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Yoma Daf 41

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Daf Notes is currently being dedicated to the neshamah of

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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

Rav Chisda said: When bringing a pair of birds - one bird for a *chatas* (sin offering) and one bird as an *olah* (burnt offering), one can only determine which bird is for which sacrifice at the time of purchase, or at the time the Kohen is performing the sacrifice service.¹ Rav Shimi bar Ashi said: What is the basis of Rav Chisda's rule? Because it is written: She shall take [. . . for a burnt-offering] and the Kohen shall offer one [as a sin-offering] i.e., [the designation is made] either at the [owner's] taking [purchasing] or at the offering-up [by the Kohen].

They raised the following objection: ‘And make it a sin-offering’ - i.e., the lot makes it a sin-offering, but the naming [alone] does not make it a sin-offering. For I might have assumed, this could be inferred through a kal vachomer: If in a case where a lot does not sanctify, the naming does, how much more should the naming sanctify, where the lot does? Therefore [Scripture] says: ‘And make it for a sin-offering’ [to intimate] it is the lot which makes it a sin-offering, but the naming does not make it a sin-offering. Now, here, it is neither the time of its purchase, nor of its being offered, and yet he states that it should designate? Rava said: This is what he said: If in a case where the lot does not sanctify even at the time of the purchase and even at the time of the offering, the naming does sanctify it at the time of either purchase or offering, how much more shall the naming, at either the time of purchase or of offering, sanctify it in a case where the lot

sanctifies outside the time of either purchase or offering? Therefore [Scripture] says: ‘And make it a sin-offering’, i.e., the lot makes it a sin-offering but the naming does not make it a sin-offering. (41a1 – 41a2)

Come and hear: If someone made the Temple tamei while poor² and put aside money for his bird-pair-offering, and afterwards became rich, and said:³ This [money] be for the *chatas* and that for the *olah*, he adds to the money for the [bird] *chatas* to bring his obligatory animal offering, but he may not add to his [bird] *olah* to bring his obligatory animal offering. Now, here, it is neither the time of the purchase, nor the time of the offering and yet he teaches that it is designated? — Rav Sheishes said: How do you reason? Surely Rabbi Elozar said in the name of Rabbi Hoshaya: If someone made the Temple tamei while rich, and brought the offering of a poor person, he has not fulfilled his obligation. Now, since he has not fulfilled his obligation, how could he have designated it? Must you not, rather, say that he had designated it when already poor? Thus here, too, the case is that he said it from the time when he set [the money] aside. But according to Rabbi Chagga in the name of Rabbi Yoshiyah who said: He has fulfilled his obligation, — what is there to be said? — Do not read: ‘And afterwards he said’, but ‘And afterwards he bought and said’. - But if ‘afterwards he bought’ [then it states] ‘he may add and bring his obligatory animal sacrifice’, it must mean that he redeems [the bird-

¹ There are certain times when one is obligated to bring two bird offerings, one *chatas* and one *olah*. One example of such a person is a woman who has given birth, and cannot afford a lamb. The Torah says she should purchase two birds, and the kohen will make one a *chatas* and one an *olah*. From here the Gemora derives that one can only designate which bird is for

which korban at the time of purchase, or at the time the sacrifice is offered.

² Where he is obligated to bring a pair of birds – one for a *chatas* and one for an *olah*.

³ Without realizing that now his obligation is to bring only one animal *chatas*.



offering]? But surely a bird-offering may not be redeemed? — Rav Pappa said: For instance, if he bought one single pigeon. If he bought it as the olah, then he adds to the money for his chatas the money for his [new] obligatory sacrifice, the olah [of the bird] becoming a freewill-offering; if he bought it as the chatas he may not add to the money for the olah for the purchase of his [new] obligatory sacrifice and that chatas is left to perish. (41a2 – 41b1)

The text [above] states: Rabbi Elozar said in the name of Rabbi Hoshaya: If someone made the Temple tamei while rich, and brought the offering of a poor person, he has not fulfilled his obligation. Rabbi Chagga in the name of Rabbi Yoshiyah said: He has fulfilled his obligation.

The following objection was raised: If a poor metzora brought the offering prescribed for a rich person, he has fulfilled his obligation; if a rich person brought the offering prescribed for a poor one, he has not fulfilled his obligation? — There it is different because it is written: This [shall be the law of the metzora]. - If that is so, then [let it apply] in the first part [of the Mishnah] too? — Surely the Divine Law includes that case through the word Toras ['law']! As it was taught: the word Toras ['the law'] includes a poor metzora, who brought a rich [metzora's] sacrifice. One might have assumed that even a rich metzora who brought a poor metzora's sacrifice [might be included so as to have fulfilled his obligation], therefore it says: 'This'. Let us infer from it [for one who made the Temple tamei]? — The Divine Law [by saying]: And if he be poor, excludes [all but the metzora]. (41b1 – 41b2)

MISHNAH: He ties a thread of crimson wool on the head of the he-goat which was to be sent away, and he placed it opposite the place where it was to be sent away; and the he-goat that was to be slaughtered, opposite the place of the slaughtering. He came to his bull a second time, leans his two hands upon it and made confession. And thus he would say:

⁴ I.e., he tied the strap about its neck, the place of the slaughtering.

⁵ I.e., he placed it where it had to be slaughtered.

Please, Hashem, I have sinned willfully, I have sinned rebelliously, I have sinned inadvertently before You, I and my house, and the Children of Aaron, Your holy people. Please, Hashem, pray forgive the willful sins, the rebellious sins, and the inadvertent sins, which I have committed willfully, rebelliously and inadvertently before You, I and my house, and the Children of Aaron, Your holy people. As it is written in the torah of Moshe, Your Servant: for on this day atonement be made for you, to cleanse you; from all the sins shall you be clean before Hashem. And they responded: Blessed be the Name of the glory of His kingship forever and ever. (41b2)

GEMARA: They raised the question: “and the he-goat that was to be slaughtered, opposite the place of the slaughtering” — does this refer to the tying [of the strap]⁴ or to the placing [of the animal]?⁵ Come and hear: For Rav Yosef taught a Baraisa: He bound a crimson-colored strap on the head of the he-goat which was to be sent away and placed it opposite the gate where it was to be sent away; and the he-goat which was to be slaughtered opposite the place where it was to be slaughtered, lest they become mixed up one with the other, or with others. It will be quite right if you say it refers to the binding [of the strap], but if you say it refers to the placing [of the animal], granted that it would not be mixed up with its fellow [he-goat] because the one had a strap, while the other had none, but it could surely be mixed up with other he-goats?⁶ Hence we learn from here that it refers to the tying [of the strap]. This proves it. (41b2 – 41b3)

Rabbi Yitzchak said: I have heard of two straps, one in connection with the [red] heifer, the other with the he-goat-to-be-sent-away, one requiring a definite size, the other not requiring it, but I do not know which [requires the size]. Rav Yosef said: Let us see: The strap of the he-goat which required division, therefore also required a definite size, whereas that of the heifer which does not need to be divided, does not require a definite size, either. Rami bar Chama

⁶ At the place where sacrifices were slaughtered, since it had no distinguishing mark.



objected to this: That of the heifer also requires weight? — Rava said: The matter of this weight is disputed by Tannaim. But does the strap of the heifer not have to be divided? [Against this] Abaye raised the following objection: How does he do it? He wraps them⁷ together with the remnants⁸ of the strips [of scarlet wool]! Say: with the tail end of the strip. (41b3 – 41b4)

Rabbi Chanin said in the name of Rav: If the cedar-wood and the scarlet thread were [merely] engulfed by the flame, they are valid. — They raised the following objection: If the strap caught fire, another strap is brought and they sanctify [the burning remains again]. Abaye said: This is no contradiction; one speaks of a rising flame, the other of one which is crouching.⁹ Rava said: Concerning the weight of [the heifer's strap] there is a dispute among Tannaim, for it was taught: Why does he wrap them together? In order that they form together one bunch — this is the opinion of Rebbe. Rabbi Elozar son of Rabbi Shimon says: In order that they have [sufficient] weight to fall into the midst of the burning heifer. (41b4)

INSIGHT TO THE DAF

The connection between the bird brought as an olah and the bird brought as a chatas

Our Gemora states that when one is obligated to bring two bird offerings, one *olah* and one *chatas*, they can only be designated for their respective offerings at the time of purchase or at the time of sacrifice, not in between. The Gemora then assumes that the same rule should apply with the two goats brought on Yom Kippur.

There is a disagreement amongst Rishonim whether this rule only applies to birds, or is it applied to other animals as well.

⁷ The hyssop and cedar-wood.

⁸ There are, then, remnants of strips, hence there must have been division here, too.

Tosafos elsewhere holds this that rule only applies to birds. Why then does the Gemora apply it to the goats of Yom Kippur?

Rav Eliashiv answers this question based on the Ibn Ezra. The Ibn Ezra asks: why is it that only a bird *chatas* requires an *olah* with it, while a *chatas* from other animals, do not. He answers that while the limbs of the other *chataos* are burnt on the Altar, the bird *chatas* is not. Therefore, it requires an *olah* with it, in order to have an offering actually burnt on the Altar. (An *olah* is entirely burnt on the Altar.)

Rav Eliashiv suggests that this is the reason the birds can only be designated at certain time, for they are inherently linked. The *olah* merely was brought to supplement an aspect which the *chatas* lacked. Therefore, it is difficult to separate them. He then applies the same reasoning to the goats of Yom Kippur. Since the Torah says we should take the two goats as one, they are considered a unit, and we can apply the rule to two of them that they can only be separated when bought or when sacrificed.

DAILY MASHAL

Pauper bringing the Korban of the rich Person

The Gemora quotes a Mishnah in Negaim that if a poor person who is a metzora brings the korban that a rich person is supposed to bring, he fulfills his obligation.

The Chinuch (123) states by a korban *oleh v'yoreid* - (certain sins which require a korban *chatas*, he either brings an animal, bird or flour offering depending on his status - this is called a fluctuating korban) if a poor person brings the korban of a wealthy person, he does not fulfill his obligation. The Chinuch explains the reason: the Torah had compassion on the poor person; it is not proper for him to compel himself to bring a korban which he cannot afford. How can the

⁹ In the former case another strap is to be brought since it did not come in contact with the fire itself; but not in the latter case.

Chinuch hold against the Mishna, which explicitly states that he does fulfill his obligation?

The Chasam Sofer answers based on a Gemora Shabbos that states that Hashem punishes each person according to what he can afford. A rich person who sins will lose his cow. A poor person, on the other hand, will lose his chicken or some eggs. Therefore, there is a distinction between the korban of a metzora or yoledes (a woman who gave birth) and the korban oleh v'yoreid. A metzora is not required to bring a korban because he sinned, it is to purify him and allow him to eat kodoshim. If a poor metzora decides to bring the rich man's korban, he will have discharged his obligation. Conversely, a sinner who does that will not have discharged his obligation, for here the Torah prescribed for him the korban which will give him atonement according to his status. The korban is in place of the punishment. It is not decided by the pauper what his punishment should be and therefore when he brings the korban of a wealthy person, he does not fulfill his obligation.

The Sfas Emes (here and quoted in Moadim U'zmanim as a story which occurred by a Kenesiyah Gedolah) answers that there is a basic distinction. A metzora, disregarding if he is a rich person or a pauper, is required to bring a chatas and an olah. The rich man brings animals and the pauper brings birds. If the pauper brings the korban of a rich person, he fulfills his obligation, for he brought the prescribed amount. A korban oleh v'yoreid is different. A rich person brings an animal for a korban chatas and a pauper brings two birds, one for a chatas and one for an olah. If a pauper will force himself to bring the korban of a wealthy person, he will not fulfill his obligation because he cheated the Altar out of one korban - namely the olah.

There are two questions on this explanation (look in Shemuas Chaim and in Mitzvas Hamelech from Harav Ezriel Cziment). Firstly, the Chinuch says a different reason for his not having discharged his obligation. He says that it is because the Torah doesn't want the pauper to overburden himself. He does not say the reason of the Sfas Emes that he missed a korban?

Secondly, one must ask, why is it that a pauper is required to bring two sacrifices and a rich person only brings one? The Ibn Ezra explains the reason for this: A bird chatas is completely eaten and a bird olah is completely burned on the Altar. These two birds together replace a regular korban which entails human consumption and consumption of the Altar. They are actually one korban. Therefore, one can say that the pauper is not missing a korban by bringing one animal instead of two birds?

It would seem, however, that this question can be answered. Even according to the Ibn Ezra, the two birds are not one korban. They are two offerings complimenting one another. The rationale behind bringing the two offerings could be because the Torah wants human consumption and consumption of the Altar, nevertheless, it is still two offerings and the pauper is missing one korban when he brings the korban of a wealthy person.