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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

### Anointing Oil

Rav Yosef said: The dispute (*between R' Meir and R' Yehudah*) is only with reference to the putting of the oil of anointing, and as we have explained above (*and even the smallest amount is forbidden*), but elsewhere (*such as putting levonah - frankincense on a minchah offering*) all agree that 'putting' implies at least an olive size.

It was stated above: A teacher of *braisos* recited before Rabbi Elozar: Whoever is subject to the prohibition against smearing (*himself or someone else with the anointing oil*) is subject to the prohibition of: 'it shall not be smeared on him' (*by himself or by someone else*), but he who is not subject to the prohibition against smearing is not subject to the prohibition of: 'it shall not be smeared on him.' Rabbi Elozar said to him: You speak well, for it is written: It shall not be smeared,' but it can be read: 'you shall not smear.'

Rav Chananyah recited a *braisa* before Rava: If a *Kohen Gadol* has taken from the oil of anointing that is upon his head (*after being anointed*) and put it upon his stomach, from where do we know that he is liable (*to kares*)? It is written: *Upon the flesh of a person it shall not be smeared.*

Rav Acha the son of Rava said to Rav Ashi: Why is this different from that which has been taught in a *braisa*: A *Kohen* who is anointed with oil of *terumah* may allow his daughter's son (*a non-Kohen*) to roll against him, and he has nothing to be concerned about?

He replied: Regarding *terumah*, it is written: *And die because of it, for they will have profaned it*; once it is profaned, it remains profaned (*and it is not forbidden for benefit*); but in connection with the oil of anointing, it says: *For a crown, the oil of his God's anointment, is upon him*; the Torah (*still*) calls it oil of anointing, so that even when it is upon him, it does not become profaned. (7a)

### Asham Taluy and Yom Kippur

The *Mishna* had stated: For these transgressions, one is liable to *kares* [*if committed willfully, and to a chatas offering if committed inadvertently,*

*and if there is a doubt whether he had committed the transgression, he brings an asham taluy - a suspensive guilt-offering*], except in the case of one who defiled the Temple or its consecrated things (*for he then is liable to a sliding-scale sacrifice*).

The *Gemora* explains the exclusion: One who defiled the Temple or its consecrated things does not bring an *asham taluy*.

The *Gemora* asks: Why not also state the case of where *Yom Kippur* has passed by in the meantime (*after a doubtful transgressor, for the day of Yom Kippur atones for such cases*)?

Rish Lakish answers: He mentions only cases where a *chatas* is prescribed, but the Torah has exempted him (*from an asham taluy in case of a doubt*); but where *Yom Kippur* had passed by, there is no *chatas* prescribed, for he had already been atoned.

Rabbi Yochanan answers: [*If the Mishna would state the case of where Yom Kippur has passed by in the meantime*] this would include a rebellious person, who says that *Yom Kippur* brings no forgiveness for him; if then, he repents after *Yom Kippur*, he is liable to an *asham taluy* (*and therefore it could not state that case absolutely*).

The *Gemora* explains that Rish Lakish (*who did not answer in that manner*), however, holds that *Yom Kippur* effects forgiveness even to a rebellious person.

The *Gemora* notes that their dispute is similar to the following different dispute: If one says, "My *chatas* shall effect no atonement for me," Abaye says: It does not effect atonement, whereas Rava says that it does effect atonement.

The *Gemora* qualifies the dispute: If he said, "It shall not be offered," all agree that it does not effect atonement, for it is written: *He shall bring it of his will (and here, he is not willing)*. Where they differ is when he said: It should be offered, but it should not effect atonement. Abaye holds that it does not effect atonement, for he said: It should not atone. Rava holds that it does effect atonement, since he instructed that it should be offered, atonement comes on its own.

Rava, however, has retracted his view, as it has been taught in a *braisa*: I might have thought that *Yom Kippur* atones alike for those who repent and those who do not repent. The *braisa* concludes that although *Yom Kippur* atones for intentional transgressions, it does not atone if one has not repented, since the verse qualifies it with the word *ach – but*. The *Gemora* explains the *braisa* (when it states regarding a *chatas* and an *asham*, and similarly regarding *Yom Kippur* atoning only for repentants) to be similar to that which Ulla said in the name of Rabbi Yochanan: If someone inadvertently ate forbidden fat, designated a *korban* for this purpose, he then abandoned his religion completely and then repented, he no longer brings a *korban*, being that it was rejected (when he was an apostate). [Accordingly, *Yom Kippur* will not atone for someone who abandoned his religion.]

The *Gemora* rejects the comparison, for although his sacrifice is rejected, the person, however, is fit for atonement (on a different *Yom Kippur*).

Rather, the meaning of the *braisa* when it states: “those who are repentant” refers to those who say, “My *chatas* shall effect atonement for me,” and when the *braisa* says: “those who are not repentant,” it refers to those who say, “My *chatas* shall effect no atonement for me.” This proves it (that Rava retracted, and holds that no atonement is achieved in such a case).

The *Gemora* cites a contradictory *sifra*, which says that *Yom Kippur* atones even if one did not fast, did not commemorate it, and did work, since the verse categorically states *yom kippurim hu – it is Yom Kippur*.

Abaye says that this second *sifra* was authored by Rebbe, and differs with the first one, authored by Rabbi Yehudah. Rava says that Rebbe agrees that *Yom Kippur* does not atone for the transgression of *Yom Kippur* itself, unless one atones. Thus, the first *braisa* is also authored by Rebbe, and refers to atonement for the transgressions of *Yom Kippur*.

Rava says that Rebbe must agree to this limitation because otherwise one could never be punished for the sin of the day of *Yom Kippur*, since right after he transgressed, he would be atoned.

The *Gemora* rejects this proof, since one can choke on the food he ate, or eat at the last moment of the day, leaving no time after his transgression for atonement. (7a)

## Mishna

[The *Mishna* discusses *chatas* offerings which are not brought for any sin. The list begins with a woman who miscarries.] Some women bring an

offering which is eaten; some bring one which is not eaten, and some bring no offering at all.

The following bring an offering which is eaten: A woman miscarries something which resembles a domestic animal, or a nondomestic animal, or a bird; these are the words of Rabbi Meir. The Sages, however hold: only if it has a human form. A woman who discharges a *sandal* (flattened fetus), or an afterbirth, or a developed embryo, or a fetus that came out in pieces; and similarly, if a Canaanite slavewoman miscarries, she brings an offering which is eaten.

The following bring an offering which is not eaten: A woman who miscarries but does not know what the miscarriage was (for if it resembled a fish or locust, she would not be liable for a *korban*), or if two women miscarried, but one miscarried a kind which did not render her liable to an offering, and the other of a kind to make her liable. Rabbi Yosi said: This applies only if the one went towards the east and the other towards the west (and they left their pair of birds by the Kohen; they cannot therefore bring a bird and stipulate regarding it), but if they both were standing here, they bring together one offering which is eaten.

The following bring no offering at all: A woman who discharges an embryo filled with water, or with blood, or with a many-colored substance; or if discharged something in the shape of a fish, locust, vermin or crawling creatures; or if the miscarriage took place on the fortieth day (after conception, for then, it is still considered as mere fluid), or if it was born by means of a Caesarean section. Rabbi Shimon declares her liable (to an offering) in the case of a Caesarean section. (7b)

## Childbirth Offerings

The *Gemora* cites the Scriptural source proving that a Canaanite slavewoman and a convert are obligated to bring the childbirth offerings after a miscarriage. The *Gemora* notes that I might have thought that the rule that all commandments which are binding upon a woman apply also to a slave is applicable only in respect of laws which are applicable both to both men and women; but as to the laws concerning the woman after childbirth, which are applicable to women only and not to men, I might have thought that the slavewoman is not included. This is why the *Mishna* mentions a slavewoman.

The *Mishna* had stated: Rabbi Yosi said: This applies only if the one went towards the east and the other towards the west (and they left their pair of birds by the Kohen; they cannot therefore bring a bird and stipulate regarding it), but if they both were standing here, they bring together one offering which is eaten.

The *Gemora* explains: They both bring a definite *olah* offering (and stipulate that the one who is not liable to the offering is bringing a voluntary one), and together they bring a doubtful *chatas* offering of a bird and stipulate (that it should be effective for the woman who is obligated to bring it).

The *Gemora* asks: But does Rabbi Yosi indeed admit that one can stipulate? Have we not learned in a *Mishna* (regarding a case where one of two people ate *cheilev*, but it is not known which one): Rabbi Shimon said: They together bring one *chatas* offering (stipulating that they are relinquishing their share in it to the one who is liable to bring the offering). Rabbi Yosi says: Two people cannot bring one *chatas* (but rather, they each bring an *asham taluy*). Does this not prove that Rabbi Yosi does not agree with the principle of making a stipulation?

Rava answers: Rabbi Yosi agrees in the case of one who requires atonement (such as a woman who gave birth; a sinner, however, cannot make a stipulation). And when Ravin came from Eretz Yisroel, he said in the name of Rabbi Yochanan: Rabbi Yosi agrees in the case of one who requires atonement.

The *Gemora* explains the reason for this distinction: There (regarding an offering for a sin), it is essential that the offender be aware of his sin (before offering his *chatas*), therefore the offering cannot be brought conditionally. But here, the women bring offerings only in order to be permitted in the consumption of holy things.

This is why the *Mishna* concludes by saying that Rabbi Yosi said that no *chatas* offering that is brought on account of sin can be offered by two people (even with a stipulation). (7b)

## Mishna

**[Concerning a woman who gives birth, the Torah writes: "But if she bear a female child, then she shall be tamei for two weeks, as in her impurity; and she shall continue in the blood of her purification sixty-six days. And when the days of her purification are fulfilled, for a son, or for a daughter, she shall bring a lamb of the first year for a burnt offering..." This verse teaches that a woman who gives birth to a female is tamei for two weeks, and after that time, she immerses herself in a mikveh and is permitted to her husband, but she is still forbidden to eat any sacrificial foods or to enter the Temple until she completes counting another sixty-six days of taharah. Then, on the eighty-first day after she gave birth, she brings a sacrifice. This law applies whether the child remains alive or whether she miscarried. The halachah is that if the woman again became pregnant during this "tahor" period and miscarried during those days, she only needs to bring a single sacrifice, and begins counting anew from the day that she miscarried, bringing the single sacrifice for both pregnancies on**

**the eighty-first day after her miscarriage. If, however, a woman miscarried after the completion of eighty days, e.g., on the eighty-first day, even though she has not yet brought the first offering, she must bring two sacrifices. Our Mishna deals with a woman who miscarried on the night before the eighty-first day after she gave birth to a female, and this is the subject of the dispute between Beis Shammai and Beis Hillel.]**

One who miscarries during the night before the eighty-first day, Beis Shammai exempts her from bringing a second offering, whereas Beis Hillel obligates her to bring a second offering. Beis Shammai holds that since the sacrifice could not be brought at night, it is as though the woman had miscarried within the "taharah" period and does not need a second sacrifice for the aborted pregnancy; but Beis Hillel obligates the woman to bring a second sacrifice for the aborted pregnancy, as the "taharah" period was already over. Even though she is unable to bring her first sacrifice until the following morning, she is treated as though she had miscarried after the "taharah" period and therefore is obliged to bring a second sacrifice for the aborted birth. (7b)

## INSIGHTS TO THE DAF

### The Sacrifices Offered by a Yoledes – In Our Era

The *parashah* of the offerings of a woman who gave birth is spread over a few *dapim* in our tractate. On the forty-first day after bearing a son and on the eighty-first day after bearing a daughter she must bring a sacrifice to the Temple.

Since the Temple was destroyed, we say the verses of the sacrifices instead of their being offered, as the prophet says: "...we shall pay for bulls with our lips" (Hosheia 14:3). *Shulchan Aruch* and its commentaries relate to saying the verses of the *chatas*, *asham*, *olah*, etc. but do not mention the sacrifice of a *yoledes*. However, a few *poskim* mention that there's no doubt that one should say the verses of the sacrifices at the beginning of *parashas Tazria'* (Vayikra 12:1) instead of offering the sacrifice and after saying the *parashah* one should say "May it be Your will that this saying should be considered as though I offered a sacrifice for a *yoledes*" (*Pischei Megadim*, Ch. 29, *se'if* 48 and remark 5). Rabbi Shlomo HaKohen of Vilna zt"l mentions (Responsa *Binyan Shlomo*, I, 1) that a woman who first becomes aware of this information must say the *parashah* as many times as she gave birth.

**Who should say the parashah - the husband or the wife?** Actually, we simply assume that the woman who gave birth must say the verses. However the *Gemara* explains (Nedarim 35b) that the husband is obligated



to bring the sacrifice! We must therefore say that he who is obligated to bring the sacrifice must say the verses in its stead, not so?

Rabbi Shlomo HaKohen contends (ibid) that the woman who gives birth should say these verses as the husband's obligation is to bring a sacrifice **for her** as she is atoned by this sacrifice and not he, and the sacrifice is offered only in her name. Moreover, the husband's obligation to bring the sacrifice stems from the simple fact that his wife owns no property and therefore he is obligated to take care of her. All this concerns an actual sheep but concerning speech, can anyone claim that a husband can talk better than his wife?...

**Everyone is rich:** The *parashah* includes the verses regarding a rich woman, who brings a lamb and a young pigeon or a turtle-dove, and verses regarding a poor woman, who brings two turtle-doves or two young pigeons. The *poskim* assert that every woman, either rich or poor, suffices with saying the verses concerning a rich woman as a poor woman who brings a rich woman's sacrifice also fulfills her obligation (Yoma 41b) and, as such, she fulfills "We shall pay bulls with our lips" with these verses (*Pischei Megadim*, ibid; *Binyan Shlomo*, ibid; and see *Kli Chemdah*, *Tazria*).

**Ya'amod Avi Haben:** There is an interesting halachah mentioned by all the *poskim* but not sufficiently known. In the halachic works there appear many rules of preference concerning being called to the reading of the Torah. The *poskim* state that on the day when a woman who gave birth must offer her sacrifice, her husband must be honored with an '*aliyah*' (*Levush* and *Magen Avraham*, 282, and *Beur Halachah* at the end of 136; aside from that, the husband is honored with an '*aliyah*' on the first Shabbos that the *yoledes* is present in the synagogue; see ibid).

And what is the actual connection between the sacrifice of a *yoledes* and an '*aliyah*? Some explain (*Shulchan Aruch Hadras Kodesh* in *Yalkut Mefarshim* in the name of *Mishnas Ya'akov* in *Sha'arei Efrayim*, *sha'ar 2*, *pischei she'arim* 64) that the usual custom is that he who gets an '*aliyah*' vows a sum for charity and that his vow is like a sacrifice. Therefore some claim (*Nimukei Orach Chayim*, 282) that on weekdays, when people do not usually donate to *tzedakah* on being called to the Torah, the husband should not be given preference over others!

## DAILY MASHAL

### Anointing Oil

The *Gemara* (*Horiyos* 11b) states that when a *Kohen* succeeds his father in the role of *Kohen Gadol*, he is to be anointed with the anointing oil, but when a prince succeeds his father in the role of king, he is not to be

anointed. If so, why was Shlomo, son of Dovid anointed? The *Gemara* answers, it was because of the attempt by Adoniyahu (Shlomo's brother) to usurp the throne. Why was Yoash anointed? Because of the opposition from Ataliah (a wicked queen of Israel).

The *Rambam* in his *Perush HaMishnayos* (*Kerisus* 1:1) states that a prince is to be anointed only where rivalry existed between several prince-brothers and a public anointing would establish the victor. However, anointing is not permitted to confirm a king whose position was threatened by a non-brother. If so, why was Yoash permitted to be anointed with the oil, about which the *Torah* said: *on the flesh of a person it shall not be smeared*, since his rival was not a prince-brother, but rather a wicked queen?!

Our *Gemara* states that we derive from the two "*Yuds*" in the word "*yisach*" that one may not use the anointing oil to smear or anoint someone else, but only if that someone else himself is not permitted to use it. Thus, since a non-Jew is not restricted by this prohibition in the *Torah* and is permitted to smear himself, there is also no restriction against another smearing him with it either.

Kehilas Prozdor cites an *Avnei Nezer* who suggests that the same may be true regarding a minor, who is also not yet restricted by the prohibition. As such, since Yoash was eight years old when he took over the throne, there would have been no prohibition for him to anoint or be anointed. Although Shlomo was also only 12 years old when he assumed the throne, he had already matured. If his rival had not been his brother, anointing him would have been forbidden.