

# V.

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## BAVLI TRACTATE NAZIR CHAPTER FIVE

### FOLIOS 30B-34A

#### 5:1

- A. The House of Shammai say, “[An act of] consecration done in error is binding [consecrated].”
- B. [31A] And the House of Hillel say, “It is not binding [consecrated].”
- C. How so?
- D. If one said, “The black ox that goes out of my house first, lo, it is consecrated,”
- E. and a white one went out —
- F. the House of Shammai say, “It is consecrated.”
- G. And the House of Hillel say, “It is not consecrated.”
- H. “The gold denar that will come into my hand first, lo, it is consecrated,”
- I. and one of silver came up [into his hand] —
- J. the House of Shammai say, “It is consecrated.”
- K. And the House of Hillel say, “It is not consecrated.”
- L. “The jug of wine that will come up into my hand first, lo, it is consecrated,”
- M. but one of oil came up —
- N. the House of Shammai say, “It is consecrated.”
- O. And the House of Hillel say, “It is not consecrated.”
- I.1** A. The House of Shammai say, “[An act of] consecration done in error is binding [consecrated]:” *what is the reasoning of the House of Shammai?*
- B. *We draw an analogy between the initial act of sanctification and the secondary act of sanctification [represented by a statement of substitution]. Just as an act of substitution, even done in error, is valid [so that the beast presented in substitution of an already-consecrated beast is held to be consecrated, while the already-consecrated beast remains consecrated, so Lev. 27:10], so an act of sanctification, even in error [is effective].*
- C. And the House of Hillel?

- D. *That is the rule covering a case of substitution [where one of the beasts already is sanctified], but as to an act of sanctification [de novo] that is done in error, we do not treat such an act as valid.*
- E. *And from the viewpoint of the House of Shammai, [with reference to the illustrative case, **If one said, “The black ox that goes out of my house first, lo, it is consecrated,” and a white one went out — the House of Shammai say, “It is consecrated”**] if someone said, “Lo, this beast is substituted for that beast at mid day,” would it be a substitute from that very moment? Surely the act would not take effect until mid day, and here too, surely the sanctification should not take effect until the condition is realized [under which the act was made] [and not when the white cow emerged and not the black cow. The comparison with the case of substitution is thus not validated (Klien)].*
- F. Said R. Pappa, “Therefore the word **first** was mentioned by him, that is, to indicate that one of his black oxen which should come out first [would be the pertinent one for the purposes of the vow].”
- G. *But lo, the language that he used is **the black ox**. Aren’t we dealing with a case in which he has only that one?*
- H. *No, the formulation is required to deal with a case in which he has two or three.*
- I. *And the House of Hillel?*
- J. *If so, the language that is required is, “The black bull that comes out first.”*
- K. Said Raba of Barnish to R. Ashi, “Is this a case of an act of sanctification done in error? It is in fact an act of consecration done in full intentionality!”
- L. *“[It is classified as an act of sanctification done in error] because to begin with the language that he used to begin with created confusion.” [Klien: he appears to mean that the black bull must come out before any other bull.]*
- I.2 A.** [Reverting to I.1F:] *Does the House of Shammai [as represented by Pappa] actually maintain that an act of sanctification done in error is valid? But have we not learned in the Mishnah: **He who vowed to be a Nazirite and sought absolution of a sage, who declared his vow to be binding, if he had a cow set aside, it goes forth and pastures with the herd [never having been consecrated]. The House of Hillel said to the House of Shammai, “Do you not concede in the case, which is [an example of] an act of consecration made in error, that the beast goes forth and pastures with the herd [so is not consecrated]? [M. 5:2].” That surely yields the inference that the House of Shammai maintain, “An act of consecration made in error is valid”!***
- B. *Not at all. It is the House of Hillel that erred. They supposed that the premise of the House of Shammai was that an act of sanctification done in error is valid, and so the House of Shammai said to them, “The reason is not that it is an act of sanctification done in error, but because the language used at first created confusion [because he wanted the beast to be sanctified but used the wrong language].*

- C. *Does the House of Shammai [as represented by Pappa] actually maintain that an act of sanctification done in error is valid? Then come and take note: [If people] were going along the way and someone was coming toward them — [31B] one of them said, “Lo, I am a Nazirite if this is so-and-so,” and one of them said, “Lo, I am a Nazirite if this is not so-and-so.” “Lo, I am a Nazirite if one of you is a Nazirite.” “Lo, I am a Nazirite if neither one of you is a Nazirite,” “if both of you are Nazirites,” “if all of you are Nazirites” — the House of Shammai say, “All of them are Nazirites” [M. 5:4A-H]. That is certainly the case of an act of sanctification done in error [by at least some of the parties] and that surely yields the inference that the House of Shammai maintain, “An act of consecration made in error is valid”!*

**II.1 A.** [With reference to the clause, **If one said, “The black ox that goes out of my house first, lo, it is consecrated,” and a white one went out — the House of Shammai say, “It is consecrated:”**] *Abbaye said, “Do not suppose that the statement was made in the morning [and referred to a future event, not a past one (Klien)]. But here, with what situation do we deal? With case that took place at mid day, and the man said, ‘The black ox that left my house first is to be sanctified,’ and they said to him, ‘A white one went out,’ and he said to them, ‘If I had known that a white one had gone out, I would not have spoken of a black one.’” [It is a substitution in error, and the governing consideration is that the House of Shammai hold, an act of sanctification done in error is classified as an act of substitution that is done in error].*

- B. *But can you really maintain that the action took place at mid day [a past event], when the language is used, “The gold denar that will come into my hand first, lo, it is consecrated,” and one of silver came up [into his hand]!*
- C. *Read: that has come.*
- D. *But can you really maintain that the action took place at mid day [a past event], when the language is used, “The jug of wine that will come up into my hand first, lo, it is consecrated!”*
- E. *Read: that has come.*

**II.2 A.** [Preparing for what is to follow:] *said R. Hisda, “Black ones among white ones spoil the herd; white patches on black oxen are a blemish.” [That is the premise of the analysis that is to follow.]*

- B. **If one said, “The black ox that goes out of my house first, lo, it is consecrated,” and a white one went out — the House of Shammai say, “It is consecrated” —**
- C. *Now, do we take as premise that when one sanctifies, it is in a niggardly spirit that he does so [meaning, he wishes to sanctify only what he has specified], and yet, the House of Shammai say, “It is consecrated”! [Hisda has said: White bulls are worth less than black bulls, which spoil the herd.].*
- D. *Now, do you maintain that, when a person sanctifies, it is in a generous spirit that he sanctifies? If so, what about the following: “The gold denar that will come into my hand first, lo, it is consecrated,” and one of silver came up [into his hand] and yet, the House of Shammai say, “It is consecrated”!*

- E. *Now, do we take as premise that when one sanctifies, it is in a niggardly spirit that he does so? Then what about the following: “The jug of wine that will come up into my hand first, lo, it is consecrated,” but one of oil came up — the House of Shammai say, “It is consecrated” — and lo, oil is preferable to wine.*
- F. *If that is the problem, there is no difficulty; they have repeated this law in the setting of Galilee, where wine is more valuable than oil.*
- G. *The opening case presents a contradiction to the judgment of R. Hisda.*
- H. *R. Hisda will say to you, “When I made my statement, it pertained to Carmanian oxen [where oxen are used for plowing, not for the hide; there the white is better, but as to the hide, the black is better].”*
- I. *And R. Hisda said, “A black ox for its hide, a red ox for meat, a white ox for plowing.”*
- J. *But didn’t R. Hisda say, “Black ones among white ones spoil the herd”?*
- K. *Say: He spoke with regard to Carmanian oxen.*

## 5:2

- A. **He who vowed to be a Nazirite and sought absolution of a sage, who declared his vow to be binding,**
- B. **counts out the days from the moment at which he took the vow.**
- C. **If he sought absolution from a sage, who declared him not bound,**
- D. **if he had a cow set aside,**
- E. **it goes forth and pastures with the herd [never having been consecrated].**
- F. **The House of Hillel said to the House of Shammai, “Do you not concede in the case, which is [an example of] an act of consecration made in error, that the beast goes forth and pastures with the herd [so is not consecrated]?”**
- G. **The House of Shammai said to them, “Do you not agree in the case of one who erred [in counting out the tithe of cattle] and called the ninth ‘tenth,’ and [called] the tenth ‘ninth,’ and [called] the eleventh ‘tenth,’ that it is [all three that are] consecrated?”**
- H. **The House of Hillel said to them, “It is not the staff [that he used for counting out the cattle to name to tenth in sequence] that has rendered it consecrated.**
- I. **“Now if he had laid the staff on the eighth or on the twelfth, do you think he has done anything of consequence at all? But the Scripture that declared the tenth consecrated [32A] has declared the ninth and the eleventh consecrated as well.”**
- I.1 A. Who is the authority of our Mishnah-paragraph [which rules, He who vowed to be a Nazirite and sought absolution of a sage, who declared his vow to be binding, counts out the days from the moment at which he took the vow]? It cannot be R. Yosé or rabbis, for it has been taught on Tannaite authority:**
- B. **If one vowed to be a Nazirite and violated his vow, they do not accept an inquiry from him about releasing the vow until he has acted as if he is bound by the vow for at least as many days as he acted as if he was not bound by it. Said R. Yosé, “Under what circumstances? If it is a vow that is to last for a**

**long time. But if it is a vow that is to last for a short time, it suffices for him to observe it for thirty days” [T. Ned. 1:6E-J].**

- C. *Now, if the authority behind our Mishnah-paragraph is supposedly rabbis, the case of a Naziriteship for a long spell presents a contradiction [for the rule of the Mishnah allows him to count out the days from the moment at which he took the vow, and rabbis do not take that view], and if it is supposedly R. Yosé, then a Naziriteship for a brief period presents a contradiction.*
- D. *If you wish, you may say it is R. Yosé, and if you wish, you may say it is rabbis.*
- E. *If you wish, you may say it is R. Yosé: then the Mishnah-rule speaks of a long spell of a Naziriteship, and the cited passage of Tosefta refers to a short spell. [Yosé would concur with the Mishnah’s ruling on a long spell, for Yosé permits him to reckon the entire period of violating the vow, which is more than thirty days. And he is explicit about the long spell.]*
- F. *and if you wish, you may say it is rabbis: do not read the rule as saying **from the moment at which he took the vow**, but rather, equal to the time that has elapsed since the vow was made [Klien: the language “from the moment” implies that the period when there was transgression forms part of the Naziriteship and so conflicts with the view of the Tosefta-passage; rather, read “equal to the time,” brings the two passages into agreement].*

**II.1 A. If he sought absolution from a sage, who declared him not bound, if he had a cow set aside, it goes forth and pastures with the herd [never having been consecrated]:**

- B. *Said R. Jeremiah, “From the statement of the House of Shammai we may infer that of the House of Hillel. Do the House of Shammai not maintain that an act of sanctification performed in error is nonetheless valid? Now, once it becomes clear that the man has not carried out a valid Nazirite vow, **it goes forth and pastures with the herd.** Also in regard to the position of the House of Hillel, even though they maintain that an act of substitution carried out in error constitutes a valid act of substitution, that is the case only when the initial act of consecration endures [so that the original animal remains sanctified and is not deconsecrated for some reason]. But in a case in which the status of sanctification of the animal originally consecrated is removed for some reason, the act of consecration of the substituted beast likewise is nullified.”*

**III.1 A. The master has said: Do you nor agree in the case of one who erred [in counting out the tithe of cattle] and called the ninth ‘tenth,’ and [called] the tenth ‘ninth,’ and [called] the eleventh ‘tenth,’ that it is [all three that are] consecrated?**

- B. *It has been stated:*
- C. *In the case of tithing the herd —*
- D. *R. Nahman said, “That is the rule only if done in error, but not by intention” [if he deliberately strikes the ninth animal as if it were tenth, it is not sanctified].*
- E. *R. Hisda and Rabbah bar R. Huna say, “It is the case [that the animal is sanctified even] if he does so in error, and all the more so if he does so by intention.”*
- F. *Said Raba to R. Nahman, “From your perspective, in maintaining, ‘That is the rule only if done in error, but not by intention,’ when the House of Shammai asked*

*the House of Hillel, Do you nor agree in the case of one who erred [in counting out the tithe of cattle] and called the ninth ‘tenth,’ and [called] the tenth ‘ninth,’ and [called] the eleventh ‘tenth,’ that it is [all three that are] consecrated? and the House of Hillel remained silent, they ought to have said to them, what differentiates the case of the tithe of cattle is that it is not sanctified as an act of intentionality [but is sanctified at birth, by reason of opening the womb, not be an intervention on the part of the farmer; and since they did not say so, it means that even if he strikes the ninth animal intentionally, it is sanctified (Klien)]!’”*

- G. *Said R. Shimi bar Ashi, “This is the reason that they did not make such a statement to them. It is because an argument a fortiori might then be constructed by the House of Shammai, namely: if in the case of tithe of the herd, which is not sanctified by intentionally, nonetheless is sanctified even in error, what has been sanctified to the Temple, which is sanctified by intentionally, all the more so should be sanctified in error!”*
- H. *But that is not a valid argument, for the act of sanctification depends wholly upon the intentionality of the owner of the beast [while tithing the herd is an obligation; the rules of the one do not pertain to the other; Nahman cannot be refuted on that basis].*

### 5:3

- A. **He who vowed to be a Nazirite and went to bring his beast [for the sacrifice] and found that it had been stolen,**
- B. **if before his beast was stolen he took the vow as a Nazirite, lo, this one is a Nazirite.**
- C. **[32B] And if after his beast was stolen [but he had not known it] he took the vow as a Nazirite, he is not a Nazirite.**
- D. **And this error did Nahum the Mede make:**
- E. **When Nazirites came up from the Exile and found that the Temple had been destroyed, Nahum the Mede said to them, “Now if you had known that the Temple was going to be destroyed, would you have taken vows to be Nazirites?”**
- F. **They said to him, “No.”**
- G. **Nahum the Mede declared them not bound [by the Nazirite vow].**
- H. **But when the matter came to sages, they said to him, “Whoever took a Nazirite vow before the Temple was destroyed is a Nazirite:**
- I. **“And whoever did so after the Temple was destroyed is not a Nazirite.”**
- I.1 A.** *Said Rabbah, “Rabbis overrode the position of R. Eliezer and established the law in accord with their theory of matters, for we have learned in the Mishnah: **And further did R. Eliezer say, “They unloose a vow by reference to what happens unexpectedly [a new fact].” And sages prohibit [M. Ned. 9:2A-B].***
- B. *And said Raba, “Even though sages have said, ‘They do not unloose a vow by reference to what happens unexpectedly,’ they do release a vow on a stipulation involving what happens unexpectedly. What would such a case be? One might*

say to them, 'If someone had come to you and had said to you that the house of the sanctuary had been destroyed, would you have vowed?' [And if they say, 'No,' their vows are null.]”

- II.1 A.** [And this error did Nahum the Mede make: When Nazirites came up from the Exile and found that the Temple had been destroyed, Nahum the Mede said to them, “Now if you had known that the Temple was going to be destroyed, would you have taken vows to be Nazirites?” They said to him, “No.” Nahum the Mede declared them not bound [by the Nazirite vow]. But when the matter came to sages, they said to him, “Whoever took a Nazirite vow before the Temple was destroyed is a Nazirite: And whoever did so after the Temple was destroyed is not a Nazirite:”] *said R. Joseph, “If I had been there, I would have said to them, ‘Lo, it is written, “The Temple of the Lord, the temple of the Lord, the temple of the Lord, are these” (Jer. 7: 4), — this refers to the destruction of the first sanctuary and the second sanctuary.’ [Therefore the destruction was predicted and subject to anticipation.]”*
- B. *Granted that they knew that it was going to be destroyed, did they know when it would be destroyed? [So it was not subject to their anticipation.]*
- C. *Said Abbayye, “But did they not know when it would be destroyed? Lo, it is written, ‘Seventy weeks are determined upon your people and upon your holy city’ (Dan. 9:24). [From the restoration of the Temple to its destruction passed , 70 in exile, 420 afterward, thus 490 years, seventy weeks of years].”*
- D. *Still, did they know the exact day?*

### 5:4A-L

- A. [If people] were going along the way and someone was coming toward them —
- B. one of them said, “Lo, I am a Nazirite if this is so-and-so,”
- C. and one of them said, “Lo, I am a Nazirite if this is not so-and-so.”
- D. “Lo, I am a Nazirite if one of you is a Nazirite.”
- E. “Lo, I am a Nazirite if neither one of you is a Nazirite,”
- F. “if both of you are Nazirites,”
- G. “if all of you are Nazirites” —
- H. the House of Shammai say, “All of them are Nazirites.”
- I. And the House of Hillel say, “A Nazirite is only one whose statement was not confirmed.”
- J. And R. Tarfon says, “None of them is a Nazirite.”
- K. If he turned away suddenly, he is not a Nazirite.
- L. R. Simeon says, “Let him say, ‘If it was in accord with my statement, lo, I am a Nazirite out of obligation, and if not, lo, I am a Nazirite out of free will.’”
- I.1 A.** As to the one whose statement was not confirmed, why should he have been a Nazirite?!



- B. Said Rab Judah, “Say [instead of the wording, **A Nazirite is only one whose statement was not confirmed**]: ‘He whose statement was confirmed [is a Nazirite].’”
- C. **[33A]** *Abbayye said, “For example, he said, ‘Even if it is not Mr. So-and-so, I shall be a Nazirite.’ And what is the meaning of the phrase, **A Nazirite is only one whose statement was not confirmed**? ‘His first words were not confirmed, but his second were [that is, the completion: Even if it is not Mr. So-and-so, I shall be a Nazirite].’”*

## **II.1 A. If he turned away suddenly, he is not a Nazirite:**

- B. *The governing consideration, then, is because **he turned away suddenly, he is not a Nazirite**. Lo, if he had come before us, he would be a Nazirite. Then who is the authority behind this statement? **[33B-34A]** If we say it is R. Tarfon, would he be a Nazirite at all? Since at the time at which he actually took the Nazirite vow, he did not know whether it was or was not Mr. So-and-so, and if it was not, would the Nazirite vow have taken effect? And lo, 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].***
- C. *Rather, it must be the R. Judah of “the case of the heap of grain,” for it has been taught on Tannaite authority:*
- D. **“Lo, I am a Nazirite, on condition that in this pile of wheat of mine there should be a hundred kor,”**
- E. **and he went and found it had been stolen or had gotten lost —**
- F. **it is a matter of doubt whether or not there was that volume of wheat in the mound — .**
- G. **R. Simeon declares the vow binding. [For in Nazirite-vows, a vow subject to doubt is binding] [for a vow subject to doubt is treated in a stringent way].**
- H. **R. Judah declares him exempt. [For in Nazirite-vows a vow subject to doubt is not binding [Bavli: a vow subject to doubt is treated in a lenient way] [T. 2:9A-H].**
- I. *R. Simeon takes the view that since, if the grain had not been stolen, it might have turned out that it contained a hundred kor, the man would have been a Nazirite, now too, since if the man had come before us and we realized that it was Mr. So-and-so, he would have been a Nazirite, now too he is a Nazirite.*

## **5:4M-V**

- M. **If one saw a koy [a hybrid of a goat and a gazelle] and said, “Lo, I am a Nazirite if this is a wild beast.”**
- N. **“Lo, I am a Nazirite if this is not a wild beast.”**
- O. **“Lo, I am a Nazirite if this is a domesticated beast.”**
- P. **“Lo, I am a Nazirite if this is not a domesticated beast.”**
- Q. **Lo, I am a Nazirite if this is a wild beast and a domesticated beast.”**
- R. **“Lo, I am a Nazirite if this is not a wild beast and a domesticated beast.”**



- S. “Lo, I am Nazirite if one of you is a Nazirite.”
- T. “Lo, I am a Nazirite if none of you is a Nazirite.”
- U. “Lo, I am a Nazirite if all of you are Nazirites” —
- V. lo, all of them are Nazirites.

**I.1** A. *One Tannaite formulation formulates the matter as, “nine become Nazirites,” and another as, “nine Nazirite vows.”*

B. *Now there is no problem understanding the formulation, “nine become Nazirites,” for instance, in a case in which there was a larger number of men successively taking the oath in sequence. [That is how the Mishnah-paragraph presents the matter.] But in what case would we find a single individual subject to nine Nazirite vows? There could be six, as enumerated in the Mishnah-passage, but where would there be the other three?*

C. Said R. Sheshet, “For instance, in a case in which he said, ‘Lo, I shall be a Nazirite, and the Nazirite vows of all of the others are incumbent upon me as well.’”