

Zera Shimshon

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Published Mantua 1778*

Chapter XXXIX: Chukat (Num. 19:1–22:1)

Essay 4. Impurity where there is no impurity

פסוק "זאת התורה אדם פיימיות באהל". מקשים למה איצטריד למיכתב "זאת התורה", ד"אדם פיימיות באהל" לחודיה סגי. ולדין יובן שפיר במאי דאמרינון במסכת פתובות פרק י"ב כשמת רבי בטלה קדושה, וכתבו התוספות בשם הרב חיים פהו דבטלה קדושה רצה לומר קדושת כהונה דלגמרי הפהו הנה מותר לו להטמא, אבל אין נראה לרבי דדילמא דנקא בטומאת בית הפרס דרבנו אכל בטומאה דאורייתא לא נעיי"ש.

There is a verse: **“This is the law: When a person dies in a tent, whoever enters the tent and whoever is in the tent shall be impure seven days.”**¹ People ask why it was necessary to write the preface, **“This is the law,”** for the following words, **“When a person dies in a tent,”** by itself was sufficient.

For us, it will be nicely understood by what is said in tractate Ketubot, chapter 12, **“When Rabbi Yehuda haNasi died, sanctity was nullified.”**² This almost sounds as though he was on such a high level of holiness, that when he died, it did not exist anymore. However, the Tosafists wrote there in the name of Rabbeinu Chaim Cohen³ that **“sanctity nullified” means the sanctity of the priests not to become impure by exposure to the dead was nullified, that a priest was completely allowed to defile himself by exposure to the dead.** This was normally only allowed if a priest loses one of seven close relatives.

But this doesn't appear [correct] to Rabbi —,⁴ that perhaps it's specifically referring to setting aside the sanctity of the priests for **the impurity of the *beit ha'peras*, an area where there is uncertainty with regard to the location of a grave or a corpse, which is forbidden by rabbinic law, but it does not [set aside] impurity according to Biblical law.**

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¹ Num. 19:14.

² Ketubot 103b.

³ Rabbeinu Chaim ben Chananel Cohen, one of the senior disciples of Rabbeinu Tam in 12th century France.

⁴ Tosafot do not name the Rabbi in this case.

ולקאורה דברוי הרב חיים פהן נימוקם עמם לפי מה שכתב הש"ך על פסוק "הזגע במת לכל-נפש אדם", דעקר הטומאה של המת אינה באה אלא מהמת שמתים על ידי מלאך המות וכו'. אמנם הצדיקים שנשמתם יוצאת בנשיקה על פי ה' ו"כאשר יתנו בן יסעו" אין בהם שום טומאה כלל, ומשום הכי אתי שפיר בטלה קדושת כהונה לגמרי.

Apparently, the words of Rabbeinu Chaim Cohen have depth, according to what the Shach⁵ wrote on the verse, "Those who touch the corpse of any human being shall be impure for seven days."⁶ He wrote that apparently the principal of the impurity of one who contacts the dead only comes because they have died at the hands of the Angel of Death. However, regarding the righteous, whose souls exit by the kiss of G-d, and "as they dwelled, so they shall depart,"⁷ i.e., just as they were pure and holy in life, they are pure and holy in death, there is no impurity at all in them. Because of this, it's fine that there is a complete nullification of the sanctity of the priest not to become impure by exposure to the dead.

אבל כד מעיינינו ביה שפיר אי אפשר לומר בן, שיהרי מי לבו גדול מיוסף הצדיק שלא נתעסק בו אלא משה, וממשה שלקח עצמות יוסף גמרינו שהטמא מת והמת עצמו מותרים במחנה לוייה כדאמרינו בפרק ג' דסוטה (דף כ') ועיי"ש. ואי אמרת שהצדיקים אינם מטמאים היכי גמרינו מיוסף לשאר מתים והלא יוסף היה צדיק ולא היה מטמא, ועל פרקה לומר שגם הצדיקים מטמאים, ועוד שאף מדברי הרב חיים פהן עצמו מוכח הכי, דקאמר שהכהן היה מותר לו להטמא עכ"ל, דשמע מינה שיש הטומאה. ועוד דהש"ס לא הגי' ליה לומר בטלה קדושה אלא אדרבא בטלה הטומאה.

But when investigating this closely, it's impossible to say this, for who among us is greater than Joseph, the righteous one, so holy that only Moses involved himself with him. From Moses, who took the bones of Joseph, we derive that someone impure from contact with the dead, and the dead body itself, were permitted in the camp of the Levites, where the priests also dwelt, as it is said in a *Baraita* quoted in the third chapter of tractate *Sota* (page 20b).

But isn't it taught [in a *Baraita*]: One who is ritually impure from [contact with] a corpse is permitted to enter the Levite camp. And they said this not only for one who is ritually impure from a corpse; rather, even a corpse itself [may be brought into the Levite camp], as it is stated: "And Moses took the bones of Joseph with him" (Ex. 13:19). "With him" [means] "in his vicinity" [even though Moses was in the Levite camp].

- Sotah 20b

If you'll say that the righteous don't carry impurity, how will you derive this from Joseph's case to the other dead, for is it so that Joseph was righteous and didn't carry

⁵ Rabbi Mordechai Ha'Cohen of Safed (1523–98), *Siftei Cohen on Torah* (Venice 1605).

⁶ Num. 19:11.

⁷ Num. 2:17.

impurity? No, the Baraita quoted in Sota didn't say that, but rather that even though there was ritual impurity from a corpse, Joseph's bones were allowed inside the Levite camp.

You necessarily need to say that the righteous too carry impurity. This is also proven even from the words of Rabbeinu Chaim Cohen himself in the Tosafot, for since he says that it was permissible for the priest to defile himself, we hear from this that there was impurity.

Also, if the Shach's view was correct, then the Talmud⁸ in Ketubot wouldn't have said that the sanctity of the priests in the Levite camp was nullified, but rather that the impurity was nullified. But that's not what it said. Instead, it explicitly said that, **“when Rabbi Yehuda haNasi died, sanctity ceased.”**

וּכְדִי שֶׁלֹא יִקְשֶׁה זֶה לְפִירוּשׁ הַש"ךְ הַג"ל דְּהָא טַעְמָא רַבָּה קָאָמַר, וְעוֹד שְׂאָף מְפָרְשִׁים אַחֲרֵים כְּתָבוּ שֶׁהַצְדִּיקִים שְׂאִינָם מֵתִים עַל יְדֵי מְלָאָךְ הַמָּוֶת אֵינָם מְטַמְּאִים, צָרִיךְ לוֹמַר שְׂאָף עַל פִּי שְׁלֵפֵי הָאֵמֶת אֵינָם מְטַמְּאִים שֶׁהָרִי יִצְאֶתָּה נִשְׁמָתָם בְּנִשְׁיָקָה, עִם כָּל זֶה לֹא רָצָה הַכְּתוּב לְחַלֵּק בֵּינֵיהֶם בְּשִׁבְלִי שֶׁלֹא לְחַלֵּק בֵּין צְדִיק לְצְדִיק, כְּדֹאָמְרֵינוּ הֵתֵם בְּכַתּוּבוֹת פֶּרֶק הַג"ל דְּרַבִּי כָּל בֵּי שְׂמֵשִׁי אֲתִי לְבֵיתִיהּ וְכוּ' וְתו' לֹא אֲתָא, כְּדִי שֶׁלֹא לְהוֹצִיא לְעוֹז עַל צְדִיקִים הָרֵאשׁוֹנִים.

So we now have a question on the view of the Shach, and we need to investigate further, **in order that there shouldn't be any question on the above explanation of the Shach, who stated such a strong reason. Also, it was not only the Shach, but even other commentators wrote that the righteous, who don't die at the hands of the Angel of Death, do not carry impurity. It needs to be said that even according to the truth, they don't carry impurity, for their souls exit by a kiss from G-d, despite all this, Scripture didn't want to draw a distinction between them, in order not to distinguish between one righteous person and another righteous person.** We don't want to be placed in a position of deciding whether a recently deceased person was so righteous that a priest has permission to defile himself through contact with the deceased. **As it is said there in tractate Ketubot, chapter 12 as cited above, that:**

Every Sabbath eve [even after his passing], **Rabbi** [Yehuda haNasi] **would come to his house** [as he had done during his lifetime]. A certain Sabbath eve, a neighbor came and called at the door. His maidservant said [to her]: Be quiet, for Rabbi [Yehuda haNasi] is sitting [here]. When he heard [his maidservant reveal his presence to the neighbor], **he did not come again, so as not to cast aspersions on earlier righteous** [individuals who did not appear to their families following their death].

- Ketubot 103a

⁸ Literally, “the Shas,” an acronym for *Shisha Sedarim* [שֵׁשׁה סְדָרִים], the “six orders” of the Mishna and Talmud.

ומעתה נבא לבאר הכתוב, "זאת התורה אדם" וכו' על דרך שדרשו רז"ל "זאת תורת העולה" תורה אחת לכל העולים אפילו פסולים שאם עלו לא ירדו, וכמו שפירש רש"י ז"ל שם שכתב זאת תורת העולה לפי שהסבירא היתה גומת שהפסולים ירדו. ואף כאן כתב "זאת התורה אדם פי' ימות" וכו' "יטמא שבעת ימים", כלומר תורה אחת לכל המתים שיטמאו אף על פי שיש בהם צדיקים שהסבירא גומת שלא יטמאו וכן הוא לפי האמת הואיל שניצתה גשמתם בנשיקה אין טומאה בהם כנ"ל, אפילו הכי הנוגע בהם יטמא.

Now we will come to explain the original question on the Scripture, **“This is the law: When a person dies in a tent,” in the way that the rabbis, of blessed memory, explained a different verse, Lev. 6:2. Quoting that verse, “This is the law of the burnt offering [ha’ola] [literally, ‘that which ascends’],” they said: “[The verse] included [under] one law all [items] that ascend [upon the altar], even invalidated offerings, [teaching] that if they ascended the altar, they shall not descend.”**⁹

Also, as Rashi, of blessed memory, explained there, writing, **“ ‘This is the law of the burnt offering,” because the logical reasoning was given that invalidated offerings should descend.”**

So too here, in our verse, it is written, **“This is the law: When a person dies in a tent, whoever enters the tent and whoever is in the tent shall be impure seven days,” as if to say there is one law for all of the dead. That is, they carry impurity, even if there are among them righteous. The reasoning given by the Shach, that they don’t carry impurity, and according to the truth, since their souls leave by a kiss of G-d, there is no impurity in them, as above, even so, one who touches them will be impure.** We learn this from the introductory words, **“This is the law,”** that there is one uniform law for all similar cases. We also understand the reasoning, as explained above, that we don’t want to judge whether a deceased person was **“righteous enough”** to allow a priest to defile himself.

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⁹ Zevachim 27b.