

**Require interment – טְעוּיַן גְּזֵיָהּ** – 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, Hilkhoh Kelei HaMikdash* 8:5).

PERSONALITIES

**Yosef ben Elem – יוֹסֵף בֶּן אֱלֵם** – The story is also related in *Antiquities of the Jews* (Book 17, Chapter 6) by Josephus Flavius. When a disqualification befell the High Priest Matityahu, his relative Yosef ben Elem replaced him that day.

BACKGROUND

**Tzippori – צִיפּוּרִי** – 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 – מִשּׁוֹם אִיבָה** – 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.

וְאִזְדָּא רַבִּי דוּסָא לְטַעְמֵיהּ, דְּתַנָּא: "וְהִנְחֵחֶם שָׁם" מִלְּמַד שְׁטַעוּנִין גְּזֵיָהּ. רַבִּי דוּסָא אָמַר: שְׁלֵא יִשְׁתַּמֵּשׁ בָּהֶן יוֹם הַכַּפּוּרִים אַחֵר.

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 interment<sup>h</sup> 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.

תַּנּוּ רַבְנֵינוּ: אִירַע בּוּ פְסוּל וּמִינּוּ אַחֵר תַּחֲתָיו – רָאשׁוֹן חוֹזֵר לְעִבּוּדָתוֹ, שְׁנִי – בִּלְמַצּוֹת בְּהוֹנָה גְדוּלָה עָלָיו, דְּבִרְי רַבִּי מֵאִיר.

§ 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.

רַבִּי יוֹסֵי אָמַר: רָאשׁוֹן – חוֹזֵר לְעִבּוּדָתוֹ, שְׁנִי – אֵינוֹ רָאוּי לֵא לְבָהֵן גְדוּל וְלֵא לְבָהֵן הִדְיוּט.

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.

אָמַר רַבִּי יוֹסֵי: מִעֲשָׂה בְיוֹסֵף בֶּן אֱלֵם בְּצִיפּוּרִי שְׁאִירַע בּוּ פְסוּל בְּכֹהֵן גְדוּל, וּמִינּוּהוּ תַחֲתָיו. וְאָמְרוּ חֲכָמִים: רָאשׁוֹן – חוֹזֵר לְעִבּוּדָתוֹ, שְׁנִי – אֵינוֹ רָאוּי לֵא לְבָהֵן גְדוּל וְלֵא לְבָהֵן הִדְיוּט. כֹּהֵן גְדוּל – מִשּׁוֹם אִיבָה, כֹּהֵן הִדְיוּט – מִשּׁוֹם מַעְלִין בְּקוֹדֶשׁ וְלֵא מוֹרְדִין.

Rabbi Yosei said as proof for his opinion: There was an incident involving the priest Yosef ben Elem<sup>p</sup> of Tzippori,<sup>b</sup> 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,<sup>n</sup> 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.

אָמַר רַבָּה בַר בַּר חַנָּה אָמַר רַבִּי יוֹחָנָן:

Rabba bar bar Hana said that Rabbi Yoḥanan said:

Perek I  
Daf 13 Amud a

הֲלָכָה כְּרַבִּי יוֹסֵי. וּמוֹדָה רַבִּי יוֹסֵי שְׂאֵם עֶבֶר וְעַבְד – עִבּוּדָתוֹ כְּשֶׁרָה. אָמַר רַב יְהוּדָה אָמַר רַב: הֲלָכָה כְּרַבִּי יוֹסֵי, וּמוֹדָה רַבִּי יוֹסֵי שְׂאֵם מֵת רָאשׁוֹן – שְׁחוּזֵר לְעִבּוּדָתוֹ.

The *halakha* is in accordance with the opinion of Rabbi Yosei<sup>n</sup> 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.<sup>h</sup>

HALAKHA

**One who has served as a High Priest – מִי שְׂמַלְא תַפְקִיד** – 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, Hilkhoh Kelei HaMikdash* 8:5 and *Hilkhoh Avodat Yom HaKippurim* 1:3).

NOTES

The *halakha* is in accordance with the opinion of Rabbi Yosei – הֲלָכָה כְּרַבִּי יוֹסֵי: 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 (*Tosefot 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

been different since both Rabbi Shimon's opinion and an unattributed mishna in tractate *Horayot* contradict the opinion of Rabbi Yosei (*Sifah 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; *Mitzpe Eitan*).

פְּשִׁיטָא! מַהוּ דְתִימָא: הָוּיָא לִיה צָרָה  
מִחַיִּים, קָא מְשַׁמַּע לָן.

”רַבִּי יְהוּדָה אָמַר אִף אִשָּׁה אַחֶרֶת  
מִתְקַיֵּינָן לֹא”. וְרַבָּנָן נִמְי, הָא חִיִּישִׁי  
לְשִׁמָּא! אָמְרִי לָךְ רַבָּנָן: טוּמְאַה –  
שְׂכִיחָא, מִיתָה – לָא שְׂכִיחָא.

”אָמְרוּ לוֹ אִם בְּן אֵין לְדַבֵּר סוּף”.  
שְׁפִיר קָא אָמְרִי לִיה לְרַבִּי יְהוּדָה!  
וְרַבִּי יְהוּדָה אָמַר לָךְ: לְמִיתָה דְחָדָא –  
חִיִּישִׁינָן, לְמִיתָה דְתִרְתִּי – לָא חִיִּישִׁינָן.  
וְרַבָּנָן, אִי אִיכָא לְמִיחָשׁ – אָפִילוּ  
לְמִיתָה דְתִרִין חִיִּישִׁינָן.

וְרַבָּנָן, נִמְרוּ אִינְהוּ לְנַפְשֵׁיהוּ! אָמְרִי  
לָךְ רַבָּנָן: בְּהֵן גְּדוּל זְרוּזָא – אִי זְרוּזָא  
הוּא לְמָה מִתְקַיֵּינָן בְּהֵן אַחֶרָה? בֵּינָן  
דְעַבְדִּין לִיה צָרָה – כָּל שָׂכֹן דְמוֹדְרוּ  
טְפִי.

וּמִי סָגִי לִיה בְּתַקְנָתָא? ”בֵּיתוֹ” אָמַר  
רַחֲמָנָא, וְהָךְ לָא בֵּיתוֹ הִיא! דְמִקְדָּשׁ  
לָהּ, וְהָא כְּמָה דְלָא בְנִים לָהּ – לָא  
בֵּיתוֹ הִיא! דְכְּנִים לָהּ. אִם בְּן הָוָה לִיה  
שְׁנֵי בָתִּים, וְרַחֲמָנָא אָמַר: ”וְכִפֹּר בְּעֵדוֹ  
וּבְעֵד בֵּיתוֹ” וְלָא בְּעֵד שְׁנֵי בָתִּים!

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.

§ 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.

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**.

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.

§ 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**,<sup>N</sup> **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**.<sup>H</sup>

#### NOTES

He has two houses – הָוָה לִיה שְׁנֵי בָתִּים – 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 – וְלָא בְּעֵד שְׁנֵי בָתִּים: A High Priest who has two wives must divorce one of them before performing the Yom Kippur service (Rambam *Sefer Avoda*, *Hilkhot Kelei HaMikdash* 5:10).

**דְּמַגְרֵשׁ לָהּ עַל תְּנָאי** – Divorces her provisionally: 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 commentaries suggest that perhaps he marries the woman but does not consummate the marriage.

**Severance – קְרִיתוּת**: 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.

דְּהָדַר מְגֵרֵשׁ לָהּ. – אִי מְגֵרֵשׁ לָהּ – הָדָרָא קוּשְׁיִין לְדוּכְתָא! לָא צְרִיכָא. דְּמַגְרֵשׁ לָהּ עַל תְּנָאי, דְּאָמַר לָהּ: "הָרִי זֶה גִּיטִיךְ עַל מְנַת שְׁתַּמּוּתִי." – וְדִלְמָא לָא מֵיִתָּא, וְהוּהוּ לִיהּ שְׁנֵי בְתֵימִים!

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,<sup>n</sup> 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.**

אָלָא, דְּאָמַר לָהּ: "הָרִי זֶה גִּיטִיךְ עַל מְנַת שְׁלָא תַּמּוּתִי," אִי לָא מֵיִתָּא – מִיִּגְרָשָׁא לָהּ, וְאִי מֵיִתָּא – הָא קִיּוּמָא הָךְ. וְדִלְמָא הִיא לָא מֵיִתָּא, וְהוּהוּ לִיהּ גִּיטָא דְהָאִי גִיטָא, וּמֵיִתָּא חֲבֵרְתָּהּ, וְקָם לִיהּ בְּלֵא בֵּיתִי!

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.

אָלָא, דְּאָמַר לָהּ: "עַל מְנַת שְׁתַּמּוּת [אֶחָת מִכֶּם]" מֵיִתָּא הָא – קִיּוּמָא הָךְ, מֵיִתָּא הָךְ – הָא קִיּוּמָא הָא. וְדִלְמָא לָא מֵיִתָּא וְלֵא חֲדָא מִיִּיְהוּ, וְהוּהוּ לִיהּ שְׁנֵי בְתֵימִים!

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.**

וְעוּד: כִּי הָאִי גּוֹנָא מִי הָוִי גִּיטָא? וְהָאָמַר רַבָּא: הָרִי זֶה גִּיטִיךְ עַל מְנַת שְׁלָא תִּשְׁתִּי יוֹן בְּלֵי יָמֵי חַיֵּי וְחַיֵּיכִי – אִין זֶה בְּרִיתוֹת,

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.<sup>n</sup>** 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.

בְּלֵי יָמֵי חַיֵּי פְלוּנִי – הָרִי זֶה בְּרִיתוֹת!

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.<sup>h</sup> 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.

אָלָא, דְּאָמַר לָהּ: "הָרִי זֶה גִּיטִיךְ עַל מְנַת שְׁלָא תַּמּוּת חֲבֵרְתִּיךְ" אִי לָא מֵיִתָּא חֲבֵרְתָּהּ – מִיִּגְרָשָׁא, וְאִי מֵיִתָּא הָא – הָא קִיּוּמָא הָא. וְדִלְמָא מֵיִתָּא חֲבֵרְתָּהּ בְּפִלְגָא דְעֵבּוּדָה, וְאִיגְלִי מְלֵתָא

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 – תְּנָאִים בְּגִטִּין: 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 – וְדִלְמָא מֵיִתָּא – חֲבֵרְתָּהּ: 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 – דִּילְמָא – עֵיילָא הִיא לְבֵית הַכְּנֶסֶת: Although the woman could have been forced to enter the synagogue, the involvement of others renders the condition unreliable (*Tosefot HaRosh*).

Two... yevamot – שְׁתֵּי יָבָמוֹת: 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 – הַחוּצָה, לְרִבּוֹת אֶת הָאֵרוּסָה: 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 (*Me'iri*).

HALAKHA

Two... yevamot who come from one house – שְׁתֵּי יָבָמוֹת הַבָּאוֹת מִבֵּית אֶחָד: 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 – לְרִבּוֹת אֶת הָאֵרוּסָה: 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).

לְמַפְרַע דְּגִיטָא דְּהָא לָאו גִיטָא הוּא, וְעֵבִיד לִיהַ עֲבוּדָה בְּשֵׁנֵי בְּתִים! אָלָא, דְּאָמַר לָהּ: "הֲרִי זֶה גִיטִיךְ עַל מְנַת שְׁתֵּמּוֹת חֲבֵרְתִיךְ", – וְדִלְמָא מֵיִתָּא חֲבֵרְתָּהּ, וְהוּהִי לִיהַ גִיטָא דְּהָא גִיטָא, וְקָם לִיהַ בְּלֵא בֵּיתָּהּ?

אָלָא, דְּמַגְרֵשׁ לָהּ לְתַרְוִייהוּ, לְחֻדָּא אָמַר לָהּ: "הֲרִי זֶה גִיטִיךְ עַל מְנַת שְׁלָא תִּמּוֹת חֲבֵרְתִיךְ" וְלְחֻדָּא אָמַר לָהּ: "הֲרִי זֶה גִיטִיךְ עַל מְנַת שְׁלָא תִּכְנְסִי לְבֵית הַכְּנֶסֶת". וְדִלְמָא לָא מֵיִתָּא חֲבֵרְתָּהּ וְלָא עֵיילָא הִיא לְבֵית הַכְּנֶסֶת, וְהוּהִי לִיהַ גִיטָא דְּתַרְוִייהוּ גִיטָא, וְקָם לִיהַ בְּלֵא בֵּיתָּהּ!

אָלָא, לְחֻדָּא אָמַר לָהּ: "הֲרִי זֶה גִיטִיךְ עַל מְנַת שְׁלָא תִּמּוֹת חֲבֵרְתִיךְ" וְלְחֻדָּא אָמַר לָהּ: "הֲרִי זֶה גִיטִיךְ עַל מְנַת שְׁאָכְנַס אֲנִי לְבֵית הַכְּנֶסֶת". דְּאִי מֵיִתָּא הָא – קִיִּמָּא הָא, מֵאִי אִיכָא לְמִימַר – דִּילְמָא מֵיִתָּא חֲבֵרְתָּהּ בְּפִלְגָא דְּעֲבוּדָה, וְעֵבִיד לִיהַ עֲבוּדָה לְמַפְרַע בְּשֵׁנֵי בְּתִים. אִי חֲזִי לָהּ דְּקָא בְּעִיָא לְמִימַת – קָדִים אִיהוּ וְעֵייל לְבֵית הַכְּנֶסֶת, וּמִשְׁוֵי לְגִיטָא דְּהָא גִיטָא לְמַפְרַע.

מִתְקִיף לָהּ רַב אָסִי וְאִיתִימָא רַב עִוְרָא: אָלָא מֵעַתָּה שְׁתֵּי יָבָמוֹת הַבָּאוֹת מִבֵּית אֶחָד לָא יִתְיַבְּמוּ! "בְּבִמְתוֹ", "בְּבִמְתוֹ" – רִיבָּה.

מִתְקִיף לָהּ רַבִּינָא, וְאִיתִימָא רַב שְׁרֵבְיָה: אָלָא מֵעַתָּה אֵרוּסָה לָא תִּתְיַבְּבוּ! "הַחוּצָה" – לְרִבּוֹת אֶת הָאֵרוּסָה.

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 die<sup>n</sup> 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 synagogue,<sup>n</sup> 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*]<sup>n</sup> who come from one house,<sup>h</sup> 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 Sherevyia, 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.<sup>nh</sup> Although she is technically still outside the family, the brother of the deceased must either marry her in levirate marriage or perform *halitza*.

A High Priest sacrifices offerings when he is an acute mourner – כִּהֵן גְּדוֹל מְקַרֵּיב אוֹגֵן – 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 Mishneh*; Rambam *Sefer Avoda*, *Hilkhot Biat HaMikdash* 2:6).

A High Priest does not eat from offerings when he is an acute mourner – כִּהֵן גְּדוֹל אוֹגֵן אֵינוֹ אוֹכֵל – 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*, *Hilkhot Biat HaMikdash* 2:8).

NOTES

To bring him from his house – לְהֵבִיאוֹ מִתּוֹךְ בֵּיתוֹ: 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.

A priest was standing and sacrificing – הִיָּה עוֹמֵד וּמְקַרֵּיב: 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).

תָּנּוּ רַבֵּנּוּ: כִּהֵן גְּדוֹל מְקַרֵּיב אוֹגֵן, וְאֵינוֹ אוֹכֵל. רַבִּי יְהוּדָה אוֹמֵר: כָּל הַיּוֹם. מֵאֵי "כָּל הַיּוֹם"? אָמַר רַבָּא: לֹא נִצְרְכָה אֵלָּא לְהֵבִיאוֹ מִתּוֹךְ בֵּיתוֹ.

אָמַר לִיָּה אֲבֵי: הַשְּׂתָא לְרַבִּי יְהוּדָה אֲפוֹקִי מִפְּקִינָא לִיָּה, דְּתַנְיָא: הִיָּה עוֹמֵד וּמְקַרֵּיב עַל גְּבִי הַמִּזְבֵּחַ, וְשָׁמַע שְׁמֵית לֹא מַת – מִנִּיחַ עֲבוּדָתוֹ וְיוֹצֵא, דְּבָרֵי רַבִּי יְהוּדָה. רַבִּי יוֹסֵי אוֹמֵר: יְגִמּוֹר. וְאַתָּה אֲמַרְתָּ מִיֵּיתִינָא לִיָּה מִתּוֹךְ בֵּיתוֹ?

אֵלָּא אָמַר רַבָּא: מֵאֵי "כָּל הַיּוֹם"?

§ 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,**<sup>H</sup> on the day of a relative's death, but **does not eat** from those offerings.<sup>H</sup> **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.**<sup>N</sup> 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 sacrificing<sup>N</sup> 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?**

Perek I  
Daf 14 Amud a

לוֹמַר שְׂאִינוֹ עוֹבֵד כָּל הַיּוֹם, גִּזְרָה שְׂמָא יֹאכֵל. אָמַר לִיָּה רַב אֲדָא בַר אֲהֵבָה לְרַבָּא: וּמִי גִזַּר רַבִּי יְהוּדָה שְׂמָא יֹאכֵל? וְהִתְנַן, רַבִּי יְהוּדָה אוֹמֵר: אִף אִשָּׁה אַחֲרַת מִתְקִינָא לּוֹ, שְׂמָא תָּמוּת אִשְׁתּוּ. וְאִי מִיֵּיתָא אִשְׁתּוּ – עָבִיד עֲבוּדָה, וְלֹא גִזַּר רַבִּי יְהוּדָה שְׂמָא יֹאכֵל! אָמַר לִיָּה: הֲכִי הַשְּׂתָא? הֲתָם, כִּיֵּן דְּיָוִם הַכְּפּוּרִים הוּא, דְּכּוּלֵי עֲלֵמָא לֹא קָא אֲכָלִי – הוּא נְמִי לֹא אֲתִי לְמִיכַל. הֲכִי דְּכּוּלֵי עֲלֵמָא אֲכָלִי – הוּא נְמִי אֲתִי לְמִיכַל.

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?**<sup>N</sup> **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.

וְכִי הָאִי גִּזְרָא מִי חִיִּילָא עֲלֵיהּ אֲנִינּוּת? וְהָאִי מִיגְרָשָׁא! נְהִי דְּאֲנִינּוּתָא לֹא חִיִּיל עֲלֵיהּ, אֲטְרוּדֵי מִי לֹא מִשְׁרִיד?

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 – וּמִי גִזַּר: 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*).