

The "Nazir" Legislation.

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I.

IN a paper which I read before the Society at its meeting last year, on Leviticus, Chapters 13-14,¹ the so-called "Leprosy" Laws, I endeavored to show that in these two chapters we may detect the same process of steady amplification of an original stock of regulations by means of comments and glosses and illustrative instances which we may observe in the great compilation of Rabbinical Judaism known as the Talmud, where a condensed and a comparatively simple Mishna develops into an elaborate and intricate Gemara. The importance of the thesis—if correct—lies in the possibility thus afforded of separating between older and later layers in the regulations of the Pentateuchal Codes, but more particularly in furnishing the proof that these codes in which old and new have been combined—precisely as in the narrative sections of the Pentateuch and in the historical books proper, older and later documents (with all manner of additions) have been dovetailed into one another—reflect an extended and uninterrupted process of growth, covering a long period of time and keeping pace with the tendency to adapt older regulations to later conditions.

It is my intention to test the thesis by its application to other little groups of laws within the Codes, recognized by scholars as representing distinct units, and I choose as an example for presentation at this meeting Numbers 6 1-21, containing the laws of the so-called "Nazir".

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Leaving aside for the present the discussions of the meaning of the term Nazir, let us first see whether it is possible to detect the process referred to—the growth of a Biblical Gemara around a basic "Mishna".

Verses 3-4 may serve as our first illustration. They read as follows:

מִיַּין וּשְׂכַר יַיִר חֶמֶץ יַיִן וְחֶמֶץ שְׂכַר לֹא יִשְׁתֶּה וְכֹל־מִשְׁרַת עֲנָבִים
 לֹא יִשְׁתֶּה וְעֲנָבִים לְחַיִּים וְיִבְשִׁים לֹא יֵאָכֵל כָּל יְמֵי נִזְוֹר מִכֹּל אֲשֶׁר
 יַעֲשֶׂה מִגֶּפֶן הַיַּיִן מִתְרַצִּים וְעֲדֻנּוֹ² לֹא יֵאָכֵל

"From wine and strong drink³ he shall separate himself, of vinegar of wine and vinegar of strong drink he shall not drink, and what is pressed of the grapes (i. e. grape juice) he shall not drink, and fresh and dried grapes he shall not eat, all the days of his Naziriteship; of anything made of the grape of the vine, from the kernels(?) to the skin(?) shall he not eat."

Now it is evident that we have here an elaboration of the very simple ordinance:

"From wine and strong drink he shall separate himself,"

—intended to specify what is to be included under "wine". The various specifications are, in the style of the Talmud, answers to

² The two words חֲרֻצִים and נָי are ἀπὸ λαγύμενα. The Greek renders the former as στέμφυλλα "pressed grapes"; the latter as γίγαρον "grape-stone". The Targum has for the former חֲרֻצִין which seems to have quite certainly the meaning of "kernels", while for נָי the Targum has עֲדֻנָּין which appears to be a pomace made of grapes. There is thus a variant tradition which also appears in the Talmudic usage of the two terms, the one view taking חֲרֻצִים to refer to the exterior of the grape, and the נָי to the interior, the other being the reverse. See Treatise Nazir 6 a and cf. Jastrow, Talmudic Dictionary, s. v. נָי. The Arabic حُرْمِي being the flesh around the kernel, favors the view which refers חֲרֻצִים to the interior of the grape, and the נָי, accordingly, to the exterior. I venture to think, therefore, that חֲרֻצִים are the grape-seeds and the נָי is the skin. It may be, of course, that a pomace made of the crushed seeds is meant by the former, though it is more plausible to assume that the additional stipulation merely wished to indicate that no part of the grape was permitted—neither the kernels nor the skin. This would account for the plural form חֲרֻצִים, since the grape has several seed-stones.

³ It is possible that the addition of שְׂכַר already represents the beginning of the process of amplification, dating from the time when "strong unmixed wine" had become a special kind of beverage.

questions raised, either for practical motives or by way of "academic" discussions—with this difference, that while in the Gemara the discussions and arguments are given in addition to the answers, in the Biblical "Gemara" merely the decisions are added to the original law. We thus obtain four decisions in explanation of the Gemara ordinance that the Nazir is to abstain from wine:

- 1) the ordinance includes vinegar of wine or vinegar of strong drink;
- 2) it includes even the grapes out of which wine is made, whether fresh or dry;
- 3) it covers anything made of wine—from wine cakes to—let us say—wine jelly;
- 4) it includes kernels(?) and the grape skin(?).

We might even go so far as to put the amplification of the original law in the style of questions as in the Gemara to a Mishna. What does וְיָיִן mean—wine merely when in a good condition or also when it has become sour, turned to vinegar? Answer: "Vinegar" is included. How about the grapes, before they have been made into wine? The answer is that וְיָיִן includes the fruit before it is made into wine, just as it includes the liquid that results when the wine has turned sour. But—some one asks—is not the case different in the case of dried grapes or raisins which are not used to make wine? The tendency is clearly to make the law as inclusive as possible by the decision that even dried grapes are included under "wine". Not satisfied with this rigid interpretation, the further question is put whether even foods in which wine is used are to be included, and the answer is once more explicit that anything in which wine is used as an ingredient is forbidden to the Nazir, and lastly even the seeds and the skin are included in the prohibition. The upshot of the various decisions is that the Nazir is to be a total abstainer from all intoxicating drinks, or anything made of an intoxicating drink in any stage whatsoever—including therefore the fruit of the vine before it is made into a drink. The temperance clause in the Nazir law, therefore, goes much farther than the advocates of total abstinence of today, who appear to draw the line at grape juice.

The process is further illustrated by v. 6-7. The law read simply

כלימי נזרו' על-נפש' מת לא יבא

"All the days of his Naziriteship, he shall not come into contact with a corpse."

Questions are then asked to determine who are to be included under the phrase **נפש מת** "dead body". Does it apply to his father, to his mother, to his brother and sister whose burial would ordinarily rest upon him? The answer is in each case—"Yes". Verse 7, therefore, represents the decisions grouped together

לאביו ולאמו ולאחיו ולאחותו לא-יטמא להם במתם

"He shall not defile himself through his father, or his mother, or his brother or his sister when they die"

and the reason for this is given in the phrase

כי גזר אלהיו על-ראשו

"for the Naziriteship of his God is on his head."

The characteristic of the Priestly Code being the emphasis on bringing sacrifices on all possible occasions and to heap up these sacrifices as much as possible⁴, I have no hesitation in regarding the elaborate sacrificial ritual for the Nazir embodied in v. 10-21 as a superimposed layer, and by a careful analysis one can still, similarly, detect the process of gradual growth in the case of this ritual and trace the manner in which it has been superimposed on ordinances in which sacrifices played no part whatsoever. In v. 9 the case is introduced of a Nazir who inadvertently and unexpectedly comes into contact with a corpse. The verse as it stands reads

וכרימות מת עליו בפתע פתאם וטמא⁷ נזרו ונלח ראשו ביום

מהרתו ביום השביעי יגלחנו

"If suddenly (i. e., quite unexpectedly and inadvertently) some one should die in his presence and he defiles his Naziriteship, then he shall shave his head on the day of his purification —on the seventh day he shall shave it."

⁴ Text **כלימי נזרו** **היירו ליהוה**; but since the general phrase is **נזרו** v. 4, 5 (where **נזר** is superfluous) and 12, I venture to read thus in v. 6.

⁵ The Greek adds "every" before corpse.

⁶ See the article on Leviticus. Chap. 13-14, p. 377 f.

⁷ **ראש** is superfluous—either introduced by a pedantic commentator or as an explanatory gloss to **נזרו**.

It is, I think, self-evident that the words "on the seventh day he shall shave it" represent an addition. It is assumed as in the case of one who has come into contact with something unclean (Num. 19 14) that the state of uncleanness lasts for 7 days. Somewhat as in the case of one declared pure of the *šara'at* (Lev. 14 9) he is to shave off his hair (though only the hair of the head), and a sacrifice for the eighth day is added just as is the case in Lev. 14 10. The words "on the seventh day he shall shave it" (like Lev. 14 9) are, therefore, superinduced by v. 10-11 in which the sacrifice is specified for the following day—two turtle doves or two young pigeons, one as **הַסֹּמֵת** and one as **עֹלָה**, while in v. 12 an additional one-year old lamb is inserted as an **אֵשֶׁת**. Peeling off later layers, we obtain the following simple procedure.

- v. 9^a. If some one should suddenly die in his presence and he defile his Naziriteship, he shall shave his head on the day that he is declared clean.
- 12^a. And he shall consecrate to Yahweh the days of his consecration and (12^b) the former days shall drop out (i. e., shall not be counted), for he has defiled his Naziriteship.⁸

Similarly, in the case of the ceremony to be enacted when one has completed the period of consecration, the sacrificial regulations 14-17, 19-20 have been superimposed. The original ordinance read:

חַת תּוֹרַת הַנָּזִיר בַּיּוֹם מְלֵאת יְמֵי נְזִירוֹ⁹ וְנִלְחַת הַנָּזִיר אֶת-רֹאשׁ נְזִירוֹ וְלָקַח אֶת-הַשֶּׁעַר¹⁰ וְנָתַן עַל-הָאֵשׁ¹¹

- 13 This is the Torah of the Nazir when the days of his Naziriteship are completed.⁹
- 18^a The Nazir shall shave his consecrated head and take the hair¹⁰ and throw it into the fire.¹¹

⁸ Text **נָזִיר**; but the better reading is **קָטַט** as in v. 9 where **רֹאשׁ** is a meaningless or at all events a superfluous addition, as pointed out above.

⁹ Explanatory gloss "one shall bring him to the entrance of the tent of meeting", superinduced by the sacrificial insertion, viz. verses 14-17.

¹⁰ So the Greek; the Hebrew has, as a result of the introduction of an amplifying gloss, **אֶת-הַשֶּׁעַר רֹאשׁ נְזִירוֹ**.

¹¹ Addition "which is under the **שְׁלֵמִים** sacrifice"—to connect the rite with the sacrificial layer v. 14-17.

Then followed the subscript (v. 21^a).

זאת תורת הנזיר אשר ידר ליהוה

"This is the law of the Nazir who makes a vow to Yahweh."

The subscript (v. 21) has been amplified to include the superimposed sacrificial ritual, and in this case the amplification has been done so awkwardly as to reveal the seams in a very distinct manner. It looks as though a separate subscript for the sacrificial regulations reading: ¹²על־נזרו: זאת תורת קרבנו ליהוה had been combined with the other one. Then a redactor interpreting the ידר as referring to something that he has vowed, inserted the answer to the question, "What about the vow that he has made?".

¹³מלבד אשר־תשני ידו כפי נדרו אשר ידר

"Besides whatever he can afford, according to his vow that he vows."

To which a gloss is added:

¹⁴כן יעשה

"So shall he do"

to indicate that anything that he vows, in addition to the sacrificial ritual (which is obligatory), must be paid by him according to his means.

We shall see that this "Gemara" rests upon an interpretation of the *Nazir*-law which confuses or blends it with the Torah regarding *vows* as set forth in Lev. 27.

II.

These considerations justify us, I venture to think, in the attempt to remove the later layers, decisions, explanatory comments and superimposed sacrificial regulations, and thus to reveal the laws regarding the Nazir in their original form or, if

¹² See below p. 280. The Greek version has another ליהוה after ידר.

¹³ Note the phrase, Lev. 27 s, על־מי אשר תשני יד הנזיר יעריכנו הכהן, which is the source of the phrase in Num. 6 21 b. See below p. 282 f.

¹⁴ The Greek text omits these two words.

this appears to be claiming too much, in a form close to the original. The restoration of the original Nazir legislation proposed by me covers six paragraphs plus a subscript, as follows.

- I אִשִּׁי כִּי יִפְלֹא לְנֹדֵד נֹדֵד נֹדֵד מִיָּמֵינוּ (וְשָׂכָר) יִזֵּר כֹּל יְמֵי נְדָוָה^d 2^b 3^a 4^a
- II גְּלוּמֵי נְדָוָה מַעַר אֵל יַעֲבֹר עַל־רֵאשִׁיו בְּיַד פָּרַע שָׂעַר רֵאשׁוֹ 5^a 5^c
- III גְּלוּמֵי נְדָוָה עַל־נֶפֶשׁ מֵת אֵל יָבֹא^e 6
- IV כֹּל יְמֵי נְדָוָה קָדֵשׁ הוּא לַיהוָה^f 8
- V וְכִי יָמֹת מֵת עָלָיו בְּפִתְעָה פְתָאֵם וּמִמָּא נְדָוָה וְנִלְחָ רֵאשׁוֹ בְּיָמֵי מְהַרְתּוֹ^g 9
- וְהִזִּיר לַיהוָה אֶת־יְמֵי נְדָוָה וְהַיָּמִים הָרֵאשִׁינִים יִפְלוּ כִּי מִמָּא^h נְדָוָה 12^a 12^c

^a Addition: מִמָּא.

^b Explanatory comment לַיהוָה לְהִזִּיר suggested by 12^a.

^c Perhaps later addition. See above, p. 267, note 3.

^d Four decisions: wine includes (1) vinegar of wine and strong drink; (2) grape juice; (3) fresh and dried grapes; (4) articles of food in which wine is an ingredient, whether made of the seeds or of the skins.

^e Omit נָדָר.

^f Explanatory comment "till the completion of the days that he is consecrated to Yahweh he shall be holy"—perhaps misplaced and belonging to v. 6 (ordinance III).

^g Text הִזִּירוֹ לַיהוָה, which, if correct, would point to a different origin for ordinance III.

^h V. 7 furnishes (1) a decision, to wit, ordinance includes father, mother, brother, and sister; (2) reason assigned—"consecration attaches to his head."

ⁱ Perhaps merely a comment to the third ordinance, due to the endeavor to bring about a connection between the Nazir and the consecrated priest who is always spoken of as "holy to Yahweh".

^j Omit רֵאשׁ as at the close of v. 12.

^k Two additions (1) "on the seventh day he shall shave it" to connect with sacrificial regulations (v. 10-11) and (2) misplaced gloss (11^e) וְקָדֵשׁ אֶת־רֵאשׁוֹ בְּיָמֵי הַהוּא "he shall sanctify his head on that day", i. e., begin the recount.

^l Misplaced gloss or insertion "and he shall bring a one-year old lamb as *asham*"—belonging to v. 10. On *asham* see *Jewish Quart. Rev.*, IV, p. 376, note 61. and 379, note 61.

^m Read מִמָּא as in v. 9.

19^a וְזֹאת תִּזְרֹת הַנָּזִיר בְּיָמָיו כִּלְאֵת יָמֵי נָזִירָה^b VI
 18^a 18^b וְנִלְתָּ הַנָּזִיר אֶת־רֹאשׁוֹ וְלָקַח אֶת־הַשֶּׁעַר וְנָתַן עַל־הָאֵשׁ^c
 21 וְזֹאת תִּזְרֹת הַנָּזִיר אֲשֶׁר יָדָר לַיהוָה^d VII

- I "When a man takes it upon himself to make the 2^b 3^a 4^a
 vow of the Nazir, he shall abstain from wine
 (and strong drink) during the period of his Na-
 ziriteship.
- II During the period of his Naziriteship, a razor 5^a 5^c
 shall not touch his head, he shall let the locks
 of his hair grow long.
- III During the period of his Naziriteship, he shall 6
 not come in contact with any dead body.
- IV During the period of his Naziriteship, he shall be 8
 holy to Yahweh.
- V And if some one die suddenly in his presence 9 12^a 12^b
 and defile his Naziriteship, then he shall shave
 his head on the day of his becoming clean again
 and he shall revow to Yahweh the days of his
 Naziriteship, and the former days shall be void
 because he has defiled his Naziriteship.
- VI This is the law of the Nazir on the expiration of 13^a 18^a 18^b
 his Naziriteship. He shall shave his head and
 take the hair and throw it into the fire.

^a Addition: "one shall bring him to the entrance of the tent of meet-
 ing" to connect with superimposed sacrificial regulations (v. 14-17).

^b Text רֹאשׁ נָזִיר with an addition "at door of tent of meeting" to con-
 form to the addition at end of v. 13.

^c Or וְשָׂרַף. The addition רֹאשׁ נָזִיר is omitted in the Greek version.

^d Explanatory comment "which is under the peace offering"—harking
 back to v. 17. Verses 19-20 furnish supplemental sacrificial instructions

^e Insertion "his offering by virtue of his Naziriteship"—the remains
 of a second subscript, as pointed out above p. 271.

^f Supplemental comment "besides what he can afford according to
 his vow which he has vowed", (i. e. in addition to the sacrifices pre-
 scribed), to conform to Lev. 27, where one who makes a vow redeems
 it by a graduated scale of valuations. See below p. 282.

VII This is the law of the Nazir who makes a vow to 21a
Yahweh.

The first four paragraphs furnish the obligations resting upon the Nazir, to wit (1) to abstain from wine¹⁵; (2) and to allow his hair to grow, or, expressed negatively, that no razor should touch his head; (3) not to contaminate himself by contact with a corpse; (4) to regard himself as sanctified¹⁶.

The fifth paragraph provides for the case that the Nazir is suddenly and accidentally brought into contact with a corpse. The accident makes him unclean, annuls the previous period of consecration and obliges him to begin the count over again. At the expiration of the period of uncleanness, therefore, he shaves his head and begins the second count. This paragraph may very well be a decision of supplemental date, made on the basis of the third ordinance, but there is no need to carry the process too far. The sixth paragraph gives the ceremonies at the time of the expiration of the period of consecration, namely, the offering of the hair by means of fire as the sacred element, after which as the commentator adds "the Nazir may drink wine" (v. 20c).

We thus have a two-fold division of the law, (a) regulations for the Naziriteship and (b) for the termination, just as in the case of the *šara'at* legislation, where the determination of the disease¹⁷ is followed by ceremonies incident to the purification (Lev. 14 2. "This is the law of the one affected with *šara'at* on the day of his purification")¹⁸ and which, as I believe, formed originally the rite of exorcising the demon of the disease by transferring it to a bird sent free, על פני השדה "across the field" as the phrase (Lev. 14 7) runs.

¹⁵ שכר "strong drink" may already represent an addition. See p. 267, note 3.

¹⁶ The third and fourth ordinances are closely allied—the "sanctification" involving as in the case of priests the avoidance of any defilement.

¹⁷ See my article in the *Jewish Quart. Review*, IV, p. 366 seq.

¹⁸ Lev. 13 5c, זאת תורת נגע צרעת—is the subscript to the regulations for determining that it is a genuine case of *šara'at*. See my article *ib.*, p. 394.

III.

Taking up the sacrificial regulations superimposed on the original law, we find two series: (1) on the occasion of the termination of the period of uncleanness through accidental contact with a corpse (v. 10-11, together with the insertion of the one-year old lamb as *asham* in v. 12); (2) the sacrifices to be brought on the conclusion of the period of consecration.

The sacrifices in the first case consist of two turtle doves or two pigeons to be brought to the entrance of the tent of meeting¹⁹, there to be offered through the mediation of the priest as a sin-offering and burnt-offering respectively.

Elsewhere the two turtle doves or two doves appear as a substitute (a) for a one-year old ewe (כִּשְׁבֵה) or (b) for a female kid (Lev. 5 6-7) or (c) for a lamb (Lev. 14 21-22)²⁰ as in our case one a sin-offering and the other as a burnt-offering. In my article on the Lev. 13-14 several times referred to,²¹ I have suggested that the simpler substitute sacrifices were the ones originally prescribed, and that they were relegated to the second place by the tendency to increase the value of the offerings to the sanctuary. This view is strengthened by our passage, but evidently a later redactor not satisfied with what had become the "substitute" offering, added "he shall bring a one-year old lamb as an *asham*"—which addition has crept into the text at the wrong place.²²

The first sacrificial regulation in the Nazir law thus rests on the principle that he who has become unclean must bring a sacrifice—his uncleanness, according to the primitive view, being transferred to the animal, but it assumes an earlier stage than in the final form of the Priestly Code in prescribing merely two

¹⁹ On this phrase see *Jewish Quart. Review*, IV, p. 380, Note 67.

²⁰ There is a further specification (Lev. 5 11) that if one cannot even afford two turtle pigeons or two doves, one may bring $\frac{1}{10}$ of an ephah of fine flour.

²¹ p. 379, 382.

²² The addition represents again an answer to the question raised whether the Nazir should offer merely two turtle pigeons or two doves—to which the answer is that he is also to bring a lamb as in the case of one who has become unclean, as prescribed Lev. 14 13 seq.

turtle doves or two pigeons, though a later redactor by the addition of a lamb as *asham* endeavored to make it conform to a certain extent to the later practice.

The assumption is that the Nazir who has come into contact with a corpse is unclean for seven days—as in Num. 19 14-19.

As for the second sacrifice (14-17) to be brought by the Nazir upon the completion of the period of consecration, there is a most remarkable heaping up of sacrificial obligations.

“And he shall bring his offering to Yahweh, a one-year old perfect lamb as burnt-offering, and a one-year old perfect ewe as sin-offering, [and a perfect ram as peace-offering,]²⁴ and a basket of *maṣṣot* of fine flour [cakes mixed with oil and wafers of *maṣṣot* smeared with oil and their meal-offering and their libations]”²⁵

- We here find (1) a one-year-old perfect lamb, as sin-offering;
 (2) a one-year old perfect ewe²⁵ as a burnt-offering;
 (3) a perfect ram as a peace-offering;
 (4) a basket of unleavened cakes of fine flour;²⁶
 (5) cakes mixed with oil;
 (6) wafers mixed with oil;
 (7) their *minḥa* and libations.

To analyze these regulations in detail would carry us too far. Suffice it to say that they embody two points of view: (1) the purification motif—marked by the lamb and ewe, (2) the consecration motif—marked by the basket of unleavened cakes.

While deviating somewhat from the practice prescribed in Lev. 5, the introduction of the ewe as the sin-offering is in keeping with Lev. 5 6, and we may conclude that the lamb as burnt-offering represents a later addition—due to the conventional association of sin-offering (*חַטָּאת*) and burnt-offering (*עֹלָה*) for purification offerings.²⁷

²³ This seems to be a supplemental ordinance.

²⁴ Added to conform to Lev. 7 12 and Num. chap. 28—29. See below p. 277.

²⁵ The two other instances in the Codes of a ewe (*כִּבְשָׂה*) as a sacrifice are (1) Lev. 14 10 where two lambs are added to the ewe in a later layer and (2) Lev. 5 6—where a female kid of goats is entered as an alternative to a ewe as a sin-offering.

²⁶ See below p. 279.

²⁷ See *Jewish Quart. Review*, IV, p. 376, note 48.

The basket of unleavened bread plays an important part in the consecration of priests (Ex. 29 and Lev. 8). In both Ex. 29 and Lev. 8 we have in addition a bullock and two perfect rams (Ex. 29 1 = Lev. 8 2), but there is an important deviation in the circumstance that the ram is called in Ex. 29 31 and Lev. 8 29 the ram of dedication (איל המלאים) whereas in the Nazir Law, it is offered as a "peace-offering" (שלמים). Num. 6 15 reading סל מצות סלת חלת בלולות בשמן ורקיני מצות משחים בשמן follows quite closely Ex. 29 2 וּלְחֵם מִצֹּת חֲלֵת מִצֹּת בְּלֹלוֹת בִּשְׁמֵן וּרְקִינֵי מִצֹּת מִשְׁחִים בִּשְׁמֵן סלת חטים תעשה אותם מצות משחים בשמן with the comment

The expression סל המצות is found Lev. 8 2 and 26; and from Ex. 29 23 where likewise סל המצות occurs it follows that לחם מצות is a synonym (cf. ככר לחם v. 23)—further shown by the introduction of סל in Ex. 29 3. The addition of מנתתם ונמכיהם is conventional—based on the later practice as set forth in Num. 28-29. Num. 6 16-17 form a comment to v. 14 in order to make it clear that the priest is to perform the usual rites with the lamb, ewe and ram.

The ceremony connected with the ram and the cakes—as set forth in v. 17 and in the supplemental regulations v. 19-20—is likewise of the same order as at the consecration of priests, in one case the boiled shoulder (זרוע) of the ram and an unleavened cake and a wafer being placed in the hands of the Nazir²⁸, whereas in Ex. 29 22-23a and Lev. 8 25-27, a loaf (ככר) of bread (מצות instead of לחם) and a cake of bread (לחם again instead of מצות), and a wafer together with the right leg (שוק) and the fat of various parts of the ram of dedication being placed in the hands of Aaron and his sons.²⁹ The "waving" ceremony is also common to Ex. 29, Lev. 8 and Num. 6, and it is evident that the words "over the breast of waving" in Num

²⁸ Gloss "After he has shaved the head of his consecration" (read ראש נזיר).

²⁹ Slight variations in usage, Lev. 8 26 and Ex. 29 23 e. g. סל המצות as against סל (Num. 6 19); חלת מצה אחת (Lev. 8 26 and Num. 6 19) against חלת לחם אחת (Ex. 29 23) [שמן in the latter passage is misplaced, superinducing the variant in Lev. 8 26 חלת לחם שמן אחת]; רקיק אחד (Lev. 8 26, Ex. 29 23) against רקיק מצה אחד (Num. 6 19), where מצה is clearly to be taken as an explanatory gloss to an original אחד רקיק.

6 20 are taken over from Ex. 29 27 (קדשת את חזה התנופה ואת) שוק התרומה and refer to the statement there set forth.

All this points to the dependence of Num. 6 19-20, upon the stipulation in Ex. 29 and Lev. 8, and since the "waving" of large pieces of flesh is a very late stipulation, transferred from the waving of sheaves (עמר) Lev. 23 11, which is a primitive method of dedicating the produce of the fields to the deity—originally to the field spirits—the later origin of the sacrificial regulations superimposed on the Nazirite legislation follows as a necessary inference.

The sacrificial regulations cannot, therefore, be used in any investigation regarding the status of the Nazir; they have been added by later redactors in conformity to the tendency to provide for sacrifices, as an income for the priests, wherever possible, and these redactors took as one of their points of view the position that the *Nazir* was to be placed in the same category with the priest—with this curious difference, indeed, that the ceremony of initiation becomes in the case of the Nazir a rite of dismissal. We may, therefore, recognize three successive stages in the growth of this sacrificial ritual: (1) the ewe as sin-offering to which there was added, (2) a lamb as burnt-offering, which leads by virtue of the association of the Nazir as a person temporarily consecrated to Yahweh with the priests as the one permanently consecrated, to (3) the addition of a ram as a peace-offering, together with the usual accessories in the case of the ram offered at the dedication of a priest to the service of Yahweh. Even after the three sacrifices had been prescribed, explanatory and harmonizing additions were made to the text so that we can further differentiate between the older and later layers. Thus besides v. 16-17 as the comment to v. 14-15 we have in v. 15 (a) חלת בללות בשמן at the end of the verse, added as amplificatory glosses to make the rite conform to established usage and (b) the phrase in v. 20, על חזה התנופה ועל שוק התרומה added from the rite in Ex. 29 27, and (c) the ordinance at the end of v. 20 "afterwards the Nazir may drink wine" is, similarly, to be regarded as an explanatory comment. The text of the sacrificial regulations divided into two groups may

נתן עלכפי הנזיר³⁶
 והגוף הכהן³⁷ (ה)תנופה לפני יהוה³⁸

20 a

“And the priest shall take a cake of *massa* from the basket and one wafer and put it into the palm of the Nazir and the priest shall wave a wave-offering before Yahweh.”

To which we can reconstruct an original subscript on the basis of v. 21, as follows.

זאת תורת קרבנו ליהוה על נזרו

“This is the law of the offering to Yahweh for his Nazirite-ship.”

IV.

We are now prepared to take up, on the basis of the original Nazir legislation, the question as to what is meant by a Nazir in Numbers 6. It has, of course, been recognized that the Nazir of Numbers has little if anything in common with such a figure as Samson who is depicted as a Nazir for life, nor is there any apparent connection with the Nazirites whom Amos describes (2 11-12) and who are placed alongside of prophets (נביאים), though curiously enough in the case of Samson the only sign of the Nazir especially singled out is that no razor is to pass over his head (מורה לא עלה על ראשו) Jud. 16 17³⁹, while in the case of the Nazirites of Amos only the prohibition of wine-drinking is implied. The two passages together thus furnish two of the main traits of the Nazir in Numbers.

The case of Samuel who, though never called a נזיר but a ראיה (I Chr. 9 22 26 28) is yet consecrated to Yahweh for life

³⁶ Explanatory gloss אחר התגלו את-נזרו, an awkward and elliptical phrase for אחר-ראש נזרו i. e., “after he has shaved the head of his Naziriteship”.

³⁷ Text has אותם because of the combination of the older and later regulations.

³⁸ Additions (1) קיש הוא לכהן, to indicate that the portion “waved” belongs to the priest, with a direct reference to Ex. 29 27; (2) קשה Ex. 29 27; על חה Ex. 29 27; (3) gloss על חה superinduced by Ex. 29 27. See above, p. 278; (8) gloss אין וחר ישתה הנזיר for which see above p. 274 and 278.

³⁹ To which the Greek version adds, no doubt influenced by Num. 6 3, “and wine and strong drink he shall not drink”. Note that in the case of Samson and Samuel (I Sam. 1 11) the word for razor is מורה as against חר in Numbers.

(I Sam. 1 11), is significant as showing that the prohibition of shaving the hair of the head was a trait of the consecrated person in early days.

Wine drinking is a sign of luxury belonging to later periods⁴⁰, and the prohibition in the case of the Nazir of Numbers is therefore to be viewed as an instance of the conservatism attaching to religious customs and which prescribed that the priests also were to abstain from wine.⁴¹ The consecrated person adopts the practice of earlier days, just as the mourner puts on the loincloth, the garment of a more primitive period.⁴²

Wellhausen has pointed out (*Reste Arabischen Heidentums*, p. 117 seq. and 167) the identity of Hebrew נזיר with Arabic نذر "to vow" and following Wellhausen's hint, Gray, in his commentary on Numbers (p. 66) has instituted a comparison between our chapter in Numbers and the Arabic *ihram*, the term for the temporary consecration of the Moslem to Allah during the period of pilgrimage to Mecca. The *Nazir* of Numbers is therefore simply a person who vows to consecrate himself to Yahweh for a certain period. It is therefore not accidental that the Nazir is described as the one כִּי יִשְׁלַח לְנֹדֵד נֹדֵד "who takes it upon himself to make a vow to become one devoted to Yahweh". The reason for the vow is not indicated. It might be apparently for any reason—in gratitude for recovery from illness or escape from danger or a promise in case of the success of some undertaking. For the time being, therefore, the Nazir is in the same category with the priest—קֹדֶשׁ לַיהוָה "sacred to Yahweh" and, therefore, like the priest he is not to come into contact with anything unclean. The restriction in his case is as strict as in the case of the high priest who is not to "profane" himself even in the case of the death of his father or mother (Lev. 21 11),⁴³ whereas the ordinary priest may

⁴⁰ See the writer's article "Wine in the Pentateuchal Codes", *Journ. of the Amer. Or. Soc.*, 33, pp. 180—192.

⁴¹ Lev. 10 9. See the article referred to in preceding note.

⁴² See the writer's article "The Tearing of Garments as a Symbol of Mourning" *Journal of the Amer. Or. Soc.*, 21, pp. 23—39.

⁴³ Note the expression. כִּי נֹדֵד שָׂקָה אֱלֹהֵיוּ עָלָיו (Lev. 21 12) "for the vow of the oil of anointment of his God is on him".

concern himself with the burial of father, mother, son, daughter, brother or virgin sister (Lev. 21 2-3). The chapter in Numbers therefore belongs to the general subject of "vows" and stands in close relation to Lev. 27. This latter chapter is clearly supplemental to the so-called Holiness Code which, as the subscript to chap. 26 (v. 46) shows, "These are the laws, decrees and decisions" which Yahweh fixed between him and the Bene Israel on mount Sinai through Moses", ended with Chap. 26.⁴⁵

The later redaction of Lev. 27 is indicated also by the reference to the Jubilee year in verses 17-24, harking back to Lev. 25. It apparently reflects a later practice than that of Numbers 6, for according to Lev. 27 a person vowing himself to Yahweh must redeem himself by a sum of money—varying according to the age of the one so redeemed. It represents therefore the practical abrogation of Numbers 6—due to the more rigid limitation of everything pertaining to the priesthood to the descendants of Aaron according to the theory of the Priestly Code. It was felt to be inconsistent with this view of the priesthood as those consecrated by virtue of descent to the service of Yahweh, that the ordinary layman should even for a limited period be placed in the category of a priest. Lev. 27 is the protest against the custom implied in Numbers 6 and abandons it by providing that he who makes a vow of consecration is to redeem himself according to a fixed standard of valuation varying with age and sex. This method of abrogating an older law by making a provision that annuls it without, however, expunging the older statute is characteristic of the growth of law among the Hebrews as among the other peoples of antiquity in general. The familiar maxim that "the laws of Medes and Persians do not change"—applies to ancient law in general. Laws as repre-

⁴⁴ The question is worth considering whether the use of the three terms חקים, משפטים and תורות does not rest on the tradition of the growth of supplementary decisions (משפטים) and answers to questions (תורות) around a basic stock of laws (חקים).

⁴⁵ Lev. 27 34. "These are the commands which Yahweh commanded Moses for the Bene Israel on mount Sinai" is therefore a supplemental subscript based on Lev. 26 34 as has been recognized by Driver in his edition of Leviticus (Polychrome Bible, ed. Haupt), p. 108, and others.

senting oracles or decisions of the gods are not set aside, but instead stipulations are introduced which virtually abolish them. Thus, theoretically, slavery is recognized in the Book of the Covenant, but by providing that one can only keep a Hebrew slave for seven years (Ex. 21 2) the institution is changed to an indenture to a limited term. In the same way a father according to this code still has the right to sell his daughter, but when it is added (v. 7) "she is not to go forth as the going out of servants", the force of the old law is broken. It is a virtual abrogation of the law. If the new master does not marry her, he cannot sell her to some one else; if the new master give the girl to his son, she is to be treated "after the decision applying to daughters" (v. 9).

I take it, therefore,—following Baentsch's Commentary on Leviticus, p. 438,—that Lev. 27 represents the substitute for the older custom of consecrating oneself to Yahweh—which as incompatible with the theoretical establishment of a hereditary priesthood in the family of Aaron was to be abolished, but could only be done by a procedure such as Lev. 27 prescribes—the redemption of the vow through a money tax, according to the valuation of the priests.

The Chapter in Leviticus, therefore, sets aside such cases of a temporary consecration as set forth in Num. 6, as well as the permanent consecration of laymen—as in the case of Samuel and Samson. For the origin of the Nazirite legislation in Numbers we are thus led back to the early age when it was customary to make a vow in case of sickness or some other misfortune or before some undertaking—a war or a journey—or what not, which until the vow had been absolved placed one in a special category of "consecrated persons"—on whom certain taboos rested. The chief of these taboos was not to cut one's hair during this period, a second and very natural one was to avoid ritualistic infection through contact with a corpse—always regarded as unclean in primitive cults. For the time being the one who made a vow was holy to Yahweh as a priest was holy, and as the Arab who goes on a pilgrimage is holy—*ahram*, i. e., he makes himself "*haram*," and must not cut his

hair⁴⁶, abstain from sexual intercourse and avoid uncleanness by killing even the smallest animals, or as the one who is engaged in taking revenge in a blood feud was regarded as holy or consecrated by the ancient Arabs and was likewise obliged to abstain from women, wine and unguents.⁴⁷ Let me emphasize once more that the prohibition against wine drinking during the vow period is secondary, due to the application of the general principle that the one who is under "religious" restraint conforms to the customs and practices of earlier days; he becomes, as it were, an illustration of the archaism connected in general with religious rites.

Lastly, the "vow" *motif* comes to the surface in the addition to the subscript to the original law, Num. 6 21.

מִלְכַד אֲשֶׁר תִּשְׁנֶה יְדוּ כַּפֵּי נָדָר

"In addition to what he can afford according to his vow". The addition which is superinduced, as already suggested, by the provision in the chapter on the valuation of the vows involving one's own person (Lev. 27 8), becomes intelligible on the assumption that the Nazir legislation is the survival of the period when it was customary to vow one's person to a deity for a certain period. The addition itself rests on the attempt to harmonize Num. 6 with Lev. 27 which aims to abolish the old practice by substituting a redemption for the consecration of one's person. In so far the addition rests on a misinterpretation of the original force of Numbers 6, which does not recognize such a substitution. It was evidently inserted by some redactor who felt the inconsistency between Num. 6 and Lev. 27 and who intended in this way to harmonize the two contradictory pieces of legislation, just as the one who added the gloss to Lev. 22 21 **לֹא נֹדַד אוֹ לְנֹדָה** wanted to include the **זֶבַח שְׁלָמִים** of Num. 6 under the provisions of the law of peace-offerings. The additions to Num. 6 thus embody a two-fold attempt: (1) to utilize the old custom as a means of providing sacrifices for the temple and in so far to recognize and legitimize a legacy of an age antedating the

⁴⁶ On the widespread usage regarding the head and hair of consecrated persons under taboo, see Robertson Smith, *Religion of the Semites*, p. 464 seq.

⁴⁷ Robertson Smith, *ib.*, p. 462.

institution of a central Yahweh sanctuary and one that may well be older even than the local Yahweh sanctuaries, prevalent among the Hebrews as among other Semitic nomads from time immemorial, and (2) an attempt to bring the older legislation into accord with the still later provisions in Lev. 27, which in reality aimed to abrogate the custom of laymen consecrating themselves to Yahweh. The reference to temporary Nazirites as late as the days of the Maccabees (I. Mac. 3 49; Josephus, *Antiquities* 19 6 and *B. J.* 2 15) leads one to suspect that the legislation in Lev. 27 remained a dead letter, as did the institution of the Jubilee Year. The people clung with tenacity to the old practice despite its incompatibility with the theoretical hereditary priesthood within a certain family, and which as is known was not recognized until the post-exilic days. We may, therefore, assume that Numbers 6 as it stands is a concession to actual practice which continued in force despite the addition of Lev. 27 to the priestly code. It represents the elaboration of an old piece of pre-exilic legislation in connection with a practice that prevailed to a comparatively late period, whereas Lev. 27, is to be viewed as an "academic" attempt in post-exilic days to abrogate the practice.