

בבית נמי, כיון דאעיל ידיה – איסתאב,
כי עייל כוליה האי טמאה הוא!

אלא אמר רבי אלעזר: צירף ידו, משום
טומאה איכא, משום ביאה – ליכא.
וצירף גופו – טומאה וביאה בהדי הדדי
קאתו. הא אי אפשר דלא עייל חוטמו
ברישא, ונחית ליה טומאה!

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טומאה – איכא, משום ביאה – ליכא.
הכנים גופו – טומאה וביאה בהדי
הדדי קא אתיין. והא אי אפשר דלא
עייל אצבעתא דכרעיה ברישא, ונחית
להו טומאה!

אלא אמר רב פפא: כגון שנכנס בשדה
תיבה ומגדל ובא חבירו ופרע עליו את
המעזיבה, דטומאה וביאה בהדי הדדי
קאתיין. מר בר רב אשי אמר: כגון דעייל
כשהוא גוסס, ונפק נשמתיה אדיתבי,
דטומאה וביאה בהדי הדדי קאתיין.

תנו רבנן: "להחלו" – עד שעה שימות,
רבי אומר: "במותם יטמא" – עד שימות.

מאי בינייהו? אמר רבי יוחנן: משמעות
דדושין איכא בינייהו. ריש לקיש אמר:
גוסס איכא בינייהו; למאן דאמר
מ"להחלו" – אפילו גוסס, למאן דאמר
"במותם", עד שימות – אין, גוסס – לא.

The Gemara asks: With regard to one who enters into a house too, why should he be liable twice? Since one typically enters a place with his hands before his body, **once he inserts his hand^h he immediately becomes ritually impure.** This means that **when all the rest of him enters, this person is already impure.**

Rather, Rabbi Elazar said: If he inserted his hand into the house first, there is liability due to contracting ritual impurity; however, there is no liability due to entering the enclosure. But if he joined his body and his hands, i.e., all of him entered at once, contraction of impurity and entering the enclosure occur simultaneously, and in that case he is liable twice. The Gemara objects: **It is impossible that his nose would not enter first, and once it does, impurity would descend to it** and thereby to this person immediately, before the rest of his body entered the house.

Rather, Rava said: If he entered with only his hand there is liability due to contracting ritual impurity, but there is no liability due to entering an enclosure with a corpse, as he cannot be considered inside the house. If he entered with his body by standing upright so that his head would not enter first, contraction of impurity and entering the enclosure occur simultaneously. The Gemara asks: **But even so, it is impossible that his toes would not enter first, and once they do, impurity would thereby descend to them,** causing him to become impure before his entire body enters the house.

Rather, Rav Pappa said: We are dealing with a case where one entered into a house in a chest, a box,^h or a cabinet, which are not susceptible to ritual impurity and which protect their contents from impurity when they can hold more than forty *se'a*, and another came and opened the coverⁿ of the vessel from over him. In that case contracting impurity and entering the enclosure occur simultaneously. Mar bar Rav Ashi said: It is referring to a case where one entered the house when someone there was dying, and the latter's soul departed when he was sitting there. In that case too, contracting impurity and entering the enclosure with a corpse occur simultaneously. Since there was no corpse in the enclosure when he entered, he is considered to have entered an enclosure with a corpse at the moment the person died.

§ With regard to the ritual impurity of a corpse, the Sages taught: The Torah states concerning a priest's exposure to ritual impurity imparted by a corpse: "He shall not become impure, a chief among his people, to profane himself" (Leviticus 21:4), from which it is derived that the prohibition does not apply until the time that the person with whom he comes into contact dies. A priest does not become impure or profane his priesthood at any earlier stage. Rabbi Yehuda HaNasi says that the verse stated with regard to a nazirite: "He shall not become impure for his father, or for his mother, for his brother, or for his sister, when they die" (Numbers 6:7), from which one can infer that when they die, one contracts ritual impurity from them, i.e., not until the other person actually dies.

The Gemara asks: What is the difference between these two derivations? They apparently state the same *halakha* from different verses. Rabbi Yohanan says: The interpretation of the meaning of the verse is the difference between them. There is no practical difference between them; rather, they derive the *halakha* from different verses. Reish Lakish said: The difference between them is with regard to a dying person: According to the one who says that one derives the *halakha* from "He shall not become impure, a chief among his people, to profane himself," even a dying person is included in the prohibition of impurity. According to the one who says that it is derived from "when they die," once he dies, yes there is impurity, whereas a dying person, no, he does not impart impurity.

HALAKHA

Once he inserts his hand, etc. – כיון דאעיל ידיה וכו' – One is rendered impure if he enters a tent that contains a corpse, even if he enters with only part of his body. Even if he inserts his hand or the tip of his nose, it is as though his whole body has entered, and he is impure (Rambam *Sefer Tahara, Hilkhhot Tumat Met* 1:11).

Where one entered in a chest, a box, etc. – שנכנס – שניכנס: If a nazirite or a High Priest entered a tent with a corpse in it while he was in a chest, a box, or a cabinet, and another person came and opened its cover with his consent, he is liable to receive two sets of lashes, one for "He shall not come near to a dead body" (Numbers 6:6) and one for "He shall not become impure" (Numbers 6:7). This is because the impurity and his entrance occurred simultaneously. The same *halakha* applies to one who entered a house and stayed there until a dying person passed away, as stated by Rav Pappa and Mar bar Rav Ashi (Rambam *Sefer Hafla'a, Hilkhhot Nezirut* 5:18 and *Sefer Shofetim, Hilkhhot Evel* 3:6).

NOTES

And opened the cover – ופרע עליו – Some commentaries point out that the person in the box is liable only if he assists the one who opens the cover, as one who does not perform an action is not liable (*Tosafot*; Rosh). Others claim that it is enough if the cover is opened by his instruction or even with his knowledge (Rambam).

He may become impure from their leprosy or from their gonorrhea-like discharge – מיטמא בנגעתם וויביתם: Priests and nazirites are permitted to become ritually impure from other impurities apart from the impurity of a corpse (Rambam *Sefer Tahara, Hilkhot Tumat Okhalin* 16:9).

He renders others impure only when his soul departs from him – אינו מטמא אלא עד שותצא נפשו: A dying person does not impart impurity until his soul departs, even if his throat was slashed (Rambam *Sefer Tahara, Hilkhot Tumat Met* 1:15).

With regard to profaning, he is profaned – לענן ליתחולי: It is forbidden for a priest to enter a house that contains a dying person, as although this does not render him ritually impure, it does profane his priesthood (*Shakh*). Some commentaries rule in accordance with the opinion of Rabbi Yohanan that this is prohibited only if the person is at the point of death. The Rema maintains that it is proper to be stringent, and this is the consensus among the later authorities (*Shulhan Arukh, Yoreh De'a* 370:1).

ולמאן דאמר מ'להחלו', הכתיב 'במותם'! מיבעי ליה לדרבבי דתנא. רבי אומר: במותם אינו מטמא, אבל מטמא בנגעתם וויביתם.

ולמאן דאמר 'במותם', הא מיבעי ליה ליהאי סברא! אם בן לימא קרא 'במות', מאי 'במותם' – שמעת מינה תרתי.

ולמאן דאמר 'במותם' הכתיב 'להחלו'! 'להחלו' להכי הוא דאמא: במי שאינו מחולל, יצא זה שמחולל ועומד.

ולמאן דאמר מ'להחלו', הא מיבעי ליה ליהאי סברא! אם בן לימא קרא 'להחלו', מאי 'להחלו' – שמעת מינה תרתי.

מיתבי: אדם אינו מטמא אלא עד שותצא נפשו, ואפילו מגוייד ואפילו גוסס. ולמאן דאמר מ'להחלו' הא קתני דאינו מטמא! לענן טמויי – עד דנפקא נפשיה, לענן אתחולי – הא אתחיל.

The Gemara asks with regard to Reish Lakish's opinion: **And according to the one who says that it is derived from "to profane himself," isn't it written: "When they die"?** What does he derive from that verse? The Gemara answers: **He requires that verse for that which was taught by Rabbi Yehuda HaNasi. As it is taught in a baraita that Rabbi Yehuda HaNasi says that the verse stresses "when they die," to teach: In a case when they die he may not become impure; however, he may become impure from their leprosy or from their gonorrhea-like discharge.**^h A nazirite is prohibited from contracting ritual impurity only if it is from a corpse.

The Gemara asks: **And according to the one who says that the earliest time the prohibition takes effect is derived from the phrase "when they die," he also requires that verse for this reason;** how does he derive two *halakhot* from the same verse? The Gemara answers: **If so, let the verse state: When he dies; what is the reason for the emphasis of "when they die"?** **You can learn from this verse two halakhot,** that one does not impart impurity until he is actually dead, and that a nazirite is prohibited from contracting only the impurity of a corpse.

The Gemara asks the reverse question: **And according to the one who says that the source for the earliest time of the impurity of a corpse is the verse "when they die," isn't it written: "To profane himself"?** What does he derive from that verse? The Gemara answers: **"To profane himself" comes for this purpose,** that the prohibition against becoming impure apply only to **one who is not profaned, excluding one who is already profaned.** There is no prohibition against a ritually impure priest becoming impure from a corpse.

The Gemara asks: **And according to the one who says that the source for the commencement of impurity imparted by a corpse is "to profane himself," he also requires that verse for this reason;** how does he derive two *halakhot* from the same verse? The Gemara answers: **If so, let the verse state: To profane; what is the reason for the emphasis of "to profane himself"?** **You can learn from this verse two halakhot,** that a nazirite is prohibited from becoming impure even through contact with a dying person, and that there is no prohibition against contracting impurity a second time for one who is already impure.

The Gemara raises an objection from a mishna (*Oholot* 1:6): **A person renders others impure only when his soul departs from him,^h even if he has severe lacerations [*meguyyad*],ⁱ and even if he is dying. But according to the one who says that the commencement of the impurity of a corpse is derived from "to profane himself," this baraita is difficult, as it teaches that a dying person does not impart impurity.** The Gemara answers: **With regard to imparting impurity, he does not impart impurity until his soul departs, but with regard to profaningⁿ the sanctity of the priesthood, a priest is profaned^h by a dying person.**

LANGUAGE

Has severe lacerations [*meguyyad*] – מגוייד: According to most commentaries, this term is derived from the root *gimmel, vav, dalet* or *gimmel, dalet, dalet*, meaning a slice or a cut (see Daniel 4:11). In this context it means that the individual is

mortally wounded. Some suggest that this term is *meguyyar*, from *gira*, an arrow, and that it refers to one who was mortally wounded by an arrow.

NOTES

With regard to profaning – לענן אתחולי: The Gemara is suggesting that the very entrance of a priest or a nazirite to a place where

he is likely to contract impurity constitutes a desecration of his sanctity, even if he does not actually become impure.

אמר רב חסדא אמר רב: נקטע ראשו של אביו – אינו מטמא לו. מאי טעמא – אמר קרא 'לאביו' – בזמן שהוא שלם, ולא בזמן שהוא חסר. אמר ליה רב המנונא: אלא מעתה, קאזיל בפקתא דערבות ופסקוה גנבי לרישיה, הכי נמי דלא ליטמא ליה?

אמר ליה: מת מצוה קאמרת? השתא יש לומר באחרני מיחייב – באביו לא כל שכן?

והאי מת מצוה הוא? והתנא: איזהו מת מצוה – כל שאין לו קוברין. קורא ואחרים עונן אותו – אין זה מת מצוה. והא אית ליה ברא. בין דקאזיל באורחא – במי שאין לו קוברים דמי.

מיתבי: 'לה וטמא' – לה הוא מטמא, ואינו מטמא לאיבריה, לפי שאינו מטמא לאבר מן החי של אביו. אבל מחזיר הוא על עצם בשעורה.

מאי מחזיר הוא על עצם בשעורה? לאו למימרא דאי מיחסר פורתא?

S Rav Hisda said that Rav said: If the head of his father, or any other relative for whom a priest becomes impure, was severed, he may not become impure to bury him. What is the reason for this? The verse states: "None shall become impure for the dead among his people, except...for his father" (Leviticus 21:1-2),^N which indicates that this applies when his father is whole, and not when he is lacking. Rav Hamnuna said to Rav Hisda: If that is so, then in a case where one was walking in the valley [pakta]^L of Aravot,^B a place frequented by bandits, and robbers severed his head, will you also say that his son the priest does not become impure to bury him because he is not whole?

Rav Hisda said to him: Do you speak of a corpse with no one to bury it [met mitzva]? This halakha certainly does not apply to a case of this kind. For now consider, if one can say that to bury others, i.e., non-relatives, he is obligated to become ritually impure, as even priests and nazirites must become impure to bury an unattended corpse, then with regard to a met mitzva who is his father is it not all the more so the case that he must become impure to bury him even if his head is severed?

The Gemara asks: **And is this a met mitzva? But isn't it taught in a baraita: Which is a met mitzva^H for whom a priest must become impure? It is anyone who does not have people to bury him apart from this priest. If the corpse is in a place where if he would call, others would answer him,^N that is not considered a met mitzva. And if this dead father has a son who was with him, it means the father is not classified as a met mitzva, and therefore his son the priest must ensure that others tend to his burial, without doing so himself. The Gemara answers: Since he was walking along the way, he is considered like one who does not have people to bury him.**

The Gemara raises an objection against Rav Hisda's opinion. The superfluous term "for her" in the verse "And for his sister a virgin who is near to him, who has no husband, for her he becomes impure" (Leviticus 21:3) teaches that it is to bury her in her whole state that he becomes impure,^H but he does not become impure to bury her limbs.^H If a limb was severed from her during her lifetime he does not tend to it, because he may not become impure to bury a limb severed from one of his living relatives, including that of his father. However, he may search for a bone that is a barley-grain-bulk.^B If he was already impure from his father's body, he may search for and bury a bone that was detached from the corpse, even if it is large enough to impart impurity itself.

The Gemara asks: **What is the meaning of: He may search for a bone that is a barley-grain-bulk? Isn't this to say that if the deceased father is lacking a small part,^N i.e., a single bone, his son the priest becomes impure to bury him? This would contradict Rav Hisda's statement in the name of Rav that he becomes impure to bury his father only if he is whole.**

HALAKHA

Which is a met mitzva – איזהו מת מצוה? What is considered a met mitzva for whom a priest is commanded to become impure? This category includes any Jew found lying along a path, or in a city populated by gentiles, where he has no one to bury him, and the finder is unable to call upon other Jews to help with his burial. If the priest can call upon others, it is forbidden for him to become impure, and he must ask those others to handle the burial. If he cannot call upon people from where he is, it is forbidden for him to leave that place until the corpse has been buried (Rambam Sefer Tahara, Hilkhot Evel 3:8; Shulhan Arukh, Yoreh De'a 374:3).

To bury her he becomes impure – לה הוא מטמא: A priest is

commanded to become impure to bury his father and mother, his son and daughter from a Jewish woman, his paternal brother and unmarried sister, and his lawful wife. If he becomes impure to bury anyone else, he is liable to receive lashes (Rambam Sefer Tahara, Hilkhot Evel 2:1, 6-7 and 3:1; Shulhan Arukh, Yoreh De'a 373:4).

ואינו – מטמא לאיבריה: A priest becomes ritually impure to bury his deceased relatives only if they are whole, but not to bury one of their bones or for a limb severed from a living relative (Rambam Sefer Tahara, Hilkhot Evel 2:14; Shulhan Arukh, Yoreh De'a 373:9).

NOTES

For his father – לאביו: The derivation is based on the fact that the verse states: "For his father," instead of: For a father. The wording indicates that he becomes impure to bury his father when he is in a whole state (Ramban; see Keren Ora).

If he would call, others would answer him – קורא ואחרים: Some commentaries explain that if people would have come to the deceased had he called out, he is not a met mitzva. Alternatively, he is not a met mitzva if the person at the point of his death asked people to bury him. If they refused to do so, it is a case of met mitzva (Meiri). Yet others maintain that this expression means that one who found the body can call upon the assistance of others (see Rosh). Some commentaries point out that the phrase in the Gemara: And he has a son, proves that it is referring to a hypothetical calling out by the deceased himself.

That if he is lacking a small part – דאי מיחסר פורתא: Some commentaries maintain that he buries any bone that is a barley-grain-bulk, even if it is missing a part, and he certainly buries his father's entire body (Commentary on Nazir). Others add that the entire thrust of this baraita conflicts with Rav Hisda's opinion, as it indicates that a priest buries his father even if he is lacking a bone. What is more, he may even search for the bone itself (Tosafot). Alternatively, this source indicates that although he may not bury his father if he is missing a part, he may do so if all the bones are present, even if they are unattached. This contradicts Rav Hisda's opinion that a priest may not become impure for his father if his head has been severed from his body, even if it is lying nearby (Rabbi Avraham min HaHar).

LANGUAGE

Valley [pakta] – פקתא: Pakta is a form of the Aramaic term bakta or bikata, meaning valley or plain. It is known from other sources that the valley of Aravot lacked sources of water, although this did not prevent people from living and working there.

BACKGROUND

Valley of Aravot – פקתא דערבות: This valley, which was apparently well-known in the Talmudic period, was a desert land which lay along the route taken by caravans. There was no drinking water there, and only in certain isolated places did people sell water brought from rivers. In addition, it was a place prone to attacks by bandits.

A bone that is a barley-grain-bulk – עצם בשעורה: Most of the bones in an adult human body are much larger than the size of a grain of barley. However, certain small bones are similar in size and shape to a sesame seed. These bones, known as sesamoids, are found in the joints, and the one found in the knee joint is approximately the size of a grain of barley, perhaps slightly larger. Bones even smaller than these can be found in the bodies of infants and fetuses. These smaller bones also cause one who comes in contact with them to become ritually impure.

NOTES

As he does not become impure to bury a limb from one of his living relatives – שאינו מיטמא על אבר מן החי: Some commentaries reject the standard text of the Gemara, in favor of an alternative reading, which is similar to the aforementioned statement of Rabbi Yehuda (Commentary on Nazir). Others accept the standard version, and explain that Rabbi Yehuda means that a priest may handle a limb of his dead father when searching for it, i.e., while he is occupied with his father's burial (Commentary on Nazir).

לא, ההיא רבי יהודה היא. דתניא, רבי יהודה אומר: לה מיטמא ואינו מיטמא לאבריה, שאינו מיטמא על אבר מן החי של אביו. אבל מיטמא הוא לאבר מן המת של אביו.

והתניא רב כהנא ברבי אליעזר בן יעקב: לה מיטמא, ואינו מיטמא לאברים – פרט לכזית מן המת, וכזית נצל, ומלא תרווד רקב.

יכול לא יטמא לשדרה ולגולגולת, ולרוב בניינה ולרוב מניינה? כתיב "ואמרת אליהם" הוסיף לך הכתוב טומאה אחרת.

The Gemara answers: No, this presents no difficulty, as that *baraita* is in accordance with the opinion of Rabbi Yehuda. As it is taught in a *baraita* that Rabbi Yehuda says: "For her he becomes impure" (Leviticus 21:3), this indicates that to bury her he becomes impure but he does not become impure to bury her limbs, as he does not become impure to bury a limb severed from one of his living relatives,⁸ including that of his father. However, he does become impure to bury a limb from his dead father. Rav Hisda disagrees with the opinion of Rabbi Yehuda and rules in accordance with the Rabbis, who maintain that a priest may become impure only to bury his relative's whole body.

The Gemara asks: But isn't it taught in a *baraita* that Rav Kahana, son of Rabbi Eliezer ben Ya'akov, said: The words "for her he becomes impure" (Leviticus 21:3) indicate that to bury her he becomes impure when she is whole, but he does not become impure to bury her limbs. This serves to exclude an olive-bulk of solid material from a corpse, and an olive-bulk of fluid from a corpse, and a full spade of dust from a corpse.

One might have thought that he may not become impure for a spine and a skull, or for most of the skeleton or most of the number of bones from his sister's corpse. Therefore, it is written at the beginning of this passage dealing with the impurity of priests: "Speak to the priests, the sons of Aaron, and say to them" (Leviticus 21:1). The repetition of "speak" and "say" indicates that the verse added a different form of impurity permitted to a priest.

Perek VI
Daf 44 Amud a

BACKGROUND

Ginzak – גינזק: The Sages identify Ginzak as the biblical Gozan (1 Chronicles 5:26); however, the location of the city is unknown. Some explain that this is the ancient city Ganzak which stood south of Lake Urmia. Others hold that it is south of the Caspian Sea, while yet others maintain that it is in the vicinity of Nahrawan. Apparently, this Jewish center was isolated from the primary Jewish centers in Babylonia but was important enough for several noteworthy Sages and leaders to visit.

HALAKHA

When he is whole – בזמן שהוא שלם: A priest may not become impure to bury his father or any other relative who is missing a limb of any size. He may not gather his bones, even if the spine is intact, as he may become impure only to bury a whole body. The *halakha* is in accordance with the opinion of Rav Hisda in the name of Rav, as Rabbi Yehoshua ben Elisha and the Elders were there with him, indicating that this is a widely held opinion. Additionally, the fact that the Gemara notes that the Sages not only maintained this opinion on a theoretical basis, but acted in accordance with this opinion, also indicates that the ruling is in accordance with this opinion. Additionally, there is no record of any *amora* who expressly disagrees with the opinion of Rav Hisda (*Kesef Mishne*). Some commentaries (Ramban) maintain that this *halakha* does not apply to one who was missing a limb during his lifetime (Rambam *Sefer Shofetim, Hilkhot Evel* 2:15; *Shulhan Arukh, Yoreh De'a* 373:9).

יכול לא יטמא לשדרה ולגולגולת ולרוב בניינה ולרוב מניינה של אחרים? אמרת: מה אחרות מיוחדת, שגופה תלוי בו, ומיטמא לשדרה ולגולגולת ולרוב בניינה ולרוב מניינה – אף כל שגופו תלוי בו מיטמא לשדרה ולגולגולת ולרוב בניינה ולרוב מניינה!

One might have thought that he may not become impure to bury a spine, or for a skull, or to bury most of the skeleton or most of the number of bones of other relatives for whom a priest becomes impure. You say in response: Just as his sister is unique in that her body is dependent upon the brother tending to her burial, and he becomes impure to bury a spine, or to bury a skull, or to bury most of her skeleton, or to bury most of her number of bones, so too, with regard to every person whose body is dependent upon him, i.e., his other close relatives, he becomes impure to bury a spine, or to bury a skull, or to bury most of his skeleton, or to bury most of his number of bones. This presents a difficulty for the opinion of Rav that a priest may not become impure to bury any relative whose head has been severed.

ההיא נמי רבי יהודה היא. ורב דאמר – בי האי תנא, דתניא: מעשה שמת אביו של רבי יצחק בגינזק, ובאו והודיעוהו לאחר שלש שנים, ובא ושאל את רבי יהושע בן אלישע וארבעה זקנים [שעמו].

The Gemara answers: That *baraita* also represents the opinion of Rabbi Yehuda. And Rav stated his opinion in accordance with the opinion of this *tanna*, as it is taught in a *baraita*: An incident occurred in which the father of Rabbi Yitzhak the priest died in Ginzak,⁹ and they came and informed him after three years had passed, and he came and asked Rabbi Yehoshua ben Elisha and four Elders who were with him whether he was permitted to become ritually impure by transferring his father's remains to his ancestral grave, as was the custom.

ואמרו: "לאביו" – בזמן שהוא שלם, ולא בזמן שהוא חסר.

And they said to Rabbi Yitzhak that the verse states: "For his father" (Leviticus 21:2), which indicates a priest may become impure only when his father is whole,¹⁰ and not when he is lacking. After three years the father's body was certainly not whole, and therefore his son, a priest, was no longer permitted to become impure to bury him.