

Giving a korban amidst ritual death impurity - Sanhedrin 12b - טומאה הותרה בציבור

Sanhedrin 12b discusses the possibility of adding a month to the calendar in order to avoid the masses being ritual impure (due to contact with a corpse). This raises the possibility that when the masses are ritual impure, they may be able to offer korbanot in that state anyway. What is the idea behind this concept? What is it trying to communicate regarding the sanctity of the Jewish calendar (symbolized by korbanot) and the sanctity of the Jewish people (symbolized by permissiveness when the collective is implicated)?

Questions? Comments? Email dinanddaf@gmail.com

היתר הקרבה בטומאה יכול להיות בכמה אופנים:

- א. כאשר רוב הציבור טמא.
- ב. כאשר רוב הכהנים המקריבים טמאים, ואפילו הציבור כולו טהור.
- ג. גם אם הציבור והכהנים טהורים – אבל כלי השרת (הכלים שבהם עושים את עבודת ההקרבה) טמאים. בכל אחד מאופנים אלו – מקריבים את קרבן הציבור בטומאה, והטמאים והטהורים יכולים להיכנס לעזרה כאחד, ולעסוק בהקרבת הקרבן.

סנהדרין יב:

אמר מר: רבי יהודה אומר: מעברין. אלמא, אית ליה לרבי יהודה: טומאה דחוייה היא בציבור.

Having quoted the *Tosefta* in its entirety, the Gemara now clarifies several of its details. The Master said above: Rabbi Yehuda says: The court may intercalate the year due to ritual impurity, in order to delay the Paschal offerings, so that the people can perform them in a state of purity. Apparently, Rabbi Yehuda holds that the prohibition against performing the Temple service in a state of ritual impurity is merely overridden in cases involving the public. Although the offerings may be brought when most of the public is in a state of impurity, this course of action is not ideally permitted; one must attempt to find another way to perform the offerings in purity.

והא תנאי: ציץ, בין שישנו על מצחו ובין שאינו על מצחו – מרצה, דברי רבי שמעון. רבי יהודה אומר: עודו על מצחו – מרצה, אין עודו על מצחו – אינו מרצה.

The Gemara asks: But isn't it taught in a *baraita*: The frontplate effects acceptance whether it is on the forehead of the High Priest or whether it is not on the forehead of the High Priest; this is the statement of Rabbi Shimon. Rabbi Yehuda says: As long as it is on his forehead it effects acceptance; if it is no longer on his forehead it does not effect acceptance.

פני יהושע שבת כא:

הרב יעקב יהושע פאלק (1756-1680), רבה של לבוב, ברלין ופרנקפורט על המיין, ומגדולי האחרונים

ולכאורה יש לתמוה כל טורח הנס זה למה דהא קי"ל טומאה הותרה בציבור והיו יכולין להדליק בשמן טמא ובשלמא למ"ד דחוייה בציבור ניחא הכא שפיר קצת משא"כ למ"ד הותרה בציבור דאפי' הדורי לא מהדרין כדאיתא ביומא א"כ קשה טובא...

At first glance, one might wonder why this miracle was necessary, since we hold that *tumah hutrah b'tzibbur* (ritual impurity is permitted in communal offerings). They could have used impure oil. While this works well according to the opinion that *tumah d'chuya*

b'tzibbur (ritual impurity is only overridden but not entirely permitted), it is harder to understand according to the opinion that tumah hutrah b'tzibbur, as in that case, they wouldn't even need to go to extra lengths to find pure oil, as stated in the Talmud in Yoma.

לכך נראה דעיקר הנס לא נעשה אלא להודיע להם חובת המקום עליהם כדאשכחן שנעשה זה הנס תמיד שלא נמצא פסול בעומר ובשתי הלחם והואיל ואיתרחיש להו ניסא בעיקר הענין שנגאלו גאולה שלימה מיד שונאיהם שהיו אומרים לישראל כתבו על קרן השור שאין לכם חלק באלהי ישראל וגזרו כמה שמדיות ועכשיו שנגאלו ונעשה להם נס גדול ששלטו בשונאיהם לכך נעשה להם ג"כ נס זה בענין הנרות שהוא עדות לישראל שהשכינה שורה בהם

The answer is that the main purpose of the miracle was to demonstrate God's love for Israel, as we find similar examples of miracles, such as when the Omer offering and the two loaves (shte'i halechem) never became invalid. Since God performed a miracle for them in the primary matter of their redemption—that they were saved entirely from their enemies, who had decreed harsh persecutions upon Israel and commanded them to write on the horns of oxen that they had no share in the God of Israel—it was fitting that another miracle should occur with the menorah, as it serves as a testimony to Israel that the Divine Presence rests among them.

רדב"ז, משנה תורה, הלכות מעשה הקורבנות יט, טו.

R. David ben Solomon ibn Abi Zimra (1479-1573)

כתב בעל כפתור ופרח (פרק ו) כי בזמן שבע עשרה לאלף השישי (שנת 1257 למנינם) היה רב אחד שמו רבנו חננאל מפריש, והיה רוצה לבא לירושלים להקריב קורבנות, וכתב דאי משום טומאת מת דחווה היא בציבור, ואי משום שאר הטומאות אפשר בטבילה, וכל זה בנוי על שורש שתי ההקדמות שכתב רבנו: קדושה ראשונה קדשה לשעתה וקדשה לעתיד ומקריבים אף על פי שאין בית. ותמהתי על מעשה זה והלא הבית ביד גויים ואין יניחו אותו להקריב קורבנות ואפילו להיכנס לשם לא יניחו את הישראלי.

שמות כח:לח

וְהָיָה עַל־מִצַּח אַהֲרֹן וְנָשָׂא אַהֲרֹן אֶת־עֹן הַקֹּדְשִׁים אֲשֶׁר יִקְדִּישׁוּ בְנֵי יִשְׂרָאֵל לְכָל־מִתְנַת קֹדְשֵׁיהֶם וְהָיָה עַל־מִצַּחוֹ תָמִיד לְרַצּוֹן לָהֶם לִפְנֵי ה'

It shall be on Aaron's forehead, that Aaron may take away any sin arising from the holy things that the Israelites consecrate, from any of their sacred donations; it shall be on his forehead at all times, to win acceptance for them before God.

משנה מנחות ג:ג

...נִטְמָא הַקֶּמֶץ וְהַקְרִיבוֹ, הַצִּיץ מִרְצָה. יֵצָא וְהַקְרִיבוֹ, אֵין הַצִּיץ מִרְצָה, שֶׁהַצִּיץ מִרְצָה עַל הַטֵּמָא, וְאֵינוֹ מִרְצָה עַל הַיּוֹצֵא

...If the handful became ritually impure and despite this the priest sacrificed it, the frontplate worn by the High Priest effects acceptance of the meal offering, and the remainder is eaten by the priests. If the handful left its designated area and despite this the priest then sacrificed it, the frontplate does not effect acceptance. The reason is that the frontplate effects acceptance for

offerings sacrificed when ritually impure and does not effect acceptance for offerings that leave their designated areas.

במדבר ט:ב

וַיַּעֲשׂוּ בְנֵי־יִשְׂרָאֵל אֶת־הַפֶּסַח בְּמוֹעֲדוֹ:

Let the Israelite people offer the passover sacrifice at its set time:

במדבר כח:ב

צַו אֶת־בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם אֶת־קָרְבְּנִי לַחֲמִי לֶאֱשִׂי רִיחַ גִּיחְחִי תִשְׁמְרוּ לְהַקְרִיב לִי בְּמוֹעֲדוֹ:

Command the Israelite people and say to them: Be punctilious in presenting to Me at stated times the offerings of food due Me, as offerings by fire of pleasing odor to Me.

פסחים עז.

דְּתַנּוּ רַבָּנִן: "וַיִּדְבֹּר מֹשֶׁה אֶת מִעַדֵי ה'" — מָה תִּלְמֹד לומר? לִפִּי שֶׁלֹא לְמַדְנוּ אֶלָּא לְתַמִּיד וּפְסַח שֶׁנֶּאֱמַר בָּהוּ בְּמוֹעֲדוֹ, "בְּמוֹעֲדוֹ" וְאִפְּלוּ בְּשַׁבָּת, "בְּמוֹעֲדוֹ" וְאִפְּלוּ בְּטוּמְאָה.

The Gemara asks: Is that to say that all of them come from, i.e., are derived from, the term appointed time? From where are these matters derived? The Gemara answers: It is as the Sages taught based upon the verse: "And Moses declared the appointed times of the Lord to the children of Israel" (Leviticus 23:44). What is the meaning when the verse states this phrase? This phrase is necessary because we had learned only that the daily offering and the Paschal lamb override Shabbat and ritual impurity, as it is stated with regard to them: In its appointed time, from which it is derived that each of them must be sacrificed in its appointed time and even on Shabbat, in its appointed time and even in ritual impurity.

שֶׁאֵר קָרְבָּנוֹת צִיבור מִזֵּין — שֶׁנֶּאֱמַר: "אֵלֶּה תַעֲשׂוּ לַה' בְּמוֹעֲדֵיכֶם".

With regard to the rest of the communal offerings, from where is it derived that they also override Shabbat and ritual impurity? As it is stated with regard to additional offerings that are brought on the Festivals: "These you shall sacrifice to the Lord in your appointed times" (Numbers 29:39).

מִזֵּין לְרַבּוֹת עוֹמֵר וְהַקָּרֵב עִמוֹ, שְׁתֵּי הַלֶּחֶם וְהַקָּרֵב עִמָּם — תִּלְמֹד לומר: "וַיִּדְבֹּר מֹשֶׁה אֶת מִעַדֵי ה' אֶל בְּנֵי יִשְׂרָאֵל", הַפְּתוּב קִבְּעוּ מוֹעֵד אֶחָד לְכוֹלֵן.

The *baraita* continues: From where is it derived to include the *omer* and the lambs that are sacrificed with it, the two loaves sacrificed on *Shavuot*, and the communal peace-offerings that are sacrificed with them? The verse states: "And Moses declared the appointed times of the Lord to the children of Israel" after it lists Shabbat and the Festivals. This indicates that the verse established one time for all of them. All of these days are considered appointed times, and their offerings are not deferred.

וְכָל הַיּוֹם לְמָה לִּי? צְרִיכִי, דְּאִי כָּתֹב רַחֲמָנָא תַּמִּיד, הִנֵּה אֲמִינָא תַּמִּיד — שְׁכֵן תְּדִיר וְכִלִּיל, אֲבָל פֶּסַח — לֹא, קָא מִשְׁמַע לָן.

The Gemara asks: Why do I need all these derivations? It should have been sufficient to provide one derivation and use that as a model for all communal offerings. The Gemara answers: They are all necessary. As, if the Merciful One had written this *halakha* only with regard to the daily offering in the Torah, I would have said: The daily offering is unique in that it is frequent and it is consumed, as it is entirely consumed as a burnt-offering, and that is why it overrides Shabbat and ritual impurity; but the Paschal lamb, which does not have either of these characteristics, does not override Shabbat and ritual impurity. Therefore, it teaches us that the Paschal lamb also overrides Shabbat and ritual impurity.

וְאִי כָּתַב רַחֲמָנָא פֶּסַח, פֶּסַח שֶׁהוּא עֲנוּשׁ כְּרֵת, אָבֵל תַּמִּיד דָּאִין עֲנוּשׁ כְּרֵת — אֵימָא לָא, קָא מִשְׁמַע לָן.
And if the Merciful One had written that this *halakha* applies to the Paschal lamb, I would have said that the Paschal lamb, for which one is punished with *karet* if one neglects to sacrifice it, overrides Shabbat and ritual impurity; but with regard to the daily offering, for which one is not punished with *karet* for neglecting to sacrifice it, say that it does not override Shabbat and ritual impurity. Therefore, it comes to teach us that the daily offering also overrides Shabbat and ritual impurity.

וְאִי כָּתַב רַחֲמָנָא הֵנִי תִרְתִּי, הֵנִי אֲמִינָא הֵנִי הוּא יֵשׁ בְּהֵן צֵד חֲמוּר, תַּמִּיד — תְּדִיר וְכָלִיל, פֶּסַח — שֶׁהוּא עֲנוּשׁ כְּרֵת. אָבֵל שְׂאֵר קִרְבָּנוֹת צִיבוּר — אֵימָא לָא, כָּתַב רַחֲמָנָא: “אֵלֶּה תַעֲשׂוּ לַיהוָה בְּמוֹעֲדֵיכֶם.”
And if the Merciful One had written this *halakha* only with regard to these two offerings, I would have said that it is only with regard to these offerings that the *halakha* applies, because they have a stringent aspect. The daily offering is frequent and entirely consumed on the altar, and one who neglects to bring the Paschal lamb is punished with *karet*. But with regard to the rest of the communal offerings, which do not have these stringencies, say that they do not override Shabbat and ritual impurity. Therefore, the Merciful One writes: “These you shall sacrifice to the Lord in your appointed times,” to teach that even these override Shabbat and ritual impurity.

וְאִי כָּתַב רַחֲמָנָא: “אֵלֶּה תַעֲשׂוּ לַיהוָה בְּמוֹעֲדֵיכֶם,” הֵנִי אֲמִינָא שְׂאֵר קִרְבָּנוֹת צִיבוּר הַבָּאִין לְכַפֵּר. אָבֵל עוֹמֶר וּשְׁתֵּי הַלֶּחֶם דָּאִין בָּאִין לְכַפֵּר, אֲלֵא לְהַתִּיר בְּעֵלְמָא נִיְהוּ — לָא, קָא מִשְׁמַע לָן.
And if the Merciful One had written “These you shall sacrifice to the Lord in your appointed times” and nothing else, I would have said that only the other communal offerings that come to atone for sins are included, such as sin-offerings and burnt-offerings. Burnt-offerings atone for the neglect of positive commandments and for the violation of negative commandments that can be rectified through positive commandments. But the *omer* and the two loaves, which do not come to atone for sin but merely come to permit, as the *omer* permits the consumption of the new crop of grain and the two loaves permit using the new crop of grain as offerings in the Temple, do not override Shabbat and ritual impurity. Therefore, it teaches us that even these override Shabbat and ritual impurity.

וְאִי כָּתַב רַחֲמָנָא עוֹמֶר וּשְׁתֵּי הַלֶּחֶם לְחֻדְיֵיהוּ, הֵנִי אֲמִינָא אֲדִרְבָּה: עוֹמֶר וּשְׁתֵּי הַלֶּחֶם דְּאֵלִימִי דְּבָאִין לְהַתִּיר, אָבֵל הִנֵּה — לָא, קָא מִשְׁמַע לָן.
And if the Merciful One had written: The *omer* and the two loaves, by themselves, I would have said: On the contrary, the *omer* and the two loaves, which are important because they come to

permit, override Shabbat and ritual impurity, but these other communal offerings do not. Therefore, it teaches us each of the derivations separately.

סבריה דלכולי עלמא טומאה דחוייה היא בציבור, ובציצא ציצ לרצות.

Since the Gemara has discussed communal offerings that are brought even in a state of ritual impurity, it addresses the basic *halakhot* relating to this area. The Gemara posits two assumptions and then compares the opinion of Rabbi Yehoshua to the mishna. It states as a preface that the Sages originally assumed that everyone agrees that ritual impurity is overridden in cases involving the public. In other words, the prohibition against sacrificing offerings in a state of ritual impurity applies to communal offerings, but it is superseded by the obligation to sacrifice the offering. Therefore, the frontplate of the High Priest is required to appease God for the sacrifice of the offering in a state of ritual impurity.

דליכא תנא דשמעת ליה דאמר טומאה הותרה בציבור אלא רבי יהודה, דתניא: ציצ, בין שישנו על מצחו ובין שאינו על מצחו — מרצה, דברי רבי שמעון. רבי יהודה אומר: עוידיו על מצחו — מרצה, אין עוידיו על מצחו — אינו מרצה.

There is no *tanna* that you have heard of who said that ritual impurity is entirely permitted in cases involving the public, i.e., that with regard to the public there is no significance to ritual impurity in the Temple, except for Rabbi Yehuda. As it was taught in a *baraita*: The frontplate of the High Priest, whether it is on his forehead or whether it is not on his forehead, appeases God and thereby facilitates the acceptance of offerings sacrificed in a state of impurity; this is the statement of Rabbi Shimon. Rabbi Yehuda says: When it is still on his forehead it appeases God, but when it is no longer on his forehead it does not appease Him, as indicated in the verse: “And it shall be on Aaron’s forehead, that Aaron may bear the iniquity of the sacred things which the children of Israel shall hallow” (Exodus 28:38).

אמר לו רבי שמעון: כהן גדול ביום הכפורים יוכיח, שאינו על מצחו ומרצה.

Rabbi Shimon said to Rabbi Yehuda: The *halakha* with regard to the High Priest on Yom Kippur shall prove it, as the frontplate is not on his forehead, and it nonetheless appeases God if communal offerings are brought in a state of ritual impurity. The High Priest spends part of Yom Kippur wearing only the four white garments instead of his usual golden vestments, which include the frontplate.

אמר לו: הנח ליום הכפורים שטומאה הותרה בציבור. מקלל דרבי שמעון סבר: טומאה דחוייה היא בציבור. Rabbi Yehuda said to him: Set aside Yom Kippur, as ritual impurity is wholly permitted in cases involving the public. The frontplate is needed only to atone for individual offerings that are brought in a state of ritual impurity. This proves by inference that Rabbi Shimon holds that ritual impurity is overridden in cases involving the public, but it is not wholly permitted. Therefore, the frontplate is needed to appease God for the sacrifice of the offering in a state of ritual impurity.

רמב"ם הל' ביאת המקדש ד: ט-י

כל קרבן שאין קבוע לו זמן אינו דוחה לא את השבת ולא את הטמאה. שאם לא יקריב היום יקרב למחר ולמחרת מחר. וכל קרבן שקבוע לו זמן בין קרבן צבור בין קרבן יחיד דוחה את השבת ודוחה את הטמאה. ולא כל הטמאות הוא דוחה אלא טמאת המת לבדה:

[The offering of] any sacrifice that does not have a set time does not supersede [the observance of] the Sabbath or [the laws of] ritual impurity. [The rationale is that] if it is not sacrificed today, it will be sacrificed tomorrow or afterwards. [The offering of] any sacrifice that does have a set time, whether it be a communal offering or an individual offering, supersedes [the observance of] the Sabbath and [the laws of] ritual impurity. It does not supersede all types of ritual impurity, however, only those stemming from contact with a human corpse.

כל קרבנות הצבור קבוע זמנם. לפיכך כל דוחין את השבת ואת טמאת המת:

All of the communal sacrifices have a fixed time when they must be offered. Hence [offering them] supersedes [the observance of] the Sabbath and [the laws of] ritual impurity stemming from contact with a human corpse.

פסחים טו:

אשכחן תמיד ופסח דדחו שבת, דדחו טומאה מנא לן? אמרי: כי היכי דיליף פסח מתמיד לענין שבת, הכי נמי יליף תמיד מפסח לענין טומאה.

The Gemara raises an additional question incidental to the previous discussion proving that the Paschal lamb overrides Shabbat: We have found proofs that the daily offering and the Paschal lamb override Shabbat. From where do we derive that they also override ritual impurity? For we have a tradition that if the entire community is ritually impure, they nonetheless offer the communal sacrifices and the Paschal lamb. They say: Just as the law governing the Paschal lamb is derived from the law governing the daily offering in regard to the overriding of Shabbat, so too the law concerning the daily offering is derived from the law concerning the Paschal lamb in regard to ritual impurity; just as the Paschal lamb overrides communal impurity, so does the daily offering.

ופסח גופיה מנא לן? אמר רבי יוחנן: דאמר קרא "איש איש כי יהיה טמא לנפש". איש נדחה לפסח שני, ואין ציבור נדחין לפסח שני, אלא עבדי בטומאה.

The Gemara asks: And with regard to the Paschal lamb itself, from where do we derive that if most of the nation is ritually impure, the sacrifice is offered anyway? Rabbi Yohanan said: For the verse states: "Speak to the children of Israel, saying: Any man of you or your generations who shall be impure by reason of a corpse, or on a distant journey, he shall keep the Passover to the Lord. On the fourteenth day of the second month at evening they shall keep it, and eat it with *matzot* and bitter herbs" (Numbers 9:10–11). We can infer from here that a single individual or a group of individuals are deferred to the second *Pesah* if they are ritually impure, but the entire community or the majority thereof is not deferred to the second *Pesah*; rather, they observe the first *Pesah* in a state of ritual impurity.

במדבר לא:יט

ואתם חנו מחוץ למחנה שבועת ימים כל הירג נפש וכל נגע בחלל תתחטאו ביום השלישי וביום השביעי אתם ושביתכם:

"You shall then stay outside the camp seven days; every one among you or among your captives who has slain a person or touched a corpse shall purify himself on the third and seventh days.

פירוש הרמב"ן במדבר לא:כג

וכן בדין הטומאה שהזהירם עתה (במדבר ל"א:י"ט) ואתם חנו מחוץ למחנה שבעת ימים וגו' כי מלחמת סיחון ועוג
בה היו כל ישראל וטומאה הותרה בצבור ועל דרך הפשט הזהירם ואתם חנו מחוץ למחנה שבעת ימים ותתחטאו
כדי שלא יטמאו את העם אבל שם כולם היו שוים בדבר: