

**ואין מטמא בנגעים דכתיב אחוזתכם וירושלים לא נתחלקה לשבטים -**

**And it does not become impure with leprosy, for it is written, 'your possession' and Jerusalem was not apportioned to the tribes**

### **Overview**

The גמרא states that there was no טומאת נגעים in the houses of ירושלים, since ירושלים was not divided לשבטים. Our תוספות clarifies the meaning of לשבטים.

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**אין לפרש שנתחלקה אלא שנתנו דושנה של יריחו<sup>1</sup> תחתיה ולפיכך אין מטמא -**

**We should not explain this (that לא נתחלקה לשבטים) to mean that initially it was divided and given to a שבט, however afterwards they took it away from the שבט, and דושנה של יריחו was given to them in its place, and therefore the houses in ירושלים do not become טמא from נגעים; this interpretation is incorrect -**

**דבפרק קמא דיומא (דף יב,א) משמע<sup>2</sup> דלמאן דאמר לא נתחלקה לא נתחלקה ממש -**

**For it seems in the first פרק of יומא מסכת that according to the one who maintains that ירושלים was not divided לשבטים, it means it was actually never divided –**

asks: תוספות

**ואם תאמר מנליה דלא נתחלקה ממש<sup>3</sup> דלמא סבר נתחלקה אלא שנתנו דושנה של יריחו תחתיה -**  
**מ"ד לא נתחלקה לשבטים in יומא גמרא knows that the טמא means it was actually not divided (even initially), perhaps he maintains that initially it was divided, but later they gave them instead דושנה של יריחו -**

**כמו לרבי יהודה דאמר נתחלקה ומטמא -**

**Just like ר"י who maintains the ירושלים was לשבטים, and therefore the houses in ירושלים become טמא from נגעים -**

**ובית המקדש עצמו אין מטמא אף על גב דנתחלק -**

**However the ביהמ"ק itself does not become טמא even though that initially the**

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<sup>1</sup> רש"י and ספרי בהעלותך פ' פא. יריחו refers to the best and most fertile land in and around the city of יריחו. See פא. בהעלותך י, לב. there in

<sup>2</sup> The גמרא there cites our ברייתא that since אין מטמא בנגעים in יומא גמרא, and contradicts it with another ברייתא, which states that the ביהמ"ק was partially in the portion of יהודה and partially in the portion of בנימין. Now if the view of our ברייתא that לא נתחלקה לשבטים means (as the here suggest) that initially it was נתחלקה, however later it was taken away and exchanged for דושנה של יריחו; there is no contradiction between the ברייתות, for the ברייתא which states in was יהודה ובנימין, is initially, however later it was taken from them and it did not belong anymore to any specific שבט.

<sup>3</sup> We can infer from the גמרא in יומא that the גמרא there maintains that the לא נתחלקה ממש means מ"ד לא נתחלקה (as pointed out in footnote # 2), however why did the גמרא there assume that, when it is possible to interpret that they too meant נתחלקה and afterwards it was taken from them in exchange for דושנה של יריחו.

place of the **ביהמ"ק** was **apportioned** to יהודה and בנימין -

**אלא משום שנתנו דושנה של יריחו תחתיו<sup>4</sup> כדאמר התם<sup>5</sup> -**

**But** the **ביהמ"ק** still is not מטמא, **since they gave them דושנה של יריחו instead, as it states there –**

answers: תוספות

**ויש לומר דבית המקדש סברא הוא אף על גב דנתחלק -**

**And one can say; that regarding the ביהמ"ק it is logical, for even though it was divided initially, nevertheless -**

**דחזרו וקנו אותו כדי שיהא לכל ישראל חלק בו -**

**They retracted and bought it** from the two שבטים, **in order that all of ישראל should have a part in** the **ביהמ"ק** -

**אבל ירושלים אם מתחילה נתחלקה למה היו חוזרין וקונין אותה:**

**However regarding ירושלים, if it was divided initially, why would they retract and buy it** from them?! Therefore the גמרא rightfully assumed that according to this מ"ד it was never divided!

### **Summary**

According to the מ"ד that ירושלים לא נתחלקה לשבטים, it was never divided, for if it was, why take it away from them; it is different from the **ביהמ"ק** which should belong to all.

### **Thinking it over**

תוספות initially proved that ממש לא נתחלקה ממש from the גמרא in יומא<sup>6</sup>. Later תוספות explained why the גמרא assumes that ממש לא נתחלקה ממש. Once we have the explanation, is the proof still necessary?

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<sup>4</sup> So just as according to ר"י the **ביהמ"ק** is not מטמא even though it was initially נתחלק לשבטים (since it was taken away and replaced by **יריחו של דושנה**), why cannot we say the same according to the מ"ד that ירושלים לא נתחלקה that he meant that eventually it was נתחלקה (even though initially it was), because it was exchanged for **יריחו של דושנה**. Therefore the גמרא in יומא should not have posed that contradiction (see footnote # 2).

<sup>5</sup> See [הארוך] מהרש"א that this is not mentioned in the גמרא there. על י"ד. ועיי"ש בדו"מ ובקובץ על י"ד. see also footnote # 1.

<sup>6</sup> See footnote # 2.