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CHAPTER IV.

A. For relatives of the first degree--*e.g.*, father, mother, son, daughter, brother, wife, and sister--a priest may defile himself. R. Aqiba said: For those of the second degree [A1](#) he mourns and is prevented also from services, which he must not perform when his dead is not buried; but he must not defile himself.

B. R. Simeon b. Elazar, however, said: He may defile himself for his grandfather and his grandson, but the sages [B1](#) say: For whomsoever he is obliged to perform all the ceremonies of mourning, are to mourn with him, but not otherwise. If it was doubtful, however, whether the deceased was his brother or son, or not, he mourns and is considered an Orvan, but he must not defile himself.

C. For his betrothed he must neither mourn nor defile himself. The same is the case with his divorced wife, although he has children by her.

The rabbis taught: Over all those of which it is written in the chapter relating to priests [Lev. xxi.], that a priest may defile himself on them, an ordinary person must mourn, and they are the following: wife, father and mother, brother and sister, son and daughter. To these were added: his brother and virgin sister by his mother, and his married sister either by his mother or by his father. And also over all their second degree of consanguinity. Such is the dictum of R. Aqiba. R. Simeon b. Elazar, however, holds that it extends only to his grandson and his grandfather. The sages, however, laid down the

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following rule: "Over whom one is bound to mourn, *with* him he must mourn." [C1](#) Does not the rule of the sages state the same thing stated by the first Tana? There is a difference as to those who are *with* him in the same house. [C2](#) Rabh once said to Hyya his son, and so also said R. Huna to Rabba his son: "In her (wife's) presence observe mourning, but not in her absence." Mar Uqba's brother-in-law died, and he was inclined to observe both the seven and the thirty days. When R. Huna came to him and found him mourning, he said: "Dost thou desire to partake of the mourning-meal? The rule that one must observe mourning out of respect for his wife, extends only to father-in-law and mother-in-law." We have also so learned in a Boraitha: "Ameimar's grandson died, and he rent his garment. When subsequently his son arrived he rent again in his presence, and when he afterwards recollected that he was seated at the time he rent, he arose and rent once more."

D. [What is the term for Aninuth? [D1](#) From the time of death till the interment, such is the dictum of R. Meir. The sages, however, say: One day only.] If a high-priest has married a widow against the written Law; or an ordinary priest has married a divorced woman, or one who

has performed Halitzah, he may mourn for her, and has to keep the term of Aninuth, but must not defile himself.

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E. For his sister, if she is betrothed, [E1](#) R. Meir and R. Jehudah say he may defile himself. R. Jose and R. Simeon hold that he must not. [E2](#)

F. If he has married a virgin but without virginity, [F1](#) according to R. Jose and R. Meir he defiles, and according to R. Simeon he may not. If he has married a forced [F2](#) or a seduced woman, all agree that he may not. If he married a *vigaros*, [F3](#) all agree that he may.

G. The general rule which R. Simeon laid down is: For every woman who was fit for the high-priest when she was yet a virgin he may defile himself, but not otherwise.

H. For all those of whom it was declared that a priest may defile himself, it is not meant as a permission but as an obligation. So also said R. Aqiba; R. Ishmael, however, said: It is meant as a permission. [H1](#)

I. It happened to Joseph the priest that his wife died on the eve of Passover, and he was reluctant to defile himself, so his colleagues pushed him on her and defiled him against his will, saying: It is not a permission but an obligation.

J. Until what time may he defile himself? R. Meir said: That whole day; R. Jose said: Until three days; R. Jehudah in the name of R. Tarphon says: Until the grave is closed.

K. It is related that when R. Simeon b. Jehozadok died at Lud, his brother Johanan came from Galilee to defile himself with him, after the grave was already closed. When the sages were asked about it they decided: He must not defile himself; however, the grave may be opened to enable him to see him.

L. It happened that a youth died and left his property to strangers, and left out his family. His relatives complained,

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and demanded an examination. [L1](#) When the sages were asked, they decided not to do so, because as soon as the grave is closed the corpse must not be moved. According to others: As soon as one dies, his hair is changed. [L2](#)

M. An ordinary priest who is defiling himself with relatives must not do the same with a stranger, even at the same time, in case the stranger has sufficient attendants; but if he has not he may defile himself, and afterward retire to an undefiled place. The same is the case when he begins, and others come to relieve him.

N. When there were two roads, one short but unclean and the other long but clean, if the people

went on the long one he should accompany them, and if the people took the short road he should go with them, for the honor of the people.

O. If he was engaged in burying his dead, so long as he is in the grave he may receive from strangers for burial, but if he was out he must not return.

P. If he has defiled himself on the same day, *R.* Tarphon makes him culpable to a sin-offering, and *R.* Aqiba makes him free. All agree, however, that he is culpable when he does so on the morrow, because he has added one more day to be unclean, as he must count seven days after the last defilement.

Q. A priest may defile himself for relatives even if they are not fit for the priesthood; *e.g.*, for his son, daughter, [Q1](#) brother or sister, begotten by a temple-servant or bastard, except for those begotten by a slave or a Gentile. [Q2](#)

R. A high-priest who defiles himself with the dead, or bares his head, or rends his garments, is liable to the punishment of stripes.

S. For all uncleanness for which a Nazarite must shave off his hair, he is liable to stripes; otherwise he is not.

T. A high-priest who enters a cemetery is liable to stripes.

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U. If he enters the yard of a cemetery, or if he goes outside of Palestine, he is liable to chastisement (rabbinically).

V. If he enters a field where there is a lost grave, he is not culpable till he traverses every bit of it.

W. A priest may defile himself by going outside of Palestine to attend a civil or criminal court; to sanctify the month; to intercalate the year, and to save his field from the idolaters. He may bring a complaint and sign it in their courts; however, he must first make a declaration that he is going for this purpose.

X. He may also leave Palestine for the purpose of studying the Law, or to get married. Said *R.* Jehudah: He may do the former when there is nobody in the place to learn from; otherwise he may not. *R.* Jose, however, said: Even if there is one to learn from he may do so, because not everyone can teach. It happened to Joseph the priest that he went to his master to study the Law; he went outside of Palestine to *R.* Jose in Zaidin.

Y. A priest may defile himself with a piece of bone of his father's body, even if it was as large as a grain of barley; *R.* Jehudah, however, said: He must not. A priest must not defile himself with a limb cut off a living body, be it even that of his father. [Y1](#)

Z. It happened to Joseph Parkass that he had an abscess on his foot, and the surgeon came to cut

it off. He said to him: If thou wilt leave of it a bit of the size of a hair, let me know. When the surgeon told him that he did so, he summoned his son Nehemiah and said: My son, till here thou art obliged to attend me, but no farther. For the sages said: One must not defile himself for a limb cut off a living body, be it even that of his father. When the sages heard of it, they said: The following passage: "My life is in my hand continually, yet thy Law do I not forget." [Ps. cxix. 109], applies to him; and also: "There is many a righteous man that perisheth in his righteousness" [Prov. vii. 15].

AA. If he was on the road and he found a Meth-Mitzvah, [AA1](#)

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he is obliged to attend to it. What is to be considered such? If he would call for help and his cry could not be heard in the nearest town; but when it is heard, it is not considered as such (and he must not defile himself).

BB. It is always considered a Meth-Mitzvah unless there are sufficient people to attend to its funeral.

CC. If there was a high-priest and a Nazarite, the high-priest shall defile himself but not the Nazarite, according to R. Eliezer; for the latter must bring an offer for his defilement, and the former not. The sages, however, say: Rather let the Nazarite bring a hundred offers than cause defilement even to an ordinary priest; because the sanctification of the priest is from birth and forever, and the Nazarite's is only temporary.

DD. All agree that if there was an anointed high-priest and an unanointed one who is recognized only by his many garments, [DD1](#) the latter must defile himself and not the former; when there was the latter and an overseer, or an overseer and an ex-overseer, or an ex-overseer and a priest anointed for the war, or he and a common priest, or a common priest and a Levite, or he and an Israelite, the second of each pair always must defile himself but not the first. If both are equals, the quickest of the two must do so; and if both are quick, the one that expresses the desire shall do so.

EE. If it was found between a ploughed and an abandoned field, it shall be buried in the latter; between a ploughed and a sown field, it shall be buried in the former; between a sown field and an orchard, or an orchard and a field in which *persea* grows,

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it shall be buried in the former. If both places are equal in value, it shall be buried in the nearest one; and if they are equal in distance, it can be buried wherever desirable.

FF. Said R. Aqiba: "The following incident was the commencement of my reward to be counted among the wise. I once arose early and found a slain body. I burdened myself with it for three legal limits of the Sabbath, until I brought it to a cemetery, and I buried it. When I related this to the sages, they told me that my every step was considered as if I had shed blood. [FF1](#) Whereupon I drew the following *a fortiori* conclusion: When, having in view to perform a meritorious deed,

I have transgressed so much, how much the more would I have sinned if I had had no such intention!" Whenever R. Aqiba was reminded of this incident he said: This was the commencement of my reward. [FF2](#)

Footnotes

[12:A1](#)

CHAPTER IV.

A. Grandfather, grandmother, grandson, etc.

[12:B1](#) B. The sages differ with R. Aqiba, who says: That for the second degree he must not mourn at all, and it is to be understood so: Whoever is obliged to perform all the mourning ceremonies, *e.g.*, not to sit in a chair, not to put on the shoes, etc., which are customary for the first degree, then also the priest must mourn and defile himself; but for the second degree, for whom he is not allowed to defile himself, the mourning is also unnecessary for him. The case where mourning without defilement can be found is only when it is doubtful, the doubtfulness meaning when the woman who bore the child was suspected.

[13:C1](#) C. *E.g.*, for a father for whom one is bound to mourn, if the father mourns for his father, the son may mourn with him. The same is the case with a son for whom the father is bound to mourn, if the son mourns for his son the father mourns with him. (Rashi.)

[13:C2](#) It means that according to the sages the grandfather or the grandson is bound to mourn only when the father or the son is mourning in the house. (Rashi.)

[13:D1](#) D. The term "Onen" in the Talmud means one of the relatives of the deceased, just after he departed and before the burial. It is derived from Genesis [xxxv. 18]: "Ben Oni." (See Leaser's translation, who did not translate *Ben Oni*, but inserted the words as written. He nevertheless translates Deut. xxvi. 14: "I have not eaten thereof in my mourning," the Hebrew term for which is the same, which is surprising.) The law of an Onen is, that only the high-priest may perform his service when a death occurs in his family; an ordinary priest, however, must not; and if he does, he violates the law. Hence is the question here, how long the term of Aninuth must be kept. According to R. Meir, even if there are several days from death to interment, the entire law of it must be observed; but according to the sages only one day, as it is explained elsewhere--from morning till evening.

[14:E1](#) E. The high-priest. See Lev. xxi. 3. When she, however, is not married, but betrothed; hence the difference of opinion.

[14:E2](#) The names are corrected according to Tract Jebamoth, p. 60.

[14:F1](#) *F*. Without virginity--through sickness, or she has lost it through something else; and according to the sages, the high-priest was not allowed to marry one who had lost her virginity, whatever the reason.

[14:F2](#) Forced--Deut. xxii. 28.

[14:F3](#) *Vigaros*, also without virginity, but only through age; therefore all agree that in marrying her he does not commit any transgression, as he himself could not know it.

[14:H1](#) *H*. See Elias Wilna.

[15:L1](#) *L*. If he was of age to make a will.

[15:L2](#) It is difficult to understand the real meaning of it. It seems to us that it means that the examination of the hair could decide nothing, as it could have grown after the death.

[15:Q1](#) *Q*. If they were born by a woman whom he married unlawfully.

[15:Q2](#) According to the Talmud, an illegitimate child begotten by parents of two different creeds without being married, must be considered according to the creed of the mother; hence they are not his children.

[16:Y1](#) *Y*. The law is, if a whole limb was separated from a living body it is a subject of defilement; but if flesh was separated from that limb, even if it was more than the size of an olive, it is not. However, when the limb was separated from a corpse, and flesh separated from it the size of an olive, it defiles.

[16:AA1](#) *AA*. This expression is used in the whole Talmud about one who died without relatives, or if he died somewhere far from them, or in a lonely place. "Meth" means a corpse, "Mitzvah" means a commandment, and together they express: A corpse which anybody who finds is commanded to attend to its burial.

[17:DD1](#) *DD*. There is a tradition that in the time of King Josiah the oil of anointment made by Moses was concealed, and from that time the ascent of a high-priest was made only with his prescribed garments, and in the Talmud such a high-priest was called by the name of "who was known by his many garments." Hence if it happened that an anointed ex-high-priest were in company with a high-priest who was elected after the oil of anointment, was concealed, the latter, though he is a high-priest, must defile himself, because his degree in sanctification is considered lower than that of the former; and so is it with all the pairs--the second is lower in sanctification than the first.

[18:FF1](#) *FF*. Because the law is that it must be buried on the place where it is found.

[18:FF2](#) *I.e.*, From the answer of the sages he learned that he knew nothing of the Law, and he began to study until he reached his eminence.

[Next: Chapter V](#)