

BACKGROUND

*A fortiori* – קל וחומר: One of the fundamental principles of rabbinic exegesis, the *a fortiori* inference is included in all of the standard lists of exegetical principles. In essence, it is a principle of logical argumentation by means of which a comparison is drawn between two cases, one lenient and the other stringent. It asserts that if a stringent *halakha* applies in a case where one is usually lenient, it will certainly apply in a more serious case. Likewise, if a lenient *halakha* applies in a case where one is usually not lenient, it will certainly apply in a less serious case.

*A fortiori* reasoning appears already in the Bible, and the Talmud provides lists of biblical verses containing *a fortiori* inferences. This is one of the most commonly encountered exegetical principles, as *a fortiori* inferences can be drawn even without support from tradition, as opposed to a verbal analogy, for example, which one cannot produce on one's own. Sometimes, the Sages referred to *a fortiori* inferences as logical argumentation.

HALAKHA

He may become impure for their leprosy and for their emission of a *zav* – מיטמא הוא לנגעם ולזיבתם: It is permitted for priests and nazirites to contract types of impurity other than that of a corpse (Rambam *Sefer Tahara, Hilkhot Tumat Okhalin* 16:9).

To bury his maternal brother – לא אחיו מאמו: A priest may not become ritually impure to bury his maternal brother or sister (Rambam *Sefer Shofetim, Hilkhot Evel* 2:12; *Shulhan Arukh, Yoreh De'a* 373:4).

“ולאמו” – לגזירה שוה, לכדרכי. דתניא, רבי אומר: גבי נזיר, במותם אינו מיטמא אבל מיטמא הוא לנגעם ולזיבתם. ואין לי אלא בניזיר, בכהן גדול מניין?

אמרת: לא יאמר “אמו” בכהן גדול שאין תלמוד לומר, שהרי קל וחומר הוא: ומה אם במקום שבהן הדיוט מיטמא לא אחיו מאביו – אין בהן גדול מיטמא לאביו, מקום שאין בהן הדיוט מיטמא לא אחיו מאמו – אינו דין שאין בהן גדול מיטמא לאמו?

אם זכותה מהדין, מה תלמוד לומר “אמו” בכהן גדול – מופנה להקיש ולדון הימנו גזירה שוה: נאמר “אמו” בניזיר ונאמר “אמו” בכהן גדול.

מה “אמו” האמור בניזיר – במותם אינו מיטמא, אבל מיטמא הוא לנגעם ולזיבתם, אף “אמו” האמור בכהן גדול – במותם אינו מיטמא. אבל מיטמא לנגעם ולזיבתם.

אשכחן בהן גדול, נזיר מניין? דתניא: “כל ימי הזירו לה” על נפש מת לא יבא.

שומע אני אפילו נפש בהמה במשמע, בענין שנאמר “מכה נפש בהמה” – תלמוד לומר “על נפש מת לא יבא” – בנפש אדם הכתוב מדבר. רבי ישמעאל אומר: אינו צריך, הרי הוא אומר “לא יבא” – בנפשות המטמאות בביאה הכתוב מדבר.

The phrase “or for his mother” serves as a verbal analogy, in accordance with the opinion of Rabbi Yehuda HaNasi, as it is taught in a *baraita*: Rabbi Yehuda HaNasi says: It states with regard to a nazirite: “He shall not become defiled for them when they die” (Numbers 6:7), which indicates: It is only when his relatives die that he may not become impure for them. However, he may become impure for their leprosy and for their emission of a *zav*,<sup>h</sup> i.e., a nazirite is not forbidden to contract those forms of ritual impurity. And I have derived only that this *halakha* applies to a nazirite, the subject of this verse. From where do I derive that this applies to a High Priest as well?

You can say as follows: The verse need not say “his mother” with regard to a High Priest, as there is no need for the verse to state this, since this *halakha* is derived *a fortiori*.<sup>h</sup> And if in a case where a common priest becomes impure to bury his paternal brother, a High Priest may not become impure even to bury his father, then in a case where a common priest may not become impure to bury his maternal brother,<sup>h</sup> who is not considered a relative with regard to impurity, is it not logical that a High Priest may not become impure to bury his mother herself?

And if you have successfully derived this *halakha* from the *a fortiori* inference, what is the meaning when the verse states “his mother” with regard to a High Priest? It is free to teach a novel *halakha*, and one can compare and learn a verbal analogy from it as follows: It is stated “his mother” with regard to a nazirite (Numbers 6:7), and it is stated “his mother” with regard to a High Priest (Leviticus 21:11).

The Gemara explains: Just as the phrase “his mother” stated with regard to a nazirite teaches that in his parents’ death he may not become impure to bury them but he may become impure for their leprosy and for their emission of a *zav*, as a nazirite is not prohibited from contracting these impurities, so too, the phrase “his mother” stated with regard to a High Priest means that in his parents’ death he may not become impure, but he may become impure for their leprosy and for their emission of a *zav*.

The Gemara clarifies: We found a source for the *halakha* that a High Priest must become impure for a *met mitzva*; from where do we derive that a nazirite is likewise obligated? As it is taught in a *baraita* that it is stated with regard to a nazirite: “All the days that he consecrated himself to the Lord he shall not come near to a dead body [*nefesh met*]” (Numbers 6:6).

I would derive from this verse that a nazirite is prohibited from coming near all bodies, including even the body of an animal, similar to that which is stated: “And he who smites the body [*nefesh*] of an animal” (Leviticus 24:18). Therefore, the verse states: “He shall not come near to a dead body,”<sup>n</sup> employing the dual term *nefesh met*, which indicates that the verse is speaking of the body of a person. Rabbi Yishmael says: This exposition is unnecessary, as the verse states: “He shall not come near,” indicating that the verse is speaking only of bodies that render people and items ritually impure through going in, i.e., entering. In other words, the verse is referring solely to corpses. Entering into a tent in which the corpse is contained renders one impure. By contrast, an animal carcass imparts impurity only by means of contact and carrying.

NOTES

The verse states... to a dead body – על נפש מת: The commentaries explain that this is derived from the compound term “dead body,” *nefesh met*, which is stated only in reference to humans, as the word dead, *nefesh*, on its own, can refer to animals

(see Exodus 21:34). An alternative version of the *baraita* reads: The verse states: “For his father or for his mother,” which indicates that the verse is speaking about the body of a person, such as a father or mother, not the body of an animal (Rabbeinu Peretz).

“לְאָבִיו וּלְאִמּוֹ” אֵינוּ מִיִּטְמָא, אֲבָל מִיִּטְמָא הוּא לְמַת מְצוּהָ.

In any case, once it has been derived that a nazirite is prohibited from becoming impure to bury any person, both relatives and non-relatives, the passage “he shall not become defiled for his father, or for his mother” (Numbers 6:7) is available to teach another *halakha*, that it is for only them that a nazirite **may not become impure, but he may become impure to bury a *met mitzva*.**

עַד שֶׁלֹּא יֵאמַר יֵשׁ לִי בְדִין: וּמָה בְּהֵן גְּדוּל, שֶׁקְדוּשָׁתוֹ קְדוּשַׁת עוֹלָם – מִיִּטְמָא לְמַת מְצוּהָ, נִזְיֵר שְׂאִין קְדוּשָׁתוֹ קְדוּשַׁת עוֹלָם – אֵינוּ דִין שֶׁמִּיִּטְמָא לְמַת מְצוּהָ?

The *baraita* asks: Even if the verse had not stated this *halakha*, I have a way of deriving it by right, i.e., logically, with an *a fortiori* inference: **And if a High Priest, whose sanctity is permanent, may become ritually impure to bury a *met mitzva*, then in the case of a nazirite, whose sanctity is not permanent, is it not logical that he may become impure to bury a *met mitzva* as well?**

לֹא, אִם אָמַרְתָּ בְּכֵהֵן גְּדוּל שֶׁכֵּן אֵינוּ מִבְּיַא קְרָבָן עַל טוּמְאָתוֹ, תֵּאמַר בְּנִזְיֵר שֶׁמִּבְּיַא קְרָבָן עַל טוּמְאָתוֹ; הוּאֵיל וּמִבְּיַא קְרָבָן עַל טוּמְאָתוֹ – לֹא יִטְמָא לְמַת מְצוּהָ – תִּלְמֹד לֹמַר “לְאָבִיו וּלְאִמּוֹ” לֹא יִטְמָא. אֲבָל מִיִּטְמָא לְמַת מְצוּהָ.

The *baraita* rejects this inference: **No; if you say that this is true with regard to a High Priest, who does not bring an offering for his impurity, shall you also say that this is the case with regard to a nazirite, who does bring an offering for his impurity? Since a nazirite brings an offering for his impurity, perhaps he should not become impure to bury a *met mitzva*? Therefore, the verse states: “He shall not become defiled for his father, or for his mother” (Numbers 6:7). However, he does become impure to bury a *met mitzva*.**

אוֹ אֵינוּ מִיִּטְמָא לְאָבִיו וּלְאִמּוֹ, אֲבָל יִטְמָא לְשָׂאֵר מֵתִים? אָמַרְתָּ קַל וְחוֹמֵר: וּמָה בְּהֵן הִדְיוּט שֶׁמִּיִּטְמָא לְקְרוֹבִין אֵינוּ מִיִּטְמָא לְשָׂאֵר מֵתִים, נִזְיֵר שְׂאִין מִיִּטְמָא לְקְרוֹבִין – אֵינוּ דִין שֶׁלֹּא יִטְמָא לְשָׂאֵר מֵתִים?

The *baraita* suggests: **Or perhaps one should expound this verse differently: He may not become impure to bury his father or for his mother; however, he may become impure to bury other dead people.** The Gemara rejects this suggestion: **You can say that this argument can be refuted *a fortiori*: And if a common priest, who becomes impure to bury his relatives, nevertheless may not become impure to bury other dead people (see Leviticus 21:1–2), then in the case of a nazirite, who may not become impure to bury his relatives, is it not logical that also he should not become impure to bury other dead people?**

Perek VII  
Daf 48 Amud b

הָא מָה תִּלְמֹד לֹמַר “לְאָבִיו וּלְאִמּוֹ” – לְאָבִיו וּלְאִמּוֹ הוּא דְלֹא מִיִּטְמָא, אֲבָל מִיִּטְמָא הוּא לְמַת מְצוּהָ.

If so, what is the meaning when the verse states: “For his father, or for his mother” (Numbers 6:7)? It emphasizes that it is to bury his father and to bury his mother that he may not become impure; however, he may become impure to bury a *met mitzva*.

עַד שֶׁלֹּא יֵאמַר יֵשׁ לִי בְדִין: נִקְאֲמוּ בְּלִלוֹת בְּכֵהֵן גְּדוּל וְנִקְאֲמוּ בְּלִלוֹת בְּנִזְיֵר, מָה בְּלִלוֹת הָאֲמוֹרוֹת בְּכֵהֵן גְּדוּל – לְאָבִיו אֵינוּ מִיִּטְמָא אֲבָל מִיִּטְמָא לְמַת מְצוּהָ, אִף בְּלִלוֹת הָאֲמוֹרוֹת בְּנִזְיֵר – לְאָבִיו אֵינוּ מִיִּטְמָא, אֲבָל מִיִּטְמָא לְמַת מְצוּהָ.

The *baraita* questions the need for this derivation: Even if the verse had not stated this *halakha*, I have a way of deriving it by right, i.e., logically, with an *a fortiori* inference: **General prohibitions are stated in the Torah with regard to a High Priest<sup>N</sup> contracting impurity from a corpse, i.e., “neither shall he go in to any dead bodies” (Leviticus 21:11), and similar general prohibitions are stated with regard to a nazirite: “He shall not come near to a dead body” (Numbers 6:6). The *baraita* explains: Just as the general prohibitions stated with regard to a High Priest teach that it is to bury his father that he may not become impure, but he may become impure to bury a *met mitzva*, so too, the general prohibitions stated with regard to a nazirite indicate that it is for his father that he may not become impure, but he may become impure to bury a *met mitzva*. Accordingly, there is no need for the derivation from the phrase “for his father or for his mother.”**

NOTES

General prohibitions are stated in the Torah with regard to a High Priest, etc. – נִקְאֲמוּ בְּלִלוֹת בְּכֵהֵן גְּדוּל וְכוּ': The commentaries note that this does not literally mean that one derives from these general prohibitions of a High Priest the prohibitions of a nazirite with regard to a *met mitzva* (*Tosafot*). This comparison can be questioned from both sides, as the High Priest and the nazirite are each bound by certain stringencies that the other lacks. Rather, the general prohibition stated with regard to a High Priest teaches that a nazirite is also prohibited from becoming impure to bury any corpse, whether it is that of a relative or a stranger. Consequently, the verse that states this *halakha* with regard to a nazirite is superfluous and can be used for the case of a *met mitzva*.

If someone went, etc. – הרי שהלך וכו' – Some commentaries explain that the *baraita* is referring to a nazirite who is also a High Priest and who is on his way to slaughter his Paschal offering (Commentary on *Nazir*; *Halakhot Gedolot*). Others maintain that the *baraita* is not referring to a nazirite in particular. Rather, it is speaking of anyone who is on his way to fulfill this mitzva (Rashi on *Berakhot*; *Tosafot*; *Arukh*, citing Rav Hai Gaon).

או בלך לדרך זו: נאמרו בללות בכהן הדיוט ונאמרו בללות בנזיר, מה בללות האמורות בכהן הדיוט – מיטמא לאביו, אף בללות האמורות בנזיר – מיטמא לאביו.

The *baraita* refutes this proof: Or perhaps you can go this way and accept a different interpretation: **General prohibitions are stated with regard to a common priest** contracting impurity imparted by a corpse, i.e., “there shall none defile himself for the dead among his people” (Leviticus 21:1), **and general prohibitions are stated with regard to a nazirite. Just as the general prohibitions stated with regard to a common priest teach that he may become impure to bury his father** (Leviticus 21:2), **so too, the general prohibitions stated with regard to a nazirite say that he may become impure to bury his father.** Perhaps a nazirite is compared to a common priest, not a High Priest.

תלמוד לומר “לאביו ולאמו ולא יטמא” הא למת מצוה מיטמא. הא מיבעי ליה לומר שאין מיטמא לאביו.

Since one cannot learn from the general prohibitions, one must revert to the previous derivation: **The verse states with regard to a nazirite: “He shall not become defiled for his father, or for his mother”** (Numbers 6:7), which indicates that **he may become impure to bury a met mitzva.** The *baraita* raises a difficulty with this last proof: One **requires** this verse for the *halakha* itself, to say that a nazirite, unlike a common priest, **may not become impure to bury his father.** How, then, can one learn from here that he may become impure to bury a *met mitzva*?

אלא: “לאביו” – לומר שאין מיטמא לאביו: “לאחיו” אינו מיטמא – הא למת מצוה מיטמא: “ולאמו” – לגורה שוה, לכדובי.

Rather, the *baraita* explains as follows: The superfluous phrase “for his father” serves to say that **he may not become impure to bury his father**, and all the more so for his other relatives. The phrase “for his brother” teaches that **he may not become impure to bury his brother but he may become impure to bury a met mitzva.** “And for his mother”; this phrase is for a verbal analogy in accordance with the opinion of Rabbi Yehuda HaNasi, that a nazirite may contract ritual impurity of types other than a corpse.

“ולאחותו” – לכדתנא, דתנא: “לאחותו” מה תלמוד לומר?

As for the phrase “and for his sister,” it is used for that which is taught in a *baraita*, as it is taught in a *baraita*: “And for his sister”; what is the meaning when the verse states this with regard to a nazirite? This detail is apparently superfluous, as the *halakha* that a nazirite may not become impure to bury a relative has already been derived.

הרי שהלך לשחוט את פסחו ולמול את בנו, ושמע שמת לו מת – יכול יטמא אחרת: לא יטמא.

The *baraita* continues: Rather, the term “and for his sister” teaches the following: **If someone went<sup>n</sup> to slaughter his Paschal offering or to circumcise his son**, which are particularly stringent positive mitzvot, as their neglect is punished by *karet*, **and he hears that a relative of his had died**, one might have thought that **he should become impure to bury his dead relative and abandon his performance of the mitzva.** You can say in response that **he may not become impure**, as one is not permitted to neglect the obligation of the Paschal offering or circumcision, even to bury a close relative.

יכול לא יטמא למת מצוה? תלמוד לומר “לאחותו”. לאחותו הוא דאינו מיטמא, הא למת מצוה – מיטמא.

The *baraita* continues: One might have thought that **he may not become impure even to bury a met mitzva.** **The verse states: “For his sister.”** It is only for his sister or another close relative that the nazirite **may not become impure, but he does become impure to bury a met mitzva.**<sup>h</sup> Since the verse had already taught that a nazirite may not become impure to bury a relative but does become impure to bury a *met mitzva* in an ordinary circumstance, the additional term “and for his sister” teaches that the same *halakha* applies even when he is going to perform an important mitzva.

#### HALAKHA

He does become impure to bury a *met mitzva* – למת מצוה – מיטמא: It is a mitzva to bury a *met mitzva*, even if one is otherwise prohibited from becoming impure. Even a High Priest, a nazirite, and one who is on his way to slaughter his Paschal

offering or circumcise his son must become impure to bury this corpse (Rambam *Sefer Shofetim*, *Hilkhot Evel* 3:8; *Shulhan Arukh*, *Yoreh De'a* 374:1).

**Body, these are the distant** – אֵלוֹ הַרְחוֹקִין – נִפְשׁוֹת: Rabbi Akiva disagrees with the opinion stated in the *baraita* above (48a), that the word “body” indicates that the verse is referring to people, as an animal is not called a “body,” but only the “body of an animal.” Furthermore, throughout the Torah (see, e.g., Leviticus 17:15), a dead animal is termed a “carcass” with regard to ritual impurity. It is also possible that Rabbi Akiva accepts Rabbi Yishmael’s interpretation that the phrase “he shall not come near to” (Numbers 6:6) is referring to a corpse, which imparts impurity through a person’s entrance into a tent (*Tosafot*).

**Why do I need “his sister”** – אַחֲוֹתוֹ לְמָה לִי – Since Rabbi Yishmael does not differentiate between one prohibition and two, as he maintains that the requirement to bury a *met mitzva* overrides several negative prohibitions, one should also be required to neglect the positive mitzvot of the Paschal offering and circumcision for this purpose (*Commentary on Nazir*).

רַבִּי עֲקִיבָא אוֹמֵר: “נִפְשׁוֹת” – אֵלוֹ הַרְחוֹקִין: “מֵת” – אֵלוֹ הַקְּרוֹבִין: “לְאָבִיו וְלְאִמּוֹ” אֵינוֹ מִיִּטְמָא, אֲבָל מִיִּטְמָא הוּא לְמֵת מִצְוָה.

Rabbi Akiva says that this verse dealing with a nazirite should be explained differently. “He shall not come near to a dead body” (Numbers 6:6) teaches the following: “**Body**”; **these are the distant**<sup>N</sup> people. “**Dead**”; **these are the close relatives**. The subsequent verse stresses that “**for his father or for his mother**” he may not become impure; however, he does become impure to bury a *met mitzva*.

“לְאָחִיו” – שָׂאֵם הָיָה בְּהֵן גְּדוֹל וְהוּא נָזִיר, לְאָחִיו אֵינוֹ מִיִּטְמָא, אֲבָל מִיִּטְמָא הוּא לְמֵת מִצְוָה. “לְאָחֲוֹתוֹ” – בְּדַתְנַיָּא: הָרִי שְׁהָיָה הוֹלֵךְ לְשַׁחֹט אֶת פְּסָחוֹ וְלְמוֹל אֶת בְּנוֹ כּוֹ.

The next term in the verse, “**for his brother**,” indicates that even if he was a High Priest and he was also a nazirite, he may not become impure to bury his brother, but he may become impure to bury a *met mitzva*. As for the term “**for his sister**,” this is used to teach that which is taught in a *baraita*: **If one was going to slaughter his Paschal offering or to circumcise his son and encountered a *met mitzva*, the obligation to bury the corpse takes precedence over the other important mitzva.**

וְלְרַבִּי עֲקִיבָא, גְּזִירָה שְׂוֵה דְרַבִּי מְגִלְיָה?

The Gemara asks: **And according to the derivation of Rabbi Akiva, from where does he derive the *halakha* of the verbal analogy of Rabbi Yehuda HaNasi that a High Priest may contract impurities other than the impurity of a corpse? How does Rabbi Akiva derive this *halakha*?**

אָמַר לָךְ: בֵּין דְאָמַר מָר: אִם הָיָה בְּהֵן גְּדוֹל וְנָזִיר, לְאָחִיו אֵינוֹ מִיִּטְמָא אֲבָל מִיִּטְמָא הוּא לְמֵת מִצְוָה – מַה לִּי בְּהֵן גְּדוֹל לְחֻדְיָה, מַה לִּי נָזִיר וְבְהֵן גְּדוֹל.

The Gemara answers: Rabbi Akiva could have said to you: **Since the Master said that if someone was a High Priest and also a nazirite, it is to bury his brother that he may not become impure but he does become impure to bury a *met mitzva*, one can therefore argue: What difference is it to me if he was only a High Priest, and what difference is it to me if he was both a nazirite and a High Priest? Once the Torah has stated that a nazirite may contract other forms of ritual impurity, the same *halakha* applies equally to a nazirite who is also a High Priest.**

וְלְרַבִּי יִשְׁמַעֵאל, בְּהֵן גְּדוֹל וְהוּא נָזִיר, מְגִלְיָה? בֵּין דְשָׂרָא רַחֲמֵנָא חַד לָאו גַּבִּי מֵת מִצְוָה – מַה לִּי חַד לָאו מַה לִּי תַרְוִין לְאִוּין.

The Gemara asks: **And according to the derivation of Rabbi Yishmael, from where does he derive that a High Priest who is also a nazirite must become impure to bury a *met mitzva*?** The Gemara answers: **Since the Merciful One permits one prohibition with regard to a *met mitzva*, either that of a High Priest or that of a nazirite, what difference is it to me if one prohibition is permitted, and what difference is it to me if two prohibitions are permitted? Once the Torah has permitted both a High Priest and a nazirite to contract ritual impurity to bury a *met mitzva*, it makes no difference if a single prohibition or two prohibitions are involved.**

“אַחֲוֹתוֹ” לְמָה לִי? סְלֵקָא דְעֵתְךָ אֲמִינָא: בִּי שָׂרָא רַחֲמֵנָא לְמֵת מִצְוָה – נָזִיר וְכֵהֵן דְאִיסוּר לְאִוּי הוּא. אֲבָל מִלְּהָ וּפְסָח, דְכָרַת – לֹא יִטְמָא לְמֵת מִצְוָה, קָא מְשַׁמְעֵ לָךְ.

The Gemara asks further: If so, **why do I need the term “his sister”?**<sup>N</sup> The Gemara answers: It might enter your mind to say that **when the Merciful One permits the contracting of impurity to bury a *met mitzva*, this is in the case of a nazirite and a priest, each of which involves a negative prohibition not to become impure. However, with regard to circumcision and the Paschal offering, whose neglect entails the punishment of *karet*,<sup>8</sup> perhaps one should not become impure to bury a *met mitzva*. The verse therefore teaches us that one must become impure even if this forces him to neglect a mitzva whose neglect is punishable by *karet*.**

#### BACKGROUND

**Karet** – כָּרַת: This is a divine punishment for serious transgressions. The precise definition of the term is a matter of debate among the commentaries. Opinions include premature death, sudden death, barrenness, the death of one’s child, and excision of the soul from the World-to-Come. *Karet* is incurred only when one intentionally commits a transgression. If one transgresses a prohibition that is punishable by *karet* in the presence

of witnesses, he is subject either to lashes or execution by an earthly court, depending upon the prohibition. Anyone who inadvertently transgresses one of these prohibitions must bring a sin-offering as atonement. Thirty-six transgressions are punishable by *karet*, all of which are violations of prohibitions. The two exceptions are neglecting to sacrifice the Paschal lamb and failure to ensure that one is circumcised.