

NOTES

And be purified – וְיִטְהַר: In the Jerusalem Talmud this is understood to mean that he brings his offerings after he is purified, an explanation which is accepted by most commentaries. Others conclude that as the Torah requires a nazirite, not a former nazirite, to bring offerings in a state of purity, the nazirite can send his offerings with a messenger who is ritually pure (Rid). According to this opinion, the mishna's statement is straightforward: He brings his offerings and afterward becomes purified.

HALAKHA

Let him bring the rest of his offerings and be purified – יָבִיא וְיִטְהַר: If the blood of one of a nazirite's offerings was sprinkled on his behalf and he subsequently contracted impurity, he does not negate any of his naziriteship. Instead, he brings the rest of his offerings once he is purified (Rambam *Sefer Hafla'a, Hilkhot Nezirut* 6:4).

LANGUAGE

Of Tarmod [Tarmodit] – תַּרְמוּדִית: A Tarmodit, or Tadmorit, refers to someone from the oasis city of Tadmor, also known as Palmyra, located in Syria. The Bible relates that King Solomon built and fortified this city (1 Kings 9:18). Apparently there was a Jewish community there from at least the days of the Second Temple and into the talmudic period.



Ruins of Palmyra

מתני' מי שְׁנוּרַק עָלָיו אֶחָד מִן הַדָּמִים וְנִטְמָא, רַבִּי אֱלִיעֶזֶר אוֹמֵר: סוֹתֵרוֹ אֶת הַכֹּל, וְחֻכְמִים אוֹמְרִים: יָבִיא שְׂאֵר קִרְבָּנָתוֹ וְיִטְהַר. אָמְרוּ לוֹ: מַעֲשֵׂה בְמִרְיָם הַתַּרְמוּדִית שְׁנוּרַק עָלֶיהָ אֶחָד מִן הַדָּמִים, וּבָאוּ וְאָמְרוּ לָהּ עַל בִּתְּהָ שְׁהִיְתָה מְסוּכָּנָת, וְהִלְכָה וּמָצְאָה שְׂמִתָּהּ, וְאָמְרוּ חֻכְמִים: תָּבִיא שְׂאֵר קִרְבָּנֶיךָ וְתִטְהַר.

גמ' קתני: רבי אליעזר אומר סותר את הכל, והאמר רבי אליעזר: כל אחר מלאת – שבועה סותר! אמר רב: מאי "סותר" נמי דקאמר רבי אליעזר – סותר קרבנותיו.

הכי נמי מסתברא, דקתני: וְחֻכְמִים אוֹמְרִים: תָּבִיא שְׂאֵר קִרְבָּנֶיךָ וְתִטְהַר, שְׂמַע מִיָּנָה.

ומעשה נמי במרים התרמודית שנורק עליה אחד מן הדמים ובאו והודיעוה על בתה שהיתה מסוכנת, והלכה ומצאה שמתה, ואמרו חכמים: תביא שאר קרבנותיה ותטהר, שמע מינה.

הדרן עלך שלשה מינין

MISHNA With regard to **one on whose behalf the blood of one** of his nazirite offerings was sprinkled on the altar, and he became ritually impure before bringing the rest of his offerings, **Rabbi Eliezer says:** His impurity negates the entire tally, and he remains a nazirite. **And the Rabbis say:** Let him bring the rest of his offerings and be purified.^{NH} The Rabbis said to Rabbi Eliezer: **An incident occurred involving Miriam of Tarmod¹ who was a nazirite, that the blood of one of her offerings was sprinkled on her behalf, and they came and told her that her daughter was mortally ill. And she went and found that her daughter was dead, and thereby contracted impurity. And the Rabbis said: Let her bring the rest of her offerings and be purified.**

GEMARA It is taught in the mishna: **Rabbi Eliezer says that this negates the entire tally.** The Gemara asks: **But didn't Rabbi Eliezer say (16b):** With regard to any nazirite who became ritually impure after the completion of his term, this negates only seven days. **Rav said:** What does: **Negates, that Rabbi Eliezer said in the mishna here mean?** It means that his impurity negates all his offerings. Rabbi Eliezer did not mean that the nazirite must count his entire term of naziriteship afresh; rather, he must bring all his offerings a second time, including the one whose blood was sprinkled before he became impure.

The Gemara comments: **So too, it is reasonable** that this is the meaning of Rabbi Eliezer's statement, as the mishna later teaches: **And the Rabbis said: Let her bring the rest of her offerings and be purified. Learn from here** that they disagree only with regard to the offerings, but not the naziriteship itself.

The Gemara cites the rest of the mishna, which also indicates that the *tanna'im* disagree with regard to the offerings. **And an incident also occurred involving Miriam of Tarmod, that the blood of one of her offerings was sprinkled on her behalf, and they came and notified her that her daughter was mortally ill. And she went and found that her daughter was dead, and thereby contracted impurity. And the Rabbis said: Let her bring the rest of her offerings and be purified.** The Gemara concludes: **Indeed, learn from** the mishna that this is so.

מתני' בהן גדול ונזיר אין מיטמאין לקרוביהן, אבל מיטמאין לית מצוה. רבי יהוה מהלכין בדרך ומצאו מת מצוה, רבי אליעזר אומר: יטמא בהן גדול ואל יטמא נזיר. וחכמים אומרים: יטמא נזיר, ואל יטמא בהן הדיוט.

אמר להם רבי אליעזר: יטמא בהן שאינו מביא קרבן על טומאתו, ואל יטמא נזיר שהוא מביא קרבן על טומאתו. אמרו לו: יטמא נזיר שאין קדושתו קדושת עולם, ואל יטמא בהן שקדושתו קדושת עולם.

גמ' בשלמא בהן גדול ונזיר – האי סבר: בהן גדול עדיף, והאי סבר נזיר עדיף.

משוח בשמן המשחה

MISHNA A High Priest and a nazirite may not become ritually impure even to bury their deceased relatives.^H However, they become impure to bury a corpse with no one to bury it [*met mitzva*].^{HB} If one of them comes across the corpse of a Jew, and there is nobody else available to bury it, he must bury the body. If a High Priest and a nazirite were walking along the way and they found a *met mitzva*, and one of them can tend to the burial by himself, Rabbi Eliezer says: Let the High Priest become impure, and do not let the nazirite become impure. And the Rabbis say: Let the nazirite become impure, and do not let even a common priest become impure.^N

Rabbi Eliezer said to the Rabbis: It is preferable to let the priest become impure, as he does not bring an offering for his impurity, and do not let the nazirite become impure, as he brings an offering for his impurity. The Rabbis said to him: On the contrary, let the nazirite become impure, as his sanctity is not permanent, and do not let a priest become impure, as his sanctity is permanent.^{HN}

GEMARA In light of the mishna's dispute between Rabbi Eliezer and the Rabbis, the Gemara compares the status of various individuals. **Granted**, with regard to a High Priest and a nazirite, one can explain the dispute as follows. This Sage, the Rabbis, holds that it is preferable that a High Priest remain ritually pure, as his sanctity is permanent. And this Sage, Rabbi Eliezer, holds that it is preferable that a nazirite remain ritually pure, as he is obligated to bring an offering for his impurity.

Additionally, if the two walking together were a High Priest anointed with the anointing oil, as was performed during the First Temple period,

HALAKHA

May not become ritually impure to bury their relatives – אין מיטמאין לקרוביהן – A High Priest is prohibited from becoming impure to bury any corpse, including those of his relatives. The same applies to a nazirite (Rambam *Sefer Hafla'a, Hilkhot Nezirut* 1:1 and *Sefer Shofetim, Hilkhot Evel* 3:6).

They become impure to bury a corpse with no one to bury it [*met mitzva*] – מיטמאין לית מצוה – All people must become impure to bury a *met mitzva*. Even a High Priest or a nazirite who encounters a *met mitzva* is obligated to become impure to tend to its burial (Rambam *Sefer Hafla'a, Hilkhot Nezirut* 7:12 and *Sefer Shofetim, Hilkhot Evel* 3:8; *Shulhan Arukh, Yoreh De'a* 374:1).

A nazirite and a priest – נזיר וכהן – If a nazirite and a High Priest, or even a common priest, encounter a *met mitzva*, it is preferable for the nazirite to become ritually impure and bury the corpse, as his sanctity is considered temporary, while the sanctity of the priest is permanent. This *halakha* applies even to a permanent nazirite (Rambam *Sefer Hafla'a, Hilkhot Nezirut* 7:13 and *Sefer Shofetim, Hilkhot Evel* 3:9).

BACKGROUND

A corpse with no one to bury it [*met mitzva*] – **מת מצוה**: It is an important religious obligation to take part in the burial of the dead. If the deceased has no acquaintances or relatives to bury him, everyone is obligated to assist in his burial. The *halakha* is that a corpse with no one available to bury it acquires its place, i.e., the body must be interred where it was found. This is the *halakha* provided that it is situated in a dignified location. Otherwise, the

body must be buried in the nearest cemetery. This religious duty is so important that even priests and nazirites, who are ordinarily prohibited from coming into contact with a corpse, may perform a burial if there is no one else available to do so. Likewise, the obligation to bury this corpse takes precedence over virtually all other religious obligations.

NOTES

And do not let a common priest become impure – ואל יטמא כהן הדיוט: Alternative versions of the text, read: High Priest. It is possible to uphold the standard reading, as there is no difference between a common priest and a High Priest with regard to impurity from a corpse. The Rabbis are stressing that it is better for a nazirite rather than a common priest, and certainly a High Priest, to become impure.

As his sanctity is permanent – שקדושתו קדושת עולם: Naziriteship lasts for a limited period, whereas priesthood status is forever. In the Jerusalem Talmud and the writings of many early commentaries the following question is asked: How does this disagreement resolve the case of a permanent nazirite, whose

sanctity also lasts forever? Several answers are offered. Some point out that even this nazirite's sanctity starts only from adulthood, whereas a priest has his status from birth (Rabbi Avraham min HaHar; *Tosefot Yom Tov*). Others claim that the sanctity of a nazirite is always considered temporary, as he can request dissolution of his vow of naziriteship (*Lehem Mishne; Oraḥ Mishor*). In the Jerusalem Talmud it is explained that the term permanent sanctity means that the sanctity is imposed by the Torah itself, as opposed to that of a nazirite, whose sanctity results from a vow (Rabbeinu Azriel). Alternatively, the sanctity of a priest is permanent in that it is transferred from one generation to another, whereas the sanctity of a nazirite is not inherited by his sons (Rashash).

NOTES

Of many garments – מְרוֹבֵה בְּגָדִים: By Torah law, a High Priest must be anointed with the oil prepared by Moses, as commanded by God (see Exodus 30:22–33). However, this oil was hidden by King Josiah toward the end of the First Temple period. Since only it may be used, all subsequent High Priests were not anointed but were appointed High Priest by virtue of wearing the eight garments. Since the garments of a High Priest comprise four more items of clothing than those worn by a common priest, this state is referred to as wearing many garments.

An anointed priest and one of many garments – מְשׁוּחַ שְׁעֵבֶר וּמְרוֹבֵה בְּגָדִים: The early commentaries inquire as to how it is possible that two High Priests could be serving at the same time and only one of them was appointed with the anointing oil. They answer that this ruling is referring to a case where the last High Priest to be anointed with the oil took ill or was exiled, and a replacement was appointed by a common priest donning the additional garments, after which the first High Priest regained his health or returned from exile. In this manner, the two High Priests could be contemporaries (*Tosafot*). Alternatively, the ruling is referring to a High Priest who contracted ritual impurity just before Yom Kippur, so that another had to be appointed quickly in his stead. Since there was no time for him to be anointed, he donned the garments to assume the status of a High Priest (Rabbeinu Todros).

A former anointed High Priest with one of many garments – מְשׁוּחַ שְׁעֵבֶר וּמְרוֹבֵה בְּגָדִים: The category of a former High Priest typically refers to a case where a High Priest became impure on or just before Yom Kippur and therefore requires an immediate replacement. When the first High Priest is purified, he returns to his office, and the one who filled in for him is called a former High Priest. The Sages ruled that although all the prohibitions of a High Priest apply to a former High Priest, he does not serve in the Temple at all. He does not fulfill the functions of a High Priest, to prevent antagonism between the two priests, but neither does he serve as a common priest, as one does not lower an individual who has been elevated to a higher position.

BACKGROUND

Of many garments – מְרוֹבֵה בְּגָדִים:



High Priest wearing vestments

ומְרוֹבֵה בְּגָדִים – מְשׁוּחַ בְּשֵׁמֶן הַמִּשְׁחָה עֲדִיף, דְּאֵילוֹ מְשׁוּחַ בְּשֵׁמֶן הַמִּשְׁחָה מִבֵּיא פֶּר הַבָּא עַל כָּל הַמִּצְוֹת, וְאֵילוֹ מְרוֹבֵה בְּגָדִים – אֵין מִבֵּיא.

מְשׁוּחַ שְׁעֵבֶר וּמְרוֹבֵה בְּגָדִים – מְרוֹבֵה בְּגָדִים עֲדִיף, דְּמְרוֹבֵה בְּגָדִים עֲבִיד עֲבוּדָה, וְאֵילוֹ מְשׁוּחַ שְׁעֵבֶר לְאוֹ פֶּר עֲבוּדָה הוּא.

עֲבֵר מִחֻמַּת קִירוּיוֹ וְעֲבֵר מִחֻמַּת מוּמוֹ – עֲבֵר מִחֻמַּת קִירוּיוֹ עֲדִיף, דְּאֵילוֹ הָאֵי חֲזִי לְעֲבוּדָה לְמַחֵר, וְאֵילוֹ עֲבֵר מִחֻמַּת מוּמוֹ לֹא חֲזִי לְעֲבוּדָה.

and a High Priest of many garments,^{NBH} i.e., one who was not anointed with oil but who was sanctified by wearing the eight garments of a High Priest, it is preferable that the one who was anointed with the anointing oil^N remain ritually pure. The Gemara explains: As a High Priest anointed with the anointing oil brings the bull^H brought for all the mitzvot, i.e., if an anointed priest ruled erroneously with regard to a prohibition that if a Jew transgressed it he would be liable to bring a sin-offering, he brings a bull for his sin-offering (see Leviticus 4:3–12), while a High Priest of many garments does not bring a bull.

In a case where a former anointed High Priest, i.e., a priest who had temporarily substituted for a High Priest, is walking together with one of many garments,^{NH} it is preferable that the one who wears many garments remain ritually pure. The reason is that a High Priest of many garments still performs the service, whereas a former anointed High Priest is no longer able to perform the service.^H

In a case where an anointed High Priest who temporarily left his role due to his seminal emission^H is walking with a former anointed High Priest who left his role due to his blemish, it is preferable that the former High Priest who left due to his seminal emission remain ritually pure, as this one, the High Priest who experienced an emission, is fit for the Temple service the following day, while the former anointed High Priest who left due to his blemish is no longer fit for the service at all (see Leviticus 21:16–24).

HALAKHA

A High Priest anointed with the anointing oil and a High Priest of many garments – מְשׁוּחַ שְׁעֵבֶר וּמְרוֹבֵה בְּגָדִים: A High Priest anointed with the anointing oil takes precedence with regard to all matters over one who was appointed by wearing many garments. Consequently, if they encountered a *met mitzva* together, the one who wore the garments must bury the body and thereby become ritually impure (Rambam *Sefer Avoda, Hilkhot Kelei HaMikdash* 4:19 and *Sefer Shofetim, Hilkhot Evel* 3:9).

A High Priest anointed with the anointing oil brings the bull – מְבִיא פֶּר... מְשׁוּחַ: The only difference between an anointed High Priest and one who wears many garments is that the anointed High Priest brings a bull as a sin-offering for an erroneous ruling involving any of the mitzvot punishable by *karet*. In this regard, a High Priest appointed by donning many garments has the status of a common priest (Rambam *Sefer Avoda, Hilkhot Kelei HaMikdash* 4:14 and *Sefer Korbanot, Hilkhot Shegagot* 15:1–2).

A former anointed High Priest with one of many garments –

מְשׁוּחַ שְׁעֵבֶר וּמְרוֹבֵה בְּגָדִים: A High Priest appointed through the additional garments takes precedence over an anointed High Priest who was removed from his post due to a seminal emission (Rambam *Sefer Avoda, Hilkhot Kelei HaMikdash* 4:19).

A former anointed High Priest is no longer able to perform the service – מְשׁוּחַ שְׁעֵבֶר לְאוֹ פֶּר עֲבוּדָה הוּא: A former anointed High Priest who was removed from his office due to the return of the first High Priest does not serve as High Priest during the original High Priest's lifetime. He does not serve as a common priest either, as one does not lower an individual who has been elevated to a higher position (Rambam *Sefer Avoda, Hilkhot Kelei HaMikdash* 4:21 and *Sefer Avoda, Hilkhot Yom HaKippurim* 1:3).

An anointed High Priest who left due to his seminal emission, etc. – עֲבֵר מִחֻמַּת קִירוּיוֹ וכו': A High Priest who was removed because he suffered a seminal emission takes precedence over one who left his office due to a blemish (Rambam *Sefer Avoda, Hilkhot Kelei HaMikdash* 4:19).

Deputy [*segan*] – סֵגָן: This term, which appears in the Bible (see Jeremiah 51:23), is apparently Assyrian in origin. Its principal meaning is an officer, appointee, overseer, and the like. The deputy High Priest [*segan hakohanim*] was the officer in the Temple in charge of the priests. He was responsible for all of the duties of the High Priest in his superior's absence (see Jeremiah 52:24).

איבעניא להו: משוח מלחמה וסגן. הי מיניהו עדיף? משוח מלחמה עדיף – דחוי למלחמה, או דלמא סגן עדיף – דחוי לעבודה?

S The above cases are all easily resolved and are mentioned merely to introduce the following inquiries, for which there are no obvious answers. **A dilemma was raised before the Sages. For which of these two is it preferable that he remain ritually pure: A priest anointed for war, who was anointed with oil and appointed to admonish the troops before battle (see Deuteronomy 20:2) or the deputy [*segan*]¹ High Priest? Is it preferable that the priest anointed for war remain ritually pure, as he is fit for war? Or, perhaps it is preferable that the deputy High Priest remain ritually pure, as he is fit for service in the Temple in place of the High Priest.**

תא שמע, דתניא: אין בין משוח מלחמה לסגן אלא שאם היו מהלכין בדרך ומצאו מת מצוה – יטמא משוח מלחמה ואל יטמא הסגן.

The Gemara suggests: **Come and hear a resolution, as it is taught in a *baraita*: The difference between a priest anointed for war and a deputy High Priest is only that if they were walking along the way and found a *met mitzva*, the ruling is: Let the one anointed for war become impure,² and do not let the deputy become impure.**

והתניא: משוח מלחמה קודם לסגן. אמר מר זוטרא: לענין החיותו – משוח מלחמה עדיף, מאי טעמא – דתלו ביה רבים.

The Gemara asks: **But isn't it taught in a different *baraita*: A priest anointed for war takes precedence over the deputy³ High Priest? Mar Zutra said: This is not difficult. With regard to preserving his life and rescuing him from captivity or from a dangerous situation, it is preferable to preserve the one anointed for war. What is the reason for this? The reason is that the public depends on him in a time of war.**

ולענין טומאה – סגן עדיף. דתניא. רבי חנינא בן אנטיגנוס אמר: למה תקנו סגן לכהן גדול? שאם אירע בו פסול – הרי נכנס ומשמש תחתיו.

But with regard to ritual impurity, it is preferable that the deputy High Priest remain ritually pure, as it is taught in a *baraita* that Rabbi Hanina ben Antigonus says: Why did the Sages institute a deputy for the High Priest? So that if a disqualification befalls the High Priest, his deputy can enter the Temple and serve in his stead. The deputy High Priest cannot fulfill this function if he is allowed to become ritually impure.

עד כאן לא פליגי אלא בכהן גדול ונזיר. כי קא אזלי בהדי הדדי, אבל חד חד לחודיה – בר איטמווי אינון. מנא הני מילי?

The Gemara turns its attention to the *halakha* of the mishna. Rabbi Eliezer and the Rabbis **disagree only with regard to a High Priest and a nazirite who are walking together and find a *met mitzva*, in which case one of them must become impure. However, it is evident that if each of them is walking separately, they are able, i.e., they are required, to become impure. From where are these matters derived? From where is it learned that a High Priest and a nazirite, who are prohibited from becoming impure even to bury their relatives, must nevertheless become impure to bury a *met mitzva*?**

דתנו רבנן: "על כל נפשות מת לא יבא." במה הכתוב מדבר? אי ברחוקים – קל וחומר הוא: ומה בהן הדין שהיא מיטמא לקרובים – אינו מיטמא לרחוקים, בהן גדול שאינו מיטמא לקרובים – אינו דין שאינו מיטמא לרחוקים? אלא בקרובים הכתוב מדבר.

It is as the Sages taught: The verse states with regard to a High Priest: **"Neither shall he go in to any dead bodies; nor defile himself for his father or for his mother" (Leviticus 21:11). With regard to what bodies is the verse speaking? If it is referring to distant people, i.e., non-relatives, that *halakha* can be derived by an *a fortiori* inference: And if a common priest, who becomes impure to bury his close family members, may not become impure to bury distant people, then with regard to a High Priest, who does not become impure even to bury close members of his family, is it not logical that he does not become impure to bury distant people? Rather, the verse is speaking of close family members, and it prohibits a High Priest from becoming impure to bury any person, even his relatives.**

ולאביו הוא דאינו מיטמא, הא מיטמא הוא למת מצוה.

The Gemara comments: With regard to the rest of the verse: **"Nor defile himself for his father or for his mother" (Leviticus 21:11), each of these clauses must serve to teach a novel *halakha*. And the phrase "for his father" teaches: It is to bury his father that he may not become ritually impure, from which it may be inferred that he becomes impure to bury a *met mitzva*.**

HALAKHA

יטמא משוח מלחמה – משוח מלחמה: If a priest anointed for war and a deputy High Priest encounter a *met mitzva*, it is preferable that the priest anointed for war become impure (Rambam *Sefer Shofetim, Hilkhot Evel* 3:9).

A priest anointed for war takes precedence over the deputy – משוח מלחמה קודם לסגן: A priest anointed for war takes precedence over a deputy High Priest as far as his stature and honor are concerned (Rambam *Sefer Avoda, Hilkhot Kelei HaMikdash* 4:19).