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Yoma Daf 12

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### **Tzvi Gershon Ben Yoel (Harvey Felsen) o”h**

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

#### **Rabbi Yehudah maintains that any sacred site is not subject to the tumah of tzaraas.**

The Gemara asks: Is it correct that urban Synagogues cannot become tamei with tzaraas? But it was taught in a Baraisa: It is said [and I will place a tzaraas plague in a house of the land of] your inheritance. The Tanna Kamma maintains that the verse implies that only your inheritance, i.e. a house that is on the land that was appropriated to the original settlers of Eretz Yisroel is susceptible to the tumah of tzaraas, whereas a house in Jerusalem, which is not considered to be your inheritance, is not susceptible to tumah of tzaraas. Rabbi Yehudah, however, said: I heard only that only the site of the Bais HaMikdash is not susceptible to tumah of tzaraas.<sup>1</sup> Rabbi Yehudah implies that synagogues and study halls in Jerusalem are susceptible to tzaraas, even though they are urban.<sup>2</sup> The Gemara answers that Rabbi Yehudah really meant that only a sacred site (which includes synagogues, study halls and the Bais HaMikdash) are not susceptible to tumah of tzaraas. (12a1)

#### **There is a dispute if Jerusalem was divided up amongst the tribes of Israel.**

Regarding what point do they disagree? The Tanna Kamma maintains that Jerusalem was not divided up amongst the tribes of Israel.<sup>3</sup> Rabbi Yehudah, however, maintains that Jerusalem was divided up amongst the tribes of Israel.<sup>4</sup> And

<sup>1</sup> Because Dovid HaMelech purchased the land from Aravah the Jebusite with funds that were collected from all the tribes, and as such, the land is not deemed to be your inheritance and is not susceptible to tumah of tzaraas.

<sup>2</sup> Yet we learned previously that urban synagogues are not susceptible to tzaraas.

<sup>3</sup> So a house in Jerusalem is not considered as a house of the land of your inheritance, and therefore it will not be susceptible to tumah of tzaraas.

they argue on the very same issue as the following Tannaim, for it was taught in a Baraisa: What was located in the portion of the tribe of Yehudah? The Temple Mount, the Chambers, and the Courtyards of the Bais HaMikdash. And what was located in the portion of the tribe of Binyamin? The Ulam, the Heichal, and the Chamber of the Holy of Holies. A strip of land extended from the portion of Yehudah and entered into the portion of Binyamin, and the Mizbeiach was built on that portion. Binyamin the Righteous foresaw the intrusion of Yehudah into his territory and this caused him great distress, and Binyamin desired to absorb that strip into his territory as it is said in the blessing that Moshe conferred on the tribe of Binyamin he agonizes over it all day long. Since Binyamin was distressed about this, he merited becoming host to the Divine Presence, as it is said and between his (Binyamin's) shoulders does He (HaShem) rest.<sup>5</sup>

And the following Tanna holds that Jerusalem was not divided up amongst the tribes of Israel, for it was taught in a Baraisa: One cannot rent out houses in Jerusalem because the houses do not belong exclusively to the owners.<sup>6</sup> Rabbi Elozar bar Tzadok maintains that they could not even lease

<sup>4</sup> And therefore regular buildings in Jerusalem are susceptible to tumah of tzaraas; Synagogues, study halls and the Bais HaMikdash, however, do not belong to any individual or group and therefore they are exempted from the laws of tzaraas tumah.

<sup>5</sup> This description of the Bais HaMikdash complex supports the opinion that Jerusalem was divided up amongst the tribes of Israel.

<sup>6</sup> Rather, the houses and all of Jerusalem are owned by the entire Jewish People.

out the beds.<sup>7</sup> To compensate the innkeepers for this loss in revenue, the innkeepers were permitted to take forcibly the hides from the pilgrim's offerings.<sup>8</sup>

Abaye said: We derive from the Baraisa that when one leaves his host, it is proper to leave the jug which he used while staying at his host and he should also leave for his host the hide of any animal that he may have slaughtered.<sup>9</sup> (12a1 - 12a3)

The Gemara asks: But are the synagogues of the villages subject to the laws of tzaraas? Has it not been taught: As a possession, i.e., until they conquer it. If they have conquered but not yet divided it among the tribes, or even divided it among the tribes but not divided it among the families, or even divided it among the families but before each man knows where his lot is, from where do we know [that the laws of tzaraas do not apply yet]? To teach us that Scripture says: 'Then he who has the house to him' i.e., he to whom alone the house is belonging, excluding these [houses] which do not belong to him [the owner] alone.<sup>10</sup> — It is more correct as we have answered at first.<sup>11</sup> (12a3)

The Mishnah had stated: And they prepare another Kohen. The Gemara notes: It is obvious that if the incumbent Kohen Gadol became disqualified on Yom Kippur morning before the morning tamid was brought, the substitute Kohen Gadol is invested with his new position by offering the morning tamid. But, if the incumbent Kohen Gadol became disqualified after the morning tamid was brought, how do we invest him with his new position? Rav Adda bar Ahavah said: We invest the substitute Kohen Gadol with the avnet, the linen belt which distinguishes him as the Kohen Gadol. The Gemara asks that the above-mentioned solution is only good

according to the opinion that maintains that the belt of wool and linen that the Kohen Gadol wore during the rest of the year is the same as the belt worn by an ordinary Kohen, which was also of wool and linen. However, according to the opinion that maintains that the wool and linen belt that the Kohen Gadol wore during the year is not the same as the belt worn by an ordinary Kohen, which was made of pure linen,<sup>12</sup> What can be said? — Abaye said: The solution would then have to be that the substitute Kohen Gadol would don the eight vestments of a Kohen Gadol and then he would turn part of the tamid offering over on the fire of the Mizbeiach with a fork (which would make the meat burn quicker). And this<sup>13</sup> follows the opinion of Rav Huna, for Rav Huna said: A non-Kohen who turned sacrificial parts over on the Mizbeiach with a fork is liable the death penalty at the hands of Heaven. Rav Pappa said: Another solution is that by the substitute Kohen Gadol performing the Yom Kippur service, he would be invested in the office of the Kohen Gadol. Did we not learn in a Baraisa that when Moshe made the vessels for the Mishkan, they were sanctified by anointing them with anointing oil. From then on, however, whenever new vessels were made for the Bais HaMikdash, using them in the service of the Bais HaMikdash is what invested the vessels with sanctity. Here, too, by performing the Yom Kippur service, the substitute Kohen Gadol was invested with his office. (12a3 - 12b1)

**There is a dispute regarding the material that was used for the belt of an ordinary Kohen.**

When Rav Dimi came he said: Regarding the belt of an ordinary Kohen there is a disagreement between Rebbe and Rabbi Elozar the son of Rabbi Shimon: One opinion maintains that it was made of a mixture of wool and linen, whereas another opinion maintains that the belt of an ordinary Kohen

<sup>7</sup> Because the land on which the beds stood belonged to all the tribes and the owner of the bed could not lease out the bed for a full rental fee.

<sup>8</sup> It is clear from this Baraisa that forbids renting houses in Jerusalem that Jerusalem was not divided up amongst the tribes of Israel.

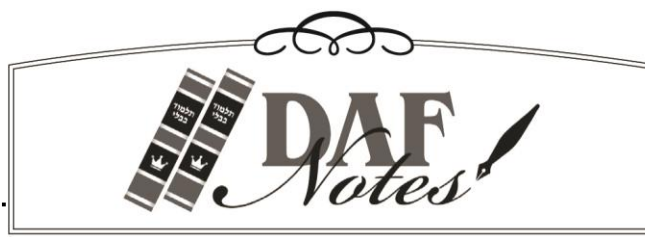
<sup>9</sup> The Chachamim made this law regarding the pilgrims to Jerusalem so that the hosts would be welcoming to their guests.

<sup>10</sup> Obviously then the synagogues in the villages are not subject to tumah, hence the alternate answer above, 'One speaks of' synagogues in cities, the other of synagogues in villages', is unsatisfactory.

<sup>11</sup> The distinction is rather between synagogues with a dwelling for the synagogue attendant and those without it.

<sup>12</sup> Then the substitute Kohen Gadol would not be distinguished by wearing the pure linen belt on Yom Kippur.

<sup>13</sup> This act is considered a service.



was made of pure linen. It may be ascertained that it was Rebbe who said the belt was made of kil'ayim, for it has been taught: There is no difference between the Kohen Gadol and the ordinary Kohen except in the belt, this is the opinion of Rebbe. Rabbi Elozar ben Rabbi Shimon said: Not even in the belt is there any distinction. Of what time [does this teaching speak]? If during the rest of the year, there are many points of difference, [as e.g.] the Kohen Gadol [officiates] in eight garments, the ordinary Kohen in four; you must say, then, that [the time discussed is] Yom Kippur. We can tell you: In fact the discussion deals with the other days of the year, and it refers to such garments which both wear alike [the only difference being the belt].

When Rabin came [from Eretz Yisroel] he reported: Everybody agrees that the belt of the Kohen Gadol on Yom Kippur was made of fine linen, and during the rest of the year of kil'ayim. The discussion concerned only the ordinary Kohen's belt, both on Yom Kippur and during the rest of the year; concerning that Rebbe said it was made of kil'ayim and Rabbi Elozar ben Rabbi Shimon of fine linen.

Rav Nachman bar Yitzchak said: We also learned this,<sup>14</sup> as proven from the following Baraisa: It is said the Kohen shall don his linen tunic and he shall don linen breeches on his flesh. The Torah could have omitted the words and he shall don, because the words shall don in the beginning of the verse refers to the tunic and the breeches. Rabbi Yehudah maintains that the repetition of these words comes to include the turban and the belt among the vestments that the Kohen would wear when performing the Terumas HaDeshen, the separation of the ash. Rabbi Dosa, however, maintains that the repetition of the words he shall don comes to include the white vestments that the Kohen Gadol wore on Yom Kippur.<sup>15</sup> Rebbe said: There are two valid objections to this: First, that the belt of the Kohen Gadol on Yom Kippur is different from that of the ordinary Kohen;

secondly, shall the garments worn for the service of most solemn sanctity be worn for ministration of lesser holiness? Rather 'he shall don' [was repeated] to include worn-out garments. Rabbi Dosa adheres to his principle, for it has been taught: And he shall leave them there, that teaches that they must be hidden. Rabbi Dosa said: [It means that] he [the Kohen Gadol] shall not use them on another Yom Kippur. (12b1 - 12b2)

**There is a dispute regarding the status of the substitute Kohen Gadol after the first Kohen Gadol became fit again for service.**

The Gemara cites a Baraisa: If the Kohen Gadol became temporarily disqualified and another Kohen Gadol was appointed to replace him, when the first Kohen Gadol becomes fit again, he returns to his service, but the second Kohen Gadol still has all the mitzvos of a Kohen Gadol upon him;<sup>16</sup> these are the words of Rabbi Meir. Rabbi Yosi, however, maintains that the first Kohen Gadol returns to his service when he becomes fit again, but the substitute Kohen Gadol can no longer serve in the Bais HaMikdash as a Kohen Gadol wearing eight vestments or as an ordinary Kohen wearing four vestments. And Rabbi Yosi said: There was incident with Yosef ben Eilem of Tzipori where a disqualification occurred to the Kohen Gadol and they appointed him as his replacement, and the Sages said: the first Kohen Gadol returns to his service when he becomes fit again, but the substitute Kohen Gadol can no longer serve in the Bais HaMikdash as a Kohen Gadol or as an ordinary Kohen. He cannot serve as a Kohen Gadol because this will cause hard feelings for the first Kohen Gadol, and he cannot serve even as an ordinary Kohen because there is a rule that one can ascend in matters of sanctity but one cannot descend in matters of sanctity.

Rabbah bar Bar Chanah said in the name of Rabbi Yochanan: The halachah follows the opinion of Rabbi Yosi. And Rabbi

<sup>14</sup> That it was Rebbe who said the belt was made of kil'ayim.

<sup>15</sup> This means that after the Kohen Gadol wears the four white vestments on Yom Kippur, an ordinary Kohen can wear those vestments when he performs the service in the Bais HaMikdash during the rest of the year.

<sup>16</sup> I.e., he cannot let his hair grow very long, he cannot tear his garments in mourning, he cannot become tamei to deceased relatives, he cannot marry a widow, and when he performs the service in the Bais HaMikdash, he must wear the eight vestments of a Kohen Gadol.



Yosi admits that if he transgressed and served (as a Kohen Gadol), his service is valid. Rav Yehudah said in the name of Rav: The halachah follows the opinion of Rabbi Yosi. And Rabbi Yosi admits that if the first one dies, he [the second one] can return to his service. – is this not obvious? I might have thought that he will be seen as a rival (if he knows that this could occur if he would die); he therefore teaches us otherwise. (12b2 – 13a1)

## INSIGHTS TO THE DAF

### ***What to Do with a Temporary Aron Kodesh***

The Poskim were often consulted about what to do with an Aron Kodesh that could no longer serve its purpose. This question took many different forms throughout the ages.

On one occasion, a wooden Aron Kodesh in Hungary began to rot and a carpenter was called to repair it. He disassembled the pieces, cut out the rotten parts, and reassembled it. Only then did they realize that he had made the Aron Kodesh too small to contain the Sifrei Torah (see Machaneh Chaim I, 1).

On another occasion, a community in Berlin had so many Sifrei Torah that they could not fit them all in their Aron Kodesh. They planned to build a new, larger Aron Kodesh, but asked what could be done to respectfully dispose of the old one (Melamed L'hoil I, 18).

The Taz (O.C. 154 s.k. 7) relates the tragic case of a community whose shuls were destroyed by vandals during a pogrom. The community did not have enough money to rebuild the shuls in their former glory. Therefore, they built a smaller, simple Aron Kodesh to use temporarily, until they could collect enough money to build a fancier one. After they had succeeded in building their new Aron Kodesh, they asked what should be done with the smaller, temporary one, which was no longer in use.

In all these cases, the common question is what should be done with an Aron Kodesh that is no longer fit to serve its purpose.

The gabbai of a certain shul suggested that the old Aron Kodesh be used as a bookshelf to store other seforim in the

shul. However, we have a general rule that items designated for use on a high level of kedusha, may not be relegated to a lower level (Megilla 25b). Thus, an Aron Kodesh designated to hold Sifrei Torah, may not be used to hold other, less holy seforim.

The Taz (ibid) presented a novel idea, that perhaps this principle applies only as long as the item in question is still fit for its original function. In such a case, it may not be used for a less holy purpose. However, once an Aron Kodesh is no longer fit for storing Sifrei Torah, it may be used for storing seforim. This is preferable to putting it in geniza, and not using it for any purpose at all. Therefore, the Taz permitted making the old Aron Kodesh into bookshelves to store the shul's seforim.

This ruling was the subject of heated debate among later Poskim.

The B'chor Shor directed many pointed questions against the Taz's conclusion.

Due to these unanswered questions, the Mishna Berura refrained from citing the Taz in halacha (see Shaar HaTzion 23).

One of the B'chor Shor's questions is drawn from our own sugya of the Kohen Gadol's garments. The Gemara learns from the possuk, "And he shall take off the linen garments that he wore when he entered into the Kodesh, and place them there" (Vayikra 16:23) that the white clothes worn by the Kohen Gadol only on Yom Kippur may not be used again next year. Some Tannaim understood that the clothes could not be worn again by the Kohen Gadol, but the ordinary Kohanim could wear them. (The clothes worn by the Kohen Gadol on Yom Kippur were the same as those worn by the other Kohanim throughout the year). However, the halachah follows Rebbe that the Kohen Gadol's white garments from Yom Kippur must be placed in geniza. They may not be worn by ordinary kohanim, since items designated for use on a high level of kedusha, may not be relegated to a lower level. Although the clothes are no longer fit for use by the Kohen Gadol, this principle still applies. This seems to be a clear proof against the Taz's assertion.

Another proof against the Taz can be found in Menachos (32a), where the Gemara states that a Sefer Torah or tefillin

that got worn out may not be used for a mezuzah. The Gemara explains that items designated for use on a high level of kedusha, may not be relegated to a lower level. Here again we see that this principle applies even though the Sefer Torah is not fit for use.

Other Acharonim accepted the Taz's ruling (Chavos Yair; Mekor Chaim 154 s.k. 7; Magen Giborim ibid, s.k. 1; Or HaChaim in Rishon L'Tzion, Megilla 26b; Mahari Assad, 30; Machaneh Chaim I, 1; Maharsham IV, 57, see also I, 10:12; Keren L'Dovid O.C. 9, et. al. – see Piskei Teshuvos II, 154 footnote 152).

They answered the questions against the Taz by distinguishing between items such as Sifrei Torah, tefillin, and the clothes of the Kohen Gadol that are themselves kadosh, and an Aron Kodesh, which is only *tashmish d'kedusha* (an accessory to kedusha).

The Keren L'Dovid (ibid) explains that the principle of not relegating kedusha to a lower level applies both to kadosh items themselves, and to *tashmish d'kedusha*. However, in regard to kadosh items this is a Torah prohibition, whereas in regard to *tashmish d'kedusha* it is only a Rabbinic prohibition. Since it is a Torah prohibition to relegate kadosh items to a lower level, the Taz's justification does not apply. There is no excuse for lessening their sanctity. However, the prohibition against relegating *tashmish d'kedusha* to a lower level was designed only to prevent them from being disgraced. In the cases discussed above, the Aron Kodesh can no longer be used to store Sifrei Torah. It would be a greater disgrace to place an Aron Kodesh in geniza, then to use it to store seforim.

#### DAILY MASHAL

##### ***One should always wear white clothing***

The Gemara states that a substitute Kohen Gadol cannot serve as an ordinary Kohen after he is replaced by the original Kohen Gadol because of the rule *maalin bakodesh vain moridin*, in sacred matters we elevate but we do not lower the degree of sanctity.

This is a profound lesson for one serving HaShem. Every second of a person's life can be incorporated into serving

HaShem, so is it possible for one to sin, after being elevated in matters of sanctity?!

This corresponds to the words of Shlomo HaMelech who writes *at all times your clothing shall be white*. Just like the substitute Kohen Gadol, who donned the four white vestments and served in the Bais HaMikdash on Yom Kippur, does not lower his degree of sanctity by serving now as an ordinary Kohen, one who serves HaShem should not sully his "garments" with sin. Rather, he should always remain in a pristine state, free of sin.

#### GLOSSARY

1. **Avnet** Belt worn by the Kohen
2. **Heichal** Sanctuary of the Temple
3. **Terumas HaDeshen** The separation of the ash, which was the first service performed in the Temple every morning.
4. **Tzaraas** Erroneously described as leprosy, it is an affliction of the skin mentioned in the Torah
5. **Ulam** Antechamber of the Temple