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Mishnah

The court is not liable (*to bring the communal-error bull*) unless they permit a prohibition that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently. And the same applies with an Anointed *Kohen*. And regarding idolatry (*the court is not liable to bring a bull and a goat, and the Anointed Kohen does not bring a female goat*), they are not liable unless they ruled on a prohibition that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently. (8a1 – 8a2)

Scriptural Sources

The *Gemara* asks: How do we know that (*the court is not liable to bring the communal-error bull unless they permit a prohibition that is punishable by kares when done intentionally, and there is a liability for a chatas when done inadvertently*)?

The *Gemara* cites a *Baraisa*: Rebbe said: It is derived through a *gezeirah shavah*: It is written here, *oleha*, and it is written regarding the prohibition against cohabiting with one’s wife’s sister, *oleha*. Just as there it is referring to a prohibition that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently, so too regarding the communal-error bull, it only applies when they ruled to permit a prohibition that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently.

The *Gemara* asks: how do we know this regarding an Anointed *Kohen*?

The *Gemara* answers: It is because it is written regarding him: *to*

the guilt of the nation - we compare his offering to the communal one.

The *Baraisa* continues: We learn that this law applies by a *Nasi* as well, through a *gezeirah shavah* using the word *mitzvos*, which is written by a *Nasi* and the communal-error bull. In respect to a *Nasi* it is written: And does [through error] any one of all the mitzvos which Hashem, and in respect of the congregation it is written: And do any of the mitzvos; as the [obligation of the] congregation relates to a prohibition involving *kares*, if it was transgressed intentionally, and a *chatas* offering if transgressed unintentionally, so also the obligation of a *Nasi* relates to a prohibition involving *kares*, if it was transgressed intentionally, and a *chatas* offering if transgressed unintentionally. - As to an ordinary individual? — Scripture states: And if an individual will sin. And the latter is inferred from the former.¹ (8a2 – 8a3)

The *Mishnah* had stated: And regarding idolatry (*the court is not liable to bring a bull and a goat, and the Anointed Kohen does not bring a female goat*), they are not liable unless they ruled on a prohibition that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently.

The *Gemara* asks: Regarding idolatry, how is this known?

The *Gemara* cites a *Baraisa*: I might have thought that idolatry is different, for it was excluded from the regular rule (*for by idolatry, there is an obligation to offer a bull and a goat*); it is derived through a *gezeirah shavah*: It is written here, *mei’einei*, and it is written regarding the communal-error bull, *mei’einei*.

¹ The case of the individual is deduced from that of a *Nasi*.

Just as there it is referring to a prohibition that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently, so too regarding idolatry, it applies only when they ruled to permit a prohibition that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently.

We have found (the source) for the community; regarding an individual, a Nasi and the Anointed Kohen, how is it known? The *Gemara* cites the verse, *if a person*, written by an individual's inadvertent transgression of idolatry. An individual, *Nasi* and Anointed *Kohen* are all included in the verse, *if a person*. We can therefore learn to the latter from the former (i.e., from the communal-error that just as there it is referring to a prohibition that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently, so too regarding these people's inadvertence, it only applies when they committed a transgression that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently).

The *Gemara* asks: This is well according to the opinion who uses the word "*oleha*" for a *gezeirah shavah*, as stated above; however, according to the Rabbis, who use "*oleha*" in connection with the laws of *arayos* and co-wives, how do they deduce that the obligation for the *korban* is incurred only where the prohibition is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently?

The *Gemara* answers: They deduce it from that which Rabbi Yehoshua ben Levi taught his son: It is written: *You shall have a single law for you, for one who acts in error*. And then it states: *But the person that does with a high hand* etc. All the commandments of the Torah were compared to the prohibition of idolatry; just as there it is referring to a prohibition that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently, so too regarding these people's inadvertence, it only applies when they committed a transgression that is punishable by *kares* when done intentionally, and there is a liability for a *chatas* when done inadvertently.

We have found (the source) for the individual, a Nasi and the Anointed Kohen; regarding the community, how is it known? We can learn the former from the latter.

The *Gemara* asks: What does Rebbe do with Rabbi Yehoshua ben Levi's verse? - He applies it to that which is learned in the following Baraisa: Since we find that the Torah made a distinction between a multitude and individuals (*who committed idolatry*) that the multitude is punished by the sword and their property destroyed, while individuals are punished by stoning and their property is spared. One might have thought that a distinction should also be made in respect of their sacrifices. It was therefore stated: *You shall have a single law for you*.

Rav Chilkiyah of Hagronya asked: What might have been the distinction with respect of their sacrifices? They could not bring a bull, for the congregation brings a bull for the transgression of any of the other commandments! They cannot bring a bull as an *olah* and a goat for a *chatas*, for the congregation brings such offerings in respect of idolatry! They cannot bring a he-goat, for a *Nasi* brings such an offering in the case of his transgression of any of the other commandments! They cannot bring a she-goat, for this is also the sacrifice of an individual!

The *Gemara* answers: It might have been suggested that whereas the congregation brings a bull as an *olah* and a goat for a *chatas*, these should reverse the procedure and bring a bull for a *chatas* and a goat for an *olah*. Or perhaps we would have thought that consequently there is no remedy for them; the Torah teaches us otherwise. (8a3 – 8a6)

At any rate, everyone agrees that the verses mentioned above deal exclusively with idolatry. What indication is there for this?

1. Rava said, or if you will, it was Rabbi Yehoshua ben Levi who said, and some say that it was Kedi who said: Since it is written: *And when you shall err, and do not observe all of these commandments*. Now, which is the commandment that is equal to all other

commandments? You must say that it is concerning idolatry.

2. In the academy of Rebbe, they taught the following Baraisa: It is written: *That Hashem has spoken to Moshe*, and it is also written: *Everything that Hashem has commanded you through Moshe*. Which is the commandment that was given by the words of the Holy One, Blessed be He, and again through Moshe? You must say that it is concerning idolatry, for Rabbi Yishmael taught: The commandments, *"I am Hashem your God,"* and *"You shall not have other gods"* were heard from the mouth of Hashem.
3. In the academy of Rabbi Yishmael, they taught the following Baraisa: It is written: *From the day that Hashem commanded and onward, throughout your generations*. Which *mitzvah* was said in the beginning? It must be that it is referring to idolatry.

But didn't a master state that the Israelites were given ten commandments at Marah! — Rather, the clear proof is that given at first (i.e., any of the first two explanations). (8a6 – 8b1)

Asham Taluy

Beis Din are not liable for the special *chatas* for a positive or negative *mitzvah* concerning *tumah* in the *Mikdash*; and individuals do not bring an *asham taluy* (*korban brought when one is unsure if he committed a sin that is subject to a chatas*) in connection with a positive or negative *mitzvah* concerning *tumah* in the *Mikdash*; but *Beis Din* are liable for the special *chatas* for a positive or negative *mitzvah* concerning a menstruant woman; and individuals bring an *asham taluy* in connection with a positive or negative *mitzvah* concerning a menstruant woman. (8b1 – 8b2)

From where is it deduced that the congregation is not liable to bring a sacrifice and that an individual also is not liable to bring an *asham taluy*? — Rav Yitzchak bar Avdimi replied: Scripture

said: And he is guilty in connection with a sin offering and an *asham taluy*, and it also said: And they are guilty in connection with the congregation; as [the phrase] 'and he is guilty' in connection with an individual refers to the fixed *chatas* offering, so 'and are guilty,' said in connection with the congregation, also refers to the fixed *chatas* offering. And, furthermore, as the congregation brings only the fixed *chatas* offering, so is the *asham taluy* brought only in the case of doubt in respect of one's liability to the fixed *chatas* offering. - If so, the same law should also apply to a sliding scale sacrifice, for surely it is written: And it shall be, when he shall be guilty in one of these things? — Deduction may be made with a *gezeirah shavah* between 'is guilty' and 'are guilty', but no deduction may be made with a *gezeirah shavah* between 'is guilty' and 'he shall be guilty'. - But what is the difference? The Academy of Rabbi Yishmael taught [with reference to the expressions: The Kohen shall return and the Kohen shall come that 'returning' and 'coming' mean the same thing!]² Furthermore, let deduction be made from: And he is guilty, said in connection with *tumah* relating to the Sanctuary and its consecrated things; for it is written: And [it being concealed from him that] he is *tamei* and he is guilty!

Rav Pappa replied: A deduction is drawn only between the expressions: And he is guilty, and: The commandments of Hashem [on the one hand], and the expressions: And are guilty, and: The commandments of Hashem [on the other].

Rav Shimi bar Ashi said to Rav Pappa: Then let deduction be made from the analogy between: And he is guilty, and: Bearing of iniquity [used in reference to the *asham taluy*] and: He is guilty, and: Bearing of iniquity [that occur in connection with sliding scale sacrifices]!

Rather, said Rav Nachman bar Yitzchak: Deduction is made from analogy between 'he is guilty', and 'the things which Hashem has commanded not to be done' [used in reference to *asham taluy*] and 'they are guilty' and 'the things which Hashem has commanded not to be done' [that occur in connection with the

² Viz. the coming of the Kohen to the house afflicted with *tzaraas*. Now, if a comparison is made between words which resemble each other in their general significance only, how much more should

comparison be made between the same verbs that differ in tense only!

congregational chatas offering]; no proof, however, may be adduced from (the transgressions of) the hearing of a voice (of adjuration), swearing (a false oath) with the lips, and tumah relating to the Sanctuary and its consecrated things, concerning which it has not been said, 'he is guilty' and 'the things which Hashem has commanded not to be done. (8b2 - 8b4)

MISHNAH: [The court] are under no obligation [to bring an offering] for [an erroneous ruling relating to] the hearing of the voice [of adjuration], for swearing (a false oath) with the lips and for tumah relating to the sanctuary and its consecrated things; and the Nasi is similarly [exempt]; these are the words of Rabbi Yosi HaGellili. Rabbi Akiva said; the Nasi is liable in the case of all these except that of hearing of the voice [of adjuration], because the Nasi may neither judge nor be judged, neither may he give testimony nor may testimony be tendered against him. (8b5)

GEMARA: Ulla said: What is the reason of Rabbi Yosi HaGellili? — Scripture said: And it shall be when he shall be guilty in one of these things; whoever is subject to liability for every one of these is liable for any of them, and whoever is not subject to liability for every one of these is not liable for any of them. - Might not this be suggested to imply that liability is incurred for one even where a person is not subject to liability for all? (8b5)

DAILY MASHAL

The Price of Uncertainty

Interestingly, while a *karban chatas* must cost a minimum of a *danka* (a certain Talmudic coin), an *asham taluy* must cost two *sela'im*. A *sela* comprises 24 *dankas*, making the *asham taluy* worth 48 times as much as a *karban chatas*! Why does a *karban* brought for a sin that was **certainly** committed cost so much less than one brought by someone who may not have sinned at all?!

Rabbeinu Yonah explains that the atonement achieved by bringing a *karban* is accomplished not so much by the actual sacrifice, but by the *teshuvah* that accompanies it. So if someone certainly sinned, bringing an inexpensive *karban* is

sufficient to arouse feeling of regret; but if someone surmises that he may be completely free of sin, additional action is required to inspire him to do *teshuvah*.

Rav Eliezer Chrysler adds: Chazal explain that whereas on the one hand, it is obvious that a definite sin requires a deeper Teshuvah than a doubtful one, on the other, there is one aspect of a doubtful sin that renders it more serious than a definite one. A person who sins is full of remorse, and this remorse is bound to be particularly deep when the sin in question is one that carries with it Kareis, as is the case here.

It is human nature however, to make light of a doubtful sin. After all, a person thinks, there is a fifty per cent chance that the piece of fat that he ate was shuman. Consequently, he does not take the sin too seriously, and the aspect of remorse (one of the major characteristics of Teshuvah) is weak at best.

Bearing in mind we are talking after all, about a Safek Kareis, the Torah therefore requires an Asham Taluy to be a little on the expensive side, to compensate for the deficiency of 'lack of charatah'.

And it is for the same reason, says the Yalkut Yitzchak, that the Torah writes, with regard to an Asham Taluy "It is an Asham, he is certainly guilty to Hashem". The Torah stresses here that even though he may not have sinned, the fact that he carelessly performed an act that may have been a sin is in itself a sin, and requires atonement.