16.9.2; 62b (משנה א2) → 64a (בקרקע טהור)

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1. אִישׁ כִּי יִדֹּר נֶדֶר לַה'אוֹ הִשָּׁבַע שְׁבֻעָה לָאָסר אָפֶּר עֵל נַפְשוֹ לֹא יַחֵל דְּבָרוֹ כְּכֶל הַיּצֵא מִפְּיו יַעֲשֶׂה: במדבר פרק ל פסוק ג
2. אוֹ נְפָשׁ כִּי תִשְּׁבַע לְבַטֵּא בִשְּׂפָתַיִם לְהָרֵע אוֹ לְהַיִּטִיב לְכֹל אֲשֶׁר יְבַטֵּא הָאָדָם בְּשְׁבֻעָה וְנְעָלֶם מִמֶּנוּ וְהוּא יָדַע וְאָשֵׁם לְאָחַת מֵאֵלֶה: ויקרא הּ:ד
3. וְכִי יָמוּת מֵת עֻלִיו בְּפֶתַע פִּתְאם וְטְמָּא רֹאשׁ נִזְרוֹ וְגְלֵח רֹאשׁוֹ בְּיוֹם הַשְּׁבִיעִי יְגְלְחֶנוּ: במדבר פרק ו פסוק ט
4. דַבֵּר אֶל בְּנֵי יִשְׂרְאֵל לָאמר אִישׁ אִישׁ אִישׁ יִי יִהְיֶה טָמֹא לְנֶפֶשׁ אוֹ בְדָרֶךְ רְחֹקָה לָכֶם אוֹ לְדֹרֹתֵיכֶם וְעָשָׂה פָּסַח לַה': במדבר פרק ט פסוק י
5. וְכָל הַשְּּרֶץ וֹבוֹר מִקְּנֵה מֵיִם יִהְיֶה טָהוֹר וְנִגֵע בְּנְבְלָתָם יִּטְמָא: ויקרא פרק יא פסוק לו
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- I משנה stringency of slaves relative to wives vis-à-vis: he may reject his wife's גדר, but not his slave's
 - a note: if he attempts to reject his slave's vow, the slave goes free and is still bound by the vow
 - b comment on 1x. "forcing the slave to violate"
 - i interpretation 1: he may only force him to violate נזירות, not other הפלאות (as per v. 1)
 - 1 suggested rationale: נדרו only affects that particular cluster of grapes e.g.; נדרו affects all of them
 - 2 rejection of interpretation: we can always construct a case where his נדר included all available food
 - ii interpretation 2: he only needs to violate נזירות other הפלאות have no standing as per v. 2
 - שבועת ביטוי . which a slave doesn't have since he is owned explanation: רשות must be in the realm of
- II משנה אנ: if the slave, under the ban of נזירות, flees
 - a ה"ז is banned from drinking wine
 - i reason: he'll want to return to his master who will "coerce" him to drink
 - b ב' יוסי isn't banned from drinking wine
 - i reason: he'll stay healthy and be able to return to his master when found
 - c rejected explanation: dispute hinges on accepting שמואל ruling that if someone is מפקיר his slave, no גט needed
- III משנה ב' who discovered that he had encountered טומאת מת after shaving
 - a if it was a clear and knowable מירות טומאה is retroactively cancelled
 - b if it was טומאת תהום which is currently unknown to anyone alive) not cancelled
 - i source:
 - 1 י"א v. 3 must be clear to him
 - 2 5"7: v. 4 compared to a "road" clear to all
 - (a) challenge: הלכה (as above) counters א"ז, since someone else's knowledge should be irrelevant
 - (b) Answer: טומאת תהום is a הלמ"מ and not anchored in text
 - c If before shaving, in either case it cancels
 - i Note: must be authored by ר"א, who maintains that תגלחת מעכבת
 - d Example:
 - i If: he went into a cave for מקוה, afterwards an bound floating in water, not טומאת תהום is cancelled
 - ii But if: מת found in earth under water, possibly no one ever knew about it טומאת תהום and only if he went in for טמאה is he still אמא (following טמאה) but not if he went in to cool off and was otherwise טהור
 - 1 Note: "floating" (i.e. ספק if he touched it) doesn't apply to טומאת שרץ:
 - (a) טהור even in vessels טהור (as per v. 5)
 - (b) טמא כלים only in סהור (e.g. cave) טמא כלים (as per v. 6)
 - e *רמי בר חמא's question*: what if he found out about the מלאת after מלאת?
 - i Answer: obviously, it cancels; since our משנה states "in either case it cancels" must be referring to a circumstance where he found out after מלאת (else, it's too obvious) and it cancels
 - ii Rather: question is whether it cancels 7 or 30?
 - 1 Note: question only valid to מלאת, (after מלאת, only 7 days lost) focus on time of ידיעה or time of ידיעה?
 - 2 Answer: from lack of distinction between אחר בתוך מלאת to אחר משנה (& our משנה is אחר אחר only 7 cancelled ה"א) → only 7 cancelled
- IV ברייתא about טומאת תהום:
 - a if someone was walking and later discovered a body lying widthwise across the road:
 - i טמא only for תרומה/קדשים, not for נזיר/עושה פסח
 - 1 stipulation: only if there was no room to pass (else, all טהור)
 - 2 *stipulation*: only if body complete (else, we assume he passed between parts)
 - (a) however: in the grave, the grave "unites" the pieces into one
 - B limitation: only if he is walking (since he may pass w/o touching) but riding or being carried all are טמא
 - ii limitation: only טומאת התהום (no one alive knows about it) but a known טומאה → all who pass are טמא
 - 1 definition: if buried under rocks or straw טומאת תהום; underwater or in clefts not טומאת התום
 - (a) note: only applies to טומאת מת