

# IX.

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## BAVLI TRACTATE NAZIR CHAPTER NINE

### FOLIOS 61A-66B

#### 9:1A-D

- A. **Idolaters are not subject to the Nazirite vow.**
  - B. **Women and slaves are subject to the Nazirite vow.**
  - C. **A more strict rule applies to women than to slaves.**
  - D. **For a master forces his slave [to be subject to a Nazirite vow], but a husband does not force his wife [to be subject to a Nazirite vow].**
- I.1** A. *The Mishnah states the law, **Idolaters are not subject to the Nazirite vow**, so what is the basis in Scripture for that statement?*
- B. *It is in line with that which our rabbis have taught on Tannaite authority:*
  - C. *“Speak to the children of Israel” (Num. 6: 2) — and not to idolaters.*
  - D. *“...and say to them” (Num. 6: 2) — to encompass slaves.*
  - E. *What need do I have for a verse of Scripture? Have you not ruled: any religious duty to which a woman is obligated is a slave obligated?*
  - F. *Said Raba, “The present case is exceptional, for Scripture has stated, ‘When a man takes a vow to bind his soul with a bond’ (Num. 30: 3) [showing that vows are binding] upon him who possesses title to his own soul, [that is, who is master of his own will], thus excluding the slave, whose does not possess title to his own soul [who is not master of his own will]. Since he is not the sole master of his soul [that is, his own will], I might say that with reference to the Naziriteship, too, slaves are excluded from taking Nazirite vows, and so I am informed that that is not the case.”*
- I.2** A. *The master has said: “‘Speak to the children of Israel’ (Num. 6: 2) — and not to idolaters” —*
- B. *Then is it the fact that in any passage in which it is written, “Israel,” idolaters are excluded? And lo, with reference to vows of valuation [Lev. 27: 1ff.], concerning which it is written, “Speak to the children of Israel” (Lev. 27: 1), it has been taught on Tannaite authority:*
  - C. *“Speak to the children of Israel” (Lev. 27: 1) — children of Israel pledge the valuation of a person, and idolaters do not pledge the valuation of a person.*

- D. Might one suppose that idolaters also may not be subject to vows of valuation?
- E. Scripture says, “a man” (Lev. 27: 2).
- F. *The present case is exceptional, for Scripture has said, “On account of his father and on account of his mother, he shall not contract corpse-uncleanness” (Num. 6: 7) — concerning one who has a claim to paternity [a legal father] Scripture speaks, excluding the idolater, who has no paternity.*
- G. *Now in what context is that statement made? Should we say it pertains to inheritance? And has not R. Hiyya bar Abin said R. Yohanan said, “A idolater inherits the estate of his father on the basis of the law of the Torah, for it is said, ‘For I have given Mount Seir to Esau for an inheritance’ (Deu. 2: 5)”?*
- H. Rather, does it pertain to him who is admonished concerning the honor owing to his father? But does Scripture say, “Honor your father” in the context of Nazirites?
- I. Rather, said Scripture, “On account of his father and on account of his mother, he shall not contract corpse-uncleanness” (Num. 6: 7) — this is with reference to him who is subject to corpse-uncleanness **[61B]**, excluding the idolater, who is not subject to corpse uncleanness.

**I.3 A.** *How do we know that they are not subject to corpse-uncleanness?*

- B. Scripture has said, “But the man who shall be unclean and not purify himself — that soul shall be cut off from the midst of the assembly” (Num. 19:20) — concerning him who has a right to participate in the assembly, excluding this one who has no right to participate in the assembly.
- C. *How does this necessarily follow? Perhaps it is to extirpation that he is not liable, but he does contract and convey corpse uncleanness?*
- D. Scripture has said, “And the clean person shall sprinkle upon the unclean” (Num. 19:19) — whoever is subject to a rite of purification is able to contract corpse uncleanness, and whoever is not subject to a rite of purification [and thereby to become clean] is not able to contract corpse uncleanness [thus excluding the idolater, who is perpetually in the condition of uncleanness and can never attain cleanness].
- E. *Then might I say, it is cleanness to which he is unable to aspire, but he is nonetheless subject to corpse uncleanness?*
- F. Said Scripture, “But the man that shall be unclean and not purify himself” (Num. 19:20) [meaning, no purification, no uncleanness by reason of corpse-contamination].

**I.4 A.** R. Aha bar Jacob said, “Naziriteship is exceptional [so far as idolaters are concerned, differentiating the vow of valuation from the vow of Naziriteship] ], for here is written, ‘And you may make them an inheritance for your children after you’ (Lev. 25:46) [speaking of slaves who are idolaters, but by the law of the Torah an idolater cannot bequeath his slaves]. To whomever the laws of inheritance by the Torah’s rule pertain is subject to corpse contamination, and to whomever the laws of inheritance do not apply does the matter of contracting corpse uncleanness does not apply.”

- B. *If so, slaves also should not be subject to the Nazirite vow!*

- C. Rather, said Raba, *“Now there is no difficulty with the matter of vows of valuation, concerning which it is said, ‘children of Israel,’ yielding, ‘children of Israel take vows of valuation and idolaters do not take vows of valuation. Might one then say that idolaters should not be subject to vows of valuation? Scripture says, ‘a man.’ As to the present case, children of Israel take the vow of the Nazirite and present offerings, and idolaters do not take the vow of the Nazirite and present the required offerings. Might one suppose that they should not become Nazirites at all? Scripture says, ‘a man’ (Num. 6: 2).”*
- D. *Say: if the governing consideration is the inability of the idolater to present the required offerings in the case of the Nazirite, then that does not derive from the present passage but from the following demonstration:*
- E. *“... ‘for a burnt offering’ (Lev. 22:18), excluding a gentile from presenting the Nazirite offerings,” the words of R. Yosé the Galilean. [Klien: the words “children of Israel” must wholly exclude gentiles from Naziriteship.]*

- I.5 A.** *Might one say, children of Israel take the vow of perpetual Naziriteship, and idolaters do not take the vow of perpetual Naziriteship? Might one suppose that they may not become Nazirites at all? Scripture says, “a man”?*
- B. Said R. Yohanan, *“Does Scripture even make reference to the vow of perpetual Naziriteship?”* [The pertinent verses of Numbers do not pertain to perpetual Naziriteship at all.]
- C. *Might one say, the children of Israel impose vows on their sons in the case of the Nazirite vow, and idolaters do not impose vows on their sons in the case of the Nazirite vow. Might one suppose that they may not become Nazirites at all? Scripture says, “a man”?*
- D. *Has R. Yohanan not said, “It is a received law that pertains to the Nazirite vow”?*
- E. *Might one say, the children of Israel undertake the offerings involving in the hair cutting on account of Nazirite vows imposed by their fathers, and idolaters do not undertake the offerings involving in the hair cutting on account of Nazirite vows imposed by their fathers. [62A] Might one suppose that they may not become Nazirites at all? Scripture says, “a man”?*
- F. *Lo, it has been stated, said R. Yohanan, “It is a received law that pertains to the Nazirite vow”?*
- G. *If so [that “a man” excludes gentiles], then why is the verse, “When a man shall clearly utter a vow...according to your valuation?” (Lev. 27: 2) stated with reference to vows of valuation?*
- H. *For note, vows of valuations are treated as analogous to vows, for Scripture has said, “When a man shall clearly utter a vow according to your valuation” (Lev. 27: 2), and with reference to vows it has been taught on Tannaite authority, “a man” (Lev. 22:18) [“whoever a man is that brings his offering, whether it be of their vows”] — encompassing idolaters, indicating that they take vows and pledge votive offering as do Israelites. So what*

need to I have of the verse, “When a man shall clearly utter a vow...according to your valuation?” (Lev. 27: 2)?

- I. *In fact the word “man” is required to encompass under the law of vowing a youngster who is capable of discernment and near the age of adulthood.*
- J. *That answer powers no problems to him who maintains that by the law of the Torah a youngster who is capable of discernment and near the age of adulthood can take vows. But from the perspective of him who maintains that it is only by authority of the rabbis that a youngster who is capable of discernment and near the age of adulthood can take vows, what need do I have for that reference?*
- K. *It serves to encompass under the law of vowing an idol-worshipping youngster who is capable of discernment and near the age of adulthood.*
- L. *That poses no problem from the perspective of him who maintains, “children of Israel” means, Israelites are subject to vows of valuation and idolaters are not subject to vows of valuation. Might one suppose that they may not take vows of valuation? Scripture states, “a man.” Now from that viewpoint, there is no problem. But from the perspective of him who maintains, ““children of Israel” means, Israelites take vows of valuation and idolaters do not take vows of valuation. Might one suppose that they are not subject o vows of valuation? Scripture states, “a man “ — even an infant a month old is subject to a vow of valuation. Then [from that perspective] what need do I have for the phrase, “when a man shall clearly utter” [for it can no longer refer to youths who practice idolatry, since no idolater can take a vow of valuation (Klien)]?*
- M. *Said R. Ada bar Ahbah, “It serves to encompass an adult idolater, for even though he is an adult, he does not know how to discern [properly to take a vow].”*

**I.6 A.** *Now what need do I have for the phrase, “when a man shall clearly utter,” which the All-Merciful has sated in connection with Naziriteship? [The point of the question is: since Nazirite vows are treated as analogous to vows in general, what need to do I have for the phrase stated in the former connection, “when a man shall clearly utter”?]*

- B. *It serves to encompass under the law of Naziriteship ambiguous euphemisms [Klien: allusions the significance of which is not manifest].*
- C. *For it has been said:*
- D. *As to ambiguous euphemisms —*
- E. *Abbaye said, “They constitute effective language as a direct statement.”*
- F. *Raba said, “They do not constitute effective language as a direct statement.”*
- G. *Now, from Abbaye’s perspective, there is no problem [since he interprets the cited language to prove his point]. But from Raba’s perspective what is to be said?*

- H. *From his perspective, the phrase “when a man shall clearly utter,” which the All-Merciful has stated in connection with Naziriteship in accord with what R. Tarfon said, for it has been taught on Tannaite authority: R. Judah says in the name of R. Tarfon, “Not a single one of them [is a Nazir [M. Naz. 5:5], because a Nazirite-vow applies only when it is clearly and unambiguously expressed beyond a shadow of a doubt” [T. 3:19P].*
- I. *Well and good for R. Tarfon, but from the perspective of the opposing rabbis, what is to be said?*
- J. *Rather, it is required in line with that which has been taught on Tannaite authority:*
- K. *The release of vows floats in the air, having no Scriptural support.*
- L. *R. Eliezer says, “It does have Scriptural support, as it is said, ‘when a man shall clearly utter’ (Lev. 27:2, Num. 6: 2) — two times, one to sustain the criterion of a clear utterance for declaring the vow binding, the other to sustain the criterion of a clear utterance for releasing a vow.”*

### 9:1E-J

- E. **[62B] A more strict rule applies to slaves than to women.**
- F. **For the husband has the right to annul the vows of his wife, but he does not [permanently] annul the vows of his slaves.**
- G. **If he annulled [the vow] of his wife, it is annulled for all time.**
- H. **If he annulled [the vow] of his slave,**
- I. **if the slave went forth to freedom,**
- J. **he has to complete his Nazirite vow.**
- I.1** A. *Our rabbis have taught on Tannaite authority: In what regard does his master annul the vows of his slave? In respect to Naziriteship but not in respect to ordinary vows or vows of valuation [T. 6:1A].*
- B. *What differentiates the Nazirite vow?*
- C. *The All-Merciful has said, “When a man takes a vow to bind his soul with a bond” (Num. 30: 3), [showing that vows are binding] upon him whose soul is bound to him [that is, who is master of his own will], thus excluding the slave, whose soul is not bound to himself [who is not master of his own will]*
- D. *If that is the case, then the same argument surely pertains to vows in general!*
- E. *Said R. Sheshet, “Here with what situation do we deal? For instance, a cluster of grapes lay before the slave [and he has taken an ordinary vow not to eat grapes or has taken a Nazirite vow with the same effect]. In the case of vows, where, if this grape-cluster is prohibited to him, he will not be prohibited to eat others, his master [in order to maintain the strength of the slave-worker] cannot force him to eat the cluster. [The vow involved that grape-cluster in particular, and the owner can force him to eat some other cluster.] But in the case of the Nazirite vow, if this Nazirite vow does take effect, all others [beside this grape-cluster in particular] become forbidden, and that is why he can compel him to eat it [e.g., to maintain the slave’s working strength (Klien)].”*

- F. *But are we not dealing with ordinary vows, in which there is the possibility that only one cluster of grapes is available, so that if he does not eat it, he will lose strength [and still the vow takes effect]?*
- G. *Rather said Raba, "We deal with a case in which a pressed grape lay before him [and not eating that will not affect his strength]. In the case of vows, it is in connection with this matter that he is subject to the vow, so the master cannot force him. But in the cases of the Nazirite, who is also forbidden to eat other dried grapes, the master can compel him to violate the vow."*
- H. *And in the case of a vow, are we not dealing also with a case in which available is only that collection of dried grapes, and if he does not eat it, he will lose strength?*
- I. *Rather, said Abbayye, "What the statement means is, what is his master required to compel him to disregard is Nazirite vows, but he does not have to compel him to disregard any ordinary vows or to disregard any oaths that the slave takes. How come? Scripture said, 'If any one swear to do evil or to do good' (Lev. 5: 4) — just as doing good is an optional matter, so doing evil is an optional matter, thus excluding the case of doing evil to third parties, in which case he has not got the right to do so." [The slave's vow harms the master, and the master must nullify it.]*

### 9:1K-M

- K. **If he escaped from his master —**
- L. **R. Meir says, "He may not drink wine."**
- M. **And R. Yosé says, "He may drink wine."**
- I.1 A. *May one say that subject to their dispute is the principle [also] enunciated by Samuel, for said Samuel, "He who declares his slave to be ownerless property — the slave has gone forth to freedom and does not require a write of emancipation." R. Meir affirms the principle espoused by Samuel [hence the vow takes effect, the slave having been freed], and R. Yosé rejects it.*
- B. *No, all parties concur on the principle stated by Samuel, but the one who says that he may drink wine takes the view that since in the end he is going to return to his master, he ought to drink wine so as not to become weak, and the one who has said that he should not drink wine maintains that thereby he will feel anguish such as will lead him to return to his master.*

### 9:2

- A. **[63A] A Nazirite who cut his hair and then [before he brought his offerings] learned that he had been unclean —**
- B. **if it was a known uncleanness**
- C. **he loses [all the days he has counted in cleanness].**
- D. **But if it was an uncleanness located in the nethermost deep, he does not lose the days he already has counted out.**
- E. **If before he had cut his hair he learned that he had been made unclean, one way or the other, he loses the days he already has observed.**
- F. **How so?**



- G. If he went down to immerse in a cave and a bit of corpse matter turned out to be floating at the mouth of the cave,
- H. he is unclean.
- I. If it was located imbedded in the floor of the cave —
- J. if. he had gone down only to cool himself in the water, he is deemed still clean.
- K. [If he had gone down] to clean himself from corpse uncleanness, he is yet unclean.
- L. For the unclean person is confirmed in the prior presumption of being unclean, and the clean one is confirmed in the prior presumption of being clean.
- M. For there are grounds for such a decision [in either case].

**I.1 A.** *What is the basis in Scripture for this ruling?*

- B. Said R. Eliezer, “Said Scripture, ‘And if any man die very suddenly beside him’ (Num. 6: 9) — ‘beside him’ means, fully evident to him [which excludes buried corpse matter, of which he cannot be informed].”
- C. R. Simeon b. Laqish said, “Said Scripture, ‘[With reference to observing the second Passover], ‘If any man shall be unclean by reason of a corpse or be on the road afar off’ (Num. 9:10) — the one is comparable to the other, so that, just as ‘on the road far off’ is an impediment to offering the Passover sacrifice that is entirely in public, so whatever is entirely in public is comparable [thus excluding contamination by buried corpse matter, which is not entirely in public].”
- D. *Then what about that which we have learned on Tannaite authority: **What is the uncleanness of the nethermost depths? That [is a case in which] no one else anywhere in the world knew about the presence of the corpse-matter. But if anyone else in the world knew about the presence of corpse-matter, this is not deemed uncleanness of the nethermost depth [T. Zabim 2:9A-C].** Now from the perspective of him who has said that it is comparable to a road and must be entirely in public, there is no problem. But from the view of the one who has said, ‘beside him’ means, fully evident to him, even if someone at the other end of the world knew about it, what difference would it make?*
- E. *And furthermore, lo, it has been taught on Tannaite authority: **He who finds a corpse lying across the breadth of the path — a Nazirite and one who is going to eat his Passover is clean. And as to eating food in the status of heave-offering, he is unclean [T. Zabim 2:98A-C]** — what is the basis for that distinction [for one who is clean should be clean for all purposes, so too, unclean]?*
- F. *But as to the definition of uncleanness in the nethermost depth, this is a tradition that has been learned [and that bears a leniency for Naziriteship and the Passover but not for heave offering (Klien)].*

**II.1 A.** **If before he had cut his hair he learned that he had been made unclean, one way or the other, he loses the days he already has observed:**

- B. *Who is the Tannaite authority behind this statement?*

- C. *Said R. Yohanan, "It is R. Eliezer, who has said, 'The cutting of the hair is essential to the completion of the rite [and if not performed prevents the Nazirite from drinking wine].'"*

**II.2 A.** *R. Ami bar Hama raised the question, "If he contracted corpse uncleanness during the fulfillment of his Naziriteship but only discovered it after the fulfillment, what is the law? Do we adopt as the criterion the moment of discovery [and he is unclean from that point onward], or is that not the case [and he is unclean retrospectively]?"*

- B. *For what practical purpose [is the question raised]?*
- C. *To render null the days already observed. [Klien: Uncleanness after fulfillment renders a shorter period void than uncleanness during the period.]*
- D. **[63B]** *Said Raba, "Come and take note: **If before he had cut his hair he learned that he had been made unclean, one way or the other, he loses the days he already has observed.** Now how are we to imagine the situation? If the discovery of the uncleanness took place during the period of fulfillment, would it be necessary to tell us that the Naziriteship is void? [Klien: for there is no question that defilement of the depth counts as ordinary defilement as regards the future. It is only retrospectively that concessions are made to Nazirites and celebrants of the Passover.] So is it not only after the fulfillment?"*
- E. *That proves the point.*
- F. *Still, the question should be raised, does he lose the whole of the period already observed, or does he lose only seven days?*
- G. *In accord with whose position? Should I say, it is in accord with rabbis' position, then it is self-evident that he loses the whole of the period already observed, and if it is in accord with R. Eliezer's position, any uncleanness contracted after fulfillment voids only seven days already observed!*
- H. *He would say to you, [R. Eliezer takes that view] only in the case of one who contracts uncleanness after fulfillment, but here the uncleanness of the depth has been contracted before fulfillment. [Klien: if it is the time of uncleanness that is important, then the whole period may be rendered void. Hence the question is asked of R. Eliezer and not of the rabbis.]*
- I. *Then is the whole rendered void, or is this case exceptional, since the knowledge of the uncleanness has come about after the fulfillment?*
- J. *The solution derives from what is taught in the Tannaite formulation: **one way or the other, he loses the days he already has observed** — and there is no distinction recognized. [Klien: 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.]*

**II.3 A.** *Our rabbis have taught on Tannaite authority:*

- B. **He who finds a corpse lying across the breadth of the path — a Nazirite and one who is going to eat his Passover is clean. And as to eating food in the status of heave-offering, he is unclean [T. Zabim 2:98A-C].**



- C. Under what circumstances? If he had no place to pass by [without contact], but if he had space to pass by, then even for purposes of eating heave offering, he remains uncontaminated.
- D. Under what circumstances? If he found the corpse whole. But if he found it broken or in parts, even if there is no space in which to pass, we take account of the possibility that he passed between the parts on an irregular path.
- E. But in the case of a grave, then even if the parts were broken or scattered, he is unclean, since the grave itself joins the parts together.
- F. Under what circumstances? If he was going along by foot. But if he was carrying a load or was riding, he is unclean. For if one is going along by foot, it is possible for him not to touch or to shift and vibrate the corpse or overshadow it, but if he was carrying a load or riding, it is not possible for him not to touch or vibrate or overshadow the corpse.
- G. Under what circumstances? In the case of corpse uncleanness in the nethermost depths. But in the case of an uncleanness that is known and evident, all three become unclean.
- H. **What is the uncleanness of the nethermost depths? That [is a case in which] no one else anywhere in the world knew about the presence of the corpse-matter. But if anyone else in the world knew about the presence of corpse-matter, this is not deemed uncleanness of the nethermost depth [T. [Zabim 2:9A-C](#)]**
- I. **If one found it buried in straw or in dirt or in pebbles, lo, this constitutes uncleanness in the nethermost depths. But a corpse which is buried in water and in darkness and in the crevices of rocks — this is not deemed a grave in the nethermost depths. A grave in the nethermost depths applies only to the corpse alone [T. [Zabim 2:9D-F](#)].**

**III.1 A. How so? If he went down to immerse in a cave and a bit of corpse matter turned out to be floating at the mouth of the cave, he is unclean. If it was located imbedded in the floor of the cave — if he had gone down only to cool himself in the water, he is deemed still clean. [If he had gone down] to clean himself from corpse uncleanness, he is yet unclean. For the unclean person is confirmed in the prior presumption of being unclean, and the clean one is confirmed in the prior presumption of being clean. For there are grounds for such a decision [in either case]:**

- B. A dead creeping thing when floating does not impart uncleanness, *for it has been taught on Tannaite authority*:
- C. **If there is a matter of doubt about uncleanness that is floating, whether it is in utensils or on the ground, the doubt is resolved in favor of a ruling of cleanness. R. Simeon says, “If it is in a utensil the doubtful object is ruled unclean, while on the earth it is ruled as clean [T. [Tohorot 5:6](#)].**

- D. **[64A]** *What is the scriptural basis for the ruling of the initial Tannaite authority?*
- E. Said R. Isaac bar Abodimi, “It is written, ‘You shall not make yourselves abominable with any swarming thing that swarms’ (Lev. 11:43) — wherever it swarms; then ‘on the earth’ (Lev. 11:44) — how so? If one has certainly had contact with it, he is unclean. If one is in doubt as to whether or not he has touched it, he is clean.”
- F. *And what is the basis for R. Simeon’s position?*
- G. Said Ulla, “It is written, ‘Nevertheless a fountain shall be clean’ (Lev. 11:36) and it is written, ‘but he who touches their carcass shall be unclean until the evening’ (Lev. 11:36). How so? If it was floating in utensils he who touches it is unclean, and if it is floating on the ground he is clean.”

### **III.2 A.** *Our rabbis have taught on Tannaite authority:*

- B. As to anything that is taken or dragged, doubts pertaining to such things are resolved in favor of uncleanness, for they are in the category of things that are lying at rest. And whatever is tossed — doubts pertaining to such things are resolved in favor of cleanness, except for an olive’s bulk of corpse matter and that which overshadows a source of uncleanness, and any thing that imparts uncleanness upwards as well as downwards — to encompass a person who has had a flux, male or female.

### **III.3 A.** *R. Ami bar Hama raised the question: “If a bit of corpse matter is in a utensil, and the utensil is floating on the surface of water, what is the rule? Do we adopt as the governing criterion the utensil or the corpse-matter [in resolving matters of doubt]?”*

- B. *“And if you should find reason to rule, we adopt the criterion of the status of the utensil, then if corpse matter is on top of a dead creeping thing, what is the law? Since the one conveys a form of uncleanness that lasts only until evening [if the person immerses], while the other imparts a form of uncleanness that lasts for seven days, should it be considered as though it were lying in a utensil, or perhaps it should be considered as a compact source of uncleanness.*
- C. *“And if you should find reason to rule that it is considered as though it were lying in a utensil and therefore is classified as a certain source of uncleanness, what would be the law of a dead creeping thing was lying on a floating animal carcass? Since both of them impart a form of uncleanness that passes in the evening, they should be regarded as a compact source of uncleanness? Or perhaps since the one imparts uncleanness in the minimum volume of an olive’s bulk and the other in the minimum volume of a lentil’s bulk, the one of an olive’s bulk is necessary, while of the other, the volume of a lentil?”*
- D. *“And what would be the law if one dead creeping thing on top of another? Here the requisite volume for both is the same, but perhaps, since they are distinct, we should classify the one as lying in a utensil constituted by the other.*
- E. *“And if you should conclude in the case of one dead creeping thing lying on another that it is deemed to lie in a utensil because the two are distinct, what would be the rule in the case of a dead creeping thing floating on a liquefied animal carcass? Since it has been liquefied, it is regarded as a liquid [so the dead*

*creeping thing is floating in water], or perhaps, since it is now a solid [it is classified as such].*

- F. *“And should you find reason to conclude that it is deemed a solid, then in the case of a dead creeping thing on top of semen, what is the law?”*
- G. *“And should you conclude that because the semen originates by separation from a human being, it is a solid, what would be the law in the case of a dead creeping thing floating on purification water, and the purification water is floating on top of water, what is the law?”*
- H. *We do not know. These questions must stand.*

**III.4 A. [64B]** Said R. Hamnuna, “‘A Nazirite or someone en route to prepare his Passover offering who on the seventh day of their purification rites walked over a grave in the nethermost depths are deemed uncontaminated thereby.’ *Why is this so? Because the strength of uncleanness emanating from the nethermost depths is not sufficient to invalidate the days already observed in cleanness of a Nazirite or one celebrating the Passover.*”

- B. **Objected Raba, “If he went down to immerse in a cave and a bit of corpse matter turned out to be floating at the mouth of the cave, he is unclean. If it was located imbedded in the floor of the cave — if he had gone down only to cool himself in the water, he is deemed still clean. [If he had gone down] to clean himself from corpse uncleanness, he is yet unclean. For the unclean person is confirmed in the prior presumption of being unclean, and the clean one is confirmed in the prior presumption of being clean. For there are grounds for such a decision [in either case].”** [At issue is the seventh day after purification from uncleanness, so the rule contradicts Hamnuna’s statement.]
- C. *He said to him, “I concede your point in the case of a Nazirite who still has not gotten the haircut. [But that would not apply to the person en route to prepare his Passover offering, who is in the presumption of being clean. The unclean Nazirite completes the purification after the hair cutting, so the presumption of uncleanness is in place on the seventh day of the purification rite.]”*
- D. *Said to him Raba, “So I concede to you in the case of the one who is going to prepare the Passover, who is lacking any aspect of the purification rite [and so may be considered clean].”*
- E. *Said to him Abbaye, “But lo, he still has to await sunset [for the completion of the purification rite]!” [He is therefore assumed to be unclean until sunset, when he will become clean.]*
- F. *He said to him, “Well, the sun is going to set anyhow [so what’s the point]?”*
- G. *But even Abbaye retracted, for it has been taught on Tannaite authority:*
- H. *If it is on the day of fulfillment [a miscarriage has occurred within the term of purification after childbirth, that is, the forty-one days for a male, the eighty-one for a female, in line with Lev. 12: 1ff.], the woman must present a further sacrifice, but if it was during the fulfillment [but not on the last day], she does not have to present a further sacrifice. Might one suppose that she does not have to present a sacrifice for a birth occurring during the fulfillment but she has to bring an offering for a birth occurring afterward [Klien: after the term of fulfillment, reckoning from the first birth but before the term of fulfillment reckoning from the subsequent, for*

which we are told no sacrifice is needed], and with that carry out her obligation for both births? Scripture says, “And when the days of her purification are fulfilled she shall bring a lamb” (Lev. 12: 6) — meaning, if it occurs on the day of fulfillment she must bring an offering, but not if it occurs during the fulfillment.”

- I. Said R. Kahana, “The case where the second birth occurs on the day of fulfillment and she is required to bring a second offering and that where the third birth occurs after the first fulfillment, in which case she is not required to bring a sacrifice is different from the other is that she needed to bring a sacrifice. [Klien: 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 fulfillment, and this is not so in the former case]. *Now in the other case, doesn't she still have to wait for the sun to set to complete the purification rite and becomes fit to eat the sacrifices?*”
- J. *He said to him, “Well, the sun is going to set anyhow [so what's the point]?”* [Klien: thus we see that Abbaye does not regard the necessity of waiting for sunset as interfering with the presumption of cleanness.]

### 9:3

- A. **He who finds a corpse in the first instance lying in usual fashion removes it and the earth affected by it.**
- B. **If he found two, he removes them and the earth surrounding them.**
- C. **If he found three,**
- D. **if there are between one and the other from four to eight amahs,**
- E. **lo, this is deemed a graveyard.**
- F. **[65A] He examines the dirt twenty amahs from it.**
- G. **If he found a corpse at the end of the twenty amahs, he examines the dirt another twenty amahs from that corpse.**
- H. **For there are grounds for such a decision.**
- I. **But if he had found it at the outset, he would have removed it and the dirt affected by it.**

**I.1 A.** Said R. Judah, “**He who finds** — excluding one that is known to be located there; **a corpse** — excluding one that had been killed [deliberately, and presumably buried there willy-nilly, not indicating the presence of an established graveyard]; **lying** — excluding one that is sitting up [Jews buried prostrate, so it would not be a Jewish graveyard; the bodies may then be removed in these instances]; **in usual fashion** — excluding a case in which the head is lying between the thighs.”

- B. *Ulla bar Hanina set forth the following Tannaite statement: “A defective corpse has no claim to acquire the ground on which it lies nor does it help establish the presence of a burial ground.”*
- C. *And in all of the stated cases [of A[]], how come we do not apply the [Mishnah's rule to them]?*
- D. *Perhaps it is the corpse of an idolater [which does not establish the presence of a graveyard of Israelite corpses].*

- I.2 A.** If he found two, with the head of the one beside the feet of the next, and the head of the next beside the feet of the first, they lay no claim to acquire the ground on which it lies nor do they help establish the presence of a burial ground.
- B. If he found three, one of them already known, and the other two found for the first time, or two for the first time and two known, they lay no claim to acquire the ground on which it lies nor do they help establish the presence of a burial ground.
- C. There was a case involving R. Yeshebab, who examined the ground and found two that were known and one for the first time, and he wanted to declare them a burial ground. Said to him R. Aqiba, "All this effort of yours is effort for nothing. Sages spoke of a burial ground only in a case of finding three that were known or three for the first time."

**II.1 A. If he found two, he removes them and the earth surrounding them:**

- B. *What is the definition of "earth surrounding them"?*
- C. Said R. Judah, "Said Scripture, 'You shall carry me out of Egypt' (Gen. 47:30) — [out, meaning, carry with me some (dirt) of Egypt]."
- D. And what is the measure of "earth surrounding them"?
- E. Explained R. Eleazar, "One takes the loose earth and digs up three finger-breadths of virgin soil [which might have been penetrated by blood or corpse matter]."
- F. *An objection was raised:* And what is the measure of "earth surrounding them"? Explained R. Eleazar b. R. Sadoq, "One takes the chips [put in with the corpse] and lumps of dirt, throws away what is certainly not corpse-matter and keeping whatever is subject to doubt [and removing the whole lot]." [This does not include virgin soil.] The rest joins together to form the greater part of the bone structure of the corpse, the quarter-qab of bones, the spoonful of corpse-mould.
- G. *[Eleazar, E] made his statement in line with that view of the following Tannaite authority, for it has been taught on Tannaite authority:* And what is the measure of "earth surrounding them"? Said R. Yohanan in the name of Ben Azzai, "One takes the loose earth and digs up three finger-breadths of virgin soil."

**III.1 A. If he found a corpse at the end of the twenty amahs, he examines the dirt another twenty amahs from that corpse:**

- B. **[65B]** *Said Raba, "If he searched and found a corpse and removed it, searched and found another and removed that, searched and found a third, he must not remove the third for reburial with the other two, nor the other two for reburial with this one."* [The grave area need not be restored.]
- C. *There are those that say,* said Raba, "Once the option has been given to remove the others, he may remove them all."
- D. *Why not declare them a grave area?*
- E. Said R. Simeon b. Laqish, "They have found a pretext for declaring the Land of Israel free of corpse-contamination."

**III.2 A.** If he searched from twenty cubits and further in one direction and found no more corpses, what is the law? [Does the search have to go in other directions as well?]

- B. Said R. Menassaya bar Jeremiah said Rab, "It is a graveyard site [but no other part of the field is]."
- C. *How come?*

- D. Said R. Simeon b. Laqish, “They have found a pretext for declaring the Land of Israel free of corpse-contamination.”

### 9:4A-B

- A. Any matter of doubt concerning nega’s [marks of the skin-ailment described at Leviticus 13] at the outset is ruled as clean before a decision has been made in favor of uncleanness.
- B. [But if] a decision has been made in favor of uncleanness, a matter of doubt in its regard is deemed unclean [M. Neg. 5:41].

**I.1** A. *What is the basis in Scripture for this rule?*

- B. Said R. Judah said Rab, “Said Scripture, ‘To pronounce it clean or to pronounce it unclean’ (Lev. 13:59) — it is because Scripture has commenced with a reference to cleanness [that cases subject to doubt are resolved as clean].”
- C. *If so*, then even once a decision has been made in favor of uncleanness, a matter of doubt should be treated as clean!
- D. *Rather when the statement was made that R. Judah said Rab said, it was stated with regard to the following matter: If the bright spot preceded the white hair, he is unclean, and if the white hair preceded the bright spot, he is clean. And if there is doubt, he is unclean. And R. Joshua was doubtful* [M. Neg. 4:11].
- E. *What is the meaning of And R. Joshua was doubtful?*
- F. Said Rabbah, “It is doubtful and deemed clean.”
- G. *But maybe it is doubtful and deemed unclean?*
- H. Said R. Judah said Rab, “Said Scripture, ‘To pronounce it clean or to pronounce it unclean’ (Lev. 13:59) — it is because Scripture has commenced with a reference to cleanness [that cases subject to doubt are resolved as clean].”

### 9:4C-F

- C. In seven ways do they examine the zab [a man who has produced a flux, such as is described at Lev. 15] before he has been confirmed to be subject to flux-uncleanness [described at Lev. 15]: In regard to food, drink, carrying things, jumping up and down, sickness, something he had seen, and something in his fantasy.
- D. Once he has been confirmed as to flux-uncleanness, they do not examine him.
- E. Any flux he produces through constraint, or which is subject to doubt, or his semen is unclean.
- F. For there are grounds for such a decision.

### 9:5

- A. He who hits his fellow, whether with a stone or with his fist,
- B. and they diagnosed him as likely to die,
- C. but. he got better than he was,
- D. and afterward he got worse and died —
- E. he is liable.



- F. R. Nehemiah says, “He is exempt,  
G. “for there is a basis to the matter [of thinking that he did not die from the original injury].”

- I.1 A.** [Once he has been confirmed as to flux-uncleanness, they do not examine him. Any flux he produces through constraint, or which is subject to doubt, or his semen is unclean. For there are grounds for such a decision]: *What is the source in Scripture for this ruling?*
- B. Said R. Nathan, “Said Scripture, ‘And of the person who has a person who have a flux, whether it is a man or a woman’ (Lev. 15:33) — The male at the third appearance of flux *is treated as comparable* to the female [and she is afflicted with the flux without regard to the cause of the flux; so at the third appearance of flux, the decision is established without regard to the cause (Klien)].”
- C. *But hasn’t it been stated on Tannaite authority: R. Eliezer says, “At the third appearance of flux they examine him, at the fourth they do not examine him?” [But this reading has him examined at the third appearance].*
- D. *This carries us to the dispute concerning the exegetical value of the accusative particle. R. Eliezer treats as subject to exegesis [thus yielding results such as are just now specified] the accurate particle, and rabbis do not treat as subject to exegesis the appearance of an accusative particle.*

**II.1 A.** Any flux he produces through constraint, or which is subject to doubt, [or his semen is unclean. For there are grounds for such a decision]:

- B. **[66A]** *Said Raba, “Do not suppose that by “flux that is subject to doubt’ is meant, ‘doubt whether it has appeared or not appeared.’ It must most certainly have appeared, but what is subject to doubt is whether or not it comes about by reason of being an issue of semen or whether it is brought about by a separate appearance of flux.*
- C. “Once the man is confirmed as to uncleanness, a doubt concerning him is resolved in favor of uncleanness.” [We assume excretions represent flux, not semen, once he is presumed to be producing flux in general.]

**II.2 A.** [Any flux he produces through constraint, or which is subject to doubt, or] his semen is unclean:

- B. *In what regard is his semen is unclean? Should I say that it is as to contact with it, how is it worse than the semen of a clean person [which imparts uncleanness by contact, so Lev. 15:16-17]? Rather, the semen of a person afflicted with flux imparts uncleanness when it is carried [even not through contact].*
- C. *From what authority have you heard that the semen of a person afflicted with flux imparts uncleanness when it is carried [even not through contact]? Should I say it is the Tannaite authority behind that which has been taught on Tannaite authority:*
- D. “The semen of a man afflicted with flux uncleanness imparts uncleanness if it is touched, but it does not impart uncleanness if it is merely carried [but not touched],” the words of R. Eliezer.

- E. R. Joshua says, “It also imparts uncleanness if it is carried, since it is not possible for it not to contain particles of flux uncleanness [that have adhered to the otherwise healthy semen].”
- F. *Now R. Joshua takes the position that he does only because it is not possible for it not to contain particles of flux uncleanness [that have adhered to the otherwise healthy semen]. [But if it were not for that consideration, it would not be a source of uncleanness.] But that is not the case when it is undiluted. [So why does the Mishnah-rule maintain that the semen of a person unclean with flux is unclean? (Klien)]*
- G. Rather, said R. Ada bar Ahbah, “[The point of the Mishnah’s rule is] to say that a later flux is not attributed to the prior flow of semen [as would be the case for twenty-four hours after an emission of semen in the case of a normal person, so M. **Zab. 2:3: He who sees semen does not become susceptible to uncleanness by flux for twenty-four hours**].”
- H. *In the presence of Raba R. Pappa reasoned concerning that proposition, “[The reason that it is not attributed to the issue of semen once flux is confirmed] it that the flux resulted from weakness [in the aftermath of the flux he had suffered; it was due to the prior flux and not a consequence of the emission of semen (Klien)].”*
- I. *Said to him Raba, “But have we not learned in the Mishnah: **A gentile who saw semen and converted [thereafter] — forthwith is he susceptible to uncleanness by reason of flux [M. Zab. 2:3C]**? You have no ailment greater than that [idolatry from which he has only now recovered].” [Klien: Can there be greater weakness than that which results from the emotional effect of conversion, and yet the flow is considered unclean, So Papa’s reason is not correct.]*
- J. *Rather, the question [to what extent the semen of a person afflicted with the flux imparts uncleanness] is disputed among Tannaite authorities, for it has been taught on Tannaite authority:*
- K. “The semen produced by a person afflicted with flux imparts uncleanness when it is carried [even without direct contact] for twenty-four hours.” R. Yosé says, “That is the case for the whole of the same day.” [Klien: If it comes before the evening; here there is no mention of dilution of the semen by flux. Thus these Tannaite authorities differ from Eliezer and Joshua, and the Mishnah represents their opinion that the semen imparts uncleanness if it is carried.]
- L. *What is subject to dispute?*
- M. *What is subject to dispute is the principle enunciated by Samuel, for Samuel contrasted verses of Scripture: “It is written, ‘If there be among you any man that is not clean by reason of that which chances him by night’ (Deu. 23:11) [if he should happen to have an emission of semen during the day, consequent on a flux during the prior night (Klien)],’ and further, ‘when evening comes he shall bathe himself in water’ (Deu. 23:12). The one who says that the uncleanness persists for the next twenty-four hours focuses on “when evening comes on” [though night has already fallen, he still remains unclean, thus for twenty-four hours more (Klien)], and the other party focuses on, “that which chances him by night” [meaning, until*

nightfall, but as soon as night has fallen, he becomes clean and an emission will not then defile if it is carried].

- N. *But as to the one who focuses upon the language, “when evening comes on,” lo, it is written, “that which chances him by night”!*
- O. *He will say to you, it is the ordinary way for an emission to take place at night.*

## 9:6

- A. “Samuel was a Nazirite,” according to the words of R. Nehorai,
- B. ‘since it is said, ‘And no razor [morah] shall come upon his head’ (1Sa. 1:11).
- C. “Since in regard to Samson, it is said, ‘[And no] razor [shall come upon his head]’ (Jud. 13: 5), and concerning Samuel it is said, ‘And no razor....’
- D. “just as the reference to ‘razor’ in the case of Samson means that he was a Nazirite, so the reference to a ‘razor’ in the case of Samuel means that he was a Nazirite.”
- E. Said R. Yosé, “But is not the word ‘morah’ said only with regard to fear (morah) of a human being?”
- F. Said to him R. Nehorai, “But has it not already been said, ‘And Samuel said, “How can I go? If Saul hears it, he will kill me”’ (1Sa. 16: 2).
- G. “For he was subject to the apprehension [‘morah’] of flesh and blood.”

## Topical Appendix on Reciting a Blessing

- I.1 A. Said Rab to Hiyya, his son, [66B] “Snatch [the wine cup] and say a blessing.” And so R. Huna said to his son, Rabbah, ““Snatch [the wine cup] and say a blessing.”
- B. *Is that to imply that the one who recites the blessing is better [than the one who says, “Amen”]? And has it not been taught on Tannaite authority:*
- C. R. Yosé says, “Greater is the one who answers, ‘Amen,’ than the one who recites the blessing”?
- D. Said to him R. Nehorai, “By heaven! That is something you should know, for lo, the ordinary troops first contend in the battle, but the experienced ones win it” [so the one who completes the blessing with “Amen” is the greater.]
- E. *It is a matter of Tannaite dispute, for it has been taught on Tannaite authority:*
- F. All the same are the one who recites the blessing and the one who responds, “Amen.” Both are encompassed in the verse [Psa. 34: 3: “O magnify the Lord with me and let us exalt his name together”]. But a blessing is brought more quickly for the one who recites the blessing first.”

## Subscript to the Tractate

- I.2 A. Said R. Eleazar said R. Hanina, “Disciples of sages bring peace to the world, as it is said, ‘All your children shall be taught of the Lord, and great shall be the peace of your children’ (Isa. 54:13).”