

HALAKHA

Houses that become impure with the impurity of leprosy – **הַבָּתִים הַמִּטְמָאִין בְּנֵגֶעַ**: A woman's house or one belonging to partners, and likewise a synagogue or house of study that has a residence, can become impure with the impurity of leprosy (Rambam Sefer Tahara, Hilkhot Tumat Tzara'at 14:14).

NOTES

בָּבִיטָה אָרֶץ אֲחֹזֹתְכֶם: Some explain that this derivation is based on the use of the word house without attribution, indicating that all houses are obligated in the mitzva of *mezusa*.

One who dedicates his house to himself alone – שְׁמִינִית לְזַלְזֵל: Some manuscripts of the Talmud omit the phrase: Who refuses to lend, etc., and explain that his miserliness is manifest in his reluctance to welcome guests into his home. Ultimately, he will empty his possessions from his house (Rabbeinu Hananel).

Mezusa and leprosy – מְזוּזָה וְנַגְעָם: The Gemara sees no difficulty in equating the *halakhot* of *mezusa* to the *halakhot* of leprosy of the house, although the connection is not obvious. The basis for the analogy is that in both cases there are precise definitions of the concepts of house and privacy. Therefore, any structure classified as a house with regard to *mezusa* may be similarly classified with regard to leprosy.

תְּנִינָא אַיִדָּךְ: בֵּית הַכְּנִסֶּת וּבֵית הַשׁוֹתָפָן
בֵּית הַאֲשָׁה – מִטְמָאִין בְּנֵגֶעַ.
שְׁשִׁטָּא! מַהוּ דִתְיָמָא: "בָּא אֲשֶׁר לוּ
הַבָּית," לֹא – וְלֹא לְהָ, "לוּ" – וְלֹא לְהָ
קָא מְשֻׁמָּעַ לְ.

§ Apropos the *baraita* just cited, the Gemara cites a related *baraita* that addresses a different topic. It was taught in another *baraita*: A synagogue, a house jointly owned by partners, and a woman's house become impure with the impurity of leprosy of the house, like all other houses.^h The Gemara asks: That is obvious; why wouldn't they become impure? The Gemara explains: Lest you say that it is written with regard to leprosy: "And the one whom the house is his will come" (Leviticus 14:35), which could be interpreted: His and not hers; his and not theirs, to the exclusion of a house owned by a woman or by partners. Therefore, it teaches us that these houses are also included in this *halakha*.

אַיִמָּא הַכִּי נַמְּיִ אָמַר קָרָא: "בֵּית
אָרֶץ אֲחֹזֹתְכֶם". אַלְאָא לֹלְמָה לֹא מַיִּ
שְׁמִינִית בֵּינוֹ לֹא שְׁאַוְתָּו רָזְצָה לְהַשְׂאֵל
כָּלִין, וְאָמַר שָׁאוּן לוּ, הַקּוֹשׁ בָּרוּךְ
הַוָּא מְפַרְסָמוּ, בְּשִׁמְפָנָה אֶת בֵּיתוּ, פָּרֶט
לְמִשְׁאֵיל בְּלֹו לְאֶתְרָהָרָה.

And say it is indeed so that a woman's house and a jointly owned house are excluded from the impurity of leprosy. The Gemara responds that the verse states: "In a house of the land of your possession" (Leviticus 14:34).ⁿ The word your is written in the plural form to teach that all houses in Eretz Yisrael are subject to this impurity. The Gemara asks: Rather, why do I need the emphasis of the term: His, if every house is subject to the impurity of leprosy? The Gemara answers that the term does not teach a *halakha* but reveals why a house might be afflicted with leprosy. The house belonging to one who dedicates his house to himself alone,ⁿ who refuses to lend his vessels to others and says that he does not have them, will be punished. The Holy One, Blessed be He, publicizes his possessions for all to see when he is forced to empty them from his house due to leprosy. This excludes one who lends his vessels to others; his house is not afflicted with leprosy.

בֵּית הַכְּנִסֶּת מֵי מִטְמָא בְּנֵגֶעַ?
הַחֲתָנִיא: יָכוֹל יְהִי בֵּית כְּנִסֶּת וְבֵית
מִזְרָחוֹת מִטְמָאִין בְּנֵגֶעַ – תַּלְמוּד
לוֹמָר: "בָּא אֲשֶׁר לוּ הַבָּית" – מַיִּ
שְׁמִינִית לוּ, יָצָאוּ אֶלָּו שָׁאוּן מִיּוֹדָרִין
לוּ!

The Gemara raises another question: And with regard to a synagogue, does it become impure with the impurity of leprosy? But wasn't it taught in a *baraita*: One might have thought that synagogues and study halls become impure with the impurity of leprosy. Therefore, the verse states: And the one whom the house is his will come; this is referring to a house that is designated for him, excluding those houses that are not designated for him but are public property.

לֹא קָשְׁיא: הָא – רַבִּי מֵאִיר, הָא רַבָּן,
הָרְנָנִיא: בֵּית הַכְּנִסֶּת שְׁשָׁה בְּהַבָּית דִּירָה
לְחֵן הַכְּנִסֶּת – חַיֵּב בְּמְזוּזָה, וְשָׁאוּן בְּהַ
בֵּית דִּירָה – רַבִּי מֵאִיר מַחְיִיב, וְחַקְמִים
פּוֹטְרִין.

The Gemara responds: This is not difficult, as it is the subject of a tannaitic dispute. This *baraita*, which states that a synagogue can become impure with the impurity of leprosy, is in accordance with the opinion of **Rabbi Meir**; that *baraita*, which states that a synagogue cannot become impure with the impurity of leprosy, is in accordance with the opinion of the **Rabbis**, as it was taught in a *baraita*: A synagogue in which there is a residence for the synagogue attendant is obligated in the mitzva of *mezusa*, as it is a dwelling. With regard to a synagogue in which there is no residence, **Rabbi Meir** obligates it in the mitzva of *mezusa*, and the **Rabbis** exempt it. Rabbi Meir deems a synagogue like a residence with regard to both a *mezusa* and its susceptibility to leprosy.ⁿ

וְאִיבְּעָת אִימָא: הָא וְהָא רַבָּן, וְלֹא
קָשְׁיא: הָא – וְאִיתָה בְּהַבָּית דִּירָה
הָא – דְּלִיתָה בְּהַבָּית דִּירָה.

אי בְּשִׁית אִימָא: הָא וְהָא דְּלִיתָה בְּ
בֵּית דִּירָה.

And if you wish, say instead a different resolution to the contradiction between the *baraitot* with regard to the synagogue. Both this *baraita* and that *baraita* are in accordance with the opinion of the **Rabbis**, and it is not difficult. This *baraita*, which states that it can become impure, is referring to a synagogue in which there is a place of residence; that *baraita*, which states that it cannot become impure, is referring to a synagogue in which there is not a place of residence.

And if you wish, say instead yet a different resolution to the contradiction between the *baraitot*: Both this *baraita* and that *baraita* are referring to synagogues in which there is not a place of residence,

וְהַא דָּרְכִּים וְהַא דְּכָפִים.

and this baraita, which states that a synagogue does not become impure, is referring to synagogues in large cities. Since those synagogues attract people from different places, the building is not the property of the local residents but that of the public. **And that baraita**, which states that a synagogue becomes impure, is referring to synagogues in villages, which belong solely to the residents of the village, and their status is like that of a house owned by partners.

וְדָרְכִּים אֵין מַטְפָּמָא בְּגָנְעִים?
וְהַתְּנִינָא: אֲחוֹתֶכֶם – אֲחוֹתֶכֶם
מַטְפָּמָה בְּגָנְעִים, וְאֵין יְרוּשָׁלָם
מַטְפָּמָה בְּגָנְעִים. אָמָר רַבִּי הַוֹּדָה:
אֵין לֹא שְׁמֻעָתִי אֶלָּא מִקְדָּשׁ
בָּלֶבֶר. הָא בְּתִי כְּנִסִּyoת וּבְתִי
מִדְרָשׁoת – מַטְפָּמָא בְּגָנְעִים, וְאֵך
עַל גַּב דָּרְכִּים נִנְחָו! אִםְאָמָר: אִם
רַבִּי הַוֹּדָה: אֵין לֹא שְׁמֻעָתִי אֶלָּא
מִקְדָּשׁ בָּלֶבֶר.

The Gemara asks: **And do the synagogues in large cities not become ritually impure with the impurity of leprosy? Wasn't it taught in a baraita that it is written:** “In a house of the land of your possession” (Leviticus 14:34); the land of your possession becomes ritually impure with the impurity of leprosy, and the city of Jerusalem does not become ritually impure with the impurity of leprosy,^h since it belongs to all the Jewish people rather than to a specific tribe? **Rabbi Yehuda said:** I heard that it is only the site of the Temple [mekdash] alone that does not become ritually impure with the impurity of leprosy. It can be inferred that in the opinion of Rabbi Yehuda, even synagogues and study halls in Jerusalem become ritually impure with the impurity of leprosy, and that is the case even though they are synagogues in large cities. The Gemara rejects this; rather, one must emend the baraita and say that **Rabbi Yehuda said: I heard that it is only a sacred [mekudash] site alone.** That definition includes synagogues and study halls.

בַּמְאֵיק אָמַר מִפְלָגִי? תְּנָא קְמָא סְבָרָה:
יוֹשְׁלָם לֹא נִתְחַלֵּה לְשָׁבָטִים,
וּבְיְהוּדָה סְבָר: יוֹשְׁלָם נִתְחַלֵּה
לְשָׁבָטִים.

§ The Gemara explains the dispute in the baraita that was cited: With regard to what principle do Rabbi Yehuda and the Rabbis disagree? The first tanna holds: Jerusalem was not divided among the tribesⁿ but belonged to all of the Jewish people, and as such it does not become ritually impure with the impurity of leprosy. Rabbi Yehuda holds: Jerusalem was divided between the tribes of Judah and Benjamin.⁸ Therefore, the same halakhot of impurity apply there as apply in all other cities in Eretz Yisrael.

וּבְפִלְגָּתָא דְּהַנִּי תְּנָא, דְּתְנִינָא:
מִה הִיא בְּחַלְקָו שֶׁל יְהוּדָה – הַר
הַבָּתָה, הַלְּשָׁכֹת וְהַעֲשֹׂות. וּמִה הִיא
בְּחַלְקָו שֶׁל בְּנִימִין – אַיִלָּם, וְחִיל,
בֵּית קָרְבָּן הַקְּרָבָשִׂים. וּרְצִיעָה הַתִּהְרָא
יַוְצָא מִחְלָקָו שֶׁל יְהוּדָה וְנִכְנָסָת
לְחַלְקָו שֶׁל בְּנִימִין, וְהַהֵּה מִזְבֵּחַ
בְּנֵי, וּבְנִימִין הַצָּדִיק הִיא מִצְטָעָר
עַלְיהָ לְבָלָעָה בְּכָל יוֹם.

The Gemara states: And that dispute corresponds to the dispute between these tanna'im, as it was taught in a baraita: What part of the Temple was located in the portion of the tribe of Judah? It was the part including the entire Temple Mount, excluding those areas in the portion of Benjamin, the chambers, and the courtyards. And what part of the Temple was in the portion of the tribe of Benjamin? It was the part including the Entrance Hall of the Sanctuary, and the Sanctuary, and the Holy of Holies. And a strip of land emerges from the portion of Judah and enters the portion of Benjamin on which the altar is built.ⁿ And Benjamin the righteous would suffer longing to engulf it every day. The tribe of Benjamin was disappointed that the strip belonging to the tribe of Judah intersected its tribal land and wanted Judah to transfer ownership so that the land with the altar would belong to Benjamin.

שָׁנָא מָר: "חֹזֶף עַלְיוֹ כֹּל הַיּוֹם".
לְפִיכְךָ זֶבֶחַ בְּנִימִין הַצָּדִיק וְנִשְׁׁחָה
אוֹשְׁפִּזְקָה לְגָבוֹרָה, שָׁנָא מָר: "זֶבֶן
כַּתְּפִי שְׁבָן".

An allusion to this is that which is stated in Moses' blessing to Benjamin: “Ever does he protect him and he rests between his shoulders” (Deuteronomy 33:12), like one who is unable to abide something stuck between his shoulders and constantly rubs it to remove it. Therefore, Benjamin the righteous was privilegedⁿ to serve as host [ushpizekhan]^l to the Almighty, as it is stated: “And he rests between his shoulders,” alluding to the fact that the Holy of Holies was located in the territory of Benjamin. According to this baraita, Jerusalem was divided among the tribes.

HALAKHA

Jerusalem does not become ritually impure with the impurity of leprosy – אין ירושלים נטלה בְּגָנְעִים: Houses in Jerusalem do not become ritually impure with the impurity of leprosy because the city was not divided among the tribes (Rambam Sefer Tahara, Hilkhot Tumat Tzara'at 14:11).

NOTES

חלוקת ירושלים בין שבטים – חלוקת ירושלים בין שבטים

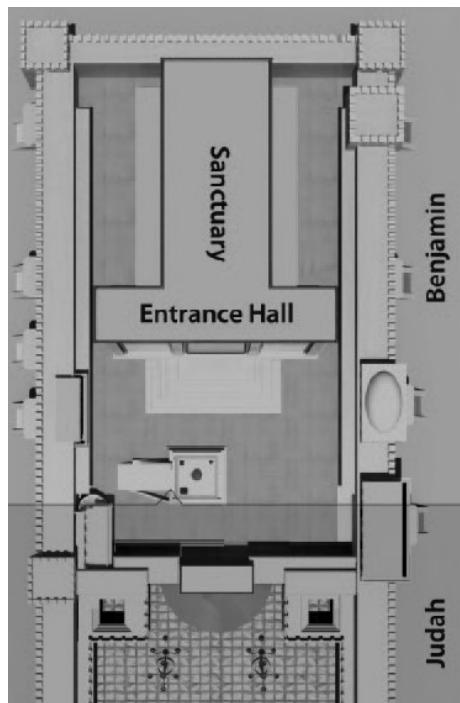
In order to reconcile the apparently contradictory biblical texts, everyone agrees that initially Jerusalem was divided between Judah and Benjamin. However, at a later stage the city was chosen as the sacred site of the Temple. The dispute is whether at that point the entire city was expropriated from the tribes and nationalized, or whether that was limited to just the site of the Temple (Siah Yitzhak).

On which the altar is built – וזה מטבח בניו: It is clear from other sources that the majority of the altar was in the territory of Benjamin, and only its southeast corner was on a strip of land belonging to Judah.

Therefore Benjamin the righteous was privileged – לפיכך זכה בני בנימין הצדיק: The tribe of Benjamin coveted that strip of land because they knew through divine inspiration that the altar would be built upon it. That is why they were privileged to have the Divine Presence rest on their portion where the Holy of Holies was constructed.

BACKGROUND

portion of Judah and Benjamin – חיליק יהודָה ובנימִין: This diagram, which is not to scale, indicates the division of the territory of the Temple between the tribes of Judah and Benjamin.



Division of the Temple between the tribes of Judah and Benjamin

LANGUAGE

Host [ushpizekhan] – אושפיזקה: From the Middle Persian aspinj, meaning hospital or inn.

NOTES

Even beds were not rented – פְּנִימָה אֲלֹא קַיּוֹת: This is because the spot where the beds were situated did not belong to the homeowners (*Tosafot Yeshanim*).

How does one initiate him – בְּפֶגֶת מְחַבֵּן אָתוֹ: The early commentaries ask why the replacement priest was not anointed with oil for this purpose, and answer that there was no anointing oil in the Second Temple period. King Josiah sequestered it along with some of the Temple vessels, before the destruction of the First Temple (*Tosafot Yeshanim*; *Tosefot Ha-Rosh*; *Me'iri*). With regard to the basic question of why dressing the replacement in eight garments was insufficient to initiate him as acting High Priest, some explain that since the eight garments were sometimes donned by a common priest if he had to consult the *Urim VeTummim* to seek divine guidance, in order to initiate the acting High Priest it was necessary to not only wear the eight garments but also to perform some portion of the service (*Tosefot Ri HaLavan*; *Gevurat Ari*).

By means of his belt – בְּאַבְנֵט: A variant reading of this Gemara is: The belt of the High Priest, referring to the special belt that the High Priest wore on Yom Kippur, which was made of fine linen, like the belt of the common priest throughout the rest of the year. The High Priest's belt throughout the year was a mixture of the diverse kinds of wool and linen. Therefore, it would have been sufficient for the replacement High Priest to exchange his linen belt for one of diverse kinds as initiation. Since, wearing that belt violates the prohibition of diverse kinds for anyone other than the High Priest, donning it would herald his change of status (*Rabbeinu Tam*; *Peirush Kadmon*).

והיא תנא סבר וירושלם לא נתקלחקה לשכרים, דתנייא: אין משכירים בתיים בירושלים, לפי שאינה שלחן, רבי אלעזר בר (צדוק) אומר: אף לא מפטור, לפיכך, עורות קדשים – בעלי אושפין נוטלי אותן בירוע. אמר אביי: שמע מינה אורח ארעא למשבק איש גולפה ומשבא לאושפיה.

וזכרנים כי מטהמא בגניעים? והתנייא:
לאוורה – עד שיכבשו זותה כבשו
זותה ולא חילקו לשכרים, חילקו
לשכרים ולא חילקו לבית אבות, חילקו
לבית אבות ואין כל אחד מפיר את
שלו, מפני?

הלמוד לומר: יבאה אָשָׁר לו הַבַּיִת – מ' שמיוחד לו, יצוא אלו שאין מיוחדים לו. אלו מתחורתא כדשין מעיקרא.

וינתקין לו כהן אחר. פשיטא: אירע בו פסול קודם תמיד של טהרה – מתחכין אותו בתמיד של טהרה אלא, אירע בו פסול אחר תמיד של טהרה בפיה מתחכין אותו?

אמר רב אדא בר אהבה: באבנט – הניתח לאמן ר' אמר: "אבנטו של כהן גודל וה הוא אבנטו של כהן הדעת". אלא למאן ר' אמר: "אבנטו של כהן גודל לא זה אבנטו של כהן הדעת" מאין ייכא למיר?

And this tanna holds: Jerusalem was not divided among the tribes at all, as it was taught in a *baraita*: Homeowners did not let their houses in Jerusalem because the houses were not actually theirs. Residents of Jerusalem did not own their residences, as the city belonged to the entire Jewish people. Rabbi Elazar bar Tzadok says: Even beds were not rented.^N Therefore, with regard to hides of consecrated animals of the Festival peace-offerings, which the pilgrims to Jerusalem would give as gifts to their hosts, the hosts were not really entitled to them. This is why the hosts would take them by force. Abaye said: Learn from it that it is customary for a guest to leave his empty wine jug and hides from sacrificial animals and give them to his host.

After discussing the status of Jerusalem, the Gemara addresses the matter of synagogues in villages. The Gemara asks: **And do the synagogues in villages become impure with the impurity of leprosy? Wasn't it taught in a baraita as follows?** It is written: "When you enter the land of Canaan that I give you for a possession, and I put the plague of leprosy in a house of the land of your possession" (Leviticus 14:34). The term: "For a possession," means until you conquer it and it becomes entirely yours. However, in a case where they conquered it but did not divide it among the tribes, or where they divided it among the tribes but did not distribute it to the patrilineal families; or where they distributed it to the patrilineal families, but every one of them does not recognize his individual portion, from where is it derived that it does not become impure?

The verse states: "And the one whom the house is his will come" (Leviticus 14:35); one whom the house is designated for him and who is certain of his ownership, excluding those houses which are not designated for him. Apparently, the legal status of synagogues in villages is that of communal property, as the portion of each individual is not clearly identifiable, and therefore they cannot become impure. Rather, there is no distinction in this regard between synagogues in large cities and those in villages. And with regard to the original question, it is clear as we responded initially with alternative resolutions to the contradiction between the *baraitot*.

§ It was taught in the mishna: **And they would designate another priest in the High Priest's stead, lest a disqualification due to impurity prevent his entering the Temple on Yom Kippur.** The Gemara asks: It is obvious that if disqualification befell the incumbent High Priest prior to the sacrifice of the daily morning offering on Yom Kippur, that one initiates the replacement by dressing him in the eight garments of the High Priest with the daily morning offering, which renders him acting High Priest. However, if disqualification befell the incumbent High Priest after the daily morning offering, how does one initiate the replacement?^N After the daily morning offering, the High Priest begins the Yom Kippur service clothed in the four linen garments unique to the day, which are the same as the tunic, trousers, turban, and belt of the common priest. How is it evident that he is the acting High Priest?

Rav Adda bar Ahava said: It is evident by means of his belt.^N The belt worn by the High Priest on Yom Kippur was made of linen, unlike that of the common priest, which was a mixture of the diverse kinds of linen and wool. The Gemara asks: **This works out well according to the one who said:** Throughout the rest of the year, the belt of the High Priest, which the Torah clearly states is made of a mixture of diverse kinds, is identical to the belt of the common priest, whereas on Yom Kippur, the belt is made of linen. When the replacement priest dons the linen belt he is initiated as the acting High Priest. However, according to the one who said: **The belt of the High Priest is not identical to the belt of the common priest, what can be said?** According to this approach, throughout the year the High Priest wears a belt of blue and purple wool and linen, while the belts of common priests are made of white linen like the rest of their clothes. Therefore, on Yom Kippur, when the High Priest dons a belt of white linen, his belt is identical to that of a common priest. If so, what initiates the replacement as acting High Priest?

אמר אבוי: לובש שמונה ומהפּך בointura וכירוב הונא, דאמר רב הונא: זו שchap בointura – חיב מיתה. ורב פפא אמר:

Abaye said: Before the replacement begins serving on Yom Kippur with the four linen garments, he is initiated and promoted to the High Priesthood by **donning the eight garments of the High Priest and turning over** one of the limbs on the altar **with a fork**,¹⁸ thereby accelerating the burning of the daily morning offering. By performing part of the service while wearing the garments of the High Priest, he is initiated as acting High Priest. **And this is in accordance with the opinion of Rav Huna, as Rav Huna said:** A non-priest who turns over part of the offering on the altar **with a fork**¹⁹ is liable to receive the **death penalty** because he engaged in Temple service restricted to priests. **And Rav Pappa said:**

NOTES

Fork [tzinora] – אַצְנֹרָא: Some commentaries suggest that the term *tzinora* is a contraction of *atzei nura*, meaning wood of fire (Rabbeinu Hananel). Another opinion states that it means ashes (*Peirush Kadmon*).

BACKGROUND

Fork [tzinora] – צִנּוֹרָה: *Tzinora* is the name for bent metal vessels, which have different shapes depending on their purpose. Some curve into hooks, while others are a ring at the end of a metal handle. The *tzinora* in the Temple was a large fork with two tines used to turn over the burning wood on the altar or the limbs and organs placed there. The Aramaic translation of the term fork in the Bible is *tzinora*.

HALAKHA

A non-priest who turns over part of the offering with a fork – **עֲבֹדֶתֶת בְּצִנּוֹרָה**: A non-priest who engages in sacrificial service in the Temple is liable to receive the death penalty. Even if he merely turns over limbs that have not yet been consumed and thereby hastens their burning on the altar, he is liable, in accordance with the opinion of Rav Huna (Rambam *Sefer Avoda, Hilkhos Biat HaMikdash* 9:4).

Perek I

Daf 12 Amud b

עבודתו מוחנכתו. מי לא תנייא: כל הכלים שעשה משה – משיחתן מקודשין, מפआן ואילך – עבודתו מוחנכתו. הכא נמי – עבודתו מוחנכתו.

בי אתה רב דימי אמר: אבנטו של בון הדינע, רבי יונאי אליעזר ברבי שמעון; חד אמר: של כלאים, וחדר אמר: של בוץ.

That action is unnecessary and therefore superfluous; **his service initiates him.**¹⁹ The replacement High Priest need not undergo any preliminary initiation. His very performance of the Yom Kippur service, which is valid only if performed by the High Priest, initiates him as acting High Priest. As proof, the Gemara states: **Wasn't it taught in a baraita:** With regard to all the sacred vessels that Moses made, their anointment with oil consecrates them. From that point forward, in the generations after Moses, new vessels did not require anointment to be consecrated; rather, their use in Temple service initiates them and renders them fit for use.²⁰ Here, too, with regard to the High Priest, his service initiates him.

§ Apropos the belt of the High Priest, the Gemara cites the aforementioned dispute in its entirety. **When Rav Dimi came** from Eretz Yisrael to Babylonia **he said:** With regard to the **belt of the common priest**,²¹ there is a dispute between **Rabbi Yehuda HaNasi** and **Rabbi Elazar, son of Rabbi Shimon**. **One said:** It was a mixture of diverse kinds of wool and linen, like the belt of the High Priest mentioned in the Torah. **And one said:** It was made of fine linen, like the rest of the garments of the common priest.

פסתיים, דרביה הוא דאמר של כלאים. דתנייא: אין בין בון גדור לבון הדינע אלא אבנטו, דבון רבי. רבי אליעזר ברבי שמעון אמר: אף לא אבנטו. אמרת? אף מא בשאר מוות השעה – טבאה אבנטו: פון גדור ממש בשמנת, והודיע בארכעה.

The Gemara suggests: Conclude that it is **Rabbi Yehuda HaNasi** who said that the belt of the common priest was a mixture of diverse kinds, as it was taught in a *baraita*: The only difference between a High Priest and a common priest is the belt; this is the statement of **Rabbi Yehuda HaNasi**. **Rabbi Elazar, son of Rabbi Shimon**, says: Not even the belt represents a difference between them. The Gemara explains: With regard to the difference between the High Priest and the common priest, **when** is there a dispute between the *tanna'im*? If we say that the dispute is with regard to the rest of the days of the year, there are many other differences between them, since the **High Priest serves** wearing **eight garments** and the **common priest** wears **four garments**. Therefore, that could not be the point of the dispute.

HALAKHA

His service initiates him – עבודתו מוחנכתו: If a disqualification befalls the High Priest on Yom Kippur, the replacement immediately continues the service with no need for a particular initiation rite, in accordance with the opinion of Rav Pappa and the supporting *baraita* (*Kesef Mishne*; Rambam *Sefer Avoda, Hilkhos Avodat Yom HaKippurim* 2:3).

Consecration of the Temple vessels – קידוש כל המזבח: The vessels of the Tabernacle that were crafted by Moses in the desert were consecrated by anointment with oil. However, from that point onward anointing with oil was unnecessary,

and subsequent vessels were consecrated through their use in the Temple service (Rambam *Sefer Avoda, Hilkhos Kelei HaMikdash* 1:12).

The fashioning of the belt – מעשה אבנטו: The belt that the High Priest wore during the year was made by weaving wool and linen together, as was that of the common priest. The belt worn by the High Priest on Yom Kippur was made of fine linen. This follows the principle that the ruling is in accordance with the opinion of **Rabbi Yehuda HaNasi** in disputes with his colleagues (Rambam *Sefer Avoda, Hilkhos Kelei HaMikdash* 8:1).

NOTES

כלון הַדָּיִט בְּיּוֹם הַכְּפֹרָה: Some of the early commentaries wondered about this expression, as the entire service on Yom Kippur is performed exclusively by the High Priest. Some suggest that on Yom Kippur, removal of the ashes from the altar was performed by a common priest (*Tosafot Yeshanim; Tosefot Ri HaLavan; Tosefot HaRosh*). Others explain that on Yom Kippur common priests were responsible for burning the limbs of the previous day's offerings (*Gevurat Ari*). The Ritva writes that by Torah law only those parts of the service unique to Yom Kippur were performed exclusively by the High Priest, whereas the services performed every day could be performed by others on Yom Kippur. Later, the Sages instituted that even those services not unique to Yom Kippur would also be performed by the High Priest.

Shall put on comes to include the garments of the High Priest – **תָּבִיב אֲבָנֵת כְּהֵן גָּדוֹל:** Rabbi Yehuda HaNasi and Rabbi Dosa do not require the derivation of Rabbi Yehuda, who says that the removal of ashes from the altar requires two additional garments. That is because it is clear that since removing the ashes is part of the service, the priest must wear all the requisite garments (*Tosefot Ri HaLavan*).

There are two responses to reject this statement – **שְׁתִּי**: The reason Rabbi Yehuda HaNasi requires two responses is that the first response is not a full-fledged proof. Even if the belt of the High Priest could not be used, that does not mean that use of the other garments was prohibited. Therefore, Rabbi Yehuda HaNasi cited a second response (*Tosefot HaRosh*).

HALAKHA

לְרוּבָות אֶת הַשְּׁחַקְעָן: To include threadbare garments – **תְּשֻׁבּוֹת בָּרוּךְ:** A priest may serve wearing threadbare garments, in accordance with the opinion of Rabbi Yehuda HaNasi (*Rambam Sefer Avoda, Hilkhot Kelei HaMikdash* 8:4).

אַלְאַלְאָו – בְּיּוֹם הַכְּפֹרָה.

**אָמַר ר' לְאָלָו לְעוֹלָם בְּשָׁאָר יְמוֹת הַשָּׁנָה
וּבְהַנְּגָדָה:**

**כִּי אַתָּא רְבִין אָמַר: אֲבָנֵתו שֶׁל כְּהֵן
דָּרוֹל בְּיּוֹם הַכְּפֹרָה – דָּבְרִי הַכָּל שֶׁל
בּוֹז, בְּשָׁאָר יְמוֹת הַשָּׁנָה – דָּבְרִי הַכָּל
שֶׁל כְּלָאָים. לֹא נִחְלִלוּ אַלְאַלְאָו בְּאַבְנֵתו
שֶׁל כְּהֵן הַדָּרוּתִים, בֵּין בְּשָׁאָר יְמוֹת הַשָּׁנָה
בֵּין בְּיּוֹם הַכְּפֹרָה. שׂוֹבֵב אָמַר: שֶׁל
כְּלָאָים, וּבְזֶה אַלְעָזָר בָּרוּךְ שְׁבָעָן אָמַר:
שֶׁל בּוֹז.**

**אָמַר רְבִיבָנָי בָּר יִצְחָק: אָף אָנָן נִמְיָה
תְּנִינְנָה: עַל בָּשָׂר֙, מֵה תְּלִמּוֹד לְזֹמְרָה
יְלִבְשָׁ – לְהַבְיאָ מְצֻנָּת וְאַבְנֵיט
לְהַרְמָתָה הַדָּשָׁן, דָּבְרֵי רַבִּי יְהוּדָה.**

**רַבִּי דּוֹסָא אָמַר: לְהַבְיאָ בְּגִיד כְּהֵן גָּדוֹל
בְּיּוֹם הַכְּפֹרָה, שְׁחִין בְּשָׂרֵי לְכֵהֵן הַדָּרוּת.
רַבִּי אָמַר: שְׁתִּי תְּשֻׁבּוֹת בָּרוּךְ, חֲרָא:
דָּבְנֵטו שֶׁל כְּהֵן גָּדוֹל בְּיּוֹם הַכְּפֹרָה
לֹא הָ הוּא אַבְנֵטו שֶׁל כְּהֵן הַדָּרוּת.**

**עוֹד: בְּנֵדים שְׁנִישַׁתְמֵשָׁה בְּהַנְּקָדוֹשָׁה
חֲמֹרָה תְּשִׁמְשָׁ בְּהַנְּקָדוֹשָׁה קָלָה? אַלְאַ
מֵה תְּלִמּוֹד לְזֹמְרָה "יְלִבְשָׁ" – לְרוּבָות אֶת
הַשְּׁחַקְעָן.**

Rather, is it not that the dispute is with regard to the differences between the High Priest and the common priest on **Yom Kippur**?^N They agree that the belt of the High Priest on Yom Kippur is made of linen, but disagree with regard to the common priest's belt. According to Rabbi Yehuda HaNasi, who says that there is a difference between the belts, the belt of the common priest must be made of a mixture of diverse kinds. According to Rabbi Elazar, son of Rabbi Shimon, who says that there is no difference between their belts, the belt of the common priest must be made of linen, like that of the High Priest on Yom Kippur.

The Gemara rejects this proof. The Sages say: No, this is not a proof, as actually, the dispute is with regard to the differences **during the rest of the days of the year**. However, the dispute is not with regard to all the differences between the High Priest and the common priest, but rather only with regard to **those four garments common to both priests**: The tunic, trousers, turban, and belt. Based on this understanding that the dispute is with regard to the rest of the year, the analysis of the dispute is reversed: According to Rabbi Yehuda HaNasi the belt of the High Priest is a mixture of diverse kinds and that of the common priest is made of linen, while according to Rabbi Elazar, son of Rabbi Shimon, the belt of the common priest is a mixture of diverse kinds. Therefore, there is no definitive proof from the *baraita*.

When Ravin came from Eretz Yisrael to Babylonia he stated this tradition in a clearer fashion: With regard to **the belt of the High Priest on Yom Kippur, everyone agrees** that it is made of fine linen, as stated in the Torah. With regard to **the belt of the High Priest during the rest of the days of the year, everyone agrees** that it is a mixture of diverse kinds. They disagreed only with regard to **the belt of the common priest both during the rest of the days of the year and on Yom Kippur**, as Rabbi Yehuda HaNasi says: It was a mixture of diverse kinds, and Rabbi Elazar, son of Rabbi Shimon, says it was made of linen.

Rav Nahman bar Yitzhak said: We, too, have learned in a *baraita*: The Torah says with regard to the removal of the ashes from the altar: "And the priest shall put on his linen garment, and his linen trousers shall he put upon his flesh" (Leviticus 6:3). The *baraita* questions the formulation of the verse. Since at the beginning of the verse it is written: "And the priest shall put on," for what purpose does the verse state: "Shall he put upon," in the latter part of the verse? Rabbi Yehuda says: It comes to include donning the *mitre* and the belt for the removal of the ashes, even though it is not explicitly stated in the verse. This is the statement of Rabbi Yehuda.

Rabbi Dosa says that the term: Shall put on, comes to include the *halakha* that the **garments of the High Priest**^N on Yom Kippur are fit for a common priest. During the Yom Kippur service, the High Priest wears just four linen garments. Although he may not serve in those garments on Yom Kippur the following year, a common priest may serve in them during the rest of the year. Rabbi Yehuda HaNasi says: There are two responses to reject this statement^N of Rabbi Dosa. One: The belt of the High Priest on Yom Kippur is not the same as the belt of the common priest during the rest of the year. Clearly, according to Rabbi Yehuda HaNasi, the belt of the High Priest on Yom Kippur is made of linen, and that of the common priest during the year is a mixture of the diverse kinds of wool and linen.

And furthermore, there is another reason to reject the statement of Rabbi Dosa. Could it be that with regard to **garments that were used** by the High Priest to perform a service of extreme sanctity, the common priest will use them to perform a service of minor sanctity? Rather, according to Rabbi Yehuda HaNasi, for what purpose does the verse state the phrase: **Shall put on**? It comes to include **threadbare garments**^H and to teach that as long as they are not completely tattered, they may be worn for that service.

ואזדא רבי דוסא לטעמיה, דתניא:
וזה ניחם שם מלמד שטעהין גניהם.
רבי דוסא אומר: שלא ישתמש בהן
יום הכהנים אחר.

תנו רבנן: אירע בו פסול ומינו אחר
חחותיו – ראשון חור לעבדתו, שני
כל מוצות בחונה גודלה עלי, דברי ובי
מאי.

רבי יוסי אומר: ראשון – חור לעבדתו,
שני – אין ראוי לא להנן גדול ולא
לכהן הדירות?

אמר רבי יוסי: מעשה יוסף בן אלס
בציפור שאריעו בו פסל בכהן גדול
ומינוהו תחרתי. ואמרו חכמים: ראשון –
הור לעבדתו, שני – אין ראוי לא
לכהן גדול ולא לכהן הדירות. להן גדול –
משום איבאה, כהן הדירות – משום מעלה
בקודש ולא מוריין.

אמר רבה בר בר חנה אמרו רבי יוחנן:

And Rabbi Dosa follows his line of reasoning, as it was taught in a baraita: That which is written: "And Aaron shall come into the Tent of Meeting, and shall put off the linen garments, which he put on when he went into the Sanctuary, and shall leave them there" (Leviticus 16:23), teaches that the garments worn by the High Priest on Yom Kippur require interment⁴ and may not be put to additional use. **Rabbi Dosa says:** It means only that the High Priest **may not use them on Yom Kippur in a different year.** According to Rabbi Dosa, they may be worn by a common priest during his service, as they do not require interment.

§ The Gemara returns to the initiation of the acting High Priest. **The Sages taught in the Tosefta:** If a disqualification befalls the High Priest and they appointed another in his stead, and then the cause of the disqualification of the High Priest is resolved, e.g., he was purified from impurity, the original High Priest returns to his service. With regard to the second, acting High Priest, all the mitzvot of the High Priesthood are incumbent upon him. He serves wearing eight garments and it is prohibited for him to let his hair grow, to rend his garments in mourning the death of a relative, to subject himself to impurity imparted by the corpse of a relative, or to marry a widow. This is the statement of Rabbi Meir.

Rabbi Yosei says: The original priest returns to his service, while the second is fit to serve neither as High Priest with eight garments, because there is a different High Priest; nor as a common priest with four garments, as once he was elevated to a state of extreme sanctity he may not be reduced to a state of minor sanctity.

Rabbi Yosei said as proof for his opinion: There was an incident involving the priest Yosef ben Eleazar⁵ of Tzippori,⁶ who, when a reason for disqualification befell a High Priest, the priests appointed him in his stead. After the cause of the disqualification was resolved, the Sages said: The original High Priest returns to his service, while the second is fit to serve neither as High Priest nor as a common priest. The Gemara explains: Neither as a High Priest, due to hatred,⁷ jealousy and bitterness that would arise if there were two High Priests with equal standing in the Temple; nor as a common priest, because the principle is: **One elevates to a higher level in matters of sanctity and one does not downgrade.** Once he has served as a High Priest he cannot be restored to the position of a common priest.

Rabba bar bar Hana said that Rabbi Yohanan said:

Perek I

Daf 13 Amud a

הילכה ברבי יוסי. ומזה רבי יוסי שאם עבר ועבד – עבדתו בשרה. אמר ר' יודה אמר ר' יוסי שאם מת ראשון – שחזר לעבדתו.

The halakha is in accordance with the opinion of Rabbi Yosei⁸ that the original High Priest returns to his service, while the second is fit to serve neither as High Priest nor as a common priest. **And Rabbi Yosei concedes that if the second priest violated this provision and served as High Priest wearing eight garments, his service is valid.** Rav Yehuda said that Rav said: The halakha is in accordance with the opinion of Rabbi Yosei, and Rabbi Yosei conceded that if the original High Priest dies, the second returns to his service as High Priest.⁹

The halakha is in accordance with the opinion of Rabbi Yosei – **הילכה ברבי יוסי:** The early commentaries raised difficulties with regard to this ruling from two perspectives. First, this is an example of a halakha for messianic times, when the Temple will be rebuilt, and the halakhic principle is that rulings are not issued for that period (*Tosafot*). Second, why does the Gemara need to rule explicitly in accordance with the opinion of Rabbi Yosei, when in disputes with Rabbi Meir the ruling is

always in accordance with the opinion of Rabbi Yosei (*Tosefta Ri HaLavan*)?

In answer to the first question, it is explained that the halakha does have current practical applications: If a community official is forced to step down, once the cause for his removal is resolved, he is reinstated. As for the second question, it was necessary to state that the halakha is in accordance with the opinion of Rabbi Yosei, as in this case the ruling might have

HALAKHA

Require interment – טענין גניהם: The linen garments worn by the High Priest on Yom Kippur require interment. They may never be used again nor may any benefit be derived from them, in accordance with the opinion of the first tanna (Rambam Sefer Avoda, Hilkhota Kelei HaMikdash 8:5).

PERSONALITIES

Yosef ben Eleazar – יוסף בן אלעזר: The story is also related in *Antiquities of the Jews* (Book 17, Chapter 6) by Josephus Flavius. When a disqualification befell the High Priest Mattityahu, his relative Yosef ben Eleazar replaced him that day.

BACKGROUND

Tzippori – ציפורי: Tzippori was a large town in the Upper Galilee, and the perennial rival of Tiberias for recognition as the religious capital of Galilee. During the Second Temple period it enjoyed special status among the towns of the Galilee because of its large and learned Jewish community.



Zodiac mosaic in a synagogue in Tzippori

NOTES

Due to hatred – מושם אביה: There is a principle implemented throughout rabbinic literature that two leaders are not appointed to fill the same position, as that will inevitably lead to rivalry and dispute. There is a well-known midrash about the moon being unhappy to share the sky with the sun. Therefore, the moon was rendered a minor heavenly light to avoid hatred and jealousy. This is an example of the principle: Two kings cannot share a crown.

HALAKHA

מי שפאלת הפקיד – פלא זיל: An acting High Priest on Yom Kippur must step down when the original High Priest is reinstated, but he remains committed to all the obligations and restrictions of the High Priesthood. He does not return to serve as a common priest, and if he performs the duties of the High Priest, they are valid. Should the original High Priest die, the replacement is appointed to succeed him (*Kesef Mishne; Lehem Mishne; Rambam Sefer Avoda, Hilkhota Kelei HaMikdash 8:5 and Hilkhota Avodat Yom HaKippurim 1:3*).

NOTES

been different since both Rabbi Shimon's opinion and an unattributed mishna in tractate *Horayot* contradict the opinion of Rabbi Yosei (*Siah Yitzhak*). One approach answers one question with the other: Because it is a halakha for messianic times, the standard principles of halakhic ruling are not in effect. Therefore, an explicit statement ruling in accordance with the opinion of Rabbi Yosei is needed (Rav Shmuel Strashun; *Mitze Eitan*).

פְּשִׁיטָא! מַהוּ דְתִמְפָא: חִיֵּא לִיהְ אֶחָד
מַחְיִים, קָא מַשְׁמָעַ לָן.

The Gemara asks: That is **obvious**. Clearly, the second priest may serve as High Priest after the first one dies without concern that their rivalry will generate hatred between them. The Gemara answers: **Lest you say** that the mere knowledge that another priest is in waiting to replace him is enough to generate hatred, and **would be for him like a woman whose husband has taken a rival wife in her lifetime**; therefore, Rav **teaches us** that this is not a concern.

**רַבִּי יְהוּדָה אָמַר אֶפְרַיִם אֲשֶׁר אֶחָתָה
מִתְקִינֵּן לוֹ.** וּרְבָנֵן נָמֵי, הָא חִישֵּׁ
לְשָׁמָא! אָמַר לְךָ וּרְבָנֵן: טוֹמָא -
שְׁבִיכָּא, מִתְהָ - לֹא שְׁבִיכָּא.

§ It was taught in the mishna that **Rabbi Yehuda says**: The Sages would even designate another wife for the High Priest lest his wife die. The Rabbis say: There is no concern lest his wife die, and therefore the Sages did not designate another wife for him. The Gemara asks with regard to the **Rabbis**: **Aren't they concerned** lest he become impure, which is why the Sages designate a replacement High Priest? Why then, are they not concerned lest his wife die? The Gemara answers that the **Rabbis could have said to you: Impurity is common**, as it is not unusual for the High Priest to become impure either due to secretions from his body or from an external source. **Death is not common**, and therefore there is no concern lest his wife die.

אָמַרוּ לוּ אִם כִּי אֵין לְדִבָּר סָוףּ?
שְׁפִירָא קָא אָמַרְיוּ לִיהְ לְרַבִּי יְהוּדָה!
וּרְבִּי יְהוּדָה אָמַר לוֹ: לְמִתְהָ וְתִדְאָ -
חִישֵּׁן, לְמִתְהָ וְתִרְתְּיָ - לֹא חִישֵּׁן.
וּרְבָנֵן, אֵי אִיאָכָא לְמִיחַשׁ - אֲפִילּוּ
לְמִתְהָ דְתְרַיּן חִישֵּׁן.

It was taught in the mishna that **the Rabbis said to Rabbi Yehuda**: If so, that you are concerned lest his wife die, **there is no end to the matter**. You should also be concerned lest the second wife die, requiring designation of a third and even a fourth wife. The Gemara comments: The Rabbis **spoke well to Rabbi Yehuda**, making a good point. What can Rabbi Yehuda respond? **Rabbi Yehuda could have said to you: For the potential death of one wife, we are concerned; for the potential death of two wives, we are not concerned**, as the likelihood of that happening is negligible. The Gemara asks: **And what would the Rabbis respond to that contention?** They would say: **If there is reason to be concerned for a potential death, then even for the potential death of two wives, we are concerned**.

וּרְבָנֵן, נִמְרוּ אַינְהוּ לְנִפְשִׁיחָה! אָמַרְיוּ
לְךָ וּרְבָנֵן: כִּי־גָדוֹל וָרוּ הָא... אֵי וָרוּ
הָא צָלָה מִתְקִינֵּן כִּי־אַחֲרָ בֵּין
דַעֲבָדִין לִיהְ אֶחָד — כָּל שָׁבֵן דְמִידָרָוּ
טַפּוּ.

The Gemara suggests: If according to **the Rabbis** there is no distinction between concern that one wife might die and concern that two wives might die, let them say the same with regard to **their own opinion**. Just as they designate a replacement lest the High Priest become impure, they should designate a second replacement lest the first replacement also become impure. The Gemara answers that **the Rabbis could have said to you: The High Priest is vigilant** in avoiding impurity. No amount of vigilance can prevent death. The Gemara asks: **If he is vigilant** in avoiding impurity, then **why do the Sages designate another priest** in his stead? The reason for the designation of the replacement is that **once we establish a replacement as a rival, all the more so will the High Priest be even more vigilant** in avoiding impurity to maintain his position.

בְּנֵי סְעִי לִיהְ בְּתִקְנָתָא? "בֵּיתוּ" אָמַר
רְחַמְנָא, וְהַזְּ לֹא בֵּיתוּ הִיא! דִמְקָדֵש
לָהּ, וְהַזְּ בְּמַה דָלָא בְנִיס לָהּ - לֹא
בֵּיתוּ הִיא! דְכָנֵס לָהּ. אֲםַר כִּי הוּא לִיהְ
שְׁנִי בָתִים, וְרַחְמָנָא אָמַר: "וְכָפֵר בְּעֵדוֹ
בְּעֵד בֵּיתוּ"! לֹא בְּעֵד שְׁנִי בָתִים!

§ The Gemara asks with regard to Rabbi Yehuda's opinion: **And is designation of a second wife sufficient for him?** The Merciful One stated in the Torah: "And he shall make atonement for himself and for his house" (Leviticus 16:11). House means wife; and this designated woman is **not his wife** as they are not yet married. What purpose does designation serve if his wife dies on Yom Kippur? The Gemara answers: **He betroths her before Yom Kippur**. The Gemara asks: **But** that does not solve the problem. **As long as he has not married her, she is not yet his house**, i.e., his wife. The Gemara answers: Rabbi Yehuda says that not only is a replacement wife designated, but he actually marries her. If so, another problem arises. The High Priest has **two houses**, and the Merciful One said: "And he shall make atonement for himself and for his house" (Leviticus 16:11). He atones for one house and not for two houses.^h

NOTES

He has two houses – **חוּה לִיהְ שְׁנִי בָתִים**: The early commentaries ask: Since it is clear from the Gemara here that a High Priest is not permitted to have two wives, how can the verse: "And Jehoiada had two wives, and sons and daughters" (II Chronicles 24:3) be understood? Some explain that he married the women before he became High Priest or that he divorced one of them (*Tosefot HaRosh; Ritva*). Another possibility is that the verse does not mean that Jehoiada had two wives but that he arranged for two women to marry Joash (*Hasdei David*).

HALAKHA

And not for two houses – **אֲלֹא בְּעֵד שְׁנִי בָתִים**: A High Priest who has two wives must divorce one of them before performing the Yom Kippur service (Rambam *Sefer Avoda, Hilkhot Kele HaMikdash* 5:10).

NOTES

הַמְגֻרָשׁ לֹה עַל חֲנַאי This problem is also discussed in the Jerusalem Talmud and resolved there by saying that the High Priest conditionally betroths a woman but does not marry her. Some commentaries write that he betroths a woman on the day of Yom Kippur itself. Although betrothal on Shabbat and Festivals is prohibited by rabbinic decree, it would be permitted in the Temple. Later commentators suggest that perhaps he marries the woman but does not consummate the marriage.

Severance – בְּגִירָתָה: The principle established by Rava is one of the foundations of the halakhot of divorce: A divorce must effect a complete severance between a man and a woman. Therefore, if the divorce contains a stipulation that extends throughout the life of the woman, there is no severance, as she will always be linked to him. Some say that the flaw in this sort of condition is that the woman might eventually violate the condition and retroactively invalidate the divorce.

הַדָּרוֹ מְגֻרָשׁ לֹה – אֵי מְגֻרָשׁ לֹה – הַדָּרוֹ
קוֹשְׁנִין לֹדוֹכְתָא! לֹא אָזִיקָא, דְמְגֻרָשׁ לֹה
עַל הַנְּאָנָי, דָאָמֶר לֹה: "הָרִי זֶה גִּישָׁק עַל
מִנְתָּהוֹתָי". – וְדִילְמָא לֹא קִימָתָא,
וְהַוָּה לִיה שְׁנִי בְּתִים!

אַלְאָ, דָאָמֶר לֹה: "הָרִי זֶה גִּישָׁק עַל מִנְתָּה
שְׁלָא תִּמְתֹּה", אֵי לֹא מִתָּה – מְגֻרָשָׂא
לֹה וְאֵי מִתָּה – הָא קִימָתָא הָא. וְדִילְמָא
הָיא לֹא בִּנְתָה, וְהַוָּה לִיה גִּיטָּא דְהָא
גִּיטָּא, וּמִתָּה כְּבָרָתָה, וּקְם לִיה בְּלָא
בִּיתָּה!

אַלְאָ, דָאָמֶר לֹה: "עַל בִּנְתָה שְׁתָמָות [אַחַת]
מִפְּסָם" מִתָּה הָא – קִימָתָא הָא, מִתָּה
הָא – הָא קִימָתָא הָא. וְדִילְמָא לֹא מִתָּה
וְלֹא חֲדָא מִנְיָהוּ, וְהַוָּה לִיה שְׁנִי בְּתִים!

וְעוֹד: כִּי הָא נָנוֹנָא מֵהָוִי גִּיטָּא? וְהָאָמֶר
רַבָּא: הָרִי זֶה גִּישָׁק עַל מִנְתָּה שְׁלָא תִּשְׁתַּחַת
יְן בְּלִי חַי וְתִיכְיִ – אֵין זֶה כְּרִיתוֹת,

כָּל יְמִי חַי פָּלוּ – הָרִי זֶה כְּרִיתוֹת!

אַלְאָ, דָאָמֶר לֹה: "הָרִי זֶה גִּישָׁק עַל מִנְתָּה
שְׁלָא תִּמְתֹּה חַבְרָתִיךְ" אֵי לֹא מִתָּה
חַבְרָתָה – מְגֻרָשָׂא, וְאֵי מִתָּה הָא –
הָא קִימָתָא נָא. וְדִילְמָא מִתָּה כְּבָרָתָה
בְּפִלְגָּא דְעַבְדָּה, וְאַיגְלִי מִלְתָא

The Gemara answers: Rabbi Yehuda says that after marrying the second wife, he then divorces her. The Gemara asks: **If he divorces her, our difficulty is restored to its original place.** There is no point in designating a second wife, as if the first wife dies, the second woman is not married to him. The Gemara responds: **No, it is necessary in a case where he marries her and divorces her provisionally,¹⁴ as he says to her: This is your bill of divorce on condition that you die on Yom Kippur.** If she dies on Yom Kippur, then she was divorced retroactively and he has only one wife; if she does not die but the original wife dies, her divorce does not take effect and the second wife is married to the High Priest. In either case, the High Priest has only one wife. The Gemara asks: **And perhaps neither she nor the original wife will die, and the High Priest then has two houses on Yom Kippur.**

Rather, it is a case where the High Priest said to her, the woman designated: **This is your bill of divorce on condition that you will not die on Yom Kippur.** If she does not die, then she is divorced and he remains married to the original wife; if she dies, isn't that original wife alive and he remains married to her alone? The Gemara asks: **And perhaps the second one will not die and her bill of divorce will be a valid bill of divorce,** meaning she is not his wife, but her counterpart might die, leaving the High Priest without a wife at all on Yom Kippur.

Rather, it is a case where the High Priest said to her: **This is your bill of divorce on condition that one of you dies.** If this one dies, that one is alive, and if that one dies, isn't this one alive? The Gemara asks: **And perhaps neither one of them will die, and he will then have two houses.**

And furthermore, the question arises: Is a document of that sort a valid bill of divorce? Does a condition of that sort take effect? **But didn't Rava say:** If a man says to his wife: **This is your bill of divorce on condition that you will not drink wine for all the days of my life and your life, that is not severance.**¹⁵ The bill of divorce in the Torah is called a bill of severance, meaning that for the document to be valid all connections between the husband and wife must be severed. If there is a provision in the document that maintains a permanent connection between the spouses, e.g., not to drink wine for all of her life, the document does not effect a valid divorce.

However, if one said to his wife: **This is your bill of divorce on condition that you will not drink wine during all the days of the life of so-and-so; that is severance.** Since the condition is not dependent on her and him but on the life of a third party, it is like any other condition in a divorce.¹⁶ Therefore, in the case of the High Priest, since the divorce takes effect only if neither of the women dies, that is a condition that maintains a relationship between the husband and wife for as long as she lives, which invalidates the divorce.

Rather, it is a case where the High Priest said to the second wife: **This is your bill of divorce on condition that your counterpart, the other wife, will not die.** If her counterpart, the first woman, does not die, the second woman is divorced; and if the first woman dies, isn't the second woman alive and not divorced? The Gemara asks: **And perhaps her counterpart will die in the middle of the Yom Kippur service, and it will become clear**

HALAKHA

Conditions in bills of divorce – תְּנַשֵּׁמָה בְּגִיטָּה: If a bill of divorce is given with a condition that ties the woman to her husband for the duration of her life, e.g., a condition that she may never drink wine, it is invalid, as there is no severance. However,

if the duration of the condition is limited, e.g., you may not drink wine as long as so-and-so lives, or for a certain length of time, the bill of divorce is valid (Rambam *Sefer Nashim, Hilkhot Geirushin* 8:10).

NOTES

Perhaps her counterpart will die – מילמא מיתא ברבתא: The Gemara does not raise all the flaws in this line of reasoning but suffices with one in order to dismiss the proposition. For example, the Gemara could have pointed out that if her counterpart does not die, the High Priest will have two wives (*Tosafot Yeshanim*).

Perhaps...she will not enter the synagogue – מילמא עיילא לא לבית הכנסת: Although the woman could have been forced to enter the synagogue, the involvement of others renders the condition unreliable (*Tosefot HaRosh*).

Two...yevamot – טתי בנות: The term: His brother's house, in the context of levirate marriage, could be understood as teaching one house and not two houses, in the sense that the brother-in-law may marry either of his brother's widows but not both. If that derivation was applied to the term: His house, written in the context of Yom Kippur, the conclusion would be that the High Priest achieves atonement for only one of his two wives. However, since the conclusion with regard to Yom Kippur is that a High Priest with two wives achieves atonement for neither of them, the conclusion with regard to his brother's two widows would be that he is not permitted to marry either of them (*Tosafot Yeshanim; Tosefot HaRosh*).

Outside, to include the betrothed woman – החוץ – בנות אֶת האָרוֹסָה: The derivation here is based on the understanding: Who is simultaneously both a wife and an outsider? It is a woman who is betrothed. Therefore, a man is required to enter into levirate marriage with the betrothed of his brother who died (*Meiri*).

HALAKHA

Two...yevamot who come from one house – טתי בנות וקאות מבית אחך: If a man dies, leaving several wives but no sons, his brother enters into levirate marriage or performs *halitza* with one of the widows. The rest are then permitted to remarry (Rambam *Sefer Nashim, Hilkhot Yibbum VaHalitza* 1:9).

To include the betrothed woman – לרבות אֶת האָרוֹסָה: The *halakhot* of levirate marriage apply equally to the wife of a deceased man and to the betrothed of a deceased man (Rambam *Sefer Nashim, Hilkhot Yibbum VaHalitza* 1:1).

למפרע גיטא דהא לאו גיטא הו.
ועביד לויה עבודה בשני בתים! אלא.
דאמר לה: "הר' זה גיטיך על מנת
שפטות חברתין", – וילמא מיתא
חברתת, והוה ליה גיטא דהא גיטה,
וקם ליה بلا בית?

אללא. דמגרש להו לתרוייהו, לחדרא
אמיר לה: "הר' זה גיטיך על מנת שלא
תפטות חברתין" ולחדרא אמר לה: "הני
זה אשית על מנת שלא תCKERSI ליבית
הכנסת". וילמא לא מיתא חברתת
ולא עיילא היא ליבית הכנסת, והוה
לייה גיטה דתרוייהו גיטה, וקם ליה
בלא בית?

אללא, לחדרא אמר לה: "הר' זה גיטיך
על מנת שלא תפטות חברתין" ולחדרא
אמיר לה: "הר' זה גיטיך על מנת שאם
אני ליבית הכנסת". דאי מיתא הא –
קי' בא הא. ואוי מיתא הא – קי' מיתא
הה. מאי איכא למינו – וילמא מיתא
חברתת בפלגא דעבודה, ועבד לה
UBEVODA למלפרע בשני בתים. אי חי לה
דרא בשיא ליטמת – קודם איהו וויל
למפרע.

מותקיף לה רב אסי ואיתימא רב עירא:
אללא מעיטה שמי יבמות הבאות מבית
אחד לא יתיבמו! יבמות, יבמות –
ריבת.

מותקיף לה רב ביבניא, ואיתימא רב שרביה:
אללא מעיטה אֶת אָרוֹסָה לא תתיניב!
החוּץ – לרבות אֶת האָרוֹסָה.

retroactively that the bill of divorce of this second woman is not a valid bill of divorce, since the first wife died. In that case, it turns out retroactively that he performed part of the service with two houses, married to two wives. Rather, it is a case where the High Priest said to the second wife: This is your bill of divorce on condition that your counterpart dies. The Gemara asks: In this case, too, perhaps her counterpart will dieⁿ and the bill of divorce of this second woman is a valid bill of divorce, and he will remain without a house at all.

Rather, this is a case where he divorces both of them provisionally, with a different stipulation to each woman. To one, he says: This is your bill of divorce on condition that your counterpart will not die. And to the other one, he says: This is your bill of divorce on condition that you will not enter the synagogue on Yom Kippur, cognizant of the fact that she can easily fulfill that condition and thereby effect her divorce. The Gemara asks: And perhaps her counterpart will not die, fulfilling the condition and effecting the divorce of one wife; and she will not enter the synagogueⁿ fulfilling the condition and effecting the divorce of the other wife. In that case the bill of divorce of both women is a valid bill of divorce and he remains without a wife.

Rather, it is a case where to one of the women, the High Priest says: This is your bill of divorce on condition that your counterpart does not die. And to the other one of the women he says: This is your bill of divorce on condition that I will enter the synagogue. If this wife dies, that other one is alive; and if that other one dies, this one is alive. What is there to say in refuting this possibility? Perhaps her counterpart will die in the middle of the service, and it will turn out retroactively that he performed part of the service with two houses, married to two wives. If he sees that she seeks, i.e., she is about to die, he will then preemptively enter the synagogue, rendering the bill of divorce of the dying wife a valid bill of divorce retroactively. He will then be married to only one woman. In that way, a second wife can be designated for the High Priest without him being married to two women on Yom Kippur.

Rav Asi, and some say it was Rav Avira, strongly objects to that conclusion: However, if that is so, that from the term: His house, in the singular, one derives one wife and not two, then two widows of a brother who died without a child [yevamot]ⁿ who come from one house,^h i.e., they were married to the same man, should not be obligated to marry his brother in levirate marriage. In addressing levirate marriage, the Torah says: "So shall it be done to the man that does not build his brother's house" (Deuteronomy 25:9). One may derive from this: One house, i.e., wife, and not two. The Gemara responds that when the Torah says: "Then his *yevama* shall go up to the gate" (Deuteronomy 25:7), "and his *yevama* will draw nigh to him" (Deuteronomy 25:9), twice, it comes to include a situation where the deceased had two wives; in that case one of them is required to marry his brother in levirate marriage.

Ravina, and some say it was Rav Shrevya, strongly objects to this: It was stated above that a woman betrothed to the High Priest is not considered his house, i.e., his wife. However, if that is so, a betrothed woman whose betrothed passed away should not be obligated to marry his brother in levirate marriage, since the term: House, appears in that context as well. In practice, that is not the *halakha*. The Gemara answers that the Torah says: "The wife of the dead shall not be married outside to one not of his kin" (Deuteronomy 25:5). The superfluous term: Outside, comes to include the betrothed woman.^{nh} Although she is technically still outside the family, the brother of the deceased must either marry her in levirate marriage or perform *halitza*.

תנו רבנן: פֶּנְךָ גָּדוֹל מִקְרָבֵב אָנוּ, זֶא יָא
אָכָל וַיְהִי הָוֹה אָוָם: בְּלָהִים. מָא:
בְּלַיּוֹם? אָמָר רַבָּא: לֹא נִזְרָקָה
אַלְאָ לְהַבְיאָו מִתּוֹךְ בַּתָּוֹן.

אמור ליה אבוי: השטא לובי יהודת
אפקוי מפקין לה, דרמא: היה עומד
ובקריב על גביה המבבח, ושבע שמת
לו מות - מניה עבוזתו וויצו, דברי
רבי יהודה. רבי יוסי אמר: גבור ואקט
אמרת מיתין ליה מותון ביתו?

אַלְאָ אָמָר רַבָּא: מַאי בְּלַיּוֹם?

§ Apropos the death of the wife of the High Priest, the Gemara cites an additional *baraita*. **The Sages taught:** A High Priest sacrifices offerings when he is an acute mourner,^h on the day of a relative's death, but **does not eat** from those offerings.^h **Rabbi Yehuda says:** The entire day. The Gemara asks: What is the meaning of the phrase: **The entire day?** Rava said: This phrase is necessary only to bring him from his house.ⁿ Not only is it permitted for the High Priest to serve in the Temple when he is an acute mourner, but it is a mitzva to bring him from his house to serve in the Temple for the entire day to help ease his pain.

Abaye said to him: Now, according to the opinion of **Rabbi Yehuda**, we remove the High Priest from the Temple when he is an acute mourner, as it was taught in a *baraita*: If a common priest was standing and sacrificingⁿ an offering on top of the altar and heard that a relative of his died, he leaves his service in the middle and exits the Temple; this is the **statement of Rabbi Yehuda**. **Rabbi Yosei says:** He completes the service and then leaves. Rabbi Yehuda rules stringently in the case of a priest who is an acute mourner sacrificing an offering. Even though the *baraita* is referring to a common priest, it is reasonable to say that the same is true with regard to a High Priest as well. Rabbi Yehuda says that a High Priest who becomes an acute mourner exits the Temple, and you say we bring the High Priest who is an acute mourner from his house to serve?

Rather, Rava said: The initial interpretation must be rejected. What is the meaning of the phrase: **The entire day?**

HALAKHA

A High Priest sacrifices offerings when he is an acute mourner – **בֶּן גָּדוֹל מִקְרָב אָנוּ:** A High Priest serves in the Temple even when he is an acute mourner, and his service is valid. This ruling is in accordance with the mishna and the opinion of Rabbi Yosei in the *baraita* (*Tosafot*; *Kesef Mishne*; *Rambam Sefer Avoda, Hilket Biat HaMikdash* 2:6).

A High Priest does not eat from offerings when he is an acute mourner – **בֶּן גָּדוֹל אָנוּ אֲנֵי אָכָל:** Although a High Priest serves in the Temple when he is an acute mourner, he may not eat from the offerings for that entire day (*Rambam Sefer Avoda, Hilket Biat HaMikdash* 2:8).

NOTES

לְהַבְיאָו מִתּוֹךְ בַּתָּוֹן: Some explain that the reason he is brought to the Temple is that if he remains at home, there is concern that the High Priest in his grief might touch the corpse of his relative, an act that is prohibited.

הָיָה עֲזָבָד וּמִקְרָב: Most of the commentaries claim that the Gemara is referring to the High Priest (*Tosafot*; *Tosafot Yeshanim*; *Tosefot Ri HaLavan*; *Tosefot HaRosh*; *Ritva*). The author of the *Me'iri* agrees with Rashi that the Gemara is referring to a common priest and that had the Gemara been referring to a High Priest, it would have mentioned it explicitly (*Ritva* explaining Rashi's opinion).

Perek I

Daf 14 Amud a

לוֹמֵר שָׁאינוּ עֹזֶב בְּלַיּוֹם, גַּוְרָה
שְׁפָא יָאכָל. אָמָר לְיהָ וּרְבָּא בָּר
אַהֲבָה לְבָבָא: וּמַי גָּדוֹל מִקְרָב אָנוּ
אֲכָל? וְהַתֵּן, רַבִּי יְהוּדָה אָוָם: אָךְ
אַשְׁהָ אַתָּה מִתְקַרְעֵין לוֹ, שְׁפָא פָּמוֹת
אֲשָׁתוֹ. אָמָר מִתְיָא אֲשָׁתוֹ – עֲבֵיד
עֲבוּדָה, וְלֹא גָּזָר וַיְהִי יוֹדָה שְׁמָא
אֲכָל! אָמָר לְיהָ: הַכִּי הַשְׁתָּא? הַתֵּן,
בֵּין דַיּוֹם הַכְּפָרוֹת הָוֹ, וּכְבוֹלָעַלְמָא
לְאַקְאָ אֲכָל – הוּא נִמְיָא לְאַתְּיָא
לִמְיכָל. הַכָּא דַכְּבוֹלָעַלְמָא אֲכָל –
הוּא נִמְיָא לִמְיכָל.

וּבְיַהֲיָה גַּוְרָא מִחְיָלָא עַלְיהָ אַנְיָנוֹת?
וְהָא מִגְרָשָׂא נָהִי דְּאַנְיָנוֹת לְאַחַי
עַלְיהָ, אַטְרוֹדִי מַי לְאַמְּרִידִי?

Rabbi Yehuda means to say that the High Priest **does not serve for the entire day** even though the Torah allows him to do so, due to a rabbinic decree lest he forget that he is an acute mourner and eat consecrated food forbidden to him. **Rav Adda bar Ahava said to Rava:** And did Rabbi Yehuda issue a decree lest he eat?ⁿ But didn't we learn in the mishna that **Rabbi Yehuda says:** The Sages would even designate another wife for him lest his wife die? And if his wife dies, he nevertheless performs the Temple service, and **Rabbi Yehuda did not issue a decree lest he eat.** That contradicts the other statement by Rabbi Yehuda that a High Priest may not serve for the entire day that he is an acute mourner. Rava said to him: How can these cases be compared? There, in the mishna, since it is Yom Kippur, when everyone does not eat, he too will not come to eat. However, here, during the rest of the year, when everyone eats, he too will come to eat. Therefore, a decree was issued.

The Gemara raises a question from a different perspective: And in a case like this, would the halakhic status of **acute mourning take effect on him**, considering that she is divorced? According to Rabbi Yehuda, the High Priest must give his wife a provisional divorce in which case she is no longer his wife and if she dies he is no longer obligated to mourn her. The Gemara answers: Although the status of **acute mourning does not take effect on him**, is he not troubled over the death of his wife? Therefore, according to Rabbi Yehuda, it is appropriate to prohibit his performance of the service on that day.

NOTES

And did Rabbi Yehuda issue a decree lest he eat – **וְכִי גָּדוֹל מִקְרָב אָנוּ:** In the *Magen Avraham* the following question is raised: If that is indeed a concern, there should be concern lest the High Priest forget himself and eat at any point during the Yom Kippur service. Some answer that this is not a legitimate concern, as the entire Yom Kippur service would be abandoned in that case (Rabbi Tzvi Hirsch Chajes). Others explain that this is not a significant concern, since most of the day's offerings are not eaten (*Mitzpe Eitan*). Yet others explain that the concern lest an acute mourner eat sacrificial food is greater than the concern lest the High Priest eat on Yom Kippur. The prohibition for an acute mourner is to eat an olive-bulk of food, whereas the prohibition on Yom Kippur is to eat a dried fig-bulk (*Ohel Moshe*).

HALAKHA

The practice of the High Priest – **הַמְלָא כִּתְבֵן גָּדוֹל בְּעַבְדָּה**: The Sages accustom the High Priest in the Yom Kippur service during the seven days of his sequestering. He sprinkles the blood, burns the incense, and removes the ashes from the lamps of the candelabrum so that he will be prepared to perform the service on Yom Kippur (Rambam Sefer Avoda, Hilkhos Avodat Yom HaKippurim 1:5).

The High Priest sacrifices any portion that he chooses first – **בְּנֵן גָּדוֹל מִקְרֵיב תְּלֵךְ בְּאֶשׁ**: During the year, the High Priest does not participate in the lottery like the rest of the priests, but may perform any service that he chooses. He may also take any portion that he chooses before the other priests (Rambam Sefer Avoda, Hilkhos Kelei HaMikdash 5:12).

One who intended to sprinkle purification water on an animal – **בְּתַבְעֵן לְחֻזָּות עַל הַבָּהָמָה**: If one intends to sprinkle purification water on an animal or on any object not susceptible to impurity, and instead sprinkles on a person, the sprinkling is invalid. The individual must dip the hyssop into the water again and sprinkle with the appropriate intention. However, if he intends to sprinkle on an object susceptible to impurity, and instead sprinkles on an animal, he sprinkles again with the water remaining on the hyssop and need not dip it into the water again (Rambam Sefer Tahara, Hilkhos Para Aduma 10:8; see Ra'avad, who disagrees, and Kesef Mishne).

מְתַנֵּי כָּל שְׁבָעַת הַיְמִים הֵא וַיַּרְא אֶת הַדָּם וַיַּקְרִיב אֶת הַקְרֻטוֹת, מִמְיִתְבֵּב אֶת הַגְּרוֹת, וַיִּקְרִיב אֶת הַאֲשָׁד וְאֶת הַרְגֵּל. וְשָׂאָר פֶּלֶג הַיְמִים, אָם רְצָח לְהַקְרִיב - מִקְרֵיב. שְׁפָהָן גָּדוֹל מִקְרֵיב חֵלֶק בְּרוֹאשׁ, וְנוּטֵל תְּלֵךְ בְּרֹאשׁ.

גַּם מֵאָנָן תְּנָא? אָמָר רַב חַסְדָּא: דָּלָא כְּרֵב עַקְיָבָא. זָאי רַבִּי עַקְיָבָא - הָא אָמָר: טָהוֹר שְׁגָפָלָה עַלְיוֹ הַזָּהָה - טָמָאתָה, הַיְכִי עַבְדֵי עַבְדָּה?

דָּתָנִיא: זַהֲזָה הַטָּהוֹר עַל הַטָּמֵא - עַל הַטָּמֵא - טָהוֹר, וְעַל הַטָּהוֹר טָמֵא, זָבֵר רַבִּי עַקְיָבָא. וְחַכְמִים אָוֹמְרִים: אַיִן הַדָּבָרִים הַלְּלוּ אֲמֹרְיוֹן. אַלְאָ בְּדָבָרִים הַמִּקְבָּלִים טָוֹמָאתָה.

מַאי הִיא - בְּדָתָנִין: נִתְבְּפָנֵן לְהָזֹאת עַל הַבָּהָמָה וְזֹהָה עַל הָאָדָם, אָם שׁ בְּאֶזְוב - יִשְׁנָה, נִתְבְּפָנֵן לְהָזֹאת עַל הָאָדָם וְזֹהָה עַל הַבָּהָמָה, אָם שׁ בְּאֶזְוב - לֹא יִשְׁנָה.

MISHNA During all seven days of the High Priest's sequestering before Yom Kippur, he sprinkles the blood of the daily burnt-offering, and he burns the incense, and he removes the ashes of the lamps of the candelabrum, and he sacrifices the head and the hind leg^{HN} of the daily offering. The High Priest performs these tasks in order to grow accustomed to the services that he will perform on Yom Kippur.^H On all the other days of the year, if the High Priest wishes to sacrifice any of the offerings, he sacrifices them, as the High Priest sacrifices any portion that he chooses first^H and takes any portion that he chooses first.

GEMARA The Gemara asks: Who is the *tanna* who taught this mishna? Rav Hisda said: This mishna is not in accordance with the opinion of Rabbi Akiva, as if it were in accordance with the opinion of Rabbi Akiva, it is difficult. Didn't Rabbi Akiva say: With regard to a ritually pure person upon whom a sprinkling of purification water fell, it renders him impure? This is based on the enigmatic principle with regard to the water of the red heifer: It purifies the ritually impure and renders impure the ritually pure. If so, how can the High Priest perform the Temple service? The High Priest is sprinkled with purification water on each of the seven days of his sequestering due to the possibility that he was impure with impurity imparted by a corpse. However, it is possible that he is ritually pure. If he is ritually pure, the sprinkling will render him impure.

As it was taught in a *baraita* that it is written: "And the pure person will sprinkle it upon the impure person" (Numbers 19:19); this emphasis that he sprinkles the water upon the impure person comes to teach that if he sprinkled on the ritually impure person, that person becomes pure; but if he sprinkled on the pure person, that person becomes ritually impure. This is the statement of Rabbi Akiva. And the Rabbis say: These matters are stated to teach that it is considered sprinkling only if it is performed on items susceptible to impurity, whereas if the water was sprinkled on items not susceptible to impurity, it is not considered sprinkling.

What is the halakhic implication of that statement? It is as we learned in a mishna: With regard to one who mistakenly intended to sprinkle purification water on an animal,^{HN} which does not become impure when alive, but happened to sprinkle it upon an impure person, if water remains on the hyssop that he used to sprinkle the water, he should repeat the action and sprinkle the purification water on the person to purify him. Since the first sprinkling was onto a person, who can become impure, the water remaining on the hyssop may be reused, and it is not disqualified by improper use. However, with regard to one who intended to sprinkle purification water on a person but happened to sprinkle it upon an animal, even if water remains on the hyssop, he should not repeat the action. Since the first sprinkling was onto an animal, which cannot become impure, the water is disqualified by improper use, and may not be used in a second sprinkling.

NOTES

The head and the hind leg – אֶת הַרְאֵשׁ וְאֶת הַרְגֵּל: These parts are mentioned because when the sacrifice is cut into pieces, they are removed first. Therefore, in deference to the High Priest, it is appropriate to give those portions to him (*Meleket Shlomo*).

One who intended to sprinkle purification water on an animal, etc. – בְּתַבְעֵן לְחֻזָּות עַל הַבָּהָמָה וְכֵן: There are two contradictory versions of this passage. The variant reading is: If one intended to sprinkle on an animal but instead sprinkled on a person, he must repeat the sprinkling; however, if he intended to sprinkle on a person and sprinkled on an animal, he need not repeat the sprinkling, independent of whether or not water remains on the hyssop (see Rabbeinu Hananel and Rabbi

Shimshon of Saens on tractate *Para*). The term: He should repeat, can be understood in two ways: Most commentaries explain that the priest should sprinkle a second time with the water remaining on the hyssop; however, the *Meiri* explains that the individual dips the hyssop in the water a second time and should not use the water remaining on the hyssop.

There is also a dispute with regard to the rationale for this *halakha*. Rashi explains that if the purification water was used to sprinkle on an animal, it is disqualified due to improper use. However, if water is unintentionally sprinkled on a person, it is not disqualified. Most commentaries are not concerned that the purification water was improperly used; however, there is a special *halakha* invalidating purification water sprinkled

on an object not susceptible to impurity (*Tosafot*; Rambam's Commentary on the Mishna; *Tosafot Yeshanim*).

Based on the variant reading of the Gemara, there is a dispute whether the status of the water is determined by the act that was performed, i.e., the sprinkling of water on an animal, or by the intention, i.e., that one intended to sprinkle on an animal (see Rabbi Shimshon of Saens on tractate *Para*; *Ritva*). Another approach explains that if the priest does not sprinkle the water properly, either due to improper intention or improper action, he becomes impure himself. Consequently, he renders the water impure. It is thereby disqualified for use in further sprinkling (*Rabbeinu Tam*; *Tosafot Yeshanim*; Rabbi Shimshon of Saens).