRINGENCY NOT POSSESSED BY PRODUCTS OF THE VINE IN THAT DEFILEMENT AND POLLING RENDER VOID [THE PREVIOUS PERIOD], WHEREAS [PARTAKING OF] PRODUCTS OF THE VINE DOES NOT DO SO. PRODUCTS OF THE VINE HAVE A STRINGENCY NOT POSSESSED BY DEFILEMENT OR POLLING IN THAT PRODUCTS OF THE VINE PERMIT OF NO EXCEPTION FROM THE GENERAL PROHIBITION,(8) WHEREAS DEFILEMENT AND POLLING ARE ALLOWED AS EXCEPTION FROM THE GENERAL PROHIBITION IN THE CASE WHERE POLLING IS A RELIGIOUS DUTY,(9) OR WHERE THERE IS A METH MIZWAH.(10) DEFILEMENT ALSO HAS A STRINGENCY NOT POSSESSED BY POLLING, IN THAT DEFILEMENT RENDERS VOID THE WHOLE OF THE PRECEDING PERIOD,(11) AND ENTAILS THE OFFERING OF A SACRIFICE, WHEREAS POLLING RENDERS VOID ONLY THIRTY DAYS AND DOES NOT ENTAIL A SACRIFICE.

GEMARA. Why should not defilement also permit of no exception from the general prohibition, in virtue of the following a fortiori argument from wine? Seeing that wine which does not render void [the previous period] permits of no exception from the general prohibition, then defilement which does render void [the previous period] should certainly not permit of an exception from the general prohibition? — The text says, Nor defile himself for his father or for his mother,(12) signifying that it is only for his father or for his mother that he is forbidden to defile himself, whereas he is required to defile himself for a meth mizwah.

Then why should not wine permit of an exception from the general prohibition because of the following a fortiori argument from defilement? Seeing that defilement, which renders void [the previous period], permits of an exception from the general prohibition, then wine which does not render void [the previous period] should certainly permit of an exception from the general prohibition? — The verse says, He shall abstain from wine and strong drink,(13) thus forbidding wine that should be drunk as a ritual obligation(14) as well as wine that he might drink from choice.(15)

Then why should not wine render void the whole [of the previous period] because of the following a fortiori argument from defilement? Seeing that defilement which permits of an exception from the general prohibition renders void [the previous period], then wine which permits of no exception should certainly render void [the preceding period]? — The verse says, But the former days shall be void because his consecration was defiled,(16) signifying that defilement renders void, but wine does not do so.

Why should not polling render void the whole [of the previous period](17) because of the following a fortiori argument from defilement? Seeing that defilement, the agent of which is not subjected to the same [penalty] as the patient,(18) renders void the whole [of the previous period],

then polling where the agent is subject to the same penalty as the patient,(19) should certainly render void the whole [of the preceding period]? — The verse says, But the former days shall be void because his consecration was defiled(20) signifying that defilement renders void the whole [of the preceding period], but polling does not do so.

Why should not the agent be subject to the same [penalty] as the patient in the case of defilement, because of the following a fortiori argument from polling? Seeing that in the case of polling, where only thirty days are rendered void, the agent is subject to the same [penalty] as the patient, then in the case of defilement where the whole [of the preceding period] is rendered void, the agent should certainly be subject to the same [penalty] as the patient? The verse says, And he defile his consecrated head(21) signifying [that the penalty is only] for him who defiles his [own] consecrated head.

Then polling should not result in the agent being subject to the same [penalty] as the patient, because of the following a fortiori argument from defilement. Seeing that in the case of defilement, where the whole [of the preceding period] is rendered void, the agent is not subject to the same [penalty] as the patient, then in the case of polling, which does not render void the whole [of the preceding period], the agent should certainly not be subject to the same [penalty] as the patient? — The verse says, There shall no razor come upon his head,(22) and can be read as signifying that he shall not make it come himself, and that no other shall make it come either.(23)

Polling should not permit of an exception from the general prohibition because of the following a fortiori argument front wine. Seeing that wine which does not render void [the preceding period] permits of no exception from the general prohibition, then polling which does render void [the preceding period] should certainly permit of no exception? — The All-Merciful mentions both his hair and his beard.(24)

Then polling should not render void any [of the preceding period] because of the following a fortiori argument from wine. Seeing that wine which permits of no exception does not render void, polling which does permit of an exception from the general prohibition should certainly not render void? — We require a sufficient growth of hair and this would be lacking.(25)

Why should not wine render void thirty days because of the following a fortiori argument from polling? Seeing that polling, which permits of an exception from the general prohibition, renders void [thirty days], then wine which permits of no exception from the general prohibition should certainly do so? — Is not the only reason(26) because there must be a sufficient growth of hair? After wine his hair is still intact.(27)

1. Mentioned in the verse before the one dealing with his spinster sister.

2. For according to this Baraitha, too, he is permitted to defile himself for a part of the body, in contradiction to the statement made by R. Hisda in the name of Rab. The Baraithas of R. Eliezer b. Jacob were highly esteemed and that is why this one is quoted, although the reply may seem obvious. It would now be necessary to show some other Baraitha agrees with Rab.

3. Var. lec. R. Zadok the priest. [V. Tem. XII. Hyman, Toledoth, I, p. 202 gives preference to our text, since R. Zadok was present at his father's death.]

4. [Ganzaka, N.W. of Persia; v, A.Z. (Sonc. ed.) p. 165, n. 5.]

5. Whether he might personally arrange his removal to the family sepulchre (Rashi).

6. Lev. XXI, 2.

7. After three years he would undoubtedly be defective. Thus this Baraitha agrees with Rab.

8. I.e. under no circumstances is a nazirite ever permitted to drink wine.

9. As when a nazirite becomes a leper and then recovers from the disease.

10. A corpse without relatives to provide for its burial must be buried by the first person who can

do so, be he nazirite, priest, or even High Priest; cf. infra 47a seq.

11. However long it should be.

12. Lev. XXI, 11; although referring to the High Priest, the same applies to the nazirite.

13. Num. VI, 3; wine is mentioned specifically to tell us that it is to permit of no exception.

14. E.g. if the person had sworn to drink wine before becoming a nazirite, he must not do so not with standing.

15. Cf. supra 3b.

16. Num. VI. 12.

17. Instead of only thirty days.

18. There is no penalty attached to one who defiles a nazirite.

19. Both are scourged, v. infra.

20. Num. VI, 12.

21. Ibid. 9.

22. Ibid. 5.

23. The verb is written defectively and may therefore be read as an active mood instead of a passive one. There is now no agent mentioned who 'causes it to come upon his head' and so whoever uses the razor on the nazirite is also a transgressor. [This follows Rashi's reading. Asheri seems to have had a smoother text which simply took 'razor' as subject of 'come upon his head', thus making no distinction as to who passes the razor over the nazirite.]

24. In Lev. XIV, 9, whence is derived that the leprous nazirite must poll, v. supra 41a.

25. After he had once polled illegitimately. Hence he must render thirty days void, before terminating the naziriteship.

26. Why polling renders void thirty days.

27. And so there is no point in requiring him to render any period void.

MISHNAH. HOW WAS [THE RITE OF] THE POLLING AFTER DEFILEMENT [PERFORMED]? HE WOULD BE SPRINKLED ON THE THIRD AND SEVENTH DAYS,(1) POLL ON THE SEVENTH DAY AND BRING HIS SACRIFICES ON THE EIGHTH DAY. IF HE POLLED ON THE EIGHTH DAY,(2) HE WOULD BRING HIS SACRIFICES ON THAT SAME DAY. THIS IS THE OPINION OF R. AKIBA. R. TARFON ASKED HIM: WHAT DIFFERENCE IS THERE BETWEEN THIS [NAZIRITE] AND A LEPER?(3) HE REPLIED: THE PURIFICATION OF THIS MAN DEPENDS ON THE [LAPSE OF SEVEN] DAYS ONLY], WHEREAS THE PURIFICATION OF A LEPER DEPENDS [ALSO] ON HIS POLLING,(4) AND HE CANNOT BRING A SACRIFICE UNLESS THE SUN HAS SET UPON HIM [AFTER HIS RITUAL BATH].(5)

GEMARA. Did [R. Tarfon] accept this answer or not?(6) — Come and hear: Hillel(7) learnt: If [the nazirite] polled on the eighth day, he was to bring his sacrifices on the ninth. Now if you assume that he accepted the answer, should he not bring his sacrifices on the eighth day?(8) — Raba said: This creates no difficulty,(9) for the one case(10) assumes that he bathed on the seventh day, and the other(11) that he did not bathe on the seventh day.(12)

Abaye said: I came across the colleagues of R. Nathan b. Hoshaia, seated [at their studies] and reporting the following [teaching]. [Scripture says,] And come before the Lord unto the door of the tent of meeting and give them unto the priest.(13) When is he to come?(14) If he has bathed and waited until after sunset he may [come], but if he has not bathed and waited until after sunset he may not do so. Thus we see [they said] that [this Tanna] is of the opinion that a tebul yom(15) after gonorrhoea is still like a sufferer from gonorrhoea.(16) I [Abaye] then said to them: If that is so,(17) then in the case of a defiled nazirite where we find the verse, He shall bring too turtle doves … to the priest to the door of the tent of meeting(18) [we should also say] that he is to come only if he has bathed and waited until after sunset.(19)

1. After defilement, with water mixed with ashes of the red heifer, v. Num. XIX.

2. Instead of the seventh.

3. A leper who polled on the eighth day instead of the seventh was required to wait until the ninth day before offering his sacrifices. [V. Sifra on Lev. XIV, 9, where this, R. Akiba's view in the case of the leper is stated. According to some texts, however, R. Akiba is of the opinion that the leper could bring his sacrifices on the same day (v. Malbim, a.l.). On this reading, adopted by Rashi, Maimonides, and others, the Mishnah is to be interpreted thus: SAID R. TARFON TO HIM, IF SO WHAT IS THE DIFFERENCE BETWEEN THE NAZIRITE AND THE LEPER (SINCE BOTH ARE IN THIS RESPECT ALIKE). HE REPLIED, (THEY DIFFER IN THIS:) THE PURIFICATION OF THIS MAN DEPENDS ON THE LAPSE OF SEVEN DAYS (ONLY) — i.e., he becomes clean on the seventh day even if he did not poll — WHEREAS THE PURIFICATION OF A LEPER DEPENDS ALSO ON HIS POLLING (v. n. 6); AND (THERE IS A FURTHER DIFFERENCE IN THAT A NAZIRITE) DOES NOT BRING A SACRIFICE UNLESS THE SUN HAS SET UPON HIM (AFTER HIS RITUAL BATH) — i.e., whenever he immersed whether on the seventh or eighth day, he brings the sacrifice only on the following day, whereas the leper who immersed on the eighth day may bring the sacrifice on the same day, since he has been declared by the Torah clean as a result of the first polling and immersion, v. Lev. XIV, 8.]

4. He does not take a ritual bath until after the polling (Lev. XIV, 8); the nazirite took it before.

5. Until evening he is a tebul yom (v. Glos.) and so cannot bring sacrifices.

6. I.e., does he now agree with R. Akiba, or does he still contend that the nazirite who polls on the eighth day must wait like the leper until the ninth before bringing his sacrifices?

7. The Amora of that name; not the Patriarch Hillel.

8. So that unless R. Tarfon still disagreed with R. Akiba there would be no author for this

Baraitha of Hillel.

9. Even if R. Tarfon agreed with R. Akiba.

10. That of the Mishnah which permits him to offer his sacrifices on the eighth day.

11. The Baraitha which compels him to wait until the ninth day.

12. And could not bring sacrifices before sunset on the day he bathed (the eighth day), and so had to wait until the ninth day.

13. Lev. XV, 24. Referring to the sacrifices of one who has recovered from an unclean issue. V. 13 requires him to bathe on the seventh day after the cessation of the issue.

14. I.e., when is he permitted to enter the Temple precincts again?

15. V. Glos.

16. And so could not enter the Temple mount to give his sacrifices to the priest. Further, on the Eve of Passover it would be forbidden to slaughter a Paschal lamb on his behalf and he would have to wait until the second Passover (v. Ker. 10a).

17. I.e., if the reason just given is in fact the Tanna's reason for requiring him to wait until after sunset.

18. Num. VI, 10. In this context, too, the previous verse requires him to bathe first.

19. And so a nazirite after defilement should also be forbidden to enter the temple mount in just the same way as one who has recovered from gonorrhoea is forbidden to do so.

Folio 45a

Now where were the Gates of Nicanor(1) situated? At the entrance to [the camp of] the Levites(2) [were they not]? And yet it has been taught: One who is defiled by a corpse is allowed to enter the camp of the Levites; and not merely one defiled by a corpse, but even the corpse itself [may enter there], for it Says, And Moses took the bones of Joseph with him;(3) the meaning of with him is 'in his own section, i.e. in the camp of the Levites.(4) It must therefore be,(5) said Abaye, that a tebul yom after gonorrhoea is not like a sufferer from gonorrhoea,(6) but in spite of this, because he still lacks atonement, he is not to enter [into the Temple precincts].(7) For seeing that the reference is to the Camp of the Levites,(8) why is it called [in the verse], 'the Tent of Meeting'? To tell us that just as one who lacks atonement might not enter there,(9) so one who lacks atonement may not enter the Camp of the Levites.(10)

How is it known in that case?(11) — It has been taught: He shall be unclean,(12) includes also a tebul yom; his uncleanness is yet upon him(13) includes also one who lacks atonement.

MISHNAH. HOW WAS [THE RITE OF] POLLING IN RITUAL PURITY(14) PERFORMED? HE WOULD BRING THREE ANIMALS, A SIN-OFFERING, A BURNT-OFFERING, AND A PEACE-OFFERING, SLAUGHTER THE PEACE-OFFERING AND POLL THEREAFTER. THIS IS THE OPINION OF R. JUDAH. R. ELEAZAR SAID: HE WOULD POLL ACTUALLY AFTER THE SIN-OFFERING, FOR IN ALL CASES [THE SACRIFICE OF] THE SIN-OFFERING TAKES PRECEDENCE.(15) BUT IF HE POLLED AFTER [THE SLAUGHTER] OF ANY ONE OF THE THREE HIS OBLIGATION WOULD BE DISCHARGED.(16)

R. SIMEON B. GAMALIEL SAID: IF HE BROUGHT THREE ANIMALS WITHOUT SPECIFYING [WHAT THEY WERE FOR],(17) THE ONE SUITABLE FOR A SIN-OFFERING(18) WAS TO BE SACRIFICED AS A SIN-OFFERING, FOR A BURNT-OFFERING(19) AS A BURNT-OFFERING, AND FOR A PEACE OFFERING.(20) AS A PEACE OFFERING.

GEMARA. Our Rabbis taught: [When it says], And the nazirite shall shave at the door of the tent of meeting,(21) Scripture is speaking of the peace-offering(22) of which it is said, And kill it at the door of the tent of meeting.(23) You say that Scripture is speaking of the peace-offering, but may it not mean literally 'at the door of the tent of meeting'?(24) I will explain. If that were its meaning, it would show contempt [for the Sanctuary] — R. Josiah said: It is unnecessary [to rely on a mere assertion] — 25 For the Torah says, Neither shalt thou go up by steps upon Mine Altar,(26) and how much more so should it be forbidden to show contempt.(27)

R. Isaac said: This argument is unnecessary.(28) For the verse continues, And shall take the hair of his consecrated head and put it on the fire [which is under the sacrifice of peace-offerings),(29) referring to one who needs only to take it and put it [on the fire], and thus excluding [the case contemplated],(30) where he would need to take it, fetch it,(31) and put it [on the fire].

Another version [of R. Isaac's dictum].(32) R. Isaac said: Scripture is there(33) speaking of the peace-offering. You say it is speaking of the peace-offerings but may it not mean literally 'at the door of the tent of meeting'? The verse continues, And shall take the hair of his consecrated head [etc.], signifying that he shaved where he broiled [the peace-offering].(34)

Abba Hanan, on behalf of R. Eliezer, said: 'And the nazirite shall shave at the door of the tent of meeting' signifies that whenever the door of the tent of meeting is not open,(35) he is forbidden to shave.

R. Simeon [of] Shezuri said: 'And the nazirite shall shave at the door of the tent of meeting', but not a female nazirite,

1. It was to the Gates of Nicanor, which separated the Women's Court from the rest of the Temple precincts, that the sacrifices were brought. [The Nicanor Gate was situated on the West of the Women's Court, and was an entrance to the Inner Court. For a full discussion of the apparent

discrepancies between the Talmudic sources and Josephus on the situation of the Nicanor Gate, v. Buchler, JQR, 1898, 687ff, and Hollis, F. J., The Archaeology of Herod's Temple. pp. 180ff.]

2. The division of the encampment of the Israelites in the wilderness into three camps of varying degrees of sanctity, viz.: (i) The Camp of Israel. (ii) The Camp of the Levites, (iii) The Camp of the Divine Presence, was transferred to the Temple at Jerusalem, the three divisions being known by the same names (v. Sifre Num. I, 1).

3. Ex. XIII, 19.

4. Thus the nazirite even before purification could enter the Camp of the Levites, which makes the above deduction after the fashion of the colleagues of R. Nathan b. Hoshaya absurd. (V. Tosef. Kelim Kamma, I, 7.)

5. What follows is the text and version of Tosaf. That of Rashi is given below, note 8.

6. And might have a Paschal lamb slaughtered on his behalf.

7. I.e., he is forbidden to enter the Camp of the Levites to give his sacrifices to the priest, not because he is treated as though he were still suffering from the issue, but because he is lacking in atonement, i.e., has not yet offered the necessary sacrifices. And although, in general, a person lacking in atonement was not forbidden to enter the Camp of the Levites, but only the Camp of the Divine Presence, here for the reason to be given immediately entry even into the Camp of the Levites is forbidden until after sunset.

8. For the sacrifices had only to be taken as far as the Gates of Nicanor in the Camp of the Levites.

9. The proof is given below.

10. Whereas the nazirite is not considered lacking in atonement since his defilement arose from external causes (contact with the dead) and not from internal ones (leprosy or issue). Thus far the version of Tosaf. Rashi reads as follows: '(The colleagues of R. Nathan replied): As a matter of fact, a tebul yom after gonorrhoea does count as a sufferer from gonorrhoea, whilst even in the case you mention (of the nazirite) he should not enter (the Camp of the Levites, although a corpse itself might do so) because he lacks atonement. For if it is only the Camp of the Levites that is in question (i.e., if in any case the defiled nazirite can enter the Camp of the Levites and has to penetrate no further), why is it referred to in the verse as 'the Tent of Meeting' (which is part of the Camp of the Divine Presence)? To tell us that just as one who lacks atonement may not enter (the latter place), so he may not enter the Camp of the Levites'. It will be observed that apart from the obvious difference at the beginning, Tosaf. does not consider a defiled nazirite as coming within the category of 'lacking atonement' whilst Rashi does.

11. I.e., how do we know that one who lacks atonement is forbidden to enter the Camp of the Divine Presence?

12. Num. XIX, 13; this refers to a person defiled by a corpse who has not bathed; and in the context he is forbidden to enter the Sanctuary. The use of the future tense in the verb is taken as a sign that even a tebul yom must not enter there.

13. Ibid. The inference is from the redundancy of these words.

14. At the termination of the naziriteship; v. Num. VI, 14ff.

15. V. Zeb. 900.

16. I.e., the opinions of R. Judah and R. Eleazar give the normal procedure, but a variation in the order would not invalidate the polling.

17. Cf. supra 28b.

18. A ewe-lamb in its first year.

19. A he-lamb in its first year.

20. A two-year old ram.

21. Num. VI, 18.

22. I.e., the nazirite is to shave after the slaughter of the peace-offering.

23. Lev. III, 2.

24. And so be referring to the place, not the time of polling.

25. We can infer directly from the Torah that a disdainful proceeding is not to be allowed, and need not rely on our feelings on the subject.

26. 'That thy nakedness be not uncovered there', Ex. XX, 23.

27. We have given our printed text as interpreted by the early commentators (Rashi, Asheri). In Sifre Num. Sect. 34 (in VI, 28), the words 'R. Josiah said: It is unnecessary' are lacking. Recent Talmud editions insert in square brackets an alternative text from the Midrash Rabbah on Numbers, beginning with 'R. Josiah said: Scripture is speaking etc.' There is also a version of the Wilna Gaon (v. Ed. Romm, Marginal Annotations), concluding, 'This is the opinion of R. Josiah'. All these alternatives make what our text gives as two opinions, one opinion.

28. I.e., It is unnecessary to make use of the argument that to shave at the door of the tent of meeting would show contempt.

29. Num. VI, 18.

30. I.e., that the nazirite should shave at the door of the tent of meeting.

31. From where he shaved to the place where the nazirites used to broil the peace-offering. It follows then that the first half of the verse cannot be taken literally as referring to place, but must be referring to time, viz.: after the slaughter of the peaceoffering. [The chamber where the Nazirites broiled their peace-offering was situated on the South East of the women's court, Mid. II, 6.]

32. This is the version in Sifre (ibid.).

33. In Num. VI, 18, And the nazirite shall shave at the door etc.

34. Asheri pertinently points out that there is no Scriptural proof that the broiling was not to take place at the door.

35. , 'door' means 'opening'. Abba Hanan prefers an interpretation as near as possible to the literal one, if the literal one itself cannot be used.

lest the young priests become assailed by temptation through her.(1) [R. Simeon's colleagues] said to him: The case of the faithless wife(2) disproves your point, for there it is written, And [the priest] shall set her before the Lord,(3) and we are not afraid lest the young priests be assailed by temptation, through her.(4) He replied: [The woman nazirite] pencils [her eyebrows] and applies rouge, whilst [the faithless wife] uses neither pencil nor rouge.(5)

MISHNAH. HE THEN TOOK THE HAIR OF HIS CONSECRATED HEAD AND THREW IT UNDER THE CAULDRON.(6) IF HE SHAVED IN THE 'PROVINCE'(7) HE DID NOT THROW IT UNDER THE CAULDRON: THE ABOVE REFERS ONLY TO POLLING IN RITUAL PURITY.(8) WHEREAS IN POLLING [AFTER] RITUAL DEFILEMENT HE DID NOT CAST IT UNDER THE CAULDRON; R. MEIR SAID: ALL [NAZIRITES] THREW IT UNDER THE CAULDRON WITH THE SOLE EXCEPTION OF A DEFILED NAZIRITE [WHO POLLED] IN THE 'PROVINCES.

GEMARA. HE THEN TOOK THE HAIR OF HIS CONSECRATED HEAD. Our Rabbis taught: He then took the broth,(9) put it along with the hair of his consecrated head and threw it under the cauldron containing the peace-offering. But if he threw it under the cauldron containing the sin-offering or the guilt-offerings his obligation would also be discharged.

But is there a guilt-offering in the case of a ritually pure nazirite?(10) — Raba replied: It means that if a ritually defiled nazirite threw it under the pot of the guilt-offerings his obligation would be discharged.

How do we know this?(11) — Raba replied: The verse says, 'Which is under the sacrifice of the peace-offerings', signifying that part of its sacrifice should be underneath it.(12)

'But if he threw it under the cauldron containing the sin-offering [or the guilt-offering] his obligation would also be discharged.' Why?(13) — The verse says, The sacrifice of,' thereby including the sin-offering and the guilt-offering.(14)

But have you not made use of the words 'the sacrifice of' for [the rule concerning] the broth? — If that is its whole significance the verse should have said, 'Of the broth of the peace-offerings.' Why then does it say 'the sacrifice of'? Clearly to include the sin-offering and the guilt-offering.

But perhaps its whole significance is this inference of the sin offering and the guilt-offering?(15) — If so, the verse should have read 'the peace-offering or the sacrifice'. Why does it say, 'the sacrifice of the peace-offering'? We are thus entitled to infer both things.

Our Rabbis taught: All [nazirites] threw [their hair] beneath the cauldron with the exception of a defiled nazirite who polled in the 'province', because his hair had to be buried.(16) This is the opinion of R. Meir. R. Judah said: Ritually clean [nazirites] whether in the one place or the other(17) threw it under; ritually defiled nazirites whether in the one place or the other(17) did not throw it under, whilst the Sages said: None threw it under the cauldron excepting a clean [nazirite who polled] in the sanctuary, because [the polling] had then been properly done in the prescribed manner.(18)

MISHNAH. HE EITHER BOILED OR HALF-BOILED(19) THE PEACE-OFFERING. THE PRIEST THEN TOOK THE BOILED SHOULDER OF THE RAM,(20) AN UNLEAVENED CAKE FROM THE BASKET, AND AN UNLEAVENED WAFER, PLACED THEM ON THE NAZIRITE'S HANDS(21) AND WAVED THEM. AFTER THIS, THE NAZIRITE WAS ALLOWED TO DRINK WINE AND DEFILE HIMSELF FOR THE DEAD.

1. The female nazirite was therefore required to poll in private, but not a male nazirite. [R. Simeon, according to Tosaf. understood 'door' in the literal sense, and consequently differs from the Mishnah Mid. II, 6, which provides for the polling a special chamber, v. supra p. 168, n. 10).

2. Or Sotah, v. Num. V, 11ff.

3. Num. V, 16. The hair was uncovered during the ceremony of administering the 'bitter waters'. V. 17.

4. The purpose of the verse cannot be therefore to require a woman nazirite to poll in private. In fact, she need not do so.

5. And is therefore not attractive. R. Simeon retained his opinion that a woman nazirite was to poll in private, and a male in public.

6. In which his peace-offering was being prepared.

7. I.e., outside the Temple precincts, he did not have to bring the hair into the temple. Thus the Babylonian version of the Mishnah. The Jerusalem version reads here also, 'he threw it under'

8. At the termination of the naziriteship.

9. Of the peace-offering.

10. The sacrifices mentioned (supra 45a) are sin-offering, burnt-offering, peace-offering.

11. That the broth had also to be cast under the cauldron.

12. The inference is from the superfluous words 'the sacrifice of': showing that the fire was beneath the sacrifice itself, and not merely beneath the pot.

13. I.e., why not say that the peace-offering only is meant, since it is mentioned explicitly.

14. Although it should preferably be the peace-offering.

15. And not the rule concerning the broth.

16. V. Tem. 34a.

17. Whether in the Temple or in the 'province'.

18. Tosef. Naz. IV, 5.

19. [. So Rashi. according to Tosaf. the word denotes 'overdone'.]

20. [The Mishnah does not mention the 'breast' and the 'shoulder', Num. VI, 20), as it deals only with such rites as are distinct to the peace-offering of the nazirite; v. Petuchowski, a.l.]

21. V. Num. VI, 19.

Folio 46a

R. SIMEON SAID THAT AS SOON AS ONE KIND OF BLOOD(1) HAD BEEN SPRINKLED ON HIS BEHALF THE NAZIRITE COULD DRINK WINE AND DEFILE HIMSELF FOR THE DEAD.(2)

GEMARA. Our Rabbis taught: And after that the nazirite may drink wine(3) means after [the performance of] all that has to be done.(4) This is the opinion of R. Eliezer, but the Sages said that [it means] after any Single act.(5)

What is the Rabbis' reason? — In this verse it is written, 'And after that the nazirite may drink wine,' whilst in the preceding verse occur the words, After he has shaven his consecrated head,(6) and so just as there ['after'] means after the single act, here too it means after a single act.

But may it not mean after both acts?(7) — If that were so, there would be no need for the similarity of phrase.(8)

Rab said: The rite of 'waving' in the case of the nazirite is indispensable.(9)

Whose opinion does this follow? Shall I say that of the Rabbis? Surely, since the Rabbis do not consider polling indispensable, the 'waving' is certainly not so!(10) It must therefore be that of R. Eliezer. But then it is obvious, for R. Eliezer has said that [the verse(11) means] 'after all that has to be done'? — It might be thought that since in the matter of atonement it is merely a non-essential feature(12) of the [sacrificial] rite,(13) it is also not indispensable here, and so we are told [by Rab that this is not so].(14)

1. I.e., the blood of any one of the three sacrifices.
2. He did not have to wait until the whole rite was completed.
3. Num. VI, 20.
4. I.e., all the rites of the preceding verses.
5. After even the first of the acts, viz.: the sprinkling of one kind of blood (Tosaf.).
6. Num. VI, 19.
7. I.e., after the polling of the preceding verse, as well as the sacrifice.
8. The Gezerah Shawah, v. Glos. For it would have been more natural for the verse to have said simply 'and then he may drink etc.' instead of 'and after etc.'
9. Lit., 'holds up' the nazirite from wine and defilement,
10. V. Num. VI, 19-20, for the 'waving' follows the polling.
11. 'And after that the nazirite may drink wine' ibid. 21.
12. Although part of the normal procedure; v. Yoma 5a.
13. Lit., 'relics of a precept'.
14. And that it is here indispensable, in the view of R. Eliezer.

But is it in fact indispensable? Has it not been taught: This is the law of the nazirite(1) [signifies] whether he has hands or not?(2) — But then, when we are taught: 'This is the law of the nazirite' signifies whether he has hair or not,(3) would this also mean that [polling] can be dispensed with?(4) Are we not taught further: A bald nazirite, say Beth Shammai, need not pass a razor over his head, whereas Beth Hillel say that he must pass a razor over his head;(5) and Rabina has explained that Beth Shammai's 'need not' signifies that he has no remedy,(6) whilst in Beth Hillel's view there is a remedy?(7)

The above interpretation [by Rabina of the Baraitha] agrees with that of R. Pedath. For R. Pedath has said that Beth Shammai [in this Baraitha] and R. Eliezer hold the same opinion. The [dictum of] R. Eliezer referred to [is the following]. It has been taught: If [the leper] has no [right] thumb or great toe(8) he can never become clean. This is the opinion of R. Eliezer. R. Simeon said that [the blood] should be put on their place and this would be valid, whilst the Sages said that it should be put on his left [thumb and great toe] and this would be valid.(9)

Another version.(10) Raba(11) said: The rite of 'waving' in the case of the nazirite is indispensable.

Whose opinion does this follow? Shall I say that of R. Eliezer? It would be obvious. Since R. Eliezer said that [the nazirite cannot drink wine until] after [the completion of] all that has to be done! Therefore it must be that of the Rabbis. But seeing that the Rabbis say that polling [itself] is not indispensable, certainly the waving' [which follows polling] can be dispensed with?

But can it be dispensed with? Has it not been taught: 'This is the law of the nazirite' signifies whether he has hands or no?(12) — But then when we are taught: 'This is the law of the nazirite' signifies whether he has hair or no, would this also mean that [polling] is indispensable?(13) Have we not been taught further: A bald nazirite, say Beth Shammai, need not pass a razor over his head whilst Beth Hillel say that he must pass a razor over his head?(14) — R. Abina replied: 'Must' according to Beth Hillel signifies that he has no remedy,(15) whereas according to Beth Shammai he has a remedy.

This interpretation [of the Baraitha by R. Abina] differs from that of R. Pedath.(16)

MISHNAH. SHOULD HE POLL AFTER ONE OF THE SACRIFICES AND THIS BE FOUND INVALID,(17) HIS POLLING IS INVALID(18) AND HIS SACRIFICES(19) DO NOT COUNT: [THUS](20) SHOULD HE POLL AFTER THE SIN-OFFERING, WHICH WAS NOT OFFERED AS SUCH,(21) AND THEN OFFER THE OTHER SACRIFICES UNDER THEIR CORRECT DESIGNATIONS, HIS POLLING IS INVALID AND [NONE OF] HIS SACRIFICES COUNTS FOR HIM. [SIMILARLY], SHOULD HE POLL AFTER THE BURNT-OFFERING OR THE PEACE-OFFERING, WHICH HAVE NOT BEEN OFFERED AS SUCH, AND THEN OFFER THE OTHER SACRIFICES UNDER THEIR CORRECT DESIGNATION, HIS POLLING IS INVALID AND [NONE OF] HIS SACRIFICES COUNTS FOR HIM. R. SIMEON SAID: THAT PARTICULAR SACRIFICE DOES NOT COUNT,(22) BUT HIS OTHER SACRIFICES DO COUNT.

SHOULD HE POLL AFTER ALL THREE SACRIFICES AND ONE OF THEM BE FOUND VALID, HIS POLLING IS VALID AND HE HAS [ONLY] TO BRING THE OTHER SACRIFICES.

GEMARA. R. Adda b. Ahaba said: This [Mishnah] tells us that R. Simeon is of the opinion that a nazirite who polls after offering a voluntary peace-offering has fulfilled his religious obligation.(23) Why is this so? Because the verse Says, And put it on the fire which is under the sacrifice of peace-offerings,(24) and not 'his peaceofferings'.(25)

1. Num. VI, 21.

2. Tosef. Naz. I, 6. The meaning is here assumed to be, 'if he has no hands, the waving-rite can be omitted', so that even if he has hands it does not prevent him from drinking wine before it has taken

place.

3. Tosef. Naz. I, 6.

4. By the same argument as before, assuming that if he has no hair the ceremony of shaving need not be performed.

5. Tosef. Naz. I, 7 and Yoma 61b with the ascriptions reversed. Nazir contains a number of such passages both tannaitic and of later date (e.g. supra 38b. Abaye and Raba reversed in Pes. 41b). Cf. Tosaf. Men. 58b, s.v. .

6. Since he can never shave, he will never be able to drink wine.

7. He can perform the motions of the rite — pass a razor over his head — although the actual shaving is impossible. And so above the true interpretation is that he must do what is possible consistent with his lack of hands, e.g.. use his arms. But the 'waving' can by no means be dispensed with,

8. One of the rites to be performed during the purification of the leper was the sprinkling of blood of the sacrifice on his right thumb and great toe; Lev. XIV, 14.

9. Neg. XIV, 9.

10. Of the dictum attributed above to Rab, and of the discussion round it.

11. Our printed text has Rab. But all the commentators appear to have had Raba, not Rab.

12. The ceremony must be performed, and thus is indispensable. Here the interpretation is the reverse of what it was in the earlier version.

13. I.e., whether he has hair or not, shaving must be done.

14. So that the act of polling is not indispensable according to Beth Hillel, and consequently the waving should also be considered not indispensable.

15. For he has no hair to shave, and therefore can never terminate his naziriteship. Similarly the wave-offering is indispensable.

16. For according to R. Abina, Beth Shammai allow him a remedy, whereas R. Pedath (v. supra) says that they do not allow him a remedy.

17. As explained later in the Mishnah (Rashi); or by the blood being upset before the sprinkling, or the sacrifice becoming defiled (Tosaf.).

18. And he must wait thirty days according to the Rabbis, or seven according to R. Eliezer before bringing fresh sacrifices; v. Mishnah supra 39a.

19. Other sacrifices offered after the polling.

20. The word 'thus' is added by Rashi, who considers what follows explanatory of the opening phrase of the Mishnah. Tosaf. considers it a new section, explaining the first clause differently: (v. note 5).

21. But was sacrificed as a peace-offering instead.

22. Where the burnt-offering or peace-offering was sacrificed under an incorrect designation (Rashi); they count as voluntary peace-offerings (v. Zeb. 2a), but for the purpose of liberating the nazirite must be replaced by other animals. [A sin-offering, however, sacrificed under an incorrect designation is entirely disqualified. v. Zeb. ibid.]

23. Since R. Simeon's dictum refers to a nazirite who polled after a voluntary-offering (v. previous note).

24. Num. VI, 18.

25. Hence any peace-offering is valid.

Folio 47a

MISHNAH. IF [A NAZIRITE] ON WHOSE BEHALF ONE KIND OF BLOOD(1) HAS BEEN SPRINKLED BECOMES UNCLEAN, R. ELIEZER SAID EVERYTHING IS RENDERED VOID,(2) WHILST THE SAGES SAID: HE IS TO BRING HIS REMAINING SACRIFICES AFTER PURIFICATION. THEY SAID TO [R. ELIEZER]: IT IS RELATED OF MIRIAM OF TARMOD(3) THAT ONE KIND OF BLOOD WAS SPRINKLED ON HER BEHALF WHEN SHE WAS TOLD THAT HER DAUGHTER WAS DANGEROUSLY ILL. SHE WENT AND FOUND HER DEAD,(4) AND THE SAGES TOLD HER TO OFFER HER REMAINING SACRIFICES AFTER PURIFICATION.

GEMARA. The Mishnah says: R. ELIEZER SAID EVERYTHING IS RENDERED VOID. But R. Eliezer has said that whatever occurs after the fulfilment [of the nazirite period] renders void seven days?(5) — Rab replied: By 'IS RENDERED VOID' here, R. Eliezer means 'renders his sacrifices void'.(6) This is also clear from the sequel. viz: — WHILST THE SAGES SAID: HE IS TO BRING HIS REMAINING SACRIFICES AFTER PURIFICATION.(7) IT IS RELATED FURTHER, OF MIRIAM OF TARMOD, THAT ONE KIND OF BLOOD WAS SPRINKLED ON HER BEHALF WHEN SHE WAS TOLD THAT HER DAUGHTER WAS DANGEROUSLY ILL. SHE WENT AND FOUND HER DEAD, AND THE SAGES TOLD HER TO OFFER THE REMAINING SACRIFICES AFTER PURIFICATION. This proves it.(8)

CHAPTER VII

MISHNAH. A HIGH PRIEST AND A NAZIRITE MAY NOT DEFILE THEMSELVES [BY CONTACT] WITH THEIR [DEAD] RELATIVES, BUT THEY MAY DEFILE THEMSELVES WITH A METH MIZWAH.(9)

IF THEY WERE WALKING BY THE WAY AND FOUND A METH MIZWAH, R. ELIEZER SAYS THAT THE HIGH PRIEST SHOULD DEFILE HIMSELF BUT NOT THE NAZIRITE, BUT THE SAGES SAY: THE NAZIRITE SHOULD DEFILE HIMSELF BUT NOT THE COMMON PRIEST.(10) R. ELIEZER SAID TO THEM: RATHER SHOULD THE PRIEST, WHO DOES NOT OFFER A SACRIFICE ON DEFILEMENT, DEFILE HIMSELF, THAN THE NAZIRITE WHO MUST OFFER A SACRIFICE ON DEFILEMENT.(11) THEY REPLIED: RATHER SHOULD THE NAZIRITE WHOSE CONSECRATION IS NOT PERMANENT,(12) DEFILE HIMSELF, THAN THE PRIEST WHOSE CONSECRATION IS PERMANENT.(13)

GEMARA. It is clear that as between a High Priest and a nazirite, the one [authority](14) is of the opinion that the High Priest is of superior sanctity,(15) and the other(16) that the nazirite is of superior sanctity.(17)

As between [a High Priest] anointed with the anointing oil,(18)

1. I.e., the blood of one of the three sacrifices.

2. Explained in the Gemara.

3. A nazirite, Tarmod or Tadmor Palmyra. (V. I Kings, IX, 18).

4. Thus becoming accidentally unclean.

5. Supra 16a-b. If then 'EVERYTHING' means the nazirite period, R. Eliezer is contradicting himself.

6. I.e., the sacrifice the blood of which had been sprinkled is invalid and must be replaced, in accordance with R. Eliezer's view that the whole termination ceremony of the nazirite hangs together; v. supra 46a.

7. The words in cur. edd. 'This proves it' are to be deleted.

8. That the point at issue was only the validity of the first sacrifices.

9. I.e., a corpse without relatives at hand to bury it; v. Glos.

10. Some versions read 'High Priest'. The argument is not affected.

11. V. Num. VI, 9ff.

12. It lapses at the end of the period of his naziriteship, or he can obtain release from his vow by application to a sage (Tosaf.).

13. It is a result of his birth.

14. I.e., the Sages.

15. I.e., if both come upon a corpse which has no relatives to bury it, the nazirite must defile himself in order to bury it.

16. R. Eliezer.

17. And the High Priest must bury the corpse.

18. V. Ex. XXX, 30. The High Priest ceased to be consecrated with this oil in the days of Josiah (c. 620 B.C.E.); v. Hor. 120 and Yoma 52b. After this, consecration took place by investing the priest with the garments of a High Priest.

and [one consecrated by wearing] the additional garments,(1) the former is of superior sanctity,(2) for the former must offer the bullock brought for breach of any of 'all the commandments',(3) but the latter cannot offer it.(4)

As between an anointed [High Priest] who has been superseded,(5) and one consecrated by [wearing] the additional garments,(6) the latter is of superior sanctity,(7) for he performs the Temple service, whilst the former is not permitted to perform the Temple service.(8)

As between one superseded on account of a [nocturnal] mishap,(9) and one superseded on account of a deformity,(10) the former is of superior sanctity,(11) for he will be fit to perform the Temple service on the morrow, whilst the one superseded on account of his deformity is not fit to perform the Temple service.(12)

The question was propounded: As between [the High Priest] anointed for a war,(13) and the deputy [High Priest],(14) which is of superior sanctity? Does the [High Priest] anointed for war take precedence, because he is qualified to go to war, or does the deputy take precedence, because he is qualified to perform the Temple service?(15) — Come and hear: For it has been taught: The only difference between a [High Priest] anointed for war and a deputy is that if they were both walking by the way and encountered a meth mizwah, the [High Priest] anointed for war is to defile himself, but not the deputy. But has it not been taught: A [High Priest] anointed for war takes precedence of a deputy? — Mar Zutra replied: As far as saving his life is concerned,(16) the [High Priest] anointed for war has a superior claim for many [people] depend upon him,(17) but as regards defilement, the deputy is of superior sanctity, as has been taught: R. Hanina b. Antigonus said that the reason the office of deputy to the High Priest was created,(18) was that should any disqualification happen to him [the High Priest], he can enter and minister in his stead.

[Now Eliezer and the Sages] differ only as regards a High Priest and a nazirite walking together, but each one by himself would be required to defile himself.(19) How is it known that this is so? — Our Rabbis have taught: To what does the passage. Neither shall he go in to any dead body(20) refer? It can hardly be to strangers, since this could be inferred a fortiori [by the following argument]. Seeing that a common priest, who is allowed to contract defilement in the case of kinsmen, is forbidden to do so in the case of strangers,(21) the High Priest who is not permitted to contract defilement in the case of kinsmen should certainly not be permitted to do so in the case of strangers. It follows that the passage refers to kinsmen, [and when therefore the text says.] Nor for his father(22) is he permitted to defile himself, [we infer that] he is permitted to defile himself in the case of a corpse [the burial of] which is a religious duty.

1. The High Priest wore eight garments and the common priest four. V. Ex. XXVIII.

2. And if both encounter a corpse, the latter must bury it.

3. V. Lev. IV, 2ff.

4. V. Hor. 11b.

5. If the High Priest could not officiate on the Day of Atonement, another Priest was appointed to his office for that day only. As soon as the former was able to perform his duties, the latter was superseded.

6. And who is the regular High Priest.

7. And the former must defile himself if the latter is the only other person present and they encounter a corpse.

8. Having officiated as High Priest, he was not allowed to act as a common priest, nor could he officiate as High Priest whilst the other lived, as this would cause jealousy. v. Hor. 12b.

9. Lev. XV, 16.

10. Lev. XXI, 27.

11. And the latter must defile himself in the event of both meeting with a corpse.

12. Until the deformity disappears.

13. V. Deut. XX.

14. Segan, who deputised for the High Priest if he was unable to perform the Temple service on the Day of Atonement. On Segan, v. Sanh. (Sone. ed.) p. 97, n. 1.

15. But once a priest had been anointed for war, he could no longer take part in the Temple service.

16. Should both be in danger.

17. For he is to go to war on their behalf.

18. This saying occurs also in Yoma 39a, where the reading is: 'R. Hanina, the priestly deputy, said that the reason the deputy stands at his (the High Priest's) right is that …' on the whole passage v. Hor. (Sonc. ed.) pp. 97ff.

19. If they came upon a corpse whose burial is a religious duty.

20. Lev. XXI, 21.

21. V. Lev. XXI. 2 and 3.

22. Since this part of the verse is superfluous. Lev. XXI, 22.

Folio 48a

[The words,] Nor for his mother form the basis of the Gezerah shawah used by Rabbi. For it has been taught: Rabbi said: In the case of a nazirite, when they die,(1) he is not allowed to defile himself on their account, but he may defile himself [if they are unclean] through [leprous] plague or unclean issue. But this covers the nazirite only. How are we to infer the same for a High Priest? As follows: There is no need for the expression, his mother(2) in the case of the High Priest, and Scripture need not have mentioned this, since the same may be derived from the following a fortiori argument. Seeing that though a common priest may defile himself on account of his brother by the same father,(3) yet a High Priest may not defile himself on account of his father,(4) then if a common priest may not defile himself on account of his brother by the same mother,(5) surely [it follows that] a High Priest may not defile himself on account of his mother. Since this can be inferred by a process of reasoning, why does Scripture mention 'his mother' in connection with the High Priest? It is available for purpose of comparison and to set up a Gezerah shawah [from like expressions]. The phrase 'his mother' occurs in connection with the nazirite and the phrase 'his mother' occurs in connection with the High Priest, and so just as in the case of the nazirite it is to his mother [etc.], 'when they die' that he is forbidden to defile himself, but not when they are unclean through leprosy or unclean tissue, so in the case of the High Priest, it is to his mother [etc.], when they die that he is forbidden to defile himself, but not when they are unclean through leprosy or unclean issue.

We have thus found the sanction for a High Priest.(6) How is the same known of a nazirite? It has been taught: From the passage, All the days that he separateth himself unto the Lord, he shall not come near to a [dead](7) body [nefesh],(8) it might be concluded that even the body [nefesh] of an animal is intended, the word [nefesh] being used as in the verse, And he that smiteth [the nefesh of] a beast.(9) Therefore Scripture says, 'he shall not come near to a dead body,' indicating that a human body [nefesh] is being referred to. R. Ishmael says: It is unnecessary [to argue in this manner]. Since it says, 'he shall not come', Scripture is referring to bodies which cause defilement merely on coming [under the same roof].(10) [Futher], for his father, or for his mother,(11) he may not defile himself, but he may defile himself for a meth mizwah. But even if this [expression] did not occur, I could infer it as follows: Seeing that a High Priest whose consecration is permanent may defile himself for a meth mizwah, then surely a nazirite whose consecration is not permanent(12) may defile himself?(13) But this inference is not valid. For if it is true in the case of a High Priest, it may be because he is not required to offer a sacrifice as a consequence of his defilement, whereas a nazirite must offer a sacrifice as a consequence of his defilement, [and it might be objected that] since he must offer a sacrifice in consequence of his defilement,(14) he may not defile himself for a meth mizwah. And so Scripture says, He shall not make himself unclean for his father, or for his mother, [implying], 'but he may make himself unclean for a meth mizwah'. But perhaps [the correct inference is that] he may not defile himself for his father or for his mother, but he may defile himself for other corpses?(15) This follows by an argument a fortiori. Seeing that a common priest who may defile himself for his kinsmen is forbidden to defile himself for other dead,(16) then a nazirite who may not defile himself for kinsmen is surely forbidden to defile himself for other dead.

1. Num. VI, 7. Referring to a nazirite's relatives.
2. Lev. XXI, 11. A High Priest may not defile himself for his mother's corpse.
3. But not the same mother.
4. Though a father is nearer kin than a brother.
5. But not the same father.
6. I.e., that a High Priest must defile himself for a corpse the burial of which is a religious duty.
7. Some authorities omit the word 'dead' from the Talmud text, since the assumed inference

would only follow if it were lacking in the Bible.

8. Num. VI, 6.

9. Lev. XXIV, 28.

10. This applies to human corpses. Animal corpses defile only if touched or carried.

11. Num. VI, 7.

12. But only for as long as he has undertaken to he a nazirite, or until he seeks release at the hands of a Sage.

13. And the phrase, 'For his father etc.' is unnecessary to teach that he may defile himself for a corpse whose burial is a religious duty.

14. V. Num. VI, 9ff.

15. I.e., nonkinsmen whose death he would not mourn so much.

16. V. Lev. XXI, 2.

And so why does Scripture say, 'for' his father, or 'for his mother'? For his father or for his mother he is forbidden to defile himself, but he may defile himself for a meth mizwah. But even if this(1) were not written, I could infer it as follows: A general prohibition(2) is stated for the High Priest, and a general prohibition(3) is stated for the nazirite, and so just as, though there is a general prohibition for the High Priest, he is forbidden to defile himself for his father, but he may defile himself for a meth mizwah, so when there is a general prohibition for the nazirite [it signifies that] he may not defile himself for his father but he may defile himself for a meth mizwah.(4) But it is possible to argue in another direction. A general prohibition is stated for the common priest,(5) and a general prohibition is stated for the nazirite, and so just as, though there is a general prohibition stated for the common priest, he may defile himself for his father, so too though there is a general prohibition stated for the nazirite he may defile himself for his father. Scripture therefore says, 'He shall not make himself unclean for his father, or for his mother,' but he may make himself unclean for a meth mizwah.

But surely this is needed to tell us [the plain fact] that he may not defile himself for his father?(6) — In point of fact, 'for his father' tells us that he may not defile himself for his father;(7) 'for his brother'(8) he may not defile himself but he may defile himself for a corpse [the burial of] which is a religious duty; 'or for his mother'(8) is used to form the basis of a Gezerah shawah after the manner of Rabbi;(9) whilst 'or for his sister'(8) is required for the following [teaching]. For it has been taught: For what purpose is 'for his sister' mentioned?(10) If a [nazirite] was on his way to slaughter his Paschal lamb, or to circumcise his son and he heard that a near kinsmen had died, it might be thought that he ought to defile himself. It therefore says, 'He shall not make himself unclean'. But it might [then] be thought he should not defile himself for a meth mizwah. The text therefore adds, 'for his sister', [implying that] for his sister he is forbidden to defile himself, but he may defile himself for a meth mizwah.

R. Akiba said:(11) ['Nefesh'] 'body' refers to strangers; 'dead' to kinsmen, 'For' his father or for his mother' [teaches that] he is forbidden to defile himself for these, but he may defile himself for a meth mizwah. 'For his brother' [tells us] that if he he both High Priest and a nazirite, it is for his brother that he is forbidden to defile himself, but he may defile himself for a corpse [the burial of] which is a religious duty. 'For his sister' [is required] as has been taught: 'If a man was on his way to slaughter his Paschal lamb or circumcise his son etc.'

Whence does R. Akiba derive the lesson learnt by Rabbi from the Gezerah shawah? — He will reply: Since it has been said that if he be both High Priest and a nazirite it is for his brother that he is forbidden to defile himself but he may defile himself for a meth mizwah,(12) what difference does it make whether he is simply High Priest or High Priest and a nazirite.(13)

And whence does R. Ishmael derive the rule about a High Priest who is a nazirite?(14) — Since the All-Merciful allows [the breach of] a single prohibition in connection with a meth mizwah, what does it matter whether there is only one prohibition or two?

[In that case] for what purpose is for his sister required?(15) — You might assume that in connection with a meth mizwah the All-Merciful permitted [the defilement of] a nazirite and a priest because this is an offence which is merely prohibited but where the neglect of circumcision and the Paschal lamb entailing kareth(16) is involved, [the nazirite or priest] should not defile himself for a meth mizwah(17) and so we are told [that he should].

1. The phrase 'For his father or for his mother'.
2. 'Neither shall he go in to any dead body'; Lev. XXI, 11.
3. 'He shall not come near to a dead body'. Num. VI, 6.
4. And 'For his father etc.' is superfluous.
5. 'There shall none defile himself for the dead amongst the people', Lev. XXI. 1.

6. And it is not meant merely to provide the ground for the inference, that a nazirite may defile himself for a corpse whose burial is a religious duty.

7. And since he may not defile himself for his father, he may not for his brother, since the father is nearer kin.

8. Num. VI, 7.

9. Supra 48a.

10. For since he may not defile himself for his father, he may not for his sister.

11. R. Akiba is interpreting Num. VI, 6 and 7, in a different manner to R. Ishmael.

12. So that the inference, when they die, but not when they have plague also refers to the kinsmen of a nazirite who is High Priest.

13. In either case be is not forbidden to touch them if they have leprosy or unclean issue.

14. That he may defile himself to bury a neglected corpse.

15. If a nazirite must defile himself to bury a neglected corpse, he must also defile himself for this purpose even when on his way to slaughter his paschal lamb.

16. V. Glos.

17. When about to slaughter his paschal lamb.

Folio 49a

On the view of R. Akiba, seeing that whether he be simply a High Priest or whether he be a High Priest who is also a nazirite, we can infer from 'for his brother' [that he may defile himself for a neglected corpse], what is the purpose of 'for his father and for his mother'? — They are both necessary. For were only his father mentioned, it might be thought that the reason why he may not defile himself for him is that there is merely a presumption [of paternity],(1) whereas for his mother who we know bore him, he should defile himself. Again, if the All-Merciful had mentioned his mother, it might be thought that he may not defile himself for his mother because her children['s descent] is not reckoned through her,(2) whereas for his father, since it has been affirmed, 'by their families, by their fathers' houses',(3) it might be said that he should defile himself. We are therefore told [that he may defile himself for neither].

[On the view of R. Akiba] what is the purpose of 'Neither shall he go in to any dead body'?(4) —

1. His wife may have committed adultery.
2. But through the male line.
3. Num. I, 2. From this verse the inference is drawn that descent is counted in the male line; v. B.B. 109b.
4. Lev. XXI, 12. Said of the High Priest.

'To any' excludes strangers;(1) 'dead' excludes kinsmen, 'body' [nafshoth] excludes a quarter [of a log] of blood coming from two corpses, [and informs us] that it renders unclean by being under a covering [with it], as it is written, 'neither shall he go in to any dead body [nafshoth]'.(2)

MISHNAH. THE NAZIRITE MUST POLL FOR [DEFILEMENT CONTRACTED FROM] THE FOLLOWING SOURCES OF DEFILEMENT: FOR A CORPSE, OR AN OLIVE'S BULK OF [THE FLESH OF] A CORPSE, OR AN OLIVE'S BULK OF NEZEL,(3) OR A LADLEFUL OF CORPSE-MOULD,(4) OR THE SPINAL COLUMN, OR THE SKULL, OR ANY LIMB [SEVERED] FROM A CORPSE OR ANY LIMB [SEVERED] FROM A LIVING BODY THAT IS STILL PROPERLY COVERED WITH FLESH,(5) OR A HALF-KAB(6) OF BONES, OR A HALF-LOG(6) OF BLOOD, WHETHER [THE DEFILEMENT IS CON TRACTED] FROM CONTACT WITH THEM, FROM CARRYING THEM, OR FROM OVERSHADOWING(7) THEM; FOR [DEFILEMENT CONTRACTED FROM] A BARLEY-GRAIN'S BULK OF BONE, WHETHER BY CONTACT OR CARRYING. ON ACCOUNT OF THESE, A NAZIRITE MUST POLL AND BE SPRINKLED ON THE THIRD AND SEVENTH DAYS; SUCH [DEFILEMENT] MAKES VOID THE PREVIOUS PERIOD, WHILST HE DOES NOT BEGIN TO COUNT ANEW [HIS NAZIRITESHIP] UNTIL HE HAS BECOME CLEAN AND BROUGHT HIS SACRIFICES.

GEMARA. Our Rabbis taught: After the demise of R. Meir, R. Judah said to his disciples, 'Do not allow the disciples of R. Meir to enter here, for they are disputatious and do not come to learn Torah, but come to overwhelm me with citations from tradition.' Symmachus forced his way through and entered. He said to them, 'Thus did R. Meir teach me: The nazirite must poll for [defilement contracted from] the following sources of defilement: for a corpses or for an olive's bulk of [the flesh of] a corpse.' R. Judah was wroth and said to them, 'Did I not tell you not to allow the pupils of R. Meir to enter here, because they are disputatious? If he must poll for an olive's bulk of [the flesh of] a corpse, then certainly he must poll for the corpse itself!(8)

1. I.e., that he may not defile himself by touching their corpses.

2. The Hebrew has the plural of nefesh, indicating two corpses. The nefesh is identified with the blood (v. Deut. XII, 23) hence R. Akiba's inference; v. Sanh. (Sonc. ed.) pp. 22 and 14.

3. Coagulated corpse-dregs; v. infra 50a.

4. The earth of a decomposed body.

5. Sufficient flesh for the limb to have maintained itself when attached to the body.

6. V. Glos. for these measures.

7. This type of defilement is caused by being, either under the same roof as, or perpendicularly above or below, the source of defilement; cf. Num. XIX, 14ff.

8. And this does not require explicit mention.

Folio 50a

R. Jose' commented: People will say, 'Meir is dead, Judah is angry, Jose is silent, what is to become of the Torah?' And so R. Jose explained: It was only necessary [to mention the corpse itself explicitly] for the case of a corpse that has not an olive's bulk of flesh upon it. — But it can still be objected: If [the nazirite] must poll for a [single] limb, then surely he must poll for the whole [skeleton]! — It must therefore be as R. Johanan explained [elsewhere],(1) that it was only necessary [to mention the corpse itself] for the case of an abortion in which the limbs were not bound together by the sinews, and here too it refers to an abortion in which the limbs are not bound together by the sinews.(2)

Raba said: It is only necessary [to mention the corpse itself] for the case where there is the greater part(3) of the frame [of a corpse](4) or the majority [of its bones],(4) which do not amount altogether to a quarter [kab] of bones.(5)

FOR AN OLIVE'S BULK OF [THE FLESH OF] A CORPSE, OR AN OLIVE'S BULK OF NEZEL: And what is NEZEL? The flesh of a corpse that has coagulated, and liquid secretion [from a corpse] that has been heated [and has congealed].(6)

What are the circumstances? If it be not known to belong to [the corpse], what does it matter if it has coagulated?(7) Whilst if we know that it pertains to [the corpse], then even though it has not coagulated [it should defile]! — R. Jeremiah replied: [Secretion] of uncertain origin is referred to. If it coagulates, it is [cadaverous] secretion,(8) otherwise it may be phlegm or mucus.(9)

Abaye inquired of Rabbah: Is there [defilement through] corpse-dregs in the case of [defilement caused by] animals[' corpses], or not?(10) Was the tradition only that corpse-dregs coming from man [defile], but not corpse-dregs coming from animals, or is there no difference?(11) According to the opinion that the uncleanness is of the heavier type(12) only until [the animal is unfit to be eaten by]a stranger,(13) and is then of the lighter type(14) until [it is unfit to be eaten by] a dog,(15) there is no difficulty,(16) but according to the opinion that the uncleanness remains of the heavier type until [it is unfit to be eaten by] a dog, what answer can be given?(17) — Come and hear: If he melted [unclean fat] with fire, it remains unclean, but if in the sun,(18) it becomes clean. Now if you assume [that the animal remains unclean] until [it is unfit to be eaten by] a dog, then even if [the fat has been melted] in the sun, it should also [remain unclean]!(19) — It only melts after it has decomposed in the sun, and since it has decomposed it is [nothing but] dust.(20)

We have learnt elsewhere: Any jet of liquid [poured from a clean to an unclean vessel] is clean(21) save only [a jet of] thick honey(22) and heavy batter.(23)

1. The reference here is thought to he to Oh. II, 1, dealing with defilement by overshadowing, where the same phrase occurs. But the only occurrence of this statement of R. Johanan is found in Hul. 89b, with reference to our Mishnah; v. Tosaf. Naz. and Hul.

2. A single limb of such an abortion not containing an olive's bulk of flesh, would not convey defilement, but the whole does.

3. The greater part being equivalent to the whole.

4. V. infra 52b for the explanation of these terms.

5. And but for the fact that it constitutes the greater part of the frame of the corpse it would not convey defilement.

6. [Nezel is thus derived from kmb to separate', cf. Gen. XXXI. 9 (Rashi); Petuchowski connects it with kzb 'to flow', 'melt away'.]

7. It should not convey defilement.

8. And causes defilement.

9. Which do not defile.

10. This question has no bearing on the nazirite, who does not lose any of his period for defilement caused by an animal corpse.

11. And animal corpse-dregs also defile.

12. Defiling man by contact or carrying.

13. V. Bek. 23b. A Jew may not eat the flesh of an animal which dies of itself, but may give it to a stranger; v. Deut. XIV, 21.

14. Defiling food only but not man.

15. After which it ceases to defile.

16. For corpse-dregs are unfit to be eaten by a human being.

17. For corpse-dregs are fit to be eaten by a dog.

18. When it becomes corpse-dregs.

19. It is assumed that though the sun turns the fat into corpse-dregs, it is still fit to be eaten by a dog.

20. And unfit for a dog. Hence it becomes clean.

21. I.e., it does not convey defilement from the unclean to the clean vessel.

22. Aliter; The honey of Zifim; (cf. Josh. XV, 24). V.Sot. 48b.

23. So the Aruch.

Beth Shammai say: Also one of a porridge of grist or beans, because [at the end of its flow] it springs back.(1)

Rammi b. Hama asked: is there [transference of defilement through] a jet in the case of foodstuffs,(2) or does [transference of defilement through] a jet not apply to foodstuffs? Do we say [that the principle applies to thick honey and batter] because they contain liquor,(3) whereas [foodstuffs] contain no liquor,(4) or is it perhaps because they are compact masses(5) and [foodstuffs] are also compact masses?(6) — Raba replied: Come and hear: A whole piece of fat(7) from a corpse, if melted, remains unclean, but if it was in pieces(8) and they were melted, it remains clean.(9) Now if you assume [that the principle of transference of defilement through] a jet does not apply to foodstuffs, [then even if it be] whole and then melted it should become clean!(10) — R. Zera commented: I and Mar, son of Rabina, interpreted [the above teaching as follows]: It refers to where at the time of melting, the column of fire ascended to the mouth of the vessel(11) and [the fat] coagulated whilst it was all together.(12)

Rabina said to R. Ashi: Come and hear [the following]: Beth Shammai say: Also one of a porridge of grist or of beans, because [at the end of its flow] it springs back!(13) — What does this prove? In the other cases(14) it may be the fact that they are compact masses [which causes defilement] though here it is because of the liquor.(15)

OR A LADLEFUL OF CORPSE-MOULD: And what is its size? — Hezekiah said: The palm of the hand full. R. Johanan said: The hollow of the hand(16) full.

It has been taught: The [measure of the] ladleful of corpsemould mentioned is, from the bottom of the fingers upwards.(17) So R. Meir. The Sages say [it means] the hollow of the hand full.(18) Now R. Johanan at least agrees with the Rabbis; but with whom does Hezekiah agree, neither with R. Meir, nor with the Rabbis? — I will tell you. The palm of the hand full and from the joints of the fingers upwards is the same measure.(19) R. Shimi b. Adda said to R. Papa: How is it known that 'from the joints of the fingers and upwards' means towards the tips? Perhaps it means lower down the hand(20) when [the measure] is the palm of the hand full?(21) This was not solved.(22)

1. Being thick liquids, they have such elasticity that when he ceases to pour out the liquid, the lower end of the jet, which has touched the unclean vessel, springs back into the upper vessel. M. Maksh. V. 9.

2. Viz, if he melted some solid food, e.g., fat, and poured it from a clean to an unclean vessel.

3. And it is the presence of the liquor which causes the jet to shrink backwards.

4. Whence they would not transfer defilement from the lower end of the jet to the upper end.

5. And so transfer defilement; in the same way as any solid becomes wholly unclean even if part of it is defiled.

6. And transfer defilement.

7. Of an olive's bulk.

8. Each smaller than an olive. When smaller than an olive, unclean flesh loses its defiling property.

9. Though now solidified to one piece larger than an olive's bulk. Tosaf. Oh. IV, 3.

10. Whilst being melted, the fat would move from side to side of the vessel and so there would be less than an olive's bulk of the fat in one spot, if the jet of liquid fat be not counted as joined together.

11. And the vessel was at rest when heated so that the fat was heated all together.

12. Without moving from its original position, so Rashi. Tosaf. and Asheri give the following

reading: 'It refers to where at the time of melting a column [of fat] rose and sublimed at the mouth of the vessel'. In either case there is no flow.

13. It is now assumed that the Rabbis disagree with Beth Shammai only as regards grist and beans, but accept his criterion of springing back. This occurs in the presence of a liquid only.

14. I.e., thick honey and batter.

15. And the Rabbis disagree as to the criterion. Beth Shammai say it is liquor and the Rabbis, perhaps, the fact that it is a compact mass.

16. Formed by bending the fingers to touch the wrist.

17. I.e., presumably towards the tips of the fingers.

18. Tosef. Oh. II, 2.

19. And he agrees with R. Meir.

20. Upwards in the direction of the shoulder.

21. And there is no difficulty for Hezekiah.

22. These words occur in the printed texts, but are omitted by Tosaf. and others.

Folio 51a

Our Rabbis taught: What type of corpse produces corpsemould [that can defile]? A corpse buried naked in a marble sarcophagus or on a stone floor is a corpse which produces corpse-mould. If it is buried in its shroud, or in a wooden coffin, or on a brick floor, it is a corpse which does not produce corpse-mould [that can defile].(1)

'Ulla said: Corpse-mould [to defile] must come from flesh and sinew and bone. Raba raised [the following] objection to 'Ulla. [It has been taught:] Corpse-mould derived from flesh is clean. This implies that if it be from bones it is unclean, even though there be no flesh present? — Say rather as follows: Corpse-mould derived from flesh is clean, unless there be bone in the flesh. But there are no sinews!(2) — It is impossible that there should be flesh and bones without sinews.

Rab Samuel(3) b. Abba said that R. Johanan said: Two corpses buried together act as gilgelin(4) to each other. R. Nathan [son of R. Oshaia](5) raised the following objection. [It has been taught that corpse-mould] derived from two corpses is unclean? — Said Raba, [we suppose that] each was buried separately and decayed and together' formed a ladleful of corpse-mould.(6)

Rabbah b. Bar Hanah said that R. Johanan said: If a man cut [the corpse's] hair and buried it with it, it acts as gilgelin [and the resultant mould does not defile].

We have learnt elsewhere: Every part of a corpse is unclean except the teeth, the hair and the nails; but whilst still attached [to the corpse], they are all unclean.(7) Hezekiah propounded: What is the law in the case of hair long enough to be polled,(8) and nails long enough to be pared?(9) Do we say that anything which is fit to be cut is as though already cut,(10) or perhaps they are after all still attached?(11) — But cannot the question be resolved from [the dictum of] Rabbah b. Bar Hanah?(12) The reason [that the hair acts as gilgelin] is because he cut it, but if he does not cut it, it does not?(13) He [Rabbah b. Bar Hanah] might have meant this: If he cut it, it acts as gilgelin; but if he did not cut it, he was in doubt [as to its effect].(14)

R. Jeremiah propounded: What is the law regarding corpsemould coming from the heel?(15) Does our tradition specify corpsemould derived from a whole corpse, but not corpse-mould resulting from [the decomposition of] the heel, or is there no difference? — Come and hear: R. Nathan son of R. Oshaia learnt that corpsemould derived from two corpses is unclean. Now if you assume that what comes from the heel is not [counted as corpse-mould], then, if we look to the one [corpse], [the mould in the mixture] may have been taken from the heel, and if to the other, it may have been taken from the heel?(16) — Where the whole corpse has decayed and [the corpse-mould] has been taken from the heel, there it would certainly be [counted as corpse-mould],(17) but here the question is when one limb(18) has decomposed and [the mould] has been taken from the heel. This was left unsolved.

R. Jeremiah propounded: Does a fetus in a woman's womb act as gilgelin or not? Since a Master has affirmed that a fetus counts as the thigh of its mother, is it therefore part of her body and so does not act as gilgelin, or perhaps since it would eventually leave [the womb], does it count as separated from her? Should you decide that since a fetus will eventually leave [the womb], it is separate from her,

1. For the resultant mould will be mixed with fragments of cloth, wood, or brick, since these crumble. Tosef. Oh. II, 2.

2. And 'Ulla said all three are necessary.

3. Var. lec. Shaman.

4. A covering or girdle. lit., 'wrappers'; so that the corpse. mould which results does not defile, just as it does not when the corpse is buried in a shroud.

5. Inserted from BaH.

6. In such a case, the joint mixture causes defilement; but if buried together, the resultant mould

does not defile.

7. Oh. III, 3.

8. Hair that is long and would have been polled had not death intervened.

9. Does the resultant corpse-mould defile? — So Rashi. According to Tosaf. the question is: Is the hair unclean or not?

10. And prevents the formation of corpse-mould.

11. And count as part of the body.

12. 'If he cut the hair and buried it, it acts as gigelin'.

13. Thus attached hair counts as part of the corpse.

14. And this was the very question of Hezekiah.

15. The lower part of the body.

16. And the resulting mixture should not defile, if corpsemould from the heel does not.

17. This is shown by R. Nathan's dictum.

18. One of the lower limbs.

what would be the law regarding semen in a woman s womb? Do we say that because it has not yet formed [into an embryo] it counts as part of her body,(1) or perhaps seeing it has come from elsewhere, it is not [part of the body]?(2)

R. Papa propounded: What about excrement? Seeing that one cannot exist without food, is it part of one's life,(3) or perhaps this too comes from elsewhere?(4)

R. Aha son of R. Ika propounded: What about his skin?(5)

R. Huna b. Manoah propounded: What about his phlegm and his mucus?

R. Samuel b. Aha said to R. Papa: If now you assume that all these mentioned act as gilgelin, how can there be corpse-mould which defiles? — If he was given to drink water from [the Well of] the Palm Trees,(6) depilated with nasha,(7) and was steeped in the [hot] springs of Tiberias.(8)

Abaye said: We hold a tradition that a corpse that has been ground to powder does not come under [the law of] corpse-mould. The following was propounded: If it were ground and then decayed, what would be the law? Is the reason [that corpse-mould defiles] solely because flesh and bones and sinews are present, and here they are present, or do we require it [to have become corpsemould] as in its original form, and this has not occurred? This was left unsolved.

'Ulla b. Hanina learned: A defective corpse(9) does not come under [the law of] corpse-dust,(10) nor does it acquire the soil on which it lies,(11) nor does it help to make an area into a graveyard.(12) The following objection was raised. [We have learnt:] No! Because you say this(13) of a corpse to which [the law concerning] 'the greater part, a quarter [kab]' and 'a ladleful of corpse-mould' applies, would you say it of a living body to which [the laws concerning] 'the greater part, a quarter [kab of bones]' and 'a ladleful of corpse-mould' do not apply?(14) What are the circumstances?(15) [Surely,] that one limb has decayed.(16) And similarly(17) in the case of a corpse, even if one member [has decomposed, the law of] corpse-dust applies?(18) — Does it say, 'whereas in the case of a corpse [the law of corpse-dust applies]'?(19) What we are told is that there are corpses to which [the law of] corpse-dust applies,(20) but there are no living bodies to which [the law of] corpse-dust applies.

Raba propounded: If [a man's limb] decayed whilst he was alive and he then died,(21) what would the law be?(22) Does the tradition specify corpse-mould which decayed when he was dead, or perhaps it is enough that he is now dead? — Come and hear [the following]. [We have learnt:] No! Because you say this of a corpse to which [the laws concerning] 'the greater part', 'a quarter [kab of bones]' and 'a ladleful of corpse-mould' apply, would you say it of a living body etc. The reason [that the law of corpse-mould does not apply to a living body] is because it is alive, from which we infer that if he died [the law of] corpse-mould would apply.(23) — Does it say, 'whereas if he died [the law of corpse-mould applies]'? What we are told is that there are corpses to which [the law of] corpse-mould applies, but there are no living bodies to which [the law of] corpse-mould applies.(24)

Raba propounded: What is the law concerning a defective(25) ant?(26) Does the tradition specify [a certain] size(27) and this is wanting, or does it specify a [separate] creature(28) and this it is? —

1. And does not act as gilgelin.
2. And acts as gilgelin.
3. And so does not act as gilgelin.
4. And not being part of the body acts as gilgelin.
5. Does it act as gilgelin or not? Rashi translates: What about his spittle?
6. A violent purgative; v. Shab. 110a.

7. A natural depilatory, v. supra p. 164, n. 4.

8. To remove the skin.

9. One lacking a member.

10. When it decays, a ladleful of its corpse-dust does not defile by 'overshadowing'.

11. Lit., 'take possession'. If a complete corpse is unearthed, the soil round about it must be removed with the body; v. infra Mishnah 64b.

12. Lit., 'It has not (the law of) the area of a cemetery'. If three complete corpses are found together, the place where they are found must be converted into a graveyard. Ibid.

13. That an olive's bulk of its flesh defiles by 'overshadowing'.

14. V. 'Ed. VI, 3.

15. Under which the law of corpse-mould does not apply to a living body.

16. I.e., only part of the body.

17. Since the cases are parallel.

18. Contradicting 'Ulla b. Hanina's teaching.

19. Which would imply that the comparison was exact.

20. Viz., whole bodies.

21. And the body crumbled into corpse-dust, together with the limb which decayed during his lifetime.

22. Does the law of corpse-dust apply or not?

23. Thus Raba's question is answered in the affirmative.

24. And the question remains.

25. One lacking a limb.

26. Does he receive stripes for eating it or not? — V. Mak. 13a.

27. That the creature eaten must be the size of an ant.

28. That what is eaten must be a separate creature.

Folio 52a

R. Judah of Diskarta(1) replied: Judge from the following. [It has been taught: From the verse, Whosoever doth touch] them [… shall be unclean],(2) it might be thought that this is [only if he touches] whole [reptiles], and so Scripture says, [And upon whatsoever any] of them [… doth fall].(3) From 'of them' [alone] it might be thought that part of them [defiles], and so Scripture says 'them'. How are [the texts to be] reconciled? [He is not unclean] unless he touches a part of one equivalent to a whole one and the Sages estimated this to be the size of a lentil, since the sand-lizard(4) at its first formation(5) is of the size of a lentil. Hence it follows that tradition specifies [a certain] size.(6) R. Shemaya demurred: The reason that we require a [particular] size, so that if it is not the size of a lentil it does not defile, is because there is no life in it,(7) but when there is life in it, [it may be that] no [minimum size is required].(8) It is this question that is being put to you.(9)

THE BACKBONE AND THE SKULL: The question was propounded: Does the Mishnah say the backbone and the skull,(10) or does it say perhaps the backbone or the skull?(11) — Raba replied: Come and hear: A backbone that has been stripped of most of its ribs(12) is clean,(13) but if it is in the grave, even though it is broken in pieces or separated [into parts], it is unclean,(14) because of the grave.(15) Now the reason [that the backbone is clean] is that it has been stripped, but if it were not stripped, it would be unclean,(16) and so may we [not] infer from this that the correct reading is, either the backbone or the skull? — Does it say, 'But if etc.'?(17) What we are told is that when [the backbone is] stripped, it is clean;(18) but the other case(19) still remains doubtful.

Come and hear: R. Judah says: Six things were declared unclean by R. Akiba and clean by the Sages, and R. Akiba retracted his opinion. It is related that a basket full of [human] bones was taken into the Synagogue of the Tarsians(20) and placed in the open air.(21) Then Theodos, the Physician, together with all the physicians, entered, and said that there was not the backbone of a single corpse there.(22) The reason [that it was declared clean] is that there was not a backbone from a single [corpse], but had there been either a backbone or a skull from a single [corpse],(23) a nazirite would have been required to poll because of it, whence it follows that we read in our Mishnah, either the backbone or the skull? The case was put strongly. Not only was there not the backbone and skull of a single corpse, but there was not even the backbone of a single corpse or the skull of a single corpse.

Judge(24) from the enumeration [of the six things]: And what are the six things that R. Akiba declared unclean and the Sages clean? A limb set up(25) from two corpses, a limb set up [from bones sever ed] from two living men, and a half-kab of bones taken from two corpses, a quarter [log] of blood taken from two [corpses], a barleycorn's bulk of bone broken into two parts, the backbone and the skull.(26)

1. V. supra p. 126, n. 6.
2. Lev. XI, 31. Referring to dead reptiles.
3. Ibid. 32. 'of' meaning even 'part of'.
4. One of the reptiles which defile; v. Ibid. 30.
5. But if less, it does not defile.
6. For the sand-lizard is the size of a lentil when whole.
7. As in the case of the dead sand-lizard.
8. But only that the creature should be alive.
9. And R. Judah of Diskarta has not answered this.
10. That both must be in the room for the nazirite to poll.
11. And he must poll if only one is there.

12. Cf. the Tosef. where the reading is probably, 'vertebrae'.

13. I.e., it does not defile through 'overshadowing'.

14. And defiles if 'overshadowed'.

15. Which joins the pieces together. Tosef. Oh.II, 3.

16. Though the backbone alone is mentioned in the Tosefta.

17. Adopting reading of Asheri.

18. Perhaps even when the skull is there too.

19. Stripped and the skull removed.

20. Other renderings are, 'weavers', 'bronzeworkers'; v. Aruch and A.S. 27b. [We find a synagogue of Tarsians in Jerusalem, Tiberias and Lydda. According to Krauss, Synagogale Altertumer, p. 201, they are identical with the synagogues of Alexandrians, who had brought over with them, to Palestine, the industry in Tarsian carpets — an industry which flourished greatly in Egypt; v. also TA. II, 625.]

21. I.e., under an opening in the roof to prevent it conveying uncleanness by 'overshadowing'.

22. And so it could not convey defilement by 'overshadowing'. Tosef. Oh. IV, 2.

23. And a nazirite had 'overshadowed' it.

24. Lit., 'come and hear'.

25. I.e., made by taking one bone from one corpse and another bone from a second corpse.

26. This enumeration appears to be a digest of Oh. II, 6 and 7, or Tosef. 'Ed. I, 6; but is not quite identical with either.

Now if you assume that either the backbone or the skull [alone is unclean] there would [surely] be seven things there? — When [the number six] was mentioned,(1) it referred to all those things where the majority differed from him, but excluded [the case of] a barley-corn's bulk of bone, since it is an individual who differed from him,(2) for we have learnt: If a barley-corn's bulk of bone is divided into two, R. Akiba declares it unclean and R. Johanan b. Nuri clean.(3)

Alternatively, [the number six] referred to members coming from a corpse, but it did not refer to [the case of] a member [severed] from a living being.(4)

Alternatively, [the number six] referred to all those [cases] where a nazirite must poll because of 'overshadowing' them, but excludes [the case of] a barley corn's bulk of bone,(5) since he need not.

Alternatively, [the number six] referred to all those [cases] from which he retracted, but excludes [the case of] a quarter [log] of blood, from which he did not retract. For Rabbi said to Bar Kappara, 'Do not include [the case of] a quarter [-log] of blood amongst the retractions, for R. Akiba had that as a [traditional](6) teaching, and furthermore the verse, Neither shall he go in to any dead body,(7) supports him. — R. Simeon says: All his life he declared [a quarter-log of blood from two corpses] unclean, whether he retracted after his death, I do not know.(8) — A Tanna taught that [R. Simeon's] teeth grew black because of his fasts.(9)

Come and hear: It has been taught: Beth Shammai say that a quarter [-kab] of bones, be they any of the bones, whether from two [limbs] or from three,(10) [is sufficient to cause defilement by overshadowing]. And Beth Hillel say, a quarter [-kab of bones] from a [single] corpse [is required], [and these bones must be derived] from [those bones which form] the greater part [of a skeleton] either in frame(11) or in number.(12) R. Joshua asserted: I can make the statements of Beth Shammai and Beth Hillel one.(13) For [when] Beth Shammai say 'from two [limbs] or from three,' [they mean] either from two shoulders and one thigh, or from two thighs and one shoulder, since this is the major part of a man's structure in height, whilst Beth Hillel say [the quarter kab must be taken] from the corpse, [viz.] from the greater part either in structure(14) or in number, for this [numerical majority] is to be found in the joints of the hands and feet.(15) Shammai says even a [single] bone, from the backbone or from the skull [defies by overshadowing]!(16) — Shammai is different, as he takes the more stringent view.(17)

Can one infer from this that Shammai's(18) reason is that he takes the stricter view, but the Rabbis would require both backbone and skull? — No! For the Rabbis may only disagree with Shammai concerning a single bone coming from the backbone or the skull, but where these are complete one alone [may be sufficient].

Rammi b. Hama propounded: What is the law in the case of a quarter [-kab] of bones [coming] from the backbone and the skull? When [our Mishnah] stated that a half-kab of bones [is required], was it only where there are present [bones] from its other limbs [too], but since [the bones] from the backbone and skull are treated more seriously, even a quarter [-kab] of bones [is sufficient], or perhaps there is no difference?(19) — Raba replied: Come and hear: [We learnt:] THE BACKBONE AND THE SKULL.(20) Now if you assume that a quarter [-kab] of bones coming from the backbone and the skull is to be taken more seriously,(21) it should state 'for a quarter [-kab] of bones coming from the backbone etc.'?(22) —

1. In the text there occurs here the following mnemonic for the alternative methods of arriving at the number six: 'The mnemonic is: An individual who polls and another'.

2. In which case the norm is in accordance with R. Akiba.

3. Oh. II, 7.

4. This excludes the case of a limb set up from bones severed from two living beings: Tosaf. reads here: 'Only those cases relating to corpses are included (in the six), not those relating to living bodies'.

5. V. our Mishnah.

6. So Asheri.

7. Lev. XXI, II; v. supra 38a.

8. Tosef. Oh. IV, 2.

9. To atone for the not quite respectful reference to his teacher. Cf. Hag. 22b.

10. I.e., the quarter-kab must contain parts of more than one bone. Some (e.g. Maimonides to 'Ed. I, 7) interpret: from two corpses or from three.

11. Lit., 'building' i.e. those bones which go towards forming the greater part of the frame, e.g.' the shoulder and thigh bones.

12. A body contains 248 bones, whence the greater part in number is 125 bones. V. Mak. (Sonc. ed.) p. 169, n. 5.

13. So that the two schools refer to different things and their opinions are not mutually exclusive.

14. This is the shoulder and thigh.

15. I.e., the bones in the hands and feet form the greater number of bones in the body, without being so important that they form the major part of the structure.

16. Thus backbone or skull is meant. This should solve the reading in the Mishnah. Part of this Baraitha occurs as a Mishnah, 'Ed. I, 7.

17. He holds that even a single bone defiled, hence does not require both the skull and backbone, but the Rabbis may disagree.

18. The printed text reads in error 'Beth Shammai'.

19. And even here a half-kab is necessary. The Wilna Gaon deletes the last sentence as an interpolation based on false premises. He asserts that the query is whether a quarter-kab of bones from the skull or backbone conveys uncleanness by overshadowing, even as a quarter-kab derived from the great part of a skeleton either in frame or in number, and connects with Oh. II, 1 q.v.

20. According to Rashi the Tosef. quoted at foot of 52a is referred to, Tosaf. thinks it is our Mishnah, whilst the Wilna Gaon refers it to Oh. II, 1.

21. R. Elijah of Wilna reads: is unclean.

22. For this is less than a whole skull and includes it.

Folio 53a

But it was Raba himself who said that [special mention] was required only for a backbone and a skull containing less than a quarter [-kab] of bones?(1) — After hearing R. Akiba's opinion, [he altered his own opinion].(2)

Come and hear: Shammai says, even a single bone, from the backbone or from the skull [defiles by 'overshadowing']!(3) Shammai is different, for he takes the much more stringent view.(4)

Can we infer from this that Shammai's reason(5) is that he is strict, but according to the Rabbis [there is no defilement by overshadowing'] unless there is a half-kab of bones? — Perhaps the Rabbis only disagree with Shammai where there is a single bone, but where there is a quarter [kab] of bones even the Rabbis agree [that this is sufficient].

R. Eliezer said: The Elders of an earlier generation [were divided]. Some used to say that a half-kab of bones and a half-log of blood [is required] for everything,(6) whilst a quarter [-kab] of bones and a quarter [-log] of blood is not sufficient for anything. Others used to say that even a quarter [-kab] of bones and a quarter [-log] of blood [is enough] for everything. The Court that came after them said that a half-kab of bones and a half-log of blood [is the quantity] for [making unclean] everything, a quarter [-kab] of bones and a quarter [-log] of blood [is sufficient] in the case of terumah(7) and sacred meats,(8) but not in the case of a nazirite or one preparing the paschal lamb.(9) But surely the compromise of the third [opinion] IS no [true] compromise?(10) — R. Jacob b. Idi replied: They had it as a tradition deriving from Haggai, Zechariah and Malachi.

ON ACCOUNT OF THESE A NAZIRITE MUST POLL: The word THESE,(11) in the first clause serves to exclude a barley-corn's bulk of bone, for touching or carrying which he must [poll] though not for overshadowing it — The word THESE in the next clause serves to exclude a rock overhanging a grave.(12)

OR A HALF-KAB OF BONES:

1. And how can he infer from the mention of the backbone and skull that a quarter kab of bones from the backbone and skull does not defile.

2. And the reply to Rammi b. Hama was given before he heard it. This last phrase is authenticated by the MSS. but its meaning is obscure. The Wilna Gaon reads: (That statement of Raba's was) in accordance with the view of Beth Shammai: a reading in keeping with his text.

3. The rule for these being more stringent, as seen from Shammai's ruling, a quarter of a kab should suffice according to the Rabbis.

4. But the Rabbis disagree.

5. That a single bone suffices.

6. I.e., conveys defilement by 'overshadowing' in all cases.

7. V. Glos.

8. After being under the same roof with a quarter-kab of bones, a man may not eat terumah or sacred meats.

9. These are not rendered unclean so as to cause the nazirite to lose the period already counted, or to prevent the passover celebrant from offering the paschal lamb.

10. And cannot be accepted as the final decision; for it is not arrived at by logical argument, but by accepting part of each of the other opinions; v. Rashi.

11. I.e., but no others.

12. Although he becomes unclean by touching the stone, he need not poll; cf. Shab. 82b.

[We see that] only if there is a half-kab of bones [must the nazirite poll], but not if there is a quarter [-kab] of bones. What are the circumstances? For if we assert that there are amongst them bones of a barley-corn in size, then we can give as the reason [that the nazirite must poll, the presence of] a barley-corn's bulk of bone? — The reference is to where [the bone] was crushed into powder.

OR ANY LIMB [SEVERED] FROM A CORPSE OR ANY LIMB [SEVERED] FROM A LIVING BODY THAT IS STILL PROPERLY COVERED WITH FLESH: What are the consequences if sufficient flesh is not attached [and a nazirite is defiled by touching or carrying such a bone]?(1) — R. Johanan said that the nazirite is not required to poll because of them. Resh Lakish said that the nazirite must poll because of them. R. Johanan said that the nazirite is not required to poll because of them, for it says in the first [Mishnah](2) only ANY LIMB [SEVERED] FROM A CORPSE OR ANY LIMB [SEVERED] FROM A LIVING BODY THAT IS STILL PROPERLY COVERED WITH FLESH, [implying] 'but not otherwise'; whilst Resh Lakish said that he must poll, since this case is not mentioned in the subsequent [Mishnah].(3) [To the argument of Resh Lakish] R. Johanan will reply that whatever can be inferred from the rule [of our Mishnah] is not mentioned in the subsequent [Mishnah]. But what of the half-kab of bones [mentioned in our Mishnah] which implies that only half a kab of bones [can defile] but not a quarter [kab] of bones, and yet the subsequent [Mishnah] mentions [explicitly] that a quarter [-kab] of bones [do not defile]? — In that instance were a quarter [-kab] of bones not [mentioned]. I should have thought that he need not [poll] even [if defiled] through contact with it or carrying it, and so the Mishnah had to mention the [case of a] quarter [-kab] of bones [in order to teach] that it is only for overshadowing them that the nazirite is not required to poll.(4)

But what of the half-log of blood [mentioned in our Mishnah], from which it may be inferred that only [if the nazirite is defiled by 'overshadowing'] a half-log of blood, [is he required to poll] but not by a quarter [-log] of blood, and yet the subsequent [Mishnah] mentions [explicitly that] a quarter [-log] of blood [does not defile]? — In that case, the purpose [of mentioning it in the next Mishnah] is to dissent from the view of R. Akiba, for R. Akiba has stated that a quarter [-log] of blood coming from two corpses conveys defilement by overshadowing.(5)

How are we to picture this limb [severed] from a corpse? For if it has a bone of a barley-corn's bulk, what is R. Johanan's reason [for saying that a nazirite need not poll if he touches it], whilst if it has not a bone of a barley-corn's bulk, what is Resh Lakish's reason [for saying that the nazirite must poll if he touches it]? — Resh Lakish will reply that in point of fact it has not a bone of a barley-corn's bulk, and in spite of this, the All-Merciful has included it [amongst the things which cause defilement]. For it has been taught; [The verse,] And whosoever in the open field toucheth one that is slain with a sword, or one that dieth of himself [… shall be unclean seven days,(6) has the following significance]. In the open field' refers to one who overshadows a corpse. 'One that is slain'(7) refers to a limb [severed] from a living body which is in such condition that [if attached to the body] it could have been restored. 'A sword' signifies that this is of the same [degree of defilement](8) as the slain body. 'Or one that dieth of himself' refers to a limb severed from a corpse. 'Or a bone of a man' refers to a quarter [-kab] of bones. 'Or a grave' refers to a close grave;(9)

1. It is assumed that the bone has not the bulk of a barley-corn.
2. Supra 49b.
3. Infra 54a, where the kinds of defilement for which the nazirite need not poll are enumerated.
4. But be must poll if he touches it or carries it.
5. Supra 38a; 49b. And so we are told that a nazirite is not required to poll for defilement conveyed by a quarter-log of blood. [Asheri and others omit 'for R. Akiba … by overshadowing', the reference being to R. Akiba's view' given infra 56b that a nazir must poll for coming in contact

with a quarter-log of blood.]

6. Num. XIX, 16.

7. Lit., 'that which is severed'.

8. If used to slay a person.

9. I.e., one in which there is no hollow space of a handbreadth between the corpse and the roof of the grave.

for a Master said that defilement breaks through [the ground] and ascends, and breaks through [the ground] and descends.(1) [Thus far defilement by 'overshadowing' has been discussed,] whilst as regards [defilement by] contact, Rab Judah said that it has been taught: [The verse]. And upon him that touched the bone, or the slain(2) [etc.] [has the following significance]. 'The bone' refers to a barley-corn's bulk of bone. 'Or the slain' refers to a limb severed from a living body which is not in such condition that [if attached to the body] it could have been restored. 'Or the dead' refers to a limb severed from a corpse. 'Or the grave' refers, said Resh Lakish, to the grave, [of those buried] before the revelation [at Sinai].(3)

Now what is meant by 'a limb [severed] from a corpse'? For if it has a bone of a barley-corn's bulk, it is [covered by the rule concerning] one who touches a bone! We must therefore suppose that it has not a bone of a barley-corn's bulk, and in spite of this the All-Merciful Law has included it [amongst the things whose contact defiles].

R. Johanan, on the other hand, will say that in point of fact [the limb severed from a corpse] has [a barley-corn's bulk of bone] in it, and if [the verse] is unnecessary for teaching [that the limb defiles by] contact,(4) you can use it to teach(5) [that it defiles through] carrying.(6)

AND BE SPRINKLED ON THE THIRD AND SEVENTH DAYS AND IT MAKES VOID etc.: The question was propounded: When the Mishnah teaches UNTIL HE HAS BECOME CLEAN, does it refer to the seventh day, meaning until after sunset, so that the author is R. Eliezer,(7) or does it perhaps refer to the eighth day, the words UNTIL HE HAS BECOME CLEAN, meaning until he has brought his sacrifices, so that it gives the view of the Rabbis? — Judge(8) from the following. Since it teaches in the subsequent [Mishnah] that he commences to count immediately [after purification],(9) it follows that UNTIL HE HAS BECOME CLEAN in the first [Mishnah](10) means, until he has brought his sacrifices, and the ruling is that of the Rabbis who assert that naziriteship after purification does not operate until the eighth day.

MISHNAH. BUT FOR [DEFILEMENT CAUSED BY] SEKA KOTH [OVERHANGING BOUGHS](11) OR PERA'OTH [PROTRUDING BRICKS](12) OR A [FIELD THAT IS A] BETH PERAS,(13) OR LAND OF THE GENTILES(14) OR THE GOLEL [COVERING STONE] OR DOFEK [SIDE STONES] OF A TOMB,(15) OR A QUARTER [-LOG] OF BLOOD, OR A TENT [IN WHICH IS A CORPSE],(16) OR A QUARTER [-KAB] OF BONES, OR UTENSILS THAT HAVE BEEN IN CONTACT WITH A CORPSE, OR [THE DEFILEMENT OF A LEPER'S] TALE OF DAYS(17) OR HIS PERIOD OF DECLARED LEPROSY;(18) FOR ALL THESE THE NAZIRITE IS NOT REQUIRED TO POLL. HE MUST, HOWEVER, BE SPRINKLED ON THE THIRD AND SEVENTH [DAYS],

1. So that any one walking above or beneath such a grave is accounted as 'overshadowing' it and becomes unclean. Cf. Oh. VII. 1.

2. Num. XIX, 18.

3. Lit., 'before the Word'. I.e., the bodies of Israelites buried before the revelation, though they do not defile by 'overshadowing', are treated like bodies of gentiles that defile at least by contact.

4. For we already know this from the rule of one who touches a bone.

5. [In accordance with the principle of Talmudic hermeneutics to apply a Biblical statement superfluous in respect of its own law to some other subject.]

6. And we cannot infer from this that a limb which has not a bone of a barley-corn's bulk defiles a nazirite who touches it.

7. The controversy concerns the question whether the naziriteship after purification commences immediately or whether it does not begin until the necessary sacrifices have been offered; v. supra 18b.

8. Lit., 'come and hear'.

9. With reference to the defilements for which a nazirite need not poll; infra 54b.

10. Where it does not say immediately'.

11. Under which there is a source of defilement, the exact branch being unknown. Such a branch would defile by 'overshadowing', and the person becomes unclean because of the doubt that has arisen.

12. The meaning is mutatis mutandis, the same as in previous note.

13. A field in which a grave has been ploughed becomes a beth peras, and renders unclean through contact for a distance of half a furrow of one hundred cubits in each direction. Peras Half.

14. V supra 19b.

15. According to Rabbenu Tam, 'the tombstone and the side stones on a grave'. [The tombs in ancient times were closed by means of large stones in order to protect them against the ravenous jackals (v. J.E. XII, p. 188). According to Levy the golel was an upright stone put up at the entrance of every niche or chamber luf (v. B.B. (Sonc. Ed.) pp. 422ff, for illustrations) into which the bodies were deposited; and the dofek is the buttressing stone which was placed in front of the golel to prevent it from falling. For other views v. Krauss TA. II, pp. 488ff.]

16. According to Tosaf. the meaning is 'a quarter-log of blood or a quarter-kab of bones in a tent.'

17. V. Lev. XIV, 8.

18. According to Rashi; the period during which he offers his sacrifices for purification after the tale of days; v. Lev. XIV, 9ff.

WHILST [THE UNCLEANNESS] DOES NOT RENDER VOID THE FORMER PERIOD,(1) BUT HE COMMENCES TO RESUME COUNTING [HIS NAZIRITESHIP] IMMEDIATELY [AFTER PURIFICATION] AND THERE IS NO SACRIFICE.(2) [THE SAGES] SAID IN FACT(3) THAT THE DAYS OF [DEFILEMENT OF] A MALE OR FEMALE SUFFERER FROM GONORRHOEA(4) AND THE DAYS THAT A LEPER IS SHUT UP(5) ARE RECKONED [AS PART OF THE NAZIRITESHIP].

GEMARA. By SEKAKOTH is meant a tree that overhangs the ground and by PERA'OTH protrusions from a fence.(6)

OR LAND OF THE GENTILES: The question was propounded: Did [the Rabbis] enact that the land of the Gentiles [causes defilement] because of the air,(7) or did they, perhaps, enact only because of the soil?(8) — Come and hear: HE MUST, HOWEVER, BE SPRINKLED ON THE THIRD AND SEVENTH [DAYS]. Now if you suppose that it was [declared unclean] because of the air, what need is there for sprinkling?(9) Does it not follow then that it was because of the soil? — No. In point of fact, it may have been because of the air, and when the Mishnah teaches [that he must be sprinkled] it refers to the other instances. This indeed appears to be the case, since UTENSILS THAT HAVE BEEN IN CONTACT WITH A CORPSE are mentioned. Do such utensils necessitate sprinkling?(10) Thus it follows from this that [sprinkling] applies to the remainder only.(11)

1. I.e., the period before defilement.

2. I.e., the sacrifice prescribed for a nazirite after defilement

3. Lit., 'In truth did they say'. Rashi remarks that this phrase denotes a halachah received by Moses at Sinai. V. B.M. 60a. Cf., however, below (56b) where this is derived by interpretation of the verses. [Rosenthal, F., Hoffmann Festschrift, p. 40, explains the phrase as the latin vero _ 'in fact'; and here is used to affirm the view that only the days of defilement of a male or female sufferer from gonorrhoea and the days that a leper is shut up are reckoned, but not the days of the leper's tale and his period of declared leprosy. This affirmation was necessary in view of the suggestion supra 56b that even in the latter case the days should be reckoned.]

4. Cf. Lev. XV.

5. Cf. Lev. XIII, 4ff

6. Oh. VIII, 2, and Tosef. Oh. IX, 4.

7. So that entering the atmosphere of a foreign country renders unclean. For the time when this enactment was promulgated. v. Shah. 15a.

8. And one who does not touch the soil remains clean.

9. Defilement from the air would be mild and would not necessitate sprinkling.

10. In many instances they do not. [Vessels that come in contact with the dead do not communicate defilement to man so as to render him a principal source of uncleanness. The only question arises in case of metal vessels which, according to some authorities, become as grave a source of uncleanness as the dead itself. V. Tosaf. a.l.]

11. I.e., to those to which we know it applies on other grounds. Thus the air of the lands of the gentiles may defile and the Mishnah affords no evidence about it.

Folio 55a

Can we say [that the controversy about the air of a foreign country] is the same as that between the following Tannaim? [It has been taught:] If a person enters a foreign country in a box, or a chest, or a portable turret, Rabbi declares him unclean, while R. Jose son of R. Judah declares him clean. Is not this because Rabbi holds that [the uncleanness of the lands of the Gentiles](1) is because of the air(2) and R. Jose son of R. Judah holds that it is because of the soil?(3) — No. Both would agree that [foreign countries defile] because of the soil. The latter, however, holds that a tent in motion is still counted a tent,(4) whilst the former holds that a tent in motion does not constitute a tent.(5) But have we not been taught: R. Jose son of R. Judah says that if a chest is full of utensils and someone throws it in front of a corpse in a tent, it becomes unclean,(6) whilst if it were there already [in the tent], it remains clean?(7) — It must therefore be that both [Rabbi and R. Jose son of R. Judah agree that foreign countries defile] because of the air. The latter holds that since [travelling in a chest] is not common the Rabbis did not intend the enactment to apply [to such a case].(8) whilst the former holds that although it is unusual, the Rabbis intended the enactment to apply to it. It has been taught to the same effect:(9) A person who enters a foreign country in a box, or a chest, or a portable turret remains clean, whilst [if he enters] in a carriage. or a boat, or a ship with a mast,(10) he becomes unclean.(11)

Alternatively,(12) [Rabbi and R. Jose son of R. Judah] may dis agree here on the question [whether a man travelling in a chest was declared unclean] for fear lest he put out his bead or the greater part of his [body].(13) It has been taught to this effect. R. Jose son of R. Judah says, a person who enters a foreign country in a box, or a chest, or a portable turret is clean until he puts out his head or the greater part of his [body].

BUT HE COMMENCES TO RESUME COUNTING [IMMEDIATELY etc.]: R. Hisda said: It was taught [that the days of declared leprosy are not counted] only in the case of a short naziriteship,(14) but in the case of a long naziriteship(15) they also help to discharge [the days of his naziriteship]. R. Sherabya objected: HE COMMENCES TO RESUME COUNTING IMMEDIATELY AND DOES NOT ANNUL THE PREVIOUS PERIOD.(16) What are the circumstances? For if it is speaking of a short naziriteship, he requires [thirty days] growth of hair,(17)

1. [It is suggested that the uncleanness of the land of gentiles was decreed in the days of Alcimus in order to stem the tide of immigration from Palestine that had set in as a result of his persecutions. v. Weiss, Dor I, 105.]

2. And even in a chest, he touches the air.

3. And since he has not touched the soil, he is clean.

4. And protects whatever is inside from defilement from outside.

5. And whatever is inside is accounted as having contact with the ground and becomes unclean.

6. Together with its contents.

7. Which proves that R. Jose b. R. Judah does not consider that a tent in motion affords protection from defilement.

8. And so the person inside remains clean.

9. That the reason R. Jose declares him clean is that this method of travelling is uncommon.

10. . So Jast.; or better, 'sailing boat', v. Krauss TA. II, p. 341, who connects it with Grk. .

11. Tosef. Oh. XVIII, 2.

12. It is now assumed: (i) That the enactment was because of the soil. (ii) That a tent in motion affords protection from defilement. (iii) When a chest full of utensils is thrown in front of a corpse, it becomes unclean because it ceases to have the character of a tent, protecting from defilement, and

is treated as a utensil.

13. When he would become unclean because of 'overshadowing' the soil.
14. Of thirty days duration.
15. Longer than thirty days when even if the period of leprosy is counted, thirty days still remain.
16. It is clear from this that there has been a break in the counting.
17. And so must ignore what has gone before and count thirty days.

and so it surely refers to a long naziriteship, and yet it teaches that HE COMMENCES TO COUNT IMMEDIATELY? — [R. Sherabya] put the question and answered it himself. [The Mishnah is speaking] of a naziriteship of, say, fifty days, of which he had observed twenty [days] when he became leprous. He must then poll for his leprosy [when he is healed] and observe a further thirty days of the nazirite [obligation], in which case he has a [thirty days] growth of hair.(1)

Rami b. Mama raised the following objection:(2) [We have learnt:] A nazirite, who was in doubt whether he had been defiled(3) and in doubt whether he had been a declared leper,(4)

1. The days of declared leprosy cannot then be counted since he would not have thirty days left.

2. To refute R. Hisda's statement.

3. On the day he became a nazirite.

4. On the day that he became a nazirite, having perhaps been healed the same day. A nazirite who becomes unclean must poll on becoming clean, and a leper shaves his body twice on recovering. Since this nazirite may not have been unclean nor may he have been a leper, he cannot shave his head during the period of his naziriteship. He must therefore count the full period before shaving because of the doubt, and allow a similar period to pass before the second and third shaving. Since he may have been both a leper and unclean because of touching a dead body, he must count a fourth period for his naziriteship in purity.

may eat sacred meats after sixty days.(1) and drink wine and touch the dead after one hundred and twenty days.(2) In connection with this passage it has been taught: This is only true of a short naziriteship, but in the case of a naziriteship of [say,] a year, he may eat sacred meats [only] after two years, and drink wine and touch the dead after four years.(3) Now if you suppose that the days [of declared leprosy] help to discharge his [naziriteship], then three years and thirty days should be enough?(4)

R. Ashi raised the following objection:(5) I am only told that the days Of his defilement are not reckoned in the number [of days of his naziriteship]. How do we know [that the same is true] of the days of his declared leprosy? This follows by analogy. [After] the days of defilement, he must poll and bring an offering, and [after] the days of his declared leprosy, he must poll and bring an offering. Whence we should infer that just as the days of his defilement are not reckoned in the number [of days of his naziriteship], so the days of his declared leprosy are not reckoned in the number! No! If you say this of the days of his defilement, where the previous days(6) are rendered void because of them, would you also say it of the days of his declared leprosy where the previous days are not rendered void because of them? I can argue then in the following manner. Seeing that a nazirite [who undertakes his naziriteship] at the graveside, whose hair is ripe for polling because of his naziriteship, does not count [the time spent at the grave] in the number [of days of his naziriteship].(7) surely the days of his declared leprosy when his hair is not ripe for polling because of the naziriteship(8) should not be counted. In this way we may only infer that the period of his declared leprosy [may not be counted]. How do we know that [the same is true] of his tale of days?(9) This follows by analogy.

1. When he will have shaved twice for his leprosy.

2. After polling once for his defilement and again on terminating his naziriteship, v. infra 59b.

3. Tosef. Ha. VI, 1.

4. The third polling taking place after two years and thirty days, thirty days being the time for a growth of hair and the rest of the year will be coincident with the time of his leprosy. Since this is not the case, it follows that the days of his leprosy are not reckoned towards the naziriteship.

5. To refute R. Hisda.

6. The period of naziriteship counted before defilement.

7. I.e., he does not poll for his defilement, but begins his naziriteship after leaving the grave and becoming clean and then polls on completing his naziriteship.

8. He has to poll because he was a leper; cf supra 17b.

9. The seven days that he 'tells' on recovery; v. Lev. XIV. 8.

Just as [after] the days of his declared leprosy he must poll,(1) so [after] his tale of days [he must poll],(2) and so, just as the days of his declared leprosy are not reckoned in the number [of days of his naziriteship], so his tale of days [are not counted]. It might be thought that the same is true of the days that he is shut up,(3) and this too could be derived by analogy. A declared leper defiles both couch and seat,(4) and during the days that he is shut up, he defies both couch and seat. And so if you infer that the days of his declared leprosy are not counted in the number [of days of his naziriteship], neither should the days when he is shut up be counted in the number. But this is not so. If it is true of the days of his declared leprosy [that the days are not counted], it is because [after] his declared leprosy, he must poll and bring an offering and therefore they are not counted, whereas since [after] the days that he is shut up he does not need to poll nor need he bring an offering, therefore they can be counted in the number [of days of his naziriteship]. From these arguments [the Rabbis] inferred that the days of [the leper's] telling and the days of his declared leprosy are not counted in the number [of days of his naziriteship], but the days [of defilement] of a male or female sufferer from gonorrhoea, and the days when a leper is shut up are counted.(5)

Now one of the arguments mentioned is: 'No! If you say this of the days of his defilement where the previous days are rendered void because of them, would you also say it of the days of his declared leprosy [where the previous days are not rendered void]'. What kind [of naziriteship is referred to]? Should it be a short naziriteship,(6) then we require a [thirty days] growth of hair and there is not such a growth.(7) Thus it must be a long naziriteship [which is referred to] and yet it says that they are not reckoned in the number [of days of the naziriteship]. From this it follows [that the period of declared leprosy is never counted].(8) This proves it.

MISHNAH. R. ELIEZER(9) SAID ON BEHALF OF R. JOSHUA THAT EVERY DEFILEMENT [CONVEYED] BY A CORPSE FOR WHICH A NAZIRITE MUST POLL ENTAILS A LIABILITY FOR ONE ENTERING THE SANCTUARY(10) [WHILST THUS DEFILED], AND EVERY DEFILEMENT [CONVEYED] BY A CORPSE FOR WHICH A NAZIRITE IS NOT REQUIRED TO POLL DOES NOT ENTAIL A LIABILITY FOR ONE ENTERING THE SANCTUARY [WHILE SO DEFILED]. R. MEIR SAID: SUCH [DEFILEMENT] SHOULD NOT BE LESS SERIOUS THAN [DEFILEMENT THROUGH] A REPTILE.(11)

GEMARA. Did R. Eliezer receive this [statement] in the name of R. Joshua?(12) Did he not receive it in the name of R. Joshua b. Memel, as has been taught: R. Eliezer(13) said: When I went to 'Ardacus(14) I found R. Joshua b. Pethar Rosh(15) sitting and expound ing points of law in the presence of R. Meir. [One of them was as follows.] Every defilement [conveyed] by a corpse for which a nazirite must poll entails a penalty for entering the Sanctuary, and every defilement [arising] from a corpse for which a nazirite is not required to poll, does not entail a penalty for entering the Sanctuary. [R. Meir] said to him; Such [defilement] should not be less stringent than [defilement by] a reptile? I then asked [R. Joshua b. Pethar Rosh]. 'Are you at all versed in [the sayings of] R. Joshua b. Memel?' He replied. 'I am'. Thus did R. Joshua b. Memel tell me in the name of R. Joshua: Every defilement [arising] from a corpse for which a nazirite must poll, entails a penalty for entering the Sanctuary, and every defilement [arising] from a corpse for which a nazirite is not required to poll, does not entail a penalty for entering the Sanctuary.(16) Thus we see that it was in the name of R. Joshua b. Memel that [R. Eliezer] received it? — They replied:(17) From this it follows that whenever a tradition is transmitted through three [men], the first and the last [name] are mentioned, whilst the middle [name] is not mentioned.(18)

R. Nahman b. Isaac said: We, too. have learned to the same effect: Nahum the Scribe(19) said, This was transmitted to me from R. Measha, who received it from his father, who received it from 'the Pairs',(20) who received it from the Prophets as a tradition [handed] to Moses on Mt. Sinai: If a man who has sown his field with two varieties of wheat collects them on one threshing floor,(21) he need leave [only] one pe'ah,(22) but if he collects them on two threshing floors,(23) he must leave two pe'ahs.(24) Now here, Joshua and Caleb are not mentioned [between Moses and the

Prophets]. Thus it follows from this [that intermediate names may be omitted].

MISHNAH. R. AKIBA SAID: I ARGUED IN THE PRESENCE OF R. ELIEZER(25) AS FOLLOWS. SEEING THAT A BARLEY-CORN'S BULK OF BONE WHICH DOES NOT DEFILE A MAN BY 'OVERSHADOWING', COMPELS A NAZIRITE TO POLL SHOULD HE TOUCH IT OR CARRY IT, THEN SURELY A QUARTER [-LOG] OF BLOOD WHICH DEFILES A MAN BY 'OVERSHADOWING, SHOULD CAUSE A NAZIRITE TO POLL IF HE TOUCHES IT OR CARRIES IF?(26) HE REPLIED: WHAT NOW, AKIBA! TO ARGUE FROM THE LESSER TO THE GREATER IS NOT PERMITTED IN THIS INSTANCE.' WHEN I AFTERWARDS WENT AND RECOUNTED THESE WORDS TO R. JOSHUA, HE SAID TO ME, 'YOUR ARGUMENT WAS SOUND, BUT [IN THIS CASE] THIS HAS BEEN DECLARED AS A FILED HALACHAH.(27)

1. Lev. XIV, 8.

2. Ibid. v. 9.

3. A doubtful case of leprosy is isolated for seven days; v. Lev. XIII, 4-6.

4. V. Lev. XV, 4, for this type of defilement.

5. The whole of the last paragraph occurs in Sifre to Num. VI, 12. R. Ashi now proceeds with his objection.

6. And we are told that the period before the declared leprosy is counted, but not the period of leprosy.

7. If we reckon the days before leprosy.

8. Thus R. Hisda's statement is refuted.

9. [Read with I. 'R. Eleazar (b. Shammua)', a disciple of R. Akiba. R. Eliezer b. Hyrcanus the teacher of R. Akiba could not have reported a teaching in the name of R. Joshua a disciple of his disciple. V. also n. 10 and p. 201 n. 1.]

10. The Temple precincts. The liability is a sacrifice, if the offence is committed unwittingly.

11. R. Meir's argument is: Since there is a penalty for entering the Temple after defilement by a reptile, although the person so defiled does not have to be sprinkled on the third and seventh days, then in the case of defilement by a corpse for which a nazirite need not poll. Just as he need not after defilement by a reptile, there should be a penalty on entering the Temple, for in this case he must be sprinkled on the third and seventh days.

12. R. Joshua b. Hananiah (c. 100 C.E.).

13. [Var. lec. R. Eleazar.]

14. Identified with Damascus (Jast.). [Or, with Ard a-Suk near the source of the Jordan (Horowitz I. S. Palestine, p. 78).]

15. [Var. lec. 'b. Pethora'; 'b. Bathyra'. V. Zuckermandel Tosefta p. 290.]

16. Tosef. Naz. V, 3. Tos. Oh. IV, 7.

17. [Asheri and Tosaf. omit 'they replied'.]

18. Thus in our Mishnah though the tradition was received from R. Joshua through R. Joshua b. Memel and R. Eliezer, only the first and last of these is mentioned.

19. Heb. rkck _ libellarius.

20. Zugoth (Pairs), from Jose B. Jo'ezer and Jose B. Johanan to Hillel and Shammai; v. Aboth (Sonc. ed.) p. 3, n. 8.

21. I.e., does not keep them separate.

22. Pe'ah. The corner of the field that was left for the poor. V. Lev. XXIII, 22.

23. Thus treating them as two separate crops.

24. Pe'ah II, 6. The text here has been emended after all the commentators to agree with the Mishnah in Pe'ah. The text, which is supported by the MSS., quotes instead Pe'ah III, 2, as the tradition of Nahum: If a man sowed dill or mustard seed in two or three separate places, he must leave pe'ah from each.

25. R. Eliezer b. Hyrcanus. In the last Mishnah by R. Eliezer, R. Eleazar b. Shammua is meant. V. supra p. 208, n. 4.

26. Yet the Mishnah 54a counts the quarter-log of blood as one of the things for which a nazirite need not poll.

27. As a tradition from Sinai and no inference may be drawn.

Folio 57a

GEMARA. The question was propounded: Was it [the law concerning] a barley-corn's bulk of bone(1) that was a halachah and that of the quarter [-log] of blood [that was being derived] by argument, and [this is what is meant by saying that] an argument from the lesser to the greater is not permitted in the case of a halachah?(2) Or, was it [the law concerning] a quarter [-log] of blood(3) that was a halachah, while [the law concerning] a barley-corn's bulk of bone [was simply used] for the argument, and [this is what is meant by] saying that an argument from the lesser to the greater is not permitted in the case of a halachah?(4) — Come and hear: [It has been taught: The rulings concerning] a barley-corn's bulk of bone is a halachah,' [the rulings of] a quarter [-log] of blood [can be derived] by an argument; but an argument from the lesser to the greater is not permitted in the case of a halachah.(5)

CHAPTER VIII

MISHNAH. TWO NAZIRITES TO WHOM SOMEONE SAYS, I SAW ONE OF YOU DEFILED, BUT I DO NOT KNOW WHICH OF YOU IT WAS,' MUST [BOTH] POLL(6) AND BRING SACRIFICES [PRESCRIBED] FOR DEFILEMENT AND SACRIFICES [DUE ON TERMINATING A NAZIRITESHIP] IN PURITY,(7) [AND ONE OF THEM] MUST SAY, 'IF I AM UNCLEAN, THE SACRIFICES FOR DEFILEMENT ARE MINE, AND THE SACRIFICES IN PURITY ARE YOURS, WHILST IF I AM THE ONE WHO IS CLEAN, THE SACRIFICES IN PURITY ARE MINE AND THE SACRIFICES FOR DEFILEMENT ARE YOURS.' THEY MUST THEN COUNT THIRTY [MORE] DAYS(8) AND BRING SACRIFICES IN PURITY AND [ONE OF THEM] MUST SAY, IF I AM THE ONE WHO WAS UNCLEAN, THE SACRIFICES FOR DEFILEMENT WERE MINE, THE SACRIFICES IN PURITY WERE YOURS, AND THESE ARE MY SACRIFICES IN PURITY, WHILST IF I WAS THE ONE WHO WAS CLEAN, THE SACRIFICES IN PURITY WERE MINE, THE SACRIFICES FOR DEFILEMENT WERE YOURS, AND THESE ARE YOUR SACRIFICES IN PURITY.

GEMARA. The Mishnah Says: TWO NAZIRITES TO WHOM SOMEONE SAYS, 'I SAW ONE OF YOU DEFILED, BUT I DO NOT KNOW WHICH OF YOU IT WAS [etc.]: Now why [is this necessary]?(9) For whence do we derive all [the laws concerning] doubtful defilement [arising] in a private domain?(10) [Is it not] from [the regulations regarding] a faithless wife?(11) [Whence it may be in ferred that] just as in the case of a faithless wife [only] the lover and his mistress are together,(12) so in every case of doubtful defilement in a private domain [the defilement is assumed to be definite] only if there were but two persons present, whereas in the present instance, the two nazirites and the one standing near(13) make three, so that it becomes [the same as] a case of doubtful defilement in a public domain [and the rule is:] Every case of doubtful defilement in a public domain remains clean?(14) — Rabbah son of R. Huna replied: [The Mishnah assumes that the third person] says, 'I saw a source of defilement thrown between you?(15) R. Ashi commented: This is also indicated [in the language of the Mishnah]

1. Viz., that a nazirite must poll if he touches a bone of that size.
2. And this was the reason that R. Akiba's argument was not accepted.
3. Viz., that it defiles by overshadowing'.
4. I.e., no new properties may be added by an argument to what is traditionally known.
5. Thus the first alternative is meant.
6. When both have completed their periods of naziriteship.
7. One set of each kind of sacrifice.
8. The usual period of naziriteship.
9. Why should either of them have to take account of the possibility that he has become unclean?

10. Viz.: That cases of doubtful defilement in a private domain are treated as if definitely unclean.

11. Cf. Num. V, 11ff. The woman is regarded as having defiled her marital relationship and must undergo the ordeal of the bitter waters though there is no evidence of unfaithfulness; v. Sot. 28b.

12. Proceedings involving the drinking of bitter waters can be taken against a faithless wife only if there is no eye-witness of unfaithfulness; v. Num. V, 13. and Sot. 2b.

13. Who asserts that he saw one of them become unclean.

14. And so each nazirite should regard himself as clean and need bring no sacrifice for defilement.

15. And the third person was at a distance, so that the conditions for a private domain were fulfilled.

for it says: BUT I DO NOT KNOW WHICH OF YOU IT WAS, which proves [that he was not in their company].(1)

THEY MUST POLL AND BRING [etc.]: But why [should they be allowed to poll]? Perhaps they are not unclean and they will [nevertheless] have rounded [the corners Of the head]?(2) — Samuel replied: [The Mishnah is speaking] Of a woman or a minor.(3)

Why does he not regard [the Mishnah] as speaking of an adult [male nazirite], the rounding of the whole head not being considered [an infringement of the prohibition against] rounding?(4) — Since he does not do so, it follows that Samuel holds that the rounding of the whole head is considered [an infringement of the prohibition against] rounding.

Mar Zutra taught this exposition of Samuel with reference to a subsequent Mishnah [which reads]: A nazirite who was in doubt whether he had been defiled and in doubt whether he had been a certified leper may eat sacred meats after sixty days [etc.](5) and must shave four times.(6) [But why?](7) Will he not have marred [the corners of his beard]?(8) — Samuel replied: [The Mishnah is speaking] of a woman or a minor.(9)

R. Huna said: One who rounds [the head of] a minor is guilty.(10) R. Adda b. Ahabah said to R. Huna: Then who shaves your [children's heads]? He replied: Hoba.(11) [Rab Adda exclaimed:] Does Hoba wish to bury her children?(12) During the whole of R. Adda b. Ahabah's lifetime, none of R. Huna's children survived.(13)

Seeing that both [R. Huna and R. Adda] hold that rounding the whole head is [an infringement of the rule against] rounding,(14) wherein do they differ?(15) — R. Huna holds that [the verse,] Ye shall not round the corners of your heads, neither shalt thou mar the corners of thy beard,(16) [signifies] that to whomsoever marring is applicable,(17) rounding is applicable, and since marring does not apply to women, rounding, too, does not apply to them.(18) R. Adda b. Ahabah, on the other hand, holds that both he who rounds and he who is rounded are included [in the prohibition],(19) the one who rounds being compared to the one who is rounded, [to the effect that] wherever the one who is rounded is guilty, the one who rounds is also guilty. Hence, since a child is not punishable(20) and so is not guilty [of the offence of rounding], he who rounds [the child] is also not guilty.(21)

Can we say that [the question of] rounding the whole head is the subject of [controversy between] Tannaim? For our Rabbis have taught: Why does Scripture mention his head?(22) Since it says, ye shall not round the corners of your heads,(23)

1. For otherwise it should have read: 'And I have forgotten which of you it was'.

2. Which is forbidden except to a nazirite or a leper; v. Lev. XIX. 27.

3. For whom there is no prohibition against rounding.

4. Cf. supra 41a.

5. Infra 59b; v. supra 55b for relevant notes.

6. 'And drink wine and have contact with the dead after one hundred and twenty days', which occurs in the Mishnah is here contracted to 'shave four times' after the Baraitha quoted on page 60a.

7. Inserted with BaH, i.e., why may he shave in case of doubt?

8. And this is forbidden (v. Lev. XIX, 27) unless he is actually a leper. The reading we have adopted is that of Rashi and Tosaf. Our printed text has: 'Will he not have rounded?' in which case there is no difference between Mar Zutra and the earlier statement. On our reading the point of Mar Zutra's statement is that we are without definite evidence of Samuel's opinion on the subject of rounding the whole head.

9. Who have no beards.

10. Of transgressing the command not to round.

11. The wife of R. Huna, who, being a woman, was not commanded not to round.

12. If the rounding of a child's head is forbidden, it is also forbidden for a woman to round it.

13. Although R. Adda himself would have allowed the children's heads to be rounded even by a man (v. infra), his unfortunate forecast proved true during his lifetime.

14. For the point at issue was whether this was permitted in the case of a minor, but both agreed that it is forbidden with an adult. Why does the one permit a woman to round a child and the other not allow it.

15. What is the point at issue?

16. Lev. XIX, 27.

17. I.e. men who have beards.

18. I.e., There is no penalty even if a woman rounds an adult. But a man may not round a minor.

19. I.e., 'Ye shall not round' refers to both.

20. For any offence.

21. Hence even an adult may round a child. Thus when R. Adda said that Hoba should not poll the children, he was arguing on R. Huna's premises.

22. Of the leper; although it has already said that he must shave all his hair; Lev. XIV, 9.

23. Speaking of all persons Lev. XIX, 27.

it might be thought that the same is true of a leper, therefore Scripture says 'his head'.(1) And another [Baraitha] taught: Why does Scripture mention 'his head'? Since it says with reference to the nazirite, There shall no razor come upon his head,(2) it might be thought that the same is true of a nazirite who becomes a leper, therefore Scripture says 'his head'.(3) Now surely there is here a difference of opinion between Tannaim [on the question of rounding the whole head]. The [Tanna] who refers ['his head'] to the nazirite holding that the rounding of the whole head does not count as rounding,(4) and that the purpose of the text(5) is to override the prohibition and positive command [incumbent on the nazirite],(6) whilst the other [Tanna] holds that the rounding of the whole head does count as rounding(7) and the purpose of the verse is to override a simple prohibition!(8) — Said Raba: [It may be that] both [Tannaim] agree that the rounding of the whole head does not count as rounding, and the purpose of the verse [according to the latter Tanna](9) is [to permit rounding] where he first rounds [the corners only] and then shaves [the rest of the head]. Since he would not be guilty if he shaved it all at the same time, he is not guilty if he first rounds [the corners] and then shaves [the rest].(10)

But could Scripture possibly intend this?(11) Has not Resh Lakish said that wherever we find a positive command and a prohibition [at variance], then if it is possible to observe both, well and good, otherwise the positive command overrides the prohibition?(12) — We must therefore say that both [Tannaim] agree that the rounding of the whole head counts as rounding [the corners], and that the authority who utilises the verse ['his head' to prove that a positive command] may override both a prohibition and a positive command, infers that a simple prohibition [can be overridden] from [the command to wear] twisted cords. For the verse says, Thou shalt not wear a mingled stuff,(13) and it has been taught [in explanation of this]: Thou shalt not wear a mingled stuff, [wool and linen together], but nevertheless, Thou shalt make thee twisted cords(14) of them.

Why does not the one who infers this [rule](15) from 'his head' infer it from 'twisted cords'? — He will reply that [the latter] is required for [the following dictum of] Raba. For Raba noted the following contradiction. It is written, And that they put with the fringe of each corner, [i.e.,] of the same [material] as the corner(16) must there be a thread of blue.(17) Yet it is [also] written wool and linen together.(18) How are these to be reconciled? Wool and linen discharge [the obligation to provide fringes] both for [garments of] their own species,(19) and also for other species,(20) but other kinds [of material] discharge [this obligation] only for [garments of] the same species but not for [garments of] a different species.(21)

And whence does the Tanna who utilizes 'his head' for [the inference that a positive command overrides] a simple prohibition learn that the positive command(22) overrides both a prohibition and a positive command?(23) — He infers it from [the expression] 'his beard'.(24) For it has been taught: Why does Scripture mention 'his beard'?(25) Since it says,(26) neither shall they shave off the corners of their beard,(27) it might be thought that the same is true of a priest who is a leper, and so Scripture says 'his beard'.(28)

Why does not the [Tanna] who utilizes 'his head' for [teaching that] the positive command and prohibition [can be overruled by a positive command] infer it from [the words] 'his beard'? — But according to your view(29) when we have the rule elsewhere

1. The leper must even shave his head.
2. Num. VI, 5.
3. Even a nazirite must shave his head if he becomes a leper. Cf. the somewhat different discussion of these two Baraithas, supra 41a.
4. And so no special permission is required to round the head of a leper on shaving him.
5. 'His head'.
6. Viz.: There shall no razor come upon his head (Num. VI. 5) and, He shall let the locks of the

hair of his head grow long (Ibid.). In spite of these verses, the leprous nazirite is to shave his head.

7. And it might be thought that even an ordinary leper must not round his head.

8. I.e., one which has no accompanying positive command to the same effect.

9. Who uses it to allow rounding in the case of an ordinary Ieper.

10. I.e., the verse tells us that even if he shaves his head without avoiding the transgression of the prohibition against rounding, where is no penalty.

11. Viz.: no permit infringement of a prohibition when it can he avoided.

12. And here, if rounding the whole head is not an infringement, he should shave the whole head at once.

13. Deut. XXII, 21.

14. The next verse. The inference is that fringes of wool may be placed on a linen garment, the prohibition of the preceding verse notwithstanding.

15. That a positive command overrides a simple prohibition.

16. This is inferred from the redundant 'each corner'. Since we know from the preceding phrase that the fringes are to he on the corners, Raba concludes that the fringes must he of the same material as the garment.

17. Num. XV, 38.

18. Deut. XXII, 21, followed by Thou shalt make thee twisted cords, implying apparently that fringes must be made of wool and linen only.

19. Wool and linen.

20. Wool fringes may be put on a silk or linen garment.

21. Silk fringes do nor count as fringes if put on a woollen garment.

22. In the case of the leper.

23. If the nazirite becomes leprous he may shave his head on recovering.

24. Lev. XIV, 9 of a leper.

25. Since he must shave the whole of his body.

26. Of the priests.

27. Lev. XXI, 5. This is the prohibition. The positive command is contained in the next verse. They shall be holy unto their God.

28. Even a priest must shave his beard if he is a leper.

29. That we make the inference from 'his beard', so that the case of the leprous nazirite can be deduced from that of the leprous priest.

that a positive command cannot override a prohibition accompanied by a positive command, let it be inferred from the [case of a leprous] priest that it can override?(1) [To this you reply] that we can make no inference from the [case of a leprous priest], [because] the case of the priest is different since the prohibition [overridden] does not apply to all people equally.(2) So, too, we are unable to infer the nazirite [leper] from the priest [leper] since the prohi bition [overridden in the case of the priest] does not apply equally to all people.(3)

Now to what use does the [Tanna] who utilizes [the phrase] 'his head' for the nazirite [leper], put [the phrase] 'his beard'?(4) — He requires it for [the following] that has been taught:(5) [From the verse] Neither shall they shave off the corners of their beard,(6) it might be thought that even if he shaved it with a scissors, he would be guilty, and so Scripture says [elsewhere], neither shalt thou mar [the corners of thy beard].(7) If it had [only written] 'neither shalt thou mar' It might have been thought that if he plucked it out with tweezers or a rohitni,(8) he would be guilty, and so Scripture says, 'neither shalt they shave off the corners of their beard'. What sort of shaving also mars? I should say that this is [shaving with] a razor.(9)

Now according to the other tanna who utilizes the phrase, 'his head' for [overriding] a simple prohibition, why is it necessary to write both 'his head' and 'his beard'? [For since the expression 'his head'] can be understood as implying the overriding of a simple prohibition(10) and it can be understood also as implying the overriding of a prohibition accompanied by a positive command,(11) it can be applied indifferently to both,(12) and both could be inferred?(13) — The priest [leper] cannot be inferred from the nazirite [leper], since the latter can secure release [from his nazirite vow].(14) The nazirite [leper] cannot be inferred from the priest [leper], since the [latter] prohibition does not apply equally to all people.(15) [Finally,] we cannot infer from these a rule for other cases,(16) since the previously mentioned objections could be raised.(17)

Rab said: A man may thin [the hair of] his whole body with a razor. An objection was raised. [It has been taught:] One who removes [the hair of] the armpits or the private parts is to be scourged?(18) — This [refers to removal] by a razor whereas the other of [Rab refers to removal] by a scissors. But Rab also mentions a razor? — [He means closely] as though with a razor.

R. Hiyya b. Abba, citing R. Johanan said: One who removes [the hair of] the armpits or of the private parts is to be scourged. An objection was raised. [It has been taught:] Removal of hair is not [forbidden] by the Torah, but only by the Soferim?(19) — What he too meant by scourging is [scourging inflicted] by the Rabbis.(20)

1. For your question assumes that there is no difference between this case and others.

2. It refers to priests but not to ordinary Israelites. A prohibition which applies to all equally must be considered of greater force and, therefore, if accompanied by a positive command, it cannot be overruled.

3. But anyone can become a nazirite and so the nazirite prohibition is of greater force, and a rule which applies to priests cannot be taken as applying to nazirites.

4. For the priest leper can be inferred from the nazirite leper.

5. Our text repeats here the Baraitha about a priest leper quoted before: Why does Scripture mention 'his beard'? Because it says, neither shall they share off the corners of their beard, it might be thought that the same is true of a priest who is a leper, and so Scripture says 'his beard'. And how do we know that this must be done with a razor? It has been taught: This passage appears to have been omitted by all the commentators and so we omit it with the Bail.

6. Lev. XXI, 5.

7. Lev. XIX, 27 of an ordinary Israelite. Scissors do not mar.

8. V. Glos.

9. And the phrase, 'his beard' teaches us that the leper too must shave with a razor; cf. supra 40b.

10. By inference from the verse, 'ye shall not round the corners of your head' as in the first Baraitha supra.

11. From the nazirite as in the second Baraitha.

12. I.e., seeing that the method of inference is the same in both cases, we should have inferred both.

13. What need is there of 'his beard'? The priest-leper can be inferred from the naziriteleper.

14. By applying to a sage. And since the prohibition is not a permanent one, it might be thought that only here can a positive command override a prohibition accompanied by a positive command but not in the case of a priest-Ieper.

15. But only to priests, whereas anyone can become a nazirite. Hence if the fact that a priest-Ieper may shave were taught, it would not be possible to infer in the case of a nazirite-leper that the prohibition and positive command to let his hair grow are overruled by the positive command for a leper to shave.

16. Lit., 'we cannot infer other cases from them'. I.e., that in all cases a positive command overrides a prohibition accompanied by a positive command.

17. Viz.: That the case of the nazirite and the priest are special instances and cannot be generalised.

18. For infringing the prohibition against a man appearing as a woman; v. infra.

19. Lit. 'by the Scribes' (v. Sanh., Sonc. ed., p. 360, n. 7). Why then does R. Johanan say that the penalty is scourging.

20. I.e. not the statutory 39 stripes, but a scourging prescribed at the discretion of the Rabbis for transgressing a non-Biblical law.

Folio 59a

Others say [that the above argument took the following form]. R. Hiyya b. Abba, citing R. Johanan, said: One who removes [the hair of] the armpits or the private parts is to be scourged because of [infringing the prohibition] neither shall a man put on a woman's garment.(1) An objection was raised. [We have been taught:] Removal of hair is not [forbidden] by the Torah, but only by the Soferim? — That statement [of R. Johanan] agrees with the following Tanna. For it has been taught: One who removes [the hair of] the armpits or the private parts infringes the prohibition, neither shall a man put on a woman's garment.

What interpretation does the first Tanna(2) put on [the verse] 'neither shall a man put on a woman's garment'? — He requires it for the following that has been taught: Why does Scripture say, A woman shall not wear that which pertaineth unto a man [etc.]?(3) If merely [to teach] that a man should not put on a woman's garment, nor a woman a man s garment, behold it says [of this action] this is an abomination(4) and there is no abomination here!(5) It must therefore mean that a man should not put on a woman's garment and mix with women, nor a woman a man's garment and mix with men. R. Eliezer b. Jacob says: How do we know that a woman should not go to war bearing arms? Scripture says, 'A woman shall not wear that which pertaineth unto a man.' [The words] 'Neither shall a man put on a woman's garment,' [signify] that a man is not to use cosmetics as women do.

R. Nahman said that a nazirite is permitted [to remove the hair of his armpits],(6) but this is not the accepted ruling.

The Rabbis said to R. Simeon b. Abba: We have seen that R. Johanan has no [hair in his armpits].(7) [R. Simeon] said to them: It has fallen out because of his old age.

A certain man was sentenced to scourging before R. Ammi, and when his armpits became bared,(8) he noticed that they were not shaven. R. Ammi said to them: Let him go free. This man must be a member of the [learned] fraternity.(9)

Rab asked R. Hiyya whether [it was permitted] to shave(10) [the armpits]. He replied: It is forbidden. [Rab] then asked: But it grows?(11) He replied: Son of great ancestors,(12) there is a limit. If it continues to grow [beyond this] it falls out.

Rab asked R. Hiyya whether [it was permitted] to scratch [the armpits to remove the hair]. He replied: It is forbidden. [To the further question] whether he might [scratch] through his garment,(13) he replied that it was permitted. Some say that he asked him whether he might [scratch] through his garment during prayers(14) and he replied that it was forbidden; but this is not the accepted ruling.(15)

1. Deut. XXII, 5. It was customary only for women to shave the hair of the body.
2. Who holds that the removal of this hair is not forbidden by the Torah.
3. Ibid.
4. The end of the verse reads: 'whosoever doeth these things is an abomination to the Lord'. This word, 'abomination', is used of forbidden intercourse.
5. The mere act of putting on the garments is not wrong.
6. At the same time as he shaves his head when he would in any case be unattractive.
7. How is it possible, if the removal is forbidden.
8. As he was stripped to receive the punishment.
9. As the fact that his armpits were unshaven proved.
10. With scissors.

11. Uncomfortably long, and one should be allowed to remove it for the sake of comfort without transgressing the prohibition.

12. Lit., 'Son of princes'. A favourite appellation of Rab, used by his uncle R. Hiyya.

13. I.e. whether he might scratch on top of his shirt, without touching the bare flesh.

14. To remove a source of irritation. It is forbidden to touch the bare skin during prayers.

15. I.e. scratching through a garment is allowed.

MISHNAH. IF ONE OF THEM DIES;(1) R. JOSHUA SAID THAT [THE OTHER] SHOULD SEEK SOME THIRD PERSON(2) PREPARED TO UNDERTAKE A NAZIRITE-VOW TOGETHER WITH HIM, AND SAY: IF I WAS DEFILED, YOU ARE TO BE A NAZIRITE IMMEDIATELY, BUT IF I WAS CLEAN, YOU ARE TO BECOME A NAZIRITE AT THE END OF THIRTY DAYS.' THEY THEN COUNT THIRTY DAYS AND BRING SACRIFICES FOR DEFILEMENT AND SACRIFICES [DUE ON TERMINATING A NAZIRITESHIP] IN PURITY AND [THE FIRST ONE] SAYS, 'IF I AM THE ONE WHO WAS DEFILED, THE SACRIFICES FOR DEFILEMENT ARE MINE AND THE SACRIFICES IN PURITY ARE YOURS, WHILST IF I AM THE ONE WHO REMAINED CLEAN, THE SACRIFICES IN PURITY ARE MINE AND THE SACRIFICES AFTER DEFILEMENT ARE [SACRIFICES OFFERED] IN DOUBT.'(3) THEY THEN COUNT [A FURTHER] THIRTY DAYS AND BRING [ONE SET OF] THE SACRIFICES IN PURITY AND [THE FIRST ONE] SAYS, 'IF I AM THE ONE WHO WAS DEFILED, THE SACRIFICE FOR DEFILEMENT [OFFERED PREVIOUSLY] WAS MINE AND THE SACRIFICE IN PURITY WAS YOURS, AND THIS IS MY SACRIFICE IN PURITY, WHILST IF I WAS THE ONE WHO REMAINED CLEAN, THE SACRIFICE IN PURITY WAS MINE AND THE SACRIFICE AFTER DEFILEMENT [WAS OFFERED] IN DOUBT AND THIS IS YOUR SACRIFICE IN PURITY.

BEN ZOMA SAID TO [R. JOSHUA]: WHO WILL LISTEN TO [THIS MAN] AND UNDERTAKE A NAZIRITE-VOW TOGETHER WITH HIM? WHAT HE MUST DO IS TO BRING(4) A BIRD AS A SINOFFERING AND AN ANIMAL AS A BURNT-OFFERING AND SAY, IF I WAS DEFILED, THE SIN-OFFERING IS PART OF MY DUE(5) AND THE BURNT-OFFERING IS A VOLUNTARY OFFERING, WHILST IF I REMAINED CLEAN, THE BURNT-OFFERING IS PART OF MY DUE AND THE SIN-OFFERING [A SACRIFICE OFFERED] IN DOUBT.' HE MUST THEN COUNT THIRTY DAYS AND BRING THE SACRIFICES IN PURITY AND SAY, IF I WAS DEFILED, THE FORMER BURNT-OFFERING WAS A VOLUNTARY ONE AND THIS IS THE OBLIGATORY ONE, WHILST IF I REMAINED CLEAN, THE FORMER BURNT-OFFERING WAS THE OBLIGATORY ONE AND THIS THE VOLUNTARY ONE. THESE [OTHERS] ARE THE REST OF MY SACRIFICES.' R. JOSHUA RETORTED: THE RESULT WILL BE THAT THIS [NAZIRITE] WILL BRING HIS SACRIFICES HALF AT A TIME!(6) THE SAGES, HOWEVER, AGREED WITH BEN ZOMA.

GEMARA. But let him bring them [half at a time]?(7) — Rab Judah citing Samuel said: R. Joshua only said this in order to sharpen [the wits of] the students.(8)

R. Nahman(9) said, What would R. Joshua do with the intestines to prevent them decomposing?(10)

MISHNAH. A NAZIRITE WHO WAS IN DOUBT WHETHER HE HAD BEEN DEFILED AND IN DOUBT WHETHER HE HAD BEEN A CONFIRMED(11) LEPER, MAY EAT SACRED MEATS AFTER SIXTY DAYS,(12) AND DRINK WINE AND TOUCH THE DEAD AFTER ONE HUNDRED AND TWENTY DAYS,(13) SINCE POLLING ON ACCOUNT OF [LEPROUS] DISEASE OVERRIDES [THE PROHIBITION AGAINST] THE POLLING OF THE NAZIRITE ONLY THEN [THE LEPROSY] IS CERTAIN, BUT WHEN IT IS DOUBTFUL IT DOES NOT OVERRIDE IT.(14)

1. One of the two men mentioned in the last Mishnah 57a.

2. Lit. 'someone from the street'.

3. Its flesh would be interred and not eaten, as in the case with a sacrifice brought for certain defilement; v. supra 29a.

4. On completing his naziriteship.

5. He must offer the sin-offering because he cannot commence to count the naziriteship in purity

until it is sacrificed, if he had been in fact defiled. The other sacrifices can be dispensed with in the circumstances; v. supra 18b.

6. If he was in fact clean, his burnt-offering will have been brought thirty days before the other sacrifices.

7. I.e., What is the point of R. Joshua's objection to the procedure of Ben Zoma.

8. It was not a real objection. R. Joshua merely wanted the students to learn not to forbear from raising an objection because it may have no basis.

9. Both Rashi and Tosaf. have: 'R. Nahman b. Isaac'.

10. If we were to do as R. Joshua suggests, the fat of the intestines (which must be offered on the altar) would decompose whilst both nazirites were being shaved prior to the waving. Surely, this is as great an objection as the bringing of the sacrifices at different times. R. Nahman points out that not merely is there no technical objection to the procedure of Ben Zoma but R. Joshua's cannot even be considered preferable. Tosaf.

11. 'confirmed': a person afflicted with leprosy who, on the first examination or after the period of confinement, is declared by the priest to he a leper; v. Lev. XIII, 45ff.

12. I.e., after counting two nazirite periods of thirty days.

13. After four nazirite periods. V. supra 55b for relevant notes.

14. But the period of naziriteship must he observed before polling; v. Gemara following.

Folio 60a

GEMARA. A Tanna taught: [The procedure laid down in the Mishnah] applies only in the case of a short naziriteship,(1) but in the case of a naziriteship of [say,] a year, he may eat sacred meats [only] after two years, and drink wine and touch the dead after four years,(2) It has been taught further in connection with this: He must poll four times.(3) At the first polling he brings a pair of birds, a bird as a sin-offering, and an animal as a burnt-offering.(4) At the second [polling] he brings a bird as a sin-offering and an animal as a burnt-offering. At the third he [again] brings a bird as a sin-offering and an animal as a burnt-offering. At the fourth he brings the sacrifice [due on terminating the naziriteship] in purity.

It has just been said: 'At the first polling he brings etc.' [In this way] whatever the facts are he offers the correct [sacrifice]. For if he was certainly a leper but was not defiled, the pair of birds are [in discharge of] his obligation,(5) the bird as a sin-offering [is a sacrifice offered] in doubt and is to be buried, and the burnt-offering is a free-will offering. He cannot however be shaved [a second time] seven days hence,(6) for perhaps he is not a confirmed leper and the All-Merciful has said [of the nazirite]. There shall no razor come upon his head until [the days] be fulfilled.(7) If, on the other hand, he was not certainly a leper but he was defiled, then the bird as a sin-offering is [in discharge of] his obligation,(8) the pair of birds, being prepared without [the Temple court](9) are not [in the category of] profane [animals] brought into the Temple-court,(10) whilst the animal as a burnt-offering is a freewill-offering. Finally, if he was neither a leper nor defiled, then the pair of birds are [in any case] prepared without [the Temple-court],(11) the bird as a sin-offering is to be buried, and the animal as a burnt-offering is [in discharge of] his obligation [as a clean nazirite].(12)

But surely he requires a guilt-offering?(13) — [The author of this Baraitha] is R. Simeon who says that he brings one and makes a stipulation.(14)

At the second and third polling a pair of birds is unnecessary for these have been prepared.(15) What [doubt] is there [remaining]? That perhaps he was actually a confirmed leper?(16) [Because of this he offers] one [of the two birds as a sin-offering,](17) for the doubt on account of the tale of days(18) and one for the doubt on account of defilement.(19)

At the fourth polling he brings the sacrifice in purity and stipulates

1. Of thirty days duration.
2. Tosef. Naz. VI, I.
3. At the end of each thirty days or year.
4. The purpose of the offerings will be explained immediately.
5. V. Lev. XIV, 2.
6. The normal period of separation between the two pollings of a leper; Lev. XIV, 9.
7. Num. VI, 5. He must therefore wait another whole period before he can shave the second time. Hence he can eat sacred meats only after two periods have elapsed.
8. Ibid. 10.
9. Lev. XIV, 5 seq.
10. And so can be offered even though he may not have been a leper.
11. And so can be offered even if he is not a leper.
12. This permits him to poll and the other sacrifices can be brought later.
13. After the second polling on recovery from leprosy (Lev. XIV, 10). Until it was brought he could not eat sacred meats.
14. V. Men. 105a. He stipulates that if a guilt-offering is not due, the animal is to be a voluntary

peace-offering. Since the author is R. Simeon, there was no need to mention the guiltoffering.

15. At the first polling.

16. When he must now bring sacrifices due after his tale of days; Lev. XIV, 9.

17. Brought at the second and third pollings.

18. The seven days that must be counted between the two pollings of a nazirite, but which have here become a whole period.

19. The burnt-offering is brought on each occasion in case he should have completed his naziriteship in purity.

that if he was actually a [clean] nazirite,(1) the first burnt offering was [in discharge of] his obligation and the present one is a freewill-offering, whilst if he was defiled and a confirmed leper, the first burnt-offering was a freewill-offering and this one is [in discharge of] his obligation and the other [animals] are the rest of his sacrifice.

[A nazirite] who was in doubt whether he had been defiled but certainly been a confirmed leper, may eat sacred meats after eight days,(2) and may drink wine and touch the dead after sixty-seven days,(3) One who was in doubt whether he had been a confirmed leper but had certainly been defiled, may eat sacred meats after thirty-seven days,(4) and may drink wine and touch the dead after seventy-four days.' One who was certainly defiled and certainly a confirmed leper may eat sacred meats after eight days, and may drink wine and touch the dead after forty-four days.(5)

R. Simeon b. Yohai was asked by his disciples: May a ritually clean nazirite who was a leper poll once only(6) and have it reckoned for both purposes?(7) — He replied: He cannot poll in this way.(8) They then asked him: Why? — He replied: If both [the nazirite and the leper polled] in order that it should grow again,(9) or both [polled] In order to remove [the hair],(10) your suggestion would be sound, but as it is the nazirite [polls] to remove [the hair] and the leper [polls] to let it grow again. [They then said:] Granted that it should not count [for both pollings] after the period of confirmed leprosy, let it still count [for both] after his tale of days?(11) — He replied: If both were required to poll before the sprinkling of the blood [of the sacrifice], your suggestion would be sound, but here the leper polls before the sprinkling of the blood(12) and the nazirite after the sprinkling of the blood.(13) [They next suggested that though the one polling] should not count both for the days of his leprosy and his naziriteship, yet it ought to count for the days [both] of his leprosy and of his defilements.(14) [R. Simeon, however,] said to them: If both [polled] before bathing, your proposal would be sound, but the defiled [nazirite polls] after bathing(15) and the leper(16) before bathing.(17)

[Another version of the discussion is as follows.](18) They said to him: You have given a good reason why ii should not count [both] for his tale of days and for his naziriteship, but why should not [one polling] count for his period of confirmed leprosy as well as for his defilement, since in both cases [the polling] is to allow [the hair] to grow? — He replied: In the case of a ritually clean nazirite who is a leper, [the purpose of] the one [polling](19) is for [the hair] to grow again and the other(20) is to remove [the hair], whilst in the case of a defiled nazirite who is a leper, the latter [polling takes place] before bathing and the former after bathing.

1. And was never a leper nor unclean.

2. Since the shaving for leprosy may take place immediately he is seen to be clean and he has still to walt eight days.

3. For he must wait thirty days after the second polling for leprosy before he may shave on account of the doubt whether he was defiled, and then he counts thirty days for his naziriteship in purity.

4. As a defiled nazirite, he polls on becoming clean at the end of seven days and then again for his clean naziriteship after thirty days. Since he may have been a leper, these two pollings now count for the leprosy and as he was certainly unclean he can poll after seven days for the uncleanness and again after thirty days for his clean naziriteship.

5. Seven for the leprosy, seven for the defilement and thirty for the clean naziriteship; Tosef. Naz. VI, z.

6. If the termination of his naziriteship and his recovery from the disease coincided.

7. This is really an objection to the Mishnah which requires him to poll four times, i.e., separately for each contingency. (R. Asher.)

8. And he must poll twice.
9. I.e., if both were required to remove the hair a second time as the leper must.
10. With no subsequent obligation to let it grow.
11. Since after the tale of days (Lev. XIV, 9), the leper also polls to remove his hair.
12. He shaves on the seventh day and offers the sacrifice on the eighth day. (Lev. XIV, 9-10).
13. V. Num. VI, 16-18.
14. I.e., when the end of leprosy and defilement coincide.
15. He shall shave his head on the day of his cleansing (Num. VI, 9) i.e., after bathing.
16. V. Lev. XIV, 9.
17. Tosef. Naz. V, 4, where the arguments are transposed in part.
18. So Tosaf. and R. Asher consider the next passage.
19. Viz., the polling because of the confirmed leprosy.
20. Viz., the polling after the naziriteship.

Folio 61a

R. Hiyya taught [the following differences: The leper polls] before bathing, [the unclean nazirite] after bathing; the former before the sprinkling of the blood, the [clean nazirite] after the sprinkling of the blood.

SINCE POLLING ON ACCOUNT OF [LEPROUS] DISEASE etc. Rami b. Hama propounded: Are the four pollings required(1) for carrying out a religious duty,(2) or whether they are merely in order to remove defiled hair?(3) The practical issue is whether this may be removed with nasha.(4) For if we say that they are a religious duty It would not be permitted to treat [the hair] with nasha, whereas if their purpose is simply the removal of defiled hair, treatment with nasha would be permitted. What, then, is the law? — Raba replied: Come and hear: And he is required to undergo four pollings.(5) Now if you assume that their purpose is simply the removal of defiled hair, three [pollings] alone should suffice.(6) Hence you may prove that they are [all] a religious duty. This proves It.

CHAPTER IX

MISHNAH. GENTILES HAVE NO [COMPETENCE FOR] NAZIRITESHIP,(7) BUT WOMEN AND SLAVES(8) HAVE. THE NAZIRITE VOW IS MORE STRINGENT IN THE CASE OF WOMEN THAN IN THE CASE OF SLAVES, FOR A MAN CAN COMPEL HIS SLAVE [TO BREAK HIS VOW](9) BUT HE CANNOT COMPEL HIS WIFE [TO DO SO].

GEMARA. The Mishnah teaches that GENTILES HAVE NO [COMPETENCE FOR] NAZIRITESHIP [etc.]. How do we know this? — For our Rabbis taught: [Scripture says] Speak unto the children of Israel,(10) but not to Gentiles; and say unto them, thereby including slaves.(11)

But what need is there of a Verse,(12) Seeing that there is a principle that every precept incumbent on women is also incumbent on slaves?(13) — Raba replied: [Naziriteship] is different [from other laws]. For there is a verse, [When a man voweth a vow] to bind his soul with a bond,(14) which thus refers to one who is his own master(15) and excludes slaves who are not their own masters.(16) Now because [slaves] are not their own masters it might be thought that they are precluded from making nazirite-vows(17) and so we are told [this is not so].

The Master stated: 'Speak in to the children(18) of Israel but not to Gentiles.' But does the mention of Israel always exclude Gentiles?(18) Is there not written in connection with 'Arakin,(19) Speak unto the children of Israel,(20) and yet it has been taught: 'Israelites can vow 'Arakin but not Gentiles. It might be thought that [Gentiles] cannot be the subject of 'Arakin vows either,(21) but the verse says A man'?(22) — [Naziriteship] is different, for here there is a verse, He shall not make himself unclean for his father or his mother,(23) which shows that [the passage] is referring to such as have a [legal] father,(24) and thus excluding Gentiles who have no [legal] father. In what respect have Gentiles no father? Shall I say it is as regards inheritance?(25) Surely R. Hiyya b. Abin, citing R. Johanan has said that a Gentile inherits his father in Torah-law, for there is a verse, Because I have given Mount Seir to Esau for an [inheritance]!(26) — You must therefore mean that such as are bound to honour their fathers [are referred to].(27) But does it say Honour thy father in connection with nazirites?(28) — We must therefore say that the verse, 'He shall not make himself unclean for his father or his mother' shows that only those to whom [the laws of] defilement apply [can assume naziriteship]

1. For a nazirite who was both doubtfully a leper and doubtfully defiled.
2. I.e., whether each one is a religious duty requiring a razor.
3. And only the polling of a clean nazirite requires a razor.
4. A plant depilatory. v. supra p. 146, n. 4.
5. The Baraitha cited above.
6. For only the first three pollings are because of the doubtful leprosy and defilement. The fourth

is certainly an ordinary polling of a clean nazirite. Hence since the Baraitha makes no distinction between them, they must all be equally a religious duty.

7. I.e., if a gentile undertakes to be a nazirite, the vow is of no effect.

8. I.e., non-Jewish slaves who, after having submitted to circumcision and the prescribed ablution, are subject to the fulfilment of certain precepts.]

9. As long as the slave belongs to him.

10. Num. VI, 2; opening the chapter on naziriteship.

11. 'Israel' is not repeated, and thus we infer that others than Israelites can undertake naziriteship, i.e., slaves also.

12. To allow slaves to undertake naziriteship.

13. Women are explicitly allowed to become nazirites (Num. VI, 2). For the principle. v. Chag. 4a.

14. Num. XXX, 3 which lays down that vows are binding.

15. Lit., 'whose soul (person) belongs to himself'.

16. A slave's vows are not binding.

17. Since they are also a kind of vow.

18. From the scope of the scriptural passage in which it occurs.

19. Vows of' valuation, v. Lev. XXVII.

20. Lev. XXVII, 1.

21. I.e., that an Israelite cannot vow to give the valuation of a Gentile.

22. Ibid. v. 2: 'When a man shall clearly utter a vow of persons unto the Lord according to thy valuation'. Thus we see that 'Israel' in v. 1 does not exclude Gentiles entirely from the scope of the chapter, but only disqualifies them from vowing 'Arakin. Similarly, since the word 'man' also occurs in connection with naziriteship (Num. VI, 2), Gentiles should not he wholly excluded from naziriteship.

23. Num. VI, 7.

24. Viz.: Jews, who in all matters belong to their fathers' family, Gentiles, on the other hand, are held in Jewish law to count descent from the mother.

25. I.e., that a Gentile should not inherit his father.

26. E.V. 'possession. Deut. II, 5.

27. V. Num. VI, 7. And since a Gentile is nor hound by the commandment, he cannot become a nazirite.

28. That you hold Gentiles to be excluded from the scope of the chapter.

but not gentiles to whom [the laws of] defilement do not apply.

How do we know that [the laws of] defilement do not apply to them? — The verse says. But the man that shall be unclean and shall not purify himself that soul shall be cut off from the midst of the kahal [assembly],(1) referring to such as form a kahal and excluding [gentiles] who do not form a kahal.(2)

How does it follow [that the laws of defilement do not apply to gentiles]? Perhaps [all that is meant is that] he is not liable to kareth [excision],(3) but [the laws of] defilement do apply [to him]?(4) Scripture Says, And the clean person shall sprinkle upon the unclean,(5) [teaching that] whoever can become clean,(6) becomes unclean, and whoever cannot become clean does not become unclean.(7)

But perhaps we may say that while [the laws of] purification do not apply to [gentiles], yet [the laws of] defilement do apply?(8) — Scripture says, But the man that shall be unclean and shall not purify himself.(9)

R. Aha b. Jacob said: [Naziriteship] is different,(10) for here there is a verse, And ye may make them an inheritance for your children after you.(11) [From this we learn that] to whomsoever [the laws of] inheritance [of slaves] apply, to him [the laws of] defilement apply, and to whomsoever [the laws of] inheritance [of slaves] do not apply, to him [the laws of] defilement do not apply.(12)

If that is the reason [that gentiles cannot become nazirites],(13) then slaves too should not be able [to become nazirites]?(14) — In point of fact, said Raba, [the following is the reason that gentiles are wholly excluded from naziriteship].(15) It is quite permissible in the case of 'Arakin [to argue thus:] when it says, 'the children(16) of Israel' [it implies that] Israelites can vow 'Arakin but not gentiles. I might go on to infer from this that [gentiles] cannot be the subject of 'Arakin vows either,(16) Scripture [therefore] says 'all'(17) [But you cannot similarly argue] here, [in the case of naziriteship as follows: The words 'children of Israel' imply that] Israelites can undertake nazirite — vows and bring the offering [due on terminating the naziriteship], but not gentiles.(18) I might go on to infer from this that [gentiles] cannot become nazirites at all. Scripture [therefore] says 'man'.(19) For I will say such an argument is inadmissable(20) since [the exclusion of gentiles] from [bringing the nazirite] offering is not inferred from this [verse], but from elsewhere, [as has been taught:] R. Jose, the Galilean said, [the verse] for a burnt-offering(21) serves to exclude [a gentile] from [bringing] the nazirite-offerings.(22)

Why not argue [as follows: The words 'children of Israel' imply that] Israelites can undertake life-naziriteships but not gentiles. I might go on to infer from this that [gentiles] cannot undertake [ordinary] nazirite-vows either,(23) Scripture [therefore] says 'man'?(24) R. Johanan replied: Is the life-nazirite mentioned [in Scripture]?(25)

Why not argue [as follows: The words children of Israel imply that] Israelites can impose nazirite-vows upon their children, but not gentiles. I might go on to infer from this that [gentiles] cannot become nazirites [at all]. Scripture [therefore] says 'man'?(26) But R. Johanan has said that this is a [traditional] ruling with regard to the nazirite!(27)

Why not argue [as follows: The words 'children of Israel' imply that] Israelites can poll [with the offerings due] for their father's nazirite-sacrifices,(28) but not gentiles.

1. Num. XIX, 20.

2. The term 'kahal is used of Jews only.

3. If he enters the Temple whilst defiled; for the word kahal is used in the phrase referring to excision. On kareth v. Glos.

4. I.e., he can become unclean and defile others.

5. Num. XIX, 19.

6. I.e., by undergoing the purification rites. [These rites are specially prescribed for the congregation of the children of Israel. V. Num. XIX, 9.]

7. And since a gentile cannot undergo the purification rites, he does not become unclean.

8. I.e., having become unclean, he can defile others and remains unclean himself, but he cannot become clean again.

9. Num. XIX, 20. Implying that wherever there can be no purification, there is no defilement.

10. From 'Arakin. And when we said that gentiles have no legal father, it was in respect of slaves.

11. Lev. XXV, 46. Referring to gentile slaves. A gentile cannot bequeath his slaves in Torah-law; v. Git. 38a.

12. And since the laws of defilement do not apply to gentiles, they cannot become nazirites.

13. Viz., that they cannot bequeath their slaves to their heirs.

14. For the laws of inheritance do not apply to slaves. A slave's property becomes his masters.

15. Although the mention of 'children of Israel' does not necessarily exclude gentiles from the scope of a scriptural passage.

16. I.e., that gentiles are wholly excluded from the scope of the passage dealing with 'Arakin.

17. And gentiles may be the subject of an 'Arakin vow though they cannot make such a vow.

18. Thus the mention of 'children of Israel' excludes gentiles from the scope of the nazirite passage.

19. Num. VI, 2. The mention of 'man' now partially includes gentiles within the scope of the passage. They can become nazirites, but may not bring the offerings due on terminating the naziriteship.

20. I.e., it is impossible to utilise the words 'children of Israel' merely in order to exclude gentiles from bringing the nazirite offerings.

21. Lev. XXII, 18.

22. V. Men. 73b. Thus the words 'children of Israel' must wholly exclude gentiles from naziriteship.

23. I.e., gentiles are wholly excluded from the scope of the nazirite passage.

24. They can become ordinary nazirites.

25. We learnt about it from the case of Absalom (supra 4b). Hence the verse cannot be referring to the life-nazirite at all.

26. They can themselves under — take nazirite-vows but cannot impose them upon their children.

27. Supra 28b. Hence, Scripture cannot be referring to this ruling.

28. Supra 30a.

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I might go on to infer from this that [gentiles] cannot become nazirites [at all]. Scripture [therefore] says man? — But it has been stated: R. Johanan said, This is a [traditional] ruling with regard to the nazirite.(1)

Now if it is a fact [that 'man' includes gentiles],(2) what need is there for the expression, When a man shall clearly utter a vow … according to thy valuation(3) occurring in connection with 'Arakin? For consider! 'Arakin are compared [in this verse] with vows, as it says, When a man shall clearly utter a vow … according to thy valuation,(3) and it has been taught in connection with vows: Scripture mentions the word man(4) in order to include gentiles, who are allowed to vow vowed-offerings(5) and freewill-offerings,(6) just as Israelites do.(7) What need then is there for the verse, 'When a man shall clearly utter' in connection with 'Arakin?(8) — In point of fact, this [word] 'man' is required for the inclusion of [a youth] who can discriminate but has not quite reached manhood.(9)

This is all very well [if we accept the view of] the authority(10) who considers that a youth who can discriminate but has not quite reached manhood has a Scriptural right [to make Vows],(11) but [if we accept the view of] the authority(12) who considers this right to be rabbinic, what need is there for, When a man shall clearly utter [etc.]?(13) It serves to include a gentile [youth] who can discriminate but has not quite reached manhood.(14)

This is all very well if we accept the view of the authority(15) who argues [as follows: The words 'children of Israel' imply that] Israelites can be the subject of 'Arakin vows but not gentiles. I might go on to infer from this that [gentiles] cannot vow 'Arakin, Scripture [therefore] says man.(16) If, however, we accept the view of the authority(17) who argues [as follows: The words children of Israel imply that] Israelites can vow 'Arakin but not gentiles. I might go on to infer from this that [gentiles] cannot be the subject of 'Arakin, Scripture [therefore] says man: [our difficulty remains]. For seeing that even a baby a month old can be the subject of an 'Arakin vow, what need is there of, 'when [a man] shall clearly utter'?(18) — R. Adda b. Ahaba replied: Its purpose is to bring within the scope of the rule an adult gentile who although he is an adult [cannot make even ordinary vows, if he] cannot discriminate.(19)

Now what need is there of [the phrase,] 'when [a man] shall clearly utter' mentioned in connection with the naziriteship? For seeing that the naziriteship is compared with [ordinary] vowing(20) what need is there of 'when [a man] shall clearly utter'? — It serves to include allusions the significance of which is not manifest.(21) For it has been stated: Abaye said that allusions whose significance is not manifest have the force of a direct statement, whilst Raba said that they have not the force of a direct statement.(22) Now if we accept Abaye's view, there is no difficulty,(23) but if we accept Raba's view what can we reply?(24) In point of fact 'when [a man] shall clearly utter' is necessary for R. Tarfon's case. For it has been taught: R. Judah on behalf of R. Tarfon said that not one of these people(25) is a nazirite, because naziriteship is not intended except when assumed unequivocally.(26) This is all very well if we accept the view of R. Tarfon, but [if we accept the view of] the Rabbis what can you reply?(27) In point of fact it is necessary for [the following] which has been taught: Annulment of vows has no foundation(28) and is without [Scriptural] support.(29) R. Eliezer says that it has [Scriptural] support, for Scripture says twice 'when [a man] shall clearly utter'?(30) one signifies a distinct binding expression,(31) and one a distinctness [which opens the way] to annulment.(32)

1. Hence Scripture cannot be referring to it and the words, 'children of Israel', must entirely exclude gentiles from undertaking naziriteships.

2. The upshot of the previous discussion is a vindication of the assertion that 'man' usually includes gentiles. It is only because it cannot possibly have that meaning in connection with naziriteship, that it is not so interpreted there. Hence the Gemara now enquires whether gentiles would not have been included for the purposes of 'Arakin even without 'man' being mentioned.

3. Lev. XXVII, 2.

4. V. Lev. XXII, 18. Whoever he be (lit., a man, a man) … that bringeth his offering, whether it be of their vows etc. The reference in the following discussion II to vowing sacrifices for the altar. [The text adopted follows BaH. Cur. edd. read: Scripture should have mentioned (only) 'a man' why does it state 'a man, a man'. Though the reading is supported by the parallel passages, it hardly fits in with the trend of the passage where the word 'man' in itself is taken to include gentiles.]

5. Heb. .

6. Heb. . The difference between a vowedoffering and a freewill offering is this. The former, if it dies or is lost, must be replaced, but the latter need not be replaced.

7. Cf. Tem. 2b.

8. For 'Ar. are covered by the interpretation of Lev. XXII, 18 in the Baraitha.

9. He too may make vows. V. supra 29b.

10. R. Jose b. R. Judah. V. supra 29b.

11. This right is then inferred from the word 'man' in Lev. XXVII, 2.

12. R. Judah the prince (Ibid.).

13. I.e., We are still without a use for the word 'man' in this verse.

14. R. Judah the prince also agreeing that his right to make vows is Scriptural.

15. R. Judah; V. 'Ar. 5b.

16. Thus permitting gentile youths who have not yet reached manhood to make 'Arakin (and other) vows.

17. R. Meir. Ibid.

18. For it can no longer refer to gentile youths since no gentile can make an 'Arakin vow.

19. The inference being: Only a gentile who knows what he is uttering can make even ordinary vows (Tosaf.).

20. V. Ned. 3a. And 'shall clearly utter' already occurs in connection with vows in Lev. XXVII, 2.

21. V. supra 2a-b.

22. And the vow fails to take effect.

23. The interpretation will be: The vow must be uttered clearly or it is of no effect.

24. I.e., what use does be make of the phrase 'to utter clearly?'

25. Who vow naziriteships of the form. If the person approaching is So and so, I will become a nazirite.

26. V. supra 34a.

27. I.e., what use do they make of 'shall clearly utter'?

28. Lit., 'fly in the air'.

29. I.e., the possibility of annulling vows is purely a traditional law.

30. Once in Lev. XXVII, 2 of 'Arakin and once in Num. VI, 2 of nazirite vows.

31. I.e., once the vow is clearly undertaken, it remains binding.

32. If annulment is sought, the vow ceases to be binding.

MISHNAH. [THE NAZIRITE-VOWS OF] SLAVES ARE MORE STRINGENT THAN [THOSE OF] WOMEN; FOR HE CAN DECLARE VOID THE VOWS OF HIS WIFE, BUT HE CANNOT DECLARE VOID THE VOWS OF HIS SLAVES. IF HE DECLARES HIS WIFE'S [VOW] VOID, IT IS VOID FOR EVER, BUT IF HE DECLARES HIS SLAVE'S VOW VOID, HE BECOMES FREE AND MUST COMPLETE HIS NAZIRITESHIP.(1)

GEMARA. Our Rabbis taught: What can his master compel him [to disregard]? [The vow of] Naziriteship, but not [other] vows, or [vows involving] 'Arakin.(2)

Why this difference in the case of the nazirite-vow? — The Allmerciful has said, To bind his soul with a bond,(3) showing that only those who are their own masters(4) are referred to, and excluding slaves, who are not their own masters. But if this is the reason, the same should be true of [other] vows?(5) — R. Shesheth replied: We suppose here(6) that a cluster of grapes lay before [the slave].(7) In the case of vows, where if this [cluster] becomes prohibited to him, others will not become prohibited, [his master] cannot compel him [to eat this one]. But in the case of a nazirite-vow, if this one becomes forbidden,(8) all others become forbidden; and that is why he can compel him [to eat it].(9)

But do not [ordinary] vows(10) include the possibility that there is available Only the one cluster of grapes in question, so that if he does not eat it he will grow weak(11) [and yet the vow takes effect]? — Raba therefore said: We suppose that a pressed grape lay before him.(12) In the case of vows, he is prohibited from eating that one only, and so [his master] cannot compel him [to break his vow]. But in the case of the nazirite-vow where he is also prohibited from eating others, he can compel him [to break his vow].

But do not [ordinary] vows include the possibility that there is available only the one pressed grape in question, so that if he does not eat it he will grow weak [and yet the vow takes effect]? Abaye therefore replied: [The Baraitha really means] what is his master obliged to compel him [to disregard]? [The vow of] naziriteship.(13) but he does not [even] have to compel him [to disregard ordinary] vows or oaths.(14) This is because the verse says [If any one swear] to do evil or to do good.(15) Just as doing good is a voluntary undertaking, so must the doing of evil be a voluntary undertaking, the doing of evil to others being thereby excluded, since he has not the right [to harm others].(16)

MISHNAH. SHOULD [THE SLAVE] FLEE FROM [HIS MASTER'S] PRESENCE,(17) R. MEIR SAID THAT HE MUST NOT DRINK WINE, BUT R. JOSE SAID THAT HE MAY.

GEMARA. Is it possible that R. Meir and R. Jose] differ in regard to the following dictum of Samuel? For Samuel has said: Should a man renounce ownership of his slave, he becomes free, no deed of emancipation being required. Does R. Meir agree with Samuel(18) and R. Jose differ from him? — No; both hold this opinion of Samuel.(19) But the one who says he should drink considers that since he is ultimately to return to his master, he ought to drink in order not to grow emaciated. The other, who says that he should not drink considers that he should feel the pangs of deprivation in order that he should return [to his master].

1. Thus our text, and so Maimonides (Mishnah Commentary a.l. and Yad. Neziruth II, 18). Raabad however, reads 'and he afterwards becomes free, then he must complete his vow'.

2. Tosef. Naz. VI, where 'oaths' replaces 'Arakin', for which v. Glos.

3. Num. XXX, 3 of ordinary vows.

4. V. supra p. 228, n. 9.

5. Seeing that the passage in which the verse occurs refers to ordinary vows.

6. In the Baraitha which distinguishes nazirite-vows from other vows.

7. And his vow, nazirite or ordinary, was made with reference to that bunch of grapes.

8. I.e. if the nazirite-vow does become operative.

9. [So as to have his strength unimpaired.]

10. As referred to in the Baraitha.

11. And so injure his master.

12. [It is assumed that abstention from the pressed grape cannot affect his strength (Asheri)].

13. If he does not wish it to take effect.

14. These being automatically of no effect.

15. Lev. V, 4.

16. And since a slave's vows harm his master, they are inoperative.

17. Run away after making a nazirite-vow.

18. And assume that the owner despairs of the slave's return and thus renounces his ownership. The slave being free must therefore complete his naziriteship (v. previous Mishnah).

19. And do not consider the owner to have renounced his possession of the slave.

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MISHNAH. IF A NAZIRITE POLLS AND THEN DISCOVERS THAT HE WAS DEFILED, THEN IF THE DEFILEMENT IS DEFINITE [THE NAZIRITESHIP] IS RENDERED VOID, BUT IF IT IS A DEFILEMENT OF THE DEPTH,(1) IT IS NOT RENDERED VOID, BEFORE POLLING, HOWEVER, EITHER [TYPE OF DEFILE MENT] RENDERS [THE NAZIRITESHIP] VOID. [THE LAW REGARDING 'DEFILEMENT OF THE DEPTH' IS] AS FOLLOWS. IF HE GOES DOWN INTO A CAVERN TO BATHE, AND A CORPSE IS FOUND FLOATING AT THE MOUTH OF THE CAVERN,(2) HE IS [DEFINITELY] UNCLEAN. IF IT IS FOUND EMBEDDED IN THE FLOOR OF THE CAVERN,(3) THEN IF HE WENT IN MERELY TO REFRESH HIMSELF HE REMAINS CLEAN,(4) BUT IF IT WAS TO PURIFY HIMSELF AFTER DEFILEMENT THROUGH CONTACT WITH THE DEAD HE REMAINS UNCLEAN,(5) BECAUSE WHERE THE STATUS QUO IS ONE OF DEFILEMENT THE DEFILEMENT REMAINS, BUT WHERE IT IS ONE OF PURITY, HE REMAINS CLEAN, THIS BEING THE PRESUMPTION [IN EACH CASE].(6)

GEMARA. How do we know this?(7) — R. Eliezer said: A verse reads, And if any man die very suddenly beside him,(8) 'beside him' Signifying that it is evident to him.(9) Resh Lakish said: A verse reads, If [any man …] shall be unclean by reason of a dead body or be on the road, afar off,(10) signifying that [the uncleanness] must be like a road. Just as a road is visible, so must uncleanness be visible.

If these be correct,(11) what of the following where we learnt: 'Defilement of the depth' is such [defilement] as is not known even to a single person living anywhere in the world. If, however, it is known to someone living even at the end of the world, it is not defilement of the depth.(12) Now on [Resh Lakish's] view that [defilement] should be [visible] like a road, there is no difficulty,(13) but on [R. Eleazar's] view that it must be evident to him, what matters it if there is someone at the end of the world who knows of it? Further, there is the following: If a man finds a corpse lying [buried] across the road,(14) he becomes unclean in respect of terumah,(15) but remains clean as regards naziriteship and celebration of the passover.(16) But what is the difference?(17) — We must therefore say that [the rule of] defilement of the depth is known by tradition.(18) BEFORE POLLING, HOWEVER, etc.: Who is the author [of the Mishnah]?(19) R. Johanan replied: R. Eliezer, who considers that polling estops [him from drinking wine].(20)

Rami b. Mama propounded: What would be the law if [the nazirite] became unclean during the fulfilment of [his naziriteship], but discovered this after the fulfilment.(21) Is it [the moment of] discovery that is important,(22) and this occurred after fulfilment, or not,(23) the practical difference being [the period that is] to be rendered void?(24)

1. . A particular type of uncertain defilement, defined later in the Mishnah.

2. The cavern is a tent for the purposes of defilement. Although the corpse was discovered after he left the cavern, the defilement is regarded as a certain one, the doubt having arisen in a private domain (v. supra 212f).

3. This is the ordinary case of defilement of the depth, the source of defilement being 'below ground'. V. Gemara below.

4. To the extent that if he does not discover the incident until after polling, there is no effect on the naziriteship. But if he discovers it earlier, then he is unclean.

5. Definitely unclean, for the purposes of our Mishnah.

6. Lit., 'the matter has feet'; i.e., a basis of support.

7. Viz. that defilement of the depth does not necessarily render void a naziriteship.

8. Num. VI, 9, on the defilement of a nazirite.

9. Defilement of the depth, as described in the Mishnah, is not evident to him, for he could not

know' of the corpse's existence beneath the floor of the cavern.

10. E.V. 'In a journey'. Num. IX, 10 of the second passover. Defilement of the depth was treated leniently as regards celebrants of the passover also.

11. Viz., that the regulations concerning 'defilement of the depth' are deduced from Scripture.

12. Tosef. Zabim II, 5.

13. The fact that one man knows of it is enough to make it 'visible' for legal purposes.

14. I.e., a defilement of the depth, it being uncertain whether the man overshadowed it.

15. V. Glos.

16. Ibid.

17. If he is clean, he is clean for all things. Otherwise he is unclean for all things.

18. And tradition confines the leniency only to naziriteship and the passover.

19. Which implies that the naziriteship is over only after the polling, even if the sacrifices have been offered.

20. Supra 24b.

21. After counting the whole period of the naziriteship but before the termination (sacrifices or polling according to the Rabbis or R. Eliezer).

22. And he counts as unclean henceforth.

23. And he is unclean retrospectively.

24. Uncleanness after fulfilment renders a shorter period void than uncleanness during the period; v. supra 16a-b.

Raba replied: Come and hear: BEFORE POLLING, HOWEVER, EITHER [TYPE OF DEFILEMENT RENDERS IT VOID]. How are we to understand this? If he discovered [the defilement] during the period of fulfilment would it be necessary to tell us [that the naziriteship is void]?(1) It follows that after fulfilment is meant. Hence [discovery after fulfilment renders void]. The question, however, still remains whether the whole [period] is rendered void or only seven [days].

But on whose [view is this question asked]?(2) Shall I say on the Rabbis' view? It is obvious that the whole period becomes void! Whilst on R. Eliezer's view any [defilement contracted] after fulfilment renders only seven days void? — The reply is [that R. Eliezer said] this of one who actually becomes unclean after fulfilment, whereas here [the defilement of the depth] occurred before the fulfilment.(3) [Do we then say that the whole is rendered void] or is this case different since discovery did not come until after fulfilment? — The same passage [answers this question too]. For it says: EITHER [TYPE OF DEFILEMENT] RENDERS IT VOID, making no distinction between them.(4)

Our Rabbis taught: If a man finds a corpse lying across the road,(5) he becomes unclean in respect of terumah,(6) but remains clean in respect of the nazirite-vow and celebrating the passover.(7) This is only true if there was no room for him to pass [without actually walking over the corpse], but if there was room for him to pass, he remains clean even in respect of terumah.(8) [Further], it is only true(9) if [the corpse] was found whole, but if it was found [with its limbs] broken or dislocated, even though there was no room to pass(10) we conceive that he may perhaps have passed between the pieces.(11) If, however, [the corpse] was in a grave, then, even if [its limbs were] broken or dislocated, he becomes unclean because the grave unites it. [Further,] we say this(12) only of one who was walking on foot, but if he was carrying a load or riding, he becomes unclean,(13) because it is possible for one walking on foot to avoid either touching [the corpse] or making it vibrate,(14) or overshadowing it, but it is impossible for one carrying a load or riding to avoid either touching it or making it vibrate or overshadowing it. [Further,] this ruling(15) applies only to a 'defilement of the depth', but if it was a known [source of] defilement, all three become unclean. A defilement of the depth is one which is not known to anyone [living even] in any part of the world. If, however, someone [living even] at the other end of the world knows about it. It is not [regarded as] a defilement of the depth.(16) If [the corpse] was hidden in straw or in pebbles, it counts as a defilement of the depth,(17) [but if] in the sea or by darkness or in a cleft of the rocks, this does not count as a defilement of the depth.(18) 'Defilement of the depth' was held to apply only in the case of a corpse.(19) [THE LAW REGARDING DEFILEMENT OF THE DEPTH IS] AS FOLLOWS. IF HE GOES DOWN: A [dead] reptile when floating, does not defile.(20) For it has been taught: If there is a doubt concerning a [source of defilement] floating in a vessel or on the earth,(21) it is treated as clean. R. Simeon said that in a vessel [the doubtful object] is treated as unclean, whilst on the earth it is treated as clean.(22)

1. For there is no question that defilement of the depth counts as ordinary defilement as regards the future. It is only retrospectively that con — cessions are made to nazirites and celebrants of the passover.

2. The Gemara here interrupts the argument to analyse the question.

3. If it is the time of defilement that is important, then the whole period may be rendered void. Hence the question is asked of R. Eliezer and not of the Rabbis.

4. And thus the defilement is retrospective, there being no half measures. Except for the nazirite who has entirely completed his naziriteship and the passover celebrant who did not learn of the incident soon enough to prevent the sacrifice of the passover-offering, defilement of the depth is true defilement.

5. I.e., if the corpse is found buried after he has passed, making defilement of the depth. V. infra.

6. V. Glos. And may not eat it.

7. Retrospectively only: v. infra.

8. Since there is now a genuine doubt occurring in a public place as to whether he did become defiled.

9. That he is unclean as regards terumah.

10. Had he walked straight on. But it is assumed that there is nowhere an unbroken line of pieces stretched across the road.

11. I.e. walked irregularly and not straight on, therefore he remains clean.

12. That he remains clean in the case of a dislocated corpse

13. And may not eat terumah.

14. By stepping on some object which will move the corpse.

15. That there is a difference between terumah and the others.

16. But as a certain source of defilement.

17. For it is possible that new straw was blown across it and pebbles rolled against it and nobody knew of its existence.

18. Since someone has probably looked in and seen the corpse.

19. Tosef. Zabim II, 5.

20. I.e. if there is a doubt as to whether a floating reptile was touched, we assume that it was not touched.

21. A pool in the ground.

22. Tosef. Toharoth V, 4.

Folio 64a

What is the first Tanna's reason?(1) R. Isaac b. Abudimi said: Scripture says. [Ye shall not mistake yourselves abominable] with any swarming thing that swarms,(2) signifying no matter where it swarms,(3) and says further, 'On the earth'.(4) How are these verses to be reconciled? Where there is no doubt that he touched it he is [always] unclean, but if there is a doubt he remains clean.(5)

And what is R. Simeon's reason? — 'Ulla said: Scripture says, Nevertheless a fountain [… shall be clean](6) and continues [But he who toucheth their case] shall be unclean.(7) How are we to reconcile these? Whilst floating in a vessel [a doubtful object] is treated as unclean, but on the earth it is treated as clean.

Our Rabbis taught: Where there are doubts concerning any [source of defilement] that is carried(8) or dragged along, the objects are regarded as unclean, because it is as though they are at rest,(9) but where the doubt concerns things that are thrown,(10) they are treated as clean, with the exception of an olive's bulk of a corpse, one who overshadows a source of defilement, and all [other] things that propagate defilement upwards as well as downwards,(11) [This last expression] serves to include sufferers from gonorrhoea, male and female.(12)

Rami b. Hama propounded: What is the law concerning a corpse(13) lying in a vessel floating on the surface of the water. Is the vessel the criterion,(14) or the corpse?(15) Should it be decided that the vessel is the criterion,(16) what would be the law if the [fragment of] a corpse was lying on a [dead] reptile?(17) Seeing that the latter defiles only until evening and the former for seven days, are we to consider it as though it were lying in a vessel,(18) or should it perhaps be considered a compact source of defilement?(19) Should it be decided [further] that this is considered as though it were lying in a vessel, and therefore is treated as though defilement were certain, what would be the law if a [dead] reptile were lying on a floating animal carcase? Seeing that both defile only until evening, are they to be regarded as a compact source of defilement, or should we consider rather that of the one an olive's bulk is necessary,(20) whilst of the other a lentil's bulk is sufficient? [Further] what would be the law if one reptile lay on the other? Here certainly the measure is the same,(21) but perhaps, seeing that they are distinct, we should regard it as lying in a vessel? Again, should it be decided that in the case of one reptile lying on another, it is regarded as though it lay in a vessel because the [two reptiles] are distinct, what would be the law regarding a reptile floating on a liquefied animal carcase?(22) Seeing that it has been liquefied is it to be regarded as liquid,(23) or do we perhaps say that after all it is [now] a solid?(24) [Again], should you decide that it is a solid, what would be the law regarding a reptile [floating] on an effusion of semen? Should you decide that the latter, because it originates by detachment [from the human body] is a solid, what would be the law regarding a reptile floating on Water of Cleansing,(25) that was floating on the surface of [ordi nary] water?(26) — We do not know. All these problems remain unsolved.

1. I.e., what is the source of his opinion?

2. Lev. XI, 43 continuing Neither shall ye defile yourselves with them.

3. Even on the surface of water.

4. Ibid v. 44. Neither shall ye defile yourselves with any manner of swarming thing that moveth upon the earth.

5. In the case where the reptile was floating.

6. Lev. XI, 36. This signifies that even if there is a (dead) reptile in the fountain, there would be no defilement.

7. Ibid. Signifying whatever the circumstances.

8. Or 'suspended' (Tosef. and Maimonides, Yad Aboth ha-Tumeoth, XIV, 3).

9. Since they are in contact with the ground or the person carrying them all the time.

10. The doubt being whether it brushed against the person in transit.

11. Tosef. Zabim III, 8. In these cases, the defilement being of a more stringent type, even doubts as to projectiles are sufficient to render unclean. The corpse defiles in a tent i.e., upwards.

12. The gonorrhoeic sufferer defiles anything pressing on him from above even if it is not in direct contact with him.

13. Maimonides, Aboth ha-Tumeoth XIV, 4 reads 'reptile'.

14. And the corpse is at rest in the vessel. The doubt is as to whether it was touched, the person concerned being in no doubt that he did not overshadow' it.

15. Which is floating. Tosaf. read 'Or the water' which is moving. The problem is whether this is a floating source of defilement or not.

16. So that in cases of doubt, uncleanness is assumed.

17. Here, and in the other cases below, the second object is to be taken as Boating on the surface of water. Maimonides reads here 'A reptile lying on a corpse. There are many, not particularly important variations, in the readings of questions that follow; v. Marginal notes of the Wilna Gaon.

18. So that in cases of doubt, uncleanness is assumed.

19. I.e., as one source floating on water. Then, provided it is certain that there was no overshadowing, cleanness will be assumed.

20. Of the carcase, an olive's bulk must be present before defilement ensues. This 'measure', and the 'lentil's bulk' for reptiles are Rabbinic traditions.

21. I.e., for both a lentil's bulk is sufficient to defile.

22. That had afterwards coagulated.

23. So that the reptile is really floating on the water.

24. Lit., 'a food', the generic word for solids.

25. I.e., the water containing the ashes of the Red Heifer, which also defiled by contact. V. Num. XIX, 1 seq.

26. Would the Water of Cleansing, thickened by the ashes, count as a solid, and so as a vessel, or not?

Nazir 64b

R. Hamnuna said: A nazirite or a celebrant of the passover who walks over a grave of the depth on his seventh day [of purification after defilement](1) is clean,(2) the reason being that defilement of the depth is not potent enough to render void [the naziriteship or the passover]. Raba objected: IF IT WAS TO PURIFY HIMSELF AFTER DEFILEMENT(3) THROUGH CONTACT WITH THE DEAD HE REMAINS UNCLEAN, BECAUSE WHERE THE STATUS QUO IS ONE OF DEFILEMENT THE DEFILEMENT REMAINS, BUT WHERE IT IS ONE OF PURITY HE REMAINS CLEAN?(4) — [R. Hamnuna] replied: I admit you are right in the case of a nazirite who needs polling.(5) Raba [then] said to him: And I admit you are right in the case of a celebrant of the passover who has completed all preliminaries.(6) Abaye said [to Raba]: But has he not still to wait for the sun to set?(7) — He replied: The sun sets of its own accord.(8)

Abaye, too, gave up this opinion, for it has been taught: If it is on the day of fulfilment,(9) she must bring [a further sacrifice], but if during fulfilment she need not bring one.(10) It might be thought that she is not required to bring [a sacrifice] for a birth occurring during the fulfilment, but must bring one for a birth occurring after the fulfilment,(11) and discharge her obligation for both births,(12) and so Scripture says, And when the days of her purification are fulfilled,(13) which signifies that if it occurs on the day of fulfilment she must bring [a sacrifice] but not if it occurs during the fulfilment. [Whereon] R. Kahana explained that the difference(14) was due to the fact that she needed to bring a sacrifice.(15) Now, in the other case, has she not still to wait for the sun to set?(16) — Abaye replied: the sun sets of its own accord.(17)

MISHNAH. IF A MAN FINDS A CORPSE FOR THE FIRST TIME(18) LYING IN THE USUAL POSITION,(19) HE MAY REMOVE IT TOGETHER WITH THE SOIL THAT IT OCCUPIES.(20) [IF HE FINDS] TWO, HE MAY REMOVE THEM TOGETHER WITH THE GROUND THEY OCCUPY. IF HE FINDS THREE, THEN IF THE DISTANCE BETWEEN THE FIRST AND THE LAST IS FROM FOUR TO EIGHT CUBITS,(21) THIS IS A GRAVEYARD SITE.(22)

1. When sunset would make him clean.

2. Provided that he does not learn of the incident until the naziriteship is done with; v. our Mishnah.

3. That he entered the cave containing a grave of the depth.

4. And the Mishnah is speaking of the seventh day of purification after defilement, and so contradicts R. Hamnuna.

5. The unclean nazirite does not complete his purification until he has polled. That is why the presumption of uncleanness is considered to be still present on the seventh day of purification.

6. And thus has a presumption of purity.

7. The purification is not really complete until sunset even in the case of a celebrant of the passover.

8. He himself has nothing more to do.

9. The reference is to a miscarriage occurring within the term of purification after childbirth, viz. 41 days for a male child and 81 days for a female child. V. Lev. XII, I ff. The period of purification and all other obligations follow a miscarriage as well as a normal birth.

10. The reason is explained below.

11. I.e. after the term of fulfilment, reckoning from the first birth, but before the term of fulfilment reckoning from the subsequent one, for which as we have been told no sacrifice is needed.

12. I.e., bring two sacrifices, one for the first birth and one for the third.

13. Lev. XII, 6 continuing, She shall bring a lamb etc.

14. Between the case where the second birth occurs on the day of fulfilment and she is required to bring a second sacrifice, and that where the third birth occurs after the first fulfilment and she is not required to bring a sacrifice.

15. In the latter case, she was still unclean at the time of the third birth, owing to the intervention of the second one, and so the first sacrifice was not yet due. She is therefore considered to be within the period of fulfilment. Not so in the former case.

16. Before she becomes clean, and fit to eat of sacrifices.

17. Thus we see that Abaye does not regard the necessity of waiting for sunset as interfering with the presumption of cleanness.

18. Without previously having found a corpse in the same spot, and without knowing that it was there.

19. Prostrate: the only way Jews were buried.

20. For reburial elsewhere, v. Gemara.

21. Which is an indication that he has stumbled on an old burial vault.

22. The bodies must not be removed, but have to be reburied where found.

Folio 65a

HE MUST THEN SEARCH BEYOND FOR A DISTANCE OF TWENTY CUBITS.(1) IF HE FINDS A SINGLE [CORPSE] AT THE END OF TWENTY CUBITS, HE MUST SEARCH BEYOND FOR ANOTHER TWENTY CUBITS. THE REASON(2) IS THAT THERE IS [NOW] A PRESUMPTION,(3) WHEREAS IF HE HAD FOUND IT FIRST, HE WOULD HAVE BEEN ABLE TO REMOVE IT TOGETHER WITH THE SOIL IT OCCUPIES.(4)

GEMARA. Rab Judah said: IF A MAN FINDS, but not if [he knows] it is to be found there;(5) A CORPSE, but not one who had been killed;(6) LYING, but not seated;(7) IN THE USUAL POSITION, but not with its head lying between its thighs.(7) 'Ulla b. Hanina taught: A defective corpse(8) does not acquire the ground it occupies, nor does it help to form a graveyard site.

Why does not [the law of the Mishnah] apply to all these? — Because we say that perhaps it is [the body of] a heathen.(9)

If he finds two [corpses] with the head of one beside the feet of the second, and the head of the second beside the feet of the first, they do not acquire the soil which they occupy and do not help to form a graveyard site.(10) If he finds three [corpses] one of which was known to be there while the others [were found] for the first time, or if two [were found] for the first time and two were known [to be there] they do not acquire the soil they occupy(11) and do not form a graveyard site.

It is related that R. Yeshobab once searched [a certain spot] and found two [bodies] which were known to be there and one [which was discovered] for the first time, and he wanted to declare them a graveyard site.(12) R. Akiba said to him: All your trouble was for nothing. [The Rabbis] did not declare a graveyard site save where three [corpses] were known to be there, or three [were found] for the first time.(13)

[IF HE FINDS] TWO, HE MAY REMOVE THEM TOGETHER WITH THE SOIL THEY OCCUPY: Where is this law of the soil [a corpse] occupies to be found?(14) — R. Judah said: The verse says, Thou shalt carry me out of Egypt,(15) [signifying] carry with me [some Egyptian soil].(16) And what is the quantity of earth] which it occupies? — R. Eleazar(17) explained that he takes the loose earth(18) and digs up three finger-breadths of the virgin soil.(19)

The following objection was raised — [It has been taught:] And what quantity [of earth] are we to understand by 'the ground which it occupies?' R. Eleazar b. R. Zadok explained that he takes the chips [of the coffin](20) and the lumps of earth,(21) discarding what certainly [did not belong to the body] and leaving whatever was doubtful [for removal].(22) The remainder adds together to form the major part of the structure of the corpse, the quarter [kab] of bones and the spoonful of corpse — mould?(23) — [R. Eleazar] agrees with the following Tanna. For it has been taught: What quantity of [earth is meant by] 'the ground which it occupies?' R. Johanan,(24) citing Ben 'Azzai, said: He takes the loose earth and digs up three finger-breadths of virgin soil.

HE MUST THEN SEARCH BEYOND IT:

1. For other vaults.

2. That he must continue to search if he finds one only.

3. That the field is a graveyard site; since twenty cubits would not be an abnormal distance between two vaults; cf. supra p. 237, n. 5.

4. Oh. XVI, 3. On the measurements v. B.B. (Sonc. ed.) p. 426 and notes.

5. In that case he may not remove it (Tosaf.).

6. In which case it is assumed that it was buried there for convenience and not that there was an old cemetery there.

7. Jewish bodies were always buried prostrate; hence this cannot be an old Jewish cemetery. In these last three cases, he removes the body for reburial elsewhere.

8. A corpse lacking a member essential to life. (Tosef. Oh. XVI, 2).

9. Hence the site is not declared a Jewish cemetery and the bodies can be removed for burial elsewhere.

10. Jews were not buried in this manner.

11. Thus our text and Rashbam in B.B. 101b; but this as it stands contradicts our Mishnah, and it is therefore better to read with Tosef. Oh. XVI, 2 'Or if one (was found) for the first time and two were known, they are entitled to the ground they occupy, but do not form a graveyard site'.

12. This would entail examining for twenty cubits.

13. And whilst they may not be removed, they do not form a graveyard site. V. Tosef. Oh. XVI, 2 where the last paragraph occurs with variations.

14. [So Aruch; cur. edd. 'What means the ground it occupies'?]

15. Gen. XLVII, 30; spoken by Jacob to Joseph.

16. Interpreting the verse, 'carry with me of Egypt'.

17. R. Eleazar b. Pedath. Our texts have in error R. Eleazar b. R. Zadok.

18. Formed through the decomposition of the body.

19. This being the depth to which any blood etc., coming from the body would penetrate.

20. Which was usually of stone (Tosaf.). Aliter The chips of spices put in with the body; cf. II Chronicles XVI, 14.

21. Into which the decomposing corpse congealed.

22. When the body was removed. Hence the part to be removed contained no virgin soil, contrary to the opinion of R. Eleazar.

23. Required to propagate uncleanness in a tent. (V. supra 49b, 50a). Tosef. Oh. II, 2 with variations.

24. R. Johanan b. Nuri.

Raba said: If he searched, [found a corpse](1) and removed it, searched [again and found another] and removed it, [and then] searched [again] and found [a third corpse], he must not remove this one [for reburial] with the other two,(2) nor the other two [for reburial] with this one.(3)

Others say that Raba said: As permission had been given to remove [the others],(4) he may remove them [all].(5) But why should not [the field] become a graveyard site?(6) — Resh Lakish said: [The Rabbis] seized upon any pretext to declare the Land of Israel clean.(7)

Suppose he searched [beyond it](8) for twenty cubits [in one direction only](9) and did not find [another corpse], what is the law?(10) — R. Monashya b. Jeremiah, citing Rab, replied: This is the graveyard site.(11) What is the reason [that we say this?](12) — Resh Lakish said: They seized on any pretext to declare the Land of Israel clean.

MISHNAH. EVERY DOUBTFUL CASE OF [LEPROUS] DISEASE(13) ENCOUNTERED FOR THE FIRST TIME BEFORE UN CLEANNESS HAS BEEN ESTABLISHED(14) IS CLEAN.(15) AFTER UNCLEANNESS HAS BEEN ESTABLISHED DOUBTFUL CASES ARE UNCLEAN.(16)

GEMARA. How do we know this?(17) — Rab Judah citing Rab, said: The verse says, to pronounce it clean, or to pronounce it unclean.(18) Scripture mentions cleanness first.(19) In that case even after uncleanness has been established, doubtful cases should be clean?(20) — We must therefore say that this dictum of Rab, quoted by R. Judah was uttered in connection with the following.(21) [A Mishnah says:] If the bright spot(22) appears before the white hair,(23) he is unclean, but if the white hair appears before the bright spot he is clean. If there is a doubt, he is unclean. R. Joshua said: It is doubtful.(24) What is meant by 'it is doubtful'? — Rab Judah(25) replied: It is doubtful and [consequently] clean.(26) May it not mean that it is doubtful and [consequently] unclean? — Rab Judah citing Rab said: The verse says, to pronounce it clean, or to pronounce it unclean;(27) Scripture mentions cleanness first.(28)

MISHNAH. A PERSON SUFFERING FROM A FLUX IS EX AMINED REGARDING SEVEN THINGS,(29) BEFORE THE PRESENCE OF GONORRHOEA HAS BEEN ESTABLISHED,(30) VIZ.: — WITH REGARD TO FOOD,(31) DRINK, BURDENS,(32) LEAPING,(33) SICKNESS, A VISION(34) OR AN IMPURE THOUGHT.(35) ONCE GONORRHOEA IS ESTABLISHED, HE IS NO LONGER EXAMINED. [FLUX RESULTING] FROM AN ACCIDENT(36) TO HIM, DOUBTFUL [FLUX].(37) AND HIS ISSUE OF SEMEN ARE UNCLEAN, FOR THERE IS A PRESUMPTION [OF UNCLEANNESS].(38)

IF A MAN GIVES ANOTHER A BLOW FROM WHICH HE WAS EXPECTED TO DIE AND HE PARTIALLY RECOVERED AND THEN GREW WORSE AND DIED [THE OTHER] IS LIABLE [FOR MURDER]. R. NEHEMIAH EXEMPTS HIM SINCE THERE IS A PRESUMPTION [IN HIS FAVOUR].(39)

GEMARA. How do we know this?(40) — Nathan said: The verse says. And of the gonorrhoeic(41) that have the issue,(42) [whether it be a man or a woman].(43) [The male] at his third experience of issue is compared to the female.(44) But have we not been taught: R. Eliezer Says: At the third [issue] we examine him but not at the fourth?(45) In point of fact they disagree on [the question of stressing the particle] 'the'.(46) R. Eliezer lays stress on [the particle] 'the', whilst the Rabbis do not do so.

[FLUX RESULTING] FROM AN ACCIDENT TO HIM, DOUBTFUL FLUX:

1. For the first time.
2. Since the region is now revealed as a graveyard site.
3. Once removed legally they need not be brought back.
4. I.e., since the removal of the two was legal.

5. The third corpse counts as newly found.

6. Since three bodies have been uncovered in it.

7. I.e. in order to declare a region in the land of Israel clean, the least pretext was considered sufficient. Rashi suggests another rendering, viz.: 'They found a rib and declared the Land of Israel clean'; i.e., the Jews on entering Palestine found a human rib buried and thereupon declared the whole of the rest of Palestine clean, no further search after graveyard sites being necessary. Hence any pretext to avoid declaring parts of Palestine unclean will do.

8. Referring to the Mishnah that he must search beyond the three corpses found to a distance of twenty cubits.

9. Tosaf. v. next note.

10. Must he search in other directions or not? (Tosaf.). Aliter. Do these three alone form a graveyard site or not? (Rashi). Aliter: If he has searched in all directions and found nothing, must he search more thoroughly and dig more deeply? (Asheri).

11. But no other part of the field.

12. I.e., why are we not stricter in our requirements?

13. Referring to a doubt that has arisen as to whether an affected spot has spread or not (v. Lev. XIII), e.g., two persons are examined by a priest and have different-sized areas of disease. The following week both 'areas are the size of the larger of the two and the priest is uncertain which one has increased, v. Neg. V, 4.

14. Lit., 'so long as he has not become bound to the uncleanness'. Before the patient has been declared unclean.

15. Both men remain clean.

16. If a similar doubt arises as to whether the diseased part has diminished in size.

17. That there is any difference between the two cases quoted in the Mishnah.

18. Lev. XIII, 59, concluding the chapter on the symptoms of leprous disease.

19. Hence doubtful cases should also be regarded as clean.

20. Thus there is no ground for basing the distinction on this verse.

21. And the law of the Mishnah is not derived from a verse, but follows from the fact that in the first case there is no presumption of uncleanness and in the second case there is.

22. Of leprous disease, v. Lev. XIII, 2.

23. The symbol of uncleanness. Ibid. v. 3.

24. Neg. IV, 11. The word rendered 'doubtful' is the technical term for 'dim' used of a diseased spot, (v. Lev. XIII, 6). For a discussion of the reading here v. Tosaf. Sanh. 87b, I.v.

25. Parallel passages (Sanh. 87b) have Rabbah.

26. I.e., it is considered to have become dim and is therefore clean.

27. Lev. XIII, 59.

28. The disease is to be pronounced clean unless it certainly has the symptoms of uncleanness described in that chapter.

29. To determine whether any of these seven things was not the cause of the flux, as it would not then be evidence of gonorrhoea.

30. I.e., before there has been a flux on three occasions, v. Zabim II, 2.

31. Whether he had eaten too much.

32. Whether he had carried heavy loads.

33. Any kind of strain through physical exercise might cause flux.

34. The sight of two people in coition.

35. A similar thought.

36. I.e., after one of the seven things mentioned.

37. See the Gemara.

38. V. Zabim II, 2.

39. The recovery creates a presumption that death was not caused by the blow. [Maim. Yad., Rozeah, IV, 5 explains contrariwise: The fact that he ultimately died creates a presumption that death was caused by the blow, the last clause being thus explanatory of the views of the Rabbis.]

40. That after gonorrhoea is established, he is not questioned as to possible causes.

41. E.V. 'And of them'. Indicating the first issue.

42. Expressed in Heb. by the nota accusativi, 'eth'. Indicating the second issue.

43. Indicating the third issue; Lev. XV, 33.

44. Who becomes gonorrhoeic whatever the cause. Hence at the third issue gonorrhoea is established whatever its cause.

45. And on the present interpretation of the verse, he is not examined for the third issue.

46. The Hebrew particle governing the accusative. This particle can be omitted and so its presence is taken by R. Eliezer to indicate another issue before the comparison is made of man with woman.

Folio 66a

Raba said: Do not suppose [that the meaning of 'doubtful flux' is] that there is a doubt whether there was an issue or not. In point of fact, the issue must be a certain one,(1) the doubt being whether it was due to an issue of semen(2) or whether it was caused by [a separate gonorrhoeic] attack.(3) Once uncleanness has been established, if there is a doubt, he is unclean.(4)

HIS ISSUE OF SEMEN IS UNCLEAN: In what respect [is the semen unclean]? For if it be in respect of touching it,(5) how is it worse than the issue of semen of a clean person?(6) — It must therefore mean that the semen of a sufferer from gonorrhoea defiles through being carried. But who is known to hold the view that the issue of semen of a sufferer from gonorrhoea defiles if carried? For if you say that it is the following Tanna, as has been taught: 'R. Eliezer says that the issue of semen of a sufferer from gonorrhoea does not defile if carried, whilst R. Joshua says that it does defile if carried, because it is impossible that it should not be diluted with gonorrheic fluid' — even R. Joshua only says this(7) because it is diluted with gonorrhoeic fluid, but not when it is undiluted?(8) — In point of fact, said R. Adda b. Ahabah, [the purpose of the Mishnah is] to lay down that [subsequent gonorrhoeic issue] is not ascribed to [the prior flow of semen].(9)

R. Papa tried to argue with Raba that this(10) was because the flow resulted from his weakness [following the gonorrhoea].(11) Raba said to him: Have we not learnt: A proselyte defiles if subject to a gonorrhoeic flow immediately after conversion?(12) — He replied: There cannot be greater sickness than this.(13)

We must say in fact(14) that [to what extent semen of a sufferer from gonorrhoea defiles] is a controversy of Tannaim — For it has been taught: The semen of a sufferer from gonorrhoea defiles for twenty — four hours(15) if carried. R. Jose however, Says; for the whole of the same day.(16)

Wherein does their controversy lie?(17) — In respect of the point raised by Samuel. For Samuel noted the following contradiction. It is written, If there be among you any man that is not clean by reason of that which chanceth him by night [etc.](18) and it is written [further], when evening cometh on he shall bathe himself in water.(19) The one who says twenty-four hours infers this from when evening cometh on,(20) and the other infers it from, 'that which chanceth him by night'.(21) Now to the one who infers it from 'when evening cometh on,' [it may be objected] it is written, 'that which chanceth him by night'? — He will reply that it is customary for an emission to occur at night.(22)

MISHNAH. SAMUEL WAS A NAZIRITE IN THE OPINION OF R. NEHORAI, AS IT SAYS, AND THERE SHALL NO RAZOR [MORAH] COME UPON HIS HEAD.(23) IT SAYS WITH REFERENCE TO SAMSON, AND [NO] RAZOR [MORAH](24) AND IT SAYS WITH REFERENCE TO SAMUEL, AND [NO] RAZOR [MORAH]; JUST AS MORAH IN THE CASE OF SAMSON [IS USED OF] A NAZIRITE,(25) SO [WE SHOULD SAY] MORAH IN THE CASE OF SAMUEL [IS USED OF] A NAZIRITE. R. JOSE OBJECTED: BUT HAS NOT MORAH REFERENCE TO [FEAR(26) OF] A HUMAN BEING? R. NEHORAI SAID TO HIM: BUT DOES IT NOT ALSO SAY, AND SAMUEL SAID; 'HOW CAN I GO? IF SAUL HEAR IT HE WILL KILL ME'(27) [WHICH SHOWS] THAT HE WAS IN FACT AFRAID OF A HUMAN BEING?(28)

GEMARA. Rab said to his son Hiyya:

1. Examination must show the presence of gonorrhoeic matter.

2. When it only adds one day to his period of counting.

3. When he would have to begin to count his seven clean days over again, (v. Lev. XV, 13).

4. And the gonorrhoeic matter is ascribed to an attack of gonorrhoea and not to the issue of semen.

5. That one who touches the semen of a sufferer from gonorrhoea becomes unclean.

6. Which also renders unclean by contact. Lev. XV, 16, 17.

7. Viz.: That the semen defiles if carried.

8. Which is the case contemplated by the Mishnah. The question still remains, why does the Mishnah say that the semen of a sufferer from gonorrhoea is unclean?

9. As would be the case for twenty-four hours after an emission of semen in the case of a normal person. v. Zabim II, 3.

10. The reason that it is not ascribed to the issue of semen once gonorrhoea is established.

11. And was due to the gonorrhoea and not a consequence of the emission of semen.

12. Zabim II, 3; If an issue of semen preceded conversion and gonorrhoeic flow followed, it is not ascribed to the emission, but counts as a first gonorrhoeic flow.

13. The emotional effect of the conversion is sufficient sickness to occasion the flow, but does not render it nugatory as the seven things of the Mishnah do (Rashi). Tosaf. achieves better sense by omitting 'he replied', and making the whole part of Raba's objection, viz.: 'Can there be greater weakness than that which results from the emotional effect of conversion?' and yet the flow is considered unclean. Hence R. Papa's reason is not correct.

14. Although R. Adda attempted to argue to the contrary.

15. I.e., if the semen issues within twenty-four hours of the gonorrhoeic flow.

16. If it comes before the evening; here there is no mention of dilution of the semen by gonorrhoeic fluid. Thus these Tannaim differ from R. Eliezer and R. Joshua, and the Mishnah represents their opinion, that the semen renders unclean if carried.

17. The controversy of R. Jose and the other Tanna.

18. Deut. XXIII, II. Interpreted as meaning: If he should chance to have an emission of semen during the day, consequent on a gonorrhoeic issue during the previous night.

19. Ibid. v. 12.

20. Which indicates that though night has already fallen he still remains unclean; i.e., until the end of the period of twenty — four hours.

21. Which he interprets as meaning, 'until nightfall'; but as soon as night has fallen he becomes clean and an emission will not then defile, if carried.

22. But there is no particular significance in the use of the word night.

23. I Sam. I, 11.

24. Judges XIII, 5. 'And no razor shall come upon his head'.

25. Ibid. 'for the child shall be a nazirite unto God'.

26. Reading as (fear) from the verb having adopted a ending: Jast. s.v. II interprets from a root meaning 'authority'.

27. I Sam. XVI, 2.

28. Lit., 'flesh and blood'. Hence morah cannot mean 'fear' or Hannah's prediction would have been false. It must therefore mean 'a razor'.

Snatch [the cup] and say grace.(1) So also did R. Huna say to his son Rabbah. Snatch [the cup] and say grace.

Does this mean that it is better to say the blessing [than to make the responses]? Has it not been taught: R. Jose says that he who responds. 'Amen', is greater than he who says the blessing, and R. Nehorai said to him: I swear(2) that this is so. In proof of this, [it may be noted] that the ordinary soldiers begin a battle but the picked troops gain the victory?(3) — There is a difference of opinion between Tannaim on this matter. For it has been taught: Both the one who says the blessing and the one who responds, 'Amen', are included [in this verse].(4) Nevertheless, [reward] is given first to the one who says the blessing.

R. Eleazar,(5) citing R. Hanina, said: The disciples of the sages increase peace throughout the world, as it is said, And all thy children shall be taught of the Lord; and great shall be the peace of thy children.(6)

1. You be the one who takes the cup of wine to say the grace, and let the others answer, 'Amen' to your blessings.

2. Lit., 'by heaven'.

3. A reference to the Roman practice of saving the veteran soldiers until the enemy's resistance had been weakened by the less experienced soldiers. We see then that the one who completes the blessing by responding is greater.

4. Ps. XXXIV, 3, 'O magnify the Lord with me, and let us exalt His name together'. (Rashi).

5. V. Yeb. 122b.

6. Isa. LIV, 13.