

**חייב** – A person must touch the phylacteries on his head – **אדם למשמש בתפיליו**: A person must frequently touch his phylacteries to maintain perpetual awareness of their presence. One need not do so during prayer (*Magen Avraham*). With regard to what length of time constitutes a lapse of awareness, one may rely on the statements of Rabbeinu Yona and the Rosh that only idle conversation and the like constitute a lapse of awareness with regard to phylacteries (*Shulhan Arukh, Orah Hayyim* 28:ו).

וּלְרַבִּי יְהוּדָה נִמְי, הָא כְּתִיב 'תָּמִיד' – הַהוּא תָּמִיד שְׁלֵא יִסִּיחַ דַּעְתּוֹ מִמֶּנּוּ, כְּדָרְבָה בַר רַב הוּנָא. דְּאָמַר רַבָּה בַר רַב הוּנָא: חַיִּיב אָדָם לְמִשְׁמֵשׁ בְּתַפְּלִיּוֹ בְּכָל שָׁעָה וְשָׁעָה, קַל וְחוֹמֵר מְצִיץ.

The Gemara asks: **And according to Rabbi Yehuda as well, isn't it written: "Always"?** Clearly it does not mean that the frontplate must always be on his forehead. The Gemara answers: **That term: "Always,"** teaches that the High Priest must always be aware that the frontplate is on his head, and **that he should not be distracted from it.** This is in accordance with the statement of **Rabba bar Rav Huna, as Rabba bar Rav Huna said: A person must touch the phylacteries on his head<sup>n</sup> and on his arm each and every hour, to maintain awareness of their presence.** This is derived by means of an *a fortiori* inference from the frontplate:

Perek I

Daf 8 Amud a

וּמָה צִיץ, שְׂאִין בּוֹ אֵלָא אִיבְרָה אַחַת, אָמְרָה תּוֹרָה "עַל מִצְחוֹ תָּמִיד" – שְׁלֵא יִסִּיחַ דַּעְתּוֹ מִמֶּנּוּ, תַּפְּלִיּוֹן שֵׁישׁ בְּהֵן אִיבְרוֹת הָרַבָּה – עַל אַחַת כַּמָּה וְכַמָּה.

**Just as with regard to the frontplate, which has only one mention of God's name, the Torah said: "It shall be always upon his forehead,"** teaching that **that he should not be distracted from it,** with regard to **phylacteries, which have numerous mentions of God's name in their four passages from the Torah, all the more so<sup>n</sup>** one may not be distracted from them.

וּלְרַבִּי שִׁמְעוֹן דְּאָמַר תָּמִיד מְרֻצָּה, וְהָא כְּתִיב "עַל מִצְחוֹ וְנִשְׂא" – הַהוּא לְקַבּוּעַ לֹא מְקוּם הוּא דְּאֵתָא.

The Gemara asks: **And according to Rabbi Shimon, who says that the verse: "It shall be always upon his forehead,"** teaches that the frontplate **effects acceptance** even when it is not on the High Priest's forehead, **isn't it also written: "On his forehead... and shall gain forgiveness"?** The Gemara answers: **That verse comes to establish the place** where the High Priest should position the frontplate, not to indicate that it effects acceptance only when it is on his forehead.

וּרְבִי יְהוּדָה, לְקַבּוּעַ לֹא מְקוּם מְנָא לִיָּה? נִפְקָא לִיָּה מ"עַל מִצְחוֹ". וּרְבִי שִׁמְעוֹן נִמְי, תִּיפּוֹק לִיָּה מ"עַל מִצְחוֹ"! אִין הֲכִי נִמְי.

The Gemara asks: **And according to Rabbi Yehuda, from where does he derive the halakha to establish the frontplate's place on the High Priest's forehead?** The Gemara answers: **He derives it** from that which is written: **"On his forehead."** The Gemara asks: **And Rabbi Shimon, too, let him derive the placement of the frontplate from: "On his forehead."** The Gemara responds: **Yes, it is indeed so;** that is Rabbi Shimon's source.

אֵלָא "עַל מִצְחוֹ וְנִשְׂא" מֵאֵי עֵבִיד לִיָּה? אָמַר לָךְ: רְאוּי לְמִצְחָ – מְרֻצָּה, שְׂאִינוּ רְאוּי לְמִצְחָ – אִינוּ מְרֻצָּה, לְאִפּוֹקִי נִשְׁבַּר הַצִּיץ, דְּלֵא מְרֻצָּה.

The Gemara asks: **Rather, if so, with regard to the verse: "On his forehead... and shall gain forgiveness,"** what does Rabbi Shimon do with that verse? The Gemara responds that Rabbi Shimon could have said to you: **The frontplate that is intact and fit for placement on the High Priest's forehead effects acceptance;**<sup>n</sup> **that which is not fit for placement on the High Priest's forehead does not effect acceptance.** This comes to **exclude** a case where **the frontplate broke, in which case it does not effect acceptance.**

וּלְרַבִּי יְהוּדָה, נִשְׁבַּר הַצִּיץ מְנָא לִיָּה? נִפְקָא לִיָּה מ"מִצְחָ" "מִצְחָ". וּרְבִי שִׁמְעוֹן: "מִצְחָ" "מִצְחָ" לֹא מִשְׁמַע לִיָּה.

The Gemara asks: **And according to Rabbi Yehuda, from where does he derive the ruling that in a case where the frontplate broke it does not effect acceptance?**<sup>n</sup> The Gemara responds: **He derives it** from the fact that the Torah did not say **forehead,** and instead said **his forehead,** teaching that it must be fit for the forehead of the High Priest. **And Rabbi Shimon does not learn anything from the difference between forehead and his forehead.**

NOTES

All the more so – **על אחת כמה וכמה**: See *Tosafot*, who challenge this *a fortiori* inference. In *Sefer Yere'im* it is explained that the purpose of touching the phylacteries is to be constantly aware of them lest they fall and be trampled, in which case their leather casing would not protect them. That resolves the question asked by *Tosafot* as well.

that even with regard to actions that are not obligatory, if the action cannot be performed at all, failure to perform that action invalidates the matter. Here, according to Rabbi Shimon, the frontplate is effective even when not on the High Priest's forehead; nevertheless, if it is broken, it does not effect acceptance (Rav Shmuel Strashun).

since Rabbi Yehuda holds that the frontplate effects acceptance only when it is on the High Priest's forehead, and a broken frontplate cannot be worn. Some commentaries suggest that the Gemara is asking how Rabbi Yehuda knows that the verse is teaching the position of the frontplate, and not that the frontplate must be whole. If he derives that it must be whole, Rabbi Yehuda is left without a source to teach that the frontplate must be on the High Priest's forehead (*Tosafot Yeshanim; Tosafot Rid; Tosafot HaRosh*).

The frontplate that is fit for placement on the High Priest's forehead effects acceptance – **ראוי למצח מרצה**: This statement is seen as the principal source for Rabbi Zeira's *halakha*

From where does he derive the ruling that in a case where the frontplate broke it does not effect acceptance – **נשבר ליה**: At first glance this question seems unnecessary,

**הַזָּאָה עַל – סַרְקִינְג׳וֹן עַל הַגּוֹבֵה׳ הַכּוֹהֵן לְיוֹם הַכִּפּוּרִים**: The priests sprinkle the purification water on the High Priest on the third and seventh days of his sequestering prior to Yom Kippur, unless one of those days is Shabbat. The Rambam rules in accordance with the opinions of Rabbi Yosei and Rabbi Hanina, the deputy High Priest (Rambam *Sefer Avoda, Hilkhhot Avodat Yom HaKippurim* 1:4 and *Kesef Mishne* there).

**הַזָּאָה עַל הַכּוֹהֵן הַשּׂוֹרֵף אֶת הַפָּרָה**: The priests sprinkle the purification water on the priest who burns the heifer on the third and seventh days of his seven-day sequestering, lest he became impure with impurity imparted by a corpse. This is a stringency instituted for the red heifer ceremony. The Rambam did not rule in accordance with the opinion of Rabbi Yosei, as it was an individual opinion against Rabbi Meir and Rabbi Hanina, the deputy High Priest, as well as Rava (*Kesef Mishne*; Rambam *Sefer Avoda, Hilkhhot Para Aduma* 2:4).

**Immersion at its appointed time – טְבִילָה בְּמוֹנֵה**: A woman immersing after the conclusion of the seven clean days following her menstrual period is obligated to immerse at the appointed time if her husband is in town, in order to enable him to fulfill the mitzva of procreation. In general, however, there is no obligation to immerse at the appointed time (*Torat HaShelamim*). The *Beit Yosef* rules in accordance with the ruling of Rabbeinu Tam cited in the *Tur* and the ruling of *Tosafot* (*Bur HaGra; Shulhan Arukh, Yoreh De'a* 197:2).

**One who had a sacred name of God written on his flesh – הָיָה שֵׁם כְּתוּב עַל בְּשׂוֹרוֹ**: A person who has a sacred name inscribed on his skin may neither bathe, nor smear oil on his flesh, nor stand in a place of filth. In the event that he is obligated to immerse, he wraps a reed over the name and immerses. If he has no reed, he loosens his garments to avoid an interposition and makes certain not to stand naked in the presence of the Divine Name, in accordance with the opinion of the first *tanna* (Rambam *Sefer HaMadda, Hilkhhot Yesodei HaTorah* 6:6).

## NOTES

**טְהוּרָה – טְהוּרָה**: Purification from impurity imparted by a corpse – **מִטּוּמְאָת מַת**: One who becomes impure with impurity imparted by a corpse must be sprinkled with a mixture of ashes from a red heifer and flowing water on the third and seventh days before immersing in a ritual bath. The Torah states: "He that touches the dead... shall be impure seven days; he shall purify himself on the third day and on the seventh day, and he shall be pure; but if he does not purify himself on the third day and the seventh day, he shall not be pure" (Numbers 19:11–12).

**הַזָּאָה לְיוֹם הַכִּפּוּרִים – סַרְקִינְג׳וֹן עַל הַגּוֹבֵה׳ הַכּוֹהֵן לְיוֹם הַכִּפּוּרִים**: Some commentaries explain that there certainly is no debate with regard to the High Priest's purity on Yom Kippur itself, since it makes no difference whether he was sprinkled during all seven days or only on the third and seventh days. The dispute is with regard to the days of sequestering; Rabbi Meir maintains that he must be pure during those days as well (*Ohel Moshe*).

## BACKGROUND

**Reed – גָּמִי**: The reed referred to in this context is probably an umbrella term for objects produced from the papyrus sedge plant, *Cyperus papyrus* L. This plant, which grows in streams and swamps, was used in various industries. Its outer, harder section was used in the weaving of mats, while paper was manufactured from its inner part in ancient Egypt and other countries. These soft inner parts were also converted into strips with which objects could be tied, and occasionally as a bandage for a wound.

יִמָּא הָיָה תַנְיָא כְּהֵנִי תַנְיָא דְתַנְיָא: אֶחָד זֶה וְאֶחָד זֶה מִזֵּין עָלָיו כֹּל שִׁבְעָה מְכַל חֲטָאוֹת שְׁהִי שָׁם, דְּבָרֵי רַבִּי מֵאִיר. רַבִּי יוֹסֵי אוֹמֵר: אִין מִזֵּין עָלָיו אֶלְא שְׁלִישִׁי וְשִׁבְעִי בְּלִבָּד. רַבִּי חֲנִינְא סָגְן הַכֹּהֵנִים אוֹמֵר: כִּהֵן הַשּׂוֹרֵף אֶת הַפָּרָה מִזֵּין עָלָיו כֹּל שִׁבְעָה. כִּהֵן גְּדוּל בְּיוֹם הַכִּפּוּרִים – אִין מִזֵּין עָלָיו אֶלְא שְׁלִישִׁי וְשִׁבְעִי.

מֵאִי לֹא בְּהָא קָא מִפְּלִגִי: רַבִּי מֵאִיר סָבַר: טוּמְאָה דְחַוְיָה הִיא בְּצִיבּוֹר, וְרַבִּי יוֹסֵי סָבַר: טוּמְאָה הִיא בְּצִיבּוֹר.

וְתַסְבְּרָא? אִי סָבַר רַבִּי יוֹסֵי הִיתֵר הִיא בְּצִיבּוֹר – הַזָּאָה כֹּלֵל לְמָה לִּי? אֶלְא, דְּכּוֹלֵי עֲלֵמָא הֵן תַנְיָא סָבְרֵי טוּמְאָה דְחַוְיָה הִיא בְּצִיבּוֹר,

וְהִכָּא בְּהָא קָמִיפְלִגִי: רַבִּי מֵאִיר סָבַר: אֶמְרִינָן "טְבִילָה בְּמוֹנֵה מִצְוָה", וְרַבִּי יוֹסֵי סָבַר: לֹא אֶמְרִינָן "טְבִילָה בְּמוֹנֵה מִצְוָה".

וְסָבַר רַבִּי יוֹסֵי לֹא אֶמְרִינָן טְבִילָה בְּמוֹנֵה מִצְוָה? וְהִתְנַיָּא: הֲרֵי שְׁהִי שָׁם כְּתוּב עַל בְּשׂוֹרוֹ – הֲרֵי זֶה לֹא יִרְחֵץ, וְלֹא יְסוּד, וְלֹא יַעֲמוּד בְּמָקוֹם הַטְּנוּפֹת. נִזְדַּמְנָה לוֹ טְבִילָה שֶׁל מִצְוָה – כּוֹרֵךְ עָלָיו גָּמִי, וְטוֹבֵל. רַבִּי יוֹסֵי אוֹמֵר: יוֹרֵד וְטוֹבֵל כְּדָרְכוֹ, וּבְלִבָּד שְׁלֵא יִשְׁפֹּשֵׁף.

**S** The Gemara suggests: **Let us say** that the dispute between these *tanna'im*, Rabbi Yehuda and Rabbi Shimon, who disagree with regard to a case of impurity involving the public, is like the dispute between those *tanna'im*, as it was taught in a *baraita*: **Both in this case of a High Priest prior to Yom Kippur<sup>H</sup> and in that case of a priest prior to burning the red heifer,<sup>H</sup> on all seven days of his sequestering one sprinkles upon him purification water mixed with ashes from all the previous red heifer sin-offerings that were safeguarded there in the Temple. This is the statement of Rabbi Meir. Since these priests may have become impure with impurity imparted by a corpse at any point prior to their sequestering, one sprinkles the water upon them during all seven days, as there is no certainty which are the third and seventh days.<sup>N</sup>**

**Rabbi Yosei says: One sprinkles the water upon him only on the third and seventh days, not on all seven, as sprinkling upon him twice is sufficient to purify him.**

**Rabbi Hanina, the deputy High Priest, says: With regard to the priest who burns the heifer, one sprinkles the water upon him all seven days. However, with regard to the High Priest on Yom Kippur, one sprinkles the water upon him only on the third and seventh days.<sup>N</sup>**

The Gemara clarifies: **What, is it not with regard to this point that they disagree? Rabbi Meir holds: The prohibition against performing the Temple service in a state of impurity is overridden in cases involving the public. Therefore, one sprinkles the water upon the priest all seven days to ensure purification. And Rabbi Yosei holds: The prohibition against performing the Temple service in a state of impurity is permitted in cases involving the public. Therefore, it may be sufficient to sprinkle the water on the third and the seventh days.**

This suggestion surprises the Gemara: **And how can you understand the opinion of Rabbi Yosei in that manner? If Rabbi Yosei holds that impurity imparted by a corpse is permitted in cases involving the public, why do I need sprinkling at all? Rather, it must be that everyone, i.e., both *tanna'im*, holds that impurity imparted by a corpse is overridden in cases involving the public, and that is why sprinkling is necessary.**

**And here the *tanna'im* disagree with regard to this matter. Rabbi Meir holds: We say that immersion at its appointed time<sup>H</sup> is a mitzva. Beginning with the moment that an impure person is eligible for immersion, whenever he immerses, even if he delays doing so, he is purified. Nevertheless, it is a mitzva to immerse as soon as one is eligible. It is similarly a mitzva to have the purification waters sprinkled as soon as the priest is eligible. Since there is concern that perhaps the High Priest became impure during the three days prior to his sequestering, there is an obligation to sprinkle him each day beginning with day one, since that might be the third day of his impurity. And Rabbi Yosei holds: We do not say that immersion at its appointed time is a mitzva, and the same is true with regard to sprinkling. Therefore, sprinkling on the third and seventh days of his sequestering is sufficient, despite their not necessarily being the third and seventh days of his impurity.**

**And does Rabbi Yosei hold that we do not say that immersion at its appointed time is a mitzva? Wasn't it taught in a *baraita*: With regard to one who had a sacred name of God written on his flesh,<sup>H</sup> he may neither bathe, nor smear oil on his flesh, nor stand in a place of filth. If an immersion by means of which he fulfills a mitzva happened to present itself to him, he wraps a reed<sup>B</sup> over God's name and then descends and immerses, allowing the water to penetrate so that there will be no interposition between him and the water. Rabbi Yosei says: Actually, he descends and immerses in his usual manner, and he need not wrap a reed over the name, provided that he does not rub the spot and erase the name.**

וְקוּיָמָא לִן דְּבִטְבִילָה בְּזִמְנָה מַצּוּהָ  
 קָא מִפְלִגִי, דְּתַנָּא קָמָא סָבֵר: לֹא  
 אָמְרִינן טְבִילָה בְּזִמְנָה מַצּוּהָ, וְרַבִּי  
 יוֹסֵי סָבֵר: אָמְרִינן טְבִילָה בְּזִמְנָה  
 מַצּוּהָ! אֲלֵא, דְּכֹלֵי עֲלָמָא לֵהֲנִי תַנָּאֵי  
 אָמְרִינן טְבִילָה בְּזִמְנָה מַצּוּהָ.

And we maintain that it is with regard to the issue of whether immersion at the appointed time is a mitzva that they disagree. The first *tanna* holds: We do not say that immersion at its appointed time is a mitzva. Therefore, one must wait to immerse until he procures a reed with which to cover God's name, even if it means delaying the immersion. And Rabbi Yosei holds: We say that immersion at its appointed time is a mitzva. Therefore, one must not delay the immersion until he procures a reed but must immerse immediately. The dispute between Rabbi Meir and Rabbi Yosei was not based on whether or not immersion on time is a mitzva. Rather, it must be that everyone agrees that according to these *tanna'im* we say that immersion at its appointed time is a mitzva.

וְהִכָּא בְּהָא קָמִיפְלִגִי, רַבִּי מֵאִיר סָבֵר:  
 מְקַשְׁינן הַזָּאָה לְטְבִילָה, וְרַבִּי יוֹסֵי  
 סָבֵר: לֹא מְקַשְׁינן הַזָּאָה לְטְבִילָה.

And here they disagree with regard to this matter. Rabbi Meir holds: We equate sprinkling with immersion; just as immersion at its appointed time is a mitzva, so too, sprinkling at its appointed time is a mitzva. And Rabbi Yosei holds: We do not equate sprinkling with immersion; although immersion at its appointed time is a mitzva, sprinkling at its appointed time is not.

וְרַבִּי חֲנִינְיָא סָגֵן הַכֹּהֲנִים, אֵי מְקִישׁ  
 הַזָּאָה לְטְבִילָה – אֲפִילוּ בְּהֵן בְּיוֹם  
 הַכַּפּוּרִים נְמוּ, אֵי לֹא מְקִישׁ הַזָּאָה  
 לְטְבִילָה – אֲפִילוּ בְּהֵן הַשּׁוֹרֵף אֶת  
 הַפָּרָה נְמוּ לֹא!

The Gemara asks: And with regard to the opinion of Rabbi Hanina, the deputy High Priest, why does he distinguish between sprinkling purification water on the High Priest before Yom Kippur and doing so to the priest before he burns the red heifer? If he equates sprinkling with immersion, then one should sprinkle purification water all seven days even on the High Priest prior to Yom Kippur. If he does not equate sprinkling with immersion, then even on the priest who burns the red heifer one would also not sprinkle purification waters all seven days.

לְעוֹלָם לֹא מְקִישׁ, וְכֵהֵן הַשּׁוֹרֵף אֶת  
 הַפָּרָה – מַעֲלָה בְּעֲלָמָא.

The Gemara answers: Actually, Rabbi Hanina, the deputy High Priest, does not equate sprinkling with immersion, and fundamentally, one need not sprinkle purification water all seven days in either case. And with regard to the priest who burns the heifer, the Sages merely established a higher standard. This is one of the many stringencies that the Sages instituted with regard to the priest who burns the heifer in an attempt to underscore that the ritual must be performed in purity.

כִּמְאֵן אֲוֵלָא הָא דְּתַנּוּ רַבְנֵי: אֵין בֵּין  
 בְּהֵן הַשּׁוֹרֵף אֶת הַפָּרָה לְבִהֵן גְּדוּל  
 בְּיוֹם הַכַּפּוּרִים אֲלֵא

The Gemara asks: With whose opinion, among the *tanna'im* cited above, does the following *baraita* that the Sages taught, correspond? The only difference between the priest who burns the heifer and the High Priest performing the service on Yom Kippur is

Perek I  
 Daf 8 Amud b

שׁוּפָה פְּרִישְׁתּוֹ לְקְדוּשָׁה, וְאַחֲרָיו  
 הַכֹּהֲנִים נוֹגְעִין בּוֹ, וְזֶה פְּרִישְׁתּוֹ  
 לְטְהָרָה, וְאֵין אַחֲרָיו הַכֹּהֲנִים נוֹגְעִין  
 בּוֹ. כִּמְאֵן – אִם רַבִּי מֵאִיר אִם רַבִּי יוֹסֵי.  
 דְּאִי רַבִּי חֲנִינְיָא סָגֵן הַכֹּהֲנִים – הָא  
 אֵיכָא נְמוּ הָא.

that the sequestering of this High Priest prior to Yom Kippur is for the purpose of sanctity, i.e., to ensure that he appreciates the gravity of the occasion and to fill him with reverence in preparation for entering the Holy of Holies. His brethren, the priests, may touch him, as the objective of his sequestering is unrelated to any concern of impurity. In contrast, the sequestering of that priest who burns the heifer is for the purpose of purity, and his brethren, the priests, may not touch him.<sup>h</sup> In accordance with whose opinion is this *baraita*? It is in accordance with the opinion of either Rabbi Meir or Rabbi Yosei. As, if it were in accordance with the opinion of Rabbi Hanina, the deputy High Priest, isn't there also this difference between the two priests: One sprinkles purification waters on the priest who burns the heifer all seven days that he is sequestered, whereas one sprinkles purification waters on the High Priest before Yom Kippur only on the third and seventh days?

HALAKHA

אֵין אַחֲרָיו – His brethren, the priests, may not touch him – הַכֹּהֲנִים נוֹגְעִין בּוֹ: During the sequestering of the priest who will burn the heifer, no priests are allowed to touch him, lest they render him impure (Rambam *Sefer Tahara, Hilkhot Para Aduma* 2:1).



NOTES

**הזאה שבת – ספיקין**  
 Sprinkling is prohibited by rabbinic decree – **הזאה שבת**: The obvious question arises: Isn't there a halakhic principle that rabbinic decrees are not in effect in the Temple? In that case, why is sprinkling prohibited there on Shabbat? Some explain that several rabbinic decrees are violated in the process of sprinkling, e.g., the sprinkling itself, carrying the water, and others. Actions that entail violation of multiple decrees were not permitted in the Temple (*Sha'ar HaMelekh; Mitzpe Eitan; Mikhtav LeHizkiyahu*).

**שבעה לבר מרביעי – שבעה**  
 The commentaries ask: What if the third day occurs on Shabbat, precluding the possibility of sprinkling on that day? In that case, since there was no sprinkling on the third day, there can be no sprinkling on the seventh, and the High Priest will not be ritually pure on Yom Kippur. They answer that the obligation is not to sprinkle specifically on the third day. The obligation begins on the third day (*Tosefot Ri HaLavan*).

LANGUAGE

**בלוטי – בלוטי**: From the Greek βουλευτής, *bouleutēs*, meaning councilman of the city or senator.

מתקין לה רבי יוסי ברבי חנינא:  
 בשלמא ראשון – שמא שלישי, שני –  
 שמא שלישי, שלישי – שמא שלישי,  
 חמישי – שמא שביעי, ששי – שמא  
 שביעי, שביעי – שמא שביעי.

אלא רביעי, למה לי הזאה כלל? לא  
 בשלישי איכא לספוקי, ולא בשביעי  
 איכא לספוקי!

ולטעמין, הזאה כל שבעה מי איכא?  
 והא קיימא לן דהזאה שבות, ואינה  
 דוחה את השבת. אלא מאי אית לך  
 למימר – שבעה לבר משבת, הכא  
 נמי – שבעה לבר מרביעי.

אמר רבא: הלכך, כהן גדול ביום  
 הכפורים, דלא בדין תליא מילתא,  
 אלא בקביעא דירחא תליא מילתא –  
 בתלתא בתשרי בעי לאפרושי, וכל  
 אימת דמתרמי תלתא בתשרי –  
 מפרשינן ליה. אבל כהן השורף את  
 הפרה, דבדין תליא מילתא – מפרשינן  
 ליה ברביעי בשבת, כי היכי דנתרמי  
 רביעי שלו בשבת.

ללשכת פרהדרין. תנא, רבי יהודה:  
 וכי לשכת פרהדרין היתה? והלא  
 לשכת בלוטי היתה!

**S** Rabbi Yosei, son of Rabbi Hanina, strongly objects to the opinion that one sprinkles purification waters on the priest who burns the heifer all seven days because those days may be the third or seventh day of his impurity. **Granted**, on the **first** day of the seven one sprinkles the water, as **perhaps** it is the **third** day of his impurity; and on the **second** day of the seven one sprinkles the water, as **perhaps** it is the **third** day of his impurity, if he became impure the day before he was sequestered. The same is true for the **third** day; one sprinkles the water, as **perhaps** that is the **third** day of his impurity. By the same token, on the **fifth** day one sprinkles the water, as **perhaps** that is the **seventh** day of his impurity if he became impure two days before he was sequestered. On the **sixth** day one sprinkles the water, as **perhaps** that is the **seventh** day of his impurity if he became impure the day before he was sequestered. On the **seventh** day one sprinkles the water, as **perhaps** that is the **seventh** day of his impurity.

**However**, on the **fourth** day after he was sequestered, **why do I** require **sprinkling at all**? **Neither with regard to** the possibility that it may be the **third** day of his impurity **is there uncertainty**, since he has already been sequestered for three days, **nor with regard to** the possibility that it may be the **seventh** day of his impurity **is there uncertainty**, as even if it were, sprinkling would be useless because he did not have purification water sprinkled on him on the third day of his impurity. Nothing is accomplished by sprinkling the water on the priest on the fourth day.

The Gemara asks: **And according to your reasoning, is there ever sprinkling on the priest all seven days? Don't we maintain that sprinkling is prohibited by rabbinic decree<sup>N</sup> issued to enhance the character of Shabbat as a day of rest, and therefore, sprinkling does not override Shabbat.<sup>H</sup> Rather, what have you to say?** When it was instituted to sprinkle the water on the priest, it was for **seven days except for Shabbat**. **Here too**, say that sprinkling is performed for **seven days except for the fourth day<sup>N</sup>** of sequestering.

Rava said: **Therefore, with regard to the High Priest on Yom Kippur, where the matter of the beginning of the seven-day period is not dependent on us; rather, the matter is dependent on the determination of the first day of the new month, for that reason it is required to remove the High Priest from his home on the third of Tishrei, and whenever the third of Tishrei occurs on a weekday, we remove him from his house.** Therefore, both on the fourth day of his sequestering and on Shabbat, no sprinkling is performed. **However**, with regard to the **priest who burns the heifer, where the matter of the beginning of the seven-day period is dependent on us, we remove him from his home on the fourth day of the week, Wednesday, so that the fourth day of his sequestering will occur on Shabbat.** In that way, sprinkling will not be performed only one day of the seven, as the day on which sprinkling is prohibited will coincide with the day on which sprinkling is unnecessary.

**S** Having discussed the obligation to sequester the High Priest prior to Yom Kippur, the Gemara interprets the next matter in the mishna: The High Priest is removed from his house to the **Chamber of Parhedrin**. **It was taught in a baraita that Rabbi Yehuda said: And was it called the Chamber of Parhedrin, the chamber for the annual royal appointees? Wasn't it called the Chamber of Balvatei,<sup>1</sup> the chamber for ministers and council heads?**

HALAKHA

**אינן הזאה דוחה שבת – ספיקין**  
 Sprinkling does not override Shabbat – The prohibition against sprinkling on Shabbat qualifies as a rabbinic decree issued to enhance the character of Shabbat as a day of rest. Consequently, the performance of sprinkling

not override Shabbat. The priest who burned the heifer was therefore sequestered on a Wednesday so that the fourth day of his separation would coincide with Shabbat (Rambam *Sefer Tahara, Hilkhot Para Aduma* 2:5).

**Appointed for twelve months – מְמָנִים לְשָׁנִים עֶשְׂרֵי חֹדֶשׁ:** The officials appointed in Rome and its districts were typically appointed for one year, both when the appointments were official, e.g., the selection of senators, and when the appointments were personal appointments of the elected officials. Many officials attempted to fill their private coffers with tax money they would extort from the community during their brief period in office. One of their methods was to impose levies on members of different professions beyond their legal obligations. Among these officials were appointees whose function was to monitor prices. These were a special category of *parhedrin*.

## HALAKHA

**Teruma of bakers – תְּרוּמוֹת הַבָּאֲחֻזִּים:** In the case of doubtfully tithed produce, the Sages required bakers to separate only *teruma* of the tithe. The baker would separate it in purity with the *halla* separated from the dough, in accordance with the opinion of Rabbi Yoḥanan in the Jerusalem Talmud. The buyer is obligated to separate all tithes in accordance with the continuation of the mishna cited here (Rambam *Sefer Zera'im, Hilkhot Ma'asrot* 9:12).

אֲלָא, בְּתַחֲלָה הָיוּ קוֹרְיֵן אוֹתָהּ לְשִׁבְתָּ בְּלוֹוֵטִי, וּמִתּוֹךְ שְׁנוֹתָנִין עָלָיו מָמוֹן לְבַהֲוֹנָה וּמַחְלִיפִין אוֹתָהּ כָּל שָׁנִים עֶשְׂרֵי חֹדֶשׁ, כְּפִרְהֲדֵרִין הִלְלוּ שְׂמִיחִלִּיפִין אוֹתָם כָּל שָׁנִים עֶשְׂרֵי חֹדֶשׁ, לְפִיכָךְ הָיוּ קוֹרְאִין אוֹתָהּ לְשִׁבְתָּ פְּרִהֲדֵרִין.

Rather, initially, during the era of Shimon HaTzaddik and his colleagues, who were rewarded with long lives due to their righteousness, they would call it the Chamber of *Balvatei*, a term connoting significance, since it was a place designated for the High Priest. However, because people were giving money in order to be appointed to the High Priesthood, the position was filled by unworthy individuals. Due to their wickedness, they did not survive the year, and they were replaced every twelve months<sup>N</sup> like the *parhedrin* who are replaced every twelve months.<sup>B</sup> Therefore, the chamber was called disparagingly the Chamber of *Parhedrin*. Since the High Priest was replaced every year, the new appointee would renovate the chamber to reflect his own more elaborate tastes.

תֵּנֵן הֵתָם: הַנְּחָתוּמִין לֹא חֵיבוּ אוֹתָן חֲכָמִים לְהַפְרִישׁ אֶלָּא תְּרוּמַת מַעֲשֵׂר וְחֻלָּה.

Apropos the *Parhedrin* chamber, the Gemara discusses a related *halakha*. We learned in a mishna there in tractate *Demai*: With regard to doubtfully tithed produce, i.e., produce purchased from an *am ha'arets* with regard to whom there is uncertainty whether or not he tithed the produce, the Sages required bakers<sup>H</sup> to separate only *teruma* of the tithe,<sup>N</sup> which is one one-hundredth of the produce that is given to the priests, and *halla*, separated from the dough and given to priests.<sup>N</sup>

בְּשִׁלְמָא תְּרוּמָה גְּדוּלָה לֹא, דִּתְנֵינָא:

The Gemara asks: Granted, *teruma gedola*, which is equal to approximately one-fiftieth of the produce and is given to a priest, need not be separated from doubtfully-tithed produce, as it was taught in a *baraita*:

## NOTES

**Replaced every twelve months – וּמַחְלִיפִים אוֹתָהּ כָּל שָׁנִים:** Rashi and other commentaries explain that it was the chamber that was replaced annually, as the High Priests were wicked and were interested in flaunting their wealth and power.

**Teruma of the tithe – תְּרוּמַת מַעֲשֵׂר:** *Tosafot* ask: Why wouldn't the *am ha'arets* attempt to sell the *teruma* of the tithe rather than give it to the priests? After all, although an Israelite may not eat it, the priest cannot prove that it is his. Rashi and *Tosafot* explain that this is not a concern because it is a minuscule amount of produce. In his commentary on tractate *Sota* Rashi writes that since such a sale is forbidden, the concern is that the *am ha'arets* might keep it in his house until he finds a buyer, and he might later forget that it is forbidden and come to eat it.

**Separating *terumot* and doubtfully tithed produce – הַפְרִשָׁת:** When one separates *teruma* and tithes from produce from which it is certain those gifts were not yet separated, he does so in the following manner. First he separates *teruma gedola*, which is typically one-fiftieth of the crop, but may be more or less than that amount. The *teruma* is sacred and an Israelite may neither eat it nor derive benefit from it. Then he separates the first tithe, which is given to a Levite, who in turn separates one tenth, a tithe from the tithe, and gives it to a

priest. That is *teruma* of the tithe, whose legal status is that of *teruma*. The remainder of the first tithe is the property of the Levite and is not sacred.

The owner of the grain must separate an additional tithe from the crop, which he must bring to Jerusalem and eat there. This is known as second tithe. During the third and sixth years of the seven-year Sabbatical cycle, poor man's tithe is separated instead of second tithe. It is given to the poor, and like first tithe, it is not sacred.

When one buys produce from an *am ha'arets*, who is not meticulous in separating tithes, the concern arises that the seller did not tithe his produce, and it assumes the legal status of doubtfully tithed produce. The buyer separates first tithe but need not give it to a Levite. Since the tithe has no sanctity, the purchaser may keep it, because the burden of proof is incumbent upon the claimant and the Levite cannot prove unequivocally that the produce was not tithed. However, the purchaser must separate *teruma* of the tithe, which is sacred, and give it to a priest.

Second tithe is also separated from doubtfully tithed produce and taken to Jerusalem and eaten there. Poor man's tithe is likewise separated, but its legal status is identical to that of first tithe and it remains in the possession of the buyer. In certain circumstances, e.g., with regard to bakers, the Sages ruled leniently in the matter of doubtfully tithed produce.