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Kerisus Daf 25

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Daf Notes is currently being dedicated to the neshamot of

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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

Asham Taluy

The *Mishna* had stated: However, is different with a definite *asham* etc. [*The Mishna then stated the laws regarding an eglah arufah (the law is that upon finding a corpse, and being unable to solve the murder, the leaders of the city closest to the corpse are required to bring a calf to an untilled valley, decapitate it, wash their hands over it, and then they must recite a verse, declaring publicly that they did not kill the person): If before the calf was decapitated (the murderer was found), it goes out and grazes among the flock (we are allowed to derive benefit from it). Once it has been decapitated, it shall be buried on the spot (like the law of the eglah arufah), for it was from the outset brought because of a matter of doubt; it has atoned for the doubt, and so has served its purpose).*]

It was stated: When does the *eglah arufah* become forbidden for benefit? Rav Hamnuna says: While it is still alive. Rava says: After it has been decapitated.

The *Gemora* asks: According to Rava it is understandable that it becomes forbidden from the moment that an action was performed with the animal, but according to Rav Hamnuna, when does it become forbidden?

Rabbi Yannai observed: I have heard the critical time limit for it (*when the calf is regarded as an eglah arufah and thereof it is forbidden for benefit*), but have forgotten it; while his disciples maintained that its descent to the rock-hard valley is what renders it forbidden.

Rav Hamnuna said: My source is from the following *Mishna*: [*The Mishna lists cases where one slaughters an animal, but its meat is not rendered permitted for consumption. Such a slaughtering is disputed if it is regarded as a shechitah or not.*] If one slaughtered an animal and it was found to be *tereifah*, or if he slaughtered it for the sake of idolatry, or if he slaughtered the red heifer, or an ox which was condemned to be stoned, or a calf that is designated to be decapitated (*and he slaughtered its mother or offspring on that very same day*), Rabbi Shimon says: He does not transgress the law of ‘*oso v’es b’no*’ (*slaughtering it and its offspring on the same day*). The Sages, however, say: He does. Now, according to me, who holds that it is forbidden for benefit while it is still alive, the dispute between Rabbi Shimon and the Sages lies in this: Rabbi Shimon holds that a *shechitah* (*slaughtering*) which is ineffective (*to render the animal fit for consumption*) is not a *shechitah* (*and since it is forbidden for benefit, it cannot be eaten*), while the Sages hold that a *shechitah* (*slaughtering*) which is ineffective (*to render the animal fit for consumption*) is a *shechitah*; but according to you who holds that it becomes forbidden after the decapitation, why does Rabbi Shimon exempt him? The *shechitah* is indeed effective!?

And should you say, however, that Rabbi Shimon considers *shechitah* valid in the case of the *eglah arufah* (*and it is as if it had been decapitated, and therefore, it becomes forbidden*); surely that cannot be! For we have learned in a *Mishna*: That which is valid with the *parah adumah* (*red heifer*) is invalid with the *eglah arufah*, and that which is invalid with the *parah adumah* is valid with the *eglah arufah*;

and this was explained to mean as follows: Regarding the *parah adumah*, *shechitah* is valid and decapitating is invalid, and with the *eglah arufah*, decapitating is valid and *shechitah* invalid!?

Rava was silent. After Rav Hamnuna had left, Rava said: Why didn't I reply to him that Rabbi Shimon is nevertheless of the opinion that *shechitah* is valid with the *eglah arufah* (and he disagrees with the Tanna of that Mishna)?

The *Gemora* notes that Rav Hamnuna would not have considered that answer to be legitimate, for there was never a Tanna who mentioned the view that *shechitah* is valid with the *eglah arufah*, that you might have said that it represents the opinion of Rabbi Shimon.

Rava said: My source is from the following *Mishna*: The law is also different regarding the *eglah arufah*: If before the calf was decapitated (*the murderer was found*), it goes out and grazes among the flock (*we are allowed to derive benefit from it*). Now, if it were forbidden for benefit while it was still alive, how could it go out to graze among the flock? Why, surely it was forbidden while still alive!?

The *Gemora* disagrees with the proof by saying that the *Mishna* can be understood to mean that it was before it was ready for the decapitation (*it was not yet brought to the valley, and therefore, it was not yet forbidden*).

The *Gemora* asks from the *Mishna's* next ruling, which stated: Once it has been decapitated, it shall be buried on the spot! [*This would imply that had the murderer been found right beforehand, it would be permitted for benefit!?*]

The *Gemora* answers: The *Mishna* can be understood to mean that it was ready for the decapitation.

The *Gemora* asks: If so, let us consider the *Mishna's* final statement: for it was from the outset brought because of a matter of doubt; it has atoned for the doubt, and so has

served its purpose. Now, if the calf were still alive, then it has not yet atoned for the doubt!?

Rav Hamnuna answers that it is a matter of a *Tannaic* dispute, for it has been taught in a *braisa*: It is written in the Torah qualifying *korbanos* (such as *asham metzora*, which allows the *metzora* to eat *kodoshim*) and atoning *korbanos* (most *korbanos* are offered as atonement), and they both are performed inside the Temple. And the Torah writes qualifying services (such as the *metzora birds*, which allow the *metzora* to enter the camps) and atoning services (such as the *eglah arufah*), and they are both performed outside the Temple. Just as the qualifying *korban* performed inside the Temple is equal in its *halachos* to the atoning *korbanos* performed inside the Temple, so too, the qualifying services performed outside the Temple is equal in its *halachos* to the atoning *korbanos* performed outside the Temple (and therefore we can derive that a *tereifah* cannot be used for the purification of a *metzora*). [Evidently, this Tanna holds that the *eglah arufah* is forbidden for benefit while it is still alive; our *Mishna* disagrees.]

Rabbi Eliezer says: A man may freely donate an *asham taluy* every day, and at any time he pleases. Such a sacrifice was known as an *asham* of the righteous.

It was said of Bava ben Buta that he would donate an *asham taluy* every day, except on the day following *Yom Kippur*. He declared: By this Dwelling Place! Had they allowed me, I would have offered one even then, but they said to me, "Wait until you have come to a state of doubt."

But the Sages say that one may not bring an *asham taluy* except for a sin, whose willful transgression is subject to *kares* and whose inadvertent transgression is subject to a *chatas* offering.

Those that are liable to *chatas* offerings and definite *asham* offerings and *Yom Kippur* had intervened, are still bound to



offer them after *Yom Kippur*, but those who are liable to an *asham taluy* are exempt (after *Yom Kippur*).

One who has come to his hand a possible sin on *Yom Kippur*, even close to nightfall, is exempt, because the entire day of *Yom Kippur* effects atonement.

A woman who is liable to a *chatas* offering of a bird for a doubt, and *Yom Kippur* had intervened, is still bound to offer it after *Yom Kippur*, because it renders her fit to partake of sacrificial foods (and is not brought for atonement).

Regarding a bird *chatas* that was brought for a matter of doubt, and after melikah it became known (that there was no need for it), it must be buried.

DAILY MASHAL

Must a bride and groom fast if their wedding day follows a public fast?

Our Gemara tells about a pious custom practised by Bava ben Buta, who brought an *asham taluy* every day for fear that he committed a transgression because, in his opinion, an *asham taluy* is an *asham chasidim*, as the mishnah terms it, and a person may donate a sacrifice every day to atone for unwitting sins that he is not aware of. He would offer his sacrifice every day aside from 11 Tishrei as on the day following *Yom Kippur* he surely didn't commit a transgression.

Bava ben Buta's pious custom does not only apply to *tzadikim* of his elevated level, and not only to those who agree with him that an *asham taluy* is a donated sacrifice but even after the halachah was ruled **not** like him, the issue still pertains to anyone.

On 11 Tishrei one doesn't say the *Yehi ratzon* of an *asham taluy*: *Shulchan 'Aruch* states (1:5): "It is good to say the

parashah of the 'Akeidah and the *parashah* of the manna and the Ten Commandments and the *parashah* of the 'olah, *minchah*, *shelamim*, *chatas* and *asham* and afterwards one says 'May it be His will as though I sacrificed...'" *Shav Ya'akov* innovates (I, 2) that on 11 Tishrei one should not say *Yehi ratzon* after saying the verses of the *asham taluy* because we do not suspect that a person sinned within one day after *Yom Kippur* while the doubtful sins he perhaps committed before *Yom Kippur* were atoned on the holy day (cited in *Sha'arei Teshuvah*, *ibid*, os 10).

A couple who were to be wed on the eve of 12 Teves referred an interesting question to HaGaon Rabbi Moshe Feinstein zt"l (Responsa *Igros Moshe*, O.C., I, 167). It is a custom that the couple fast on the day of the *chupah* and the main reason is to atone for their transgressions. But since a day before then, they fast anyway on the Fast of 10 Teves, perhaps they don't have to fast on the day of their wedding, as we said above, that one shouldn't suspect that a person sinned within only one day.

The author of *Igros Moshe* replied that not only must they fast but even a *chasan* marrying on 11 Tishrei should fast (as seems from *Magen Avraham*, 573:1) and the reason is that Bava ben Buta brought an *asham taluy* for unintentional sins and we don't have to worry about unintentional sins on the first day after *Yom Kippur*. However, the fast of the bride and groom also atones for intentional sins and for those it is fitting to fast even after *Yom Kippur*!