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The case of the Burnt Chatas

The Gemara cites a Baraisa, which explains three phrases Moshe used when telling Aharon and his sons what to eat on the inauguration day of the Mishkan.

1. Moshe told them to eat the sacrifice, "because so I have been commanded".
2. Moshe scolded them for not eating the sacrifice, since they should have eaten it, "as I commanded".
3. Moshe told them to eat it, "as Hashem commanded".

The Baraisa says that the first phrase meant that Moshe was commanded that they should eat it even they were *oneinim* – *bereaved*, due to the death of Nadav and Avihu. Although an *onein* is usually not allowed to eat a sacrifice, Hashem told Moshe that this day was an exception. The second phrase was Moshe reiterating this at the time that they were supposed to eat it, and the third phrase was emphasizing that Hashem commanded this exception, and was not Moshe's own initiative.

The Gemara challenges this Baraisa, which says that Moshe was commanded to allow them to eat as *oneinim*, with another Baraisa which states that the sacrifice was actually burned because they were *oneinim*. Since Moshe ultimately accepted the explanation offered by Aharon for burning the sacrifice, this would imply that they were not allowed to eat the sacrifices as *oneinim*.

Shmuel answers that the two Baraisos are following different opinions. Shmuel cites another Baraisa with a dispute about the reason the sacrifice was burned. Rabbi Nechemia says it

was burned due to the kohanim being *oneinim*, so Aharon refers to "these [things] happened", while Rabbi Yehuda and Rabbi Shimon say it was burned since it became impure.

Rabbi Yehuda and Rabbi Shimon raise three challenges to Rabbi Nechemia's position:

1. If the issue was their being *oneinim*, they should have burned all goat chatas sacrifices, since an *onein* cannot eat any sacrifice.
2. They could have eaten it at night, when they were not *oneinim*.
3. Pinchas could have eaten it, as he was not an *onein*.

Shmuel says the first Baraisa, which says that Hashem allowed them to eat sacrifices as *oneinim*, is the opinions of Rabbi Shimon and Rabbi Yehuda, while the second one, which says that they were correctly burned because they were *oneinim*, is the opinion of Rabbi Nechemia.

Rava says that both Baraisos can follow the opinion of Rabbi Nechemia, but Hashem only suspended the prohibition of *onein* for the one-time sacrifices of the day, but not for the regular chatas sacrifice for Rosh Chodesh.

The Gemara cites the dialogue between Moshe and Aharon, and explains how each opinion in the Baraisa understands it.

Moshe challenged Aharon, saying, "Its blood was not brought inside the sanctuary, so you should eat it in the holy place, as I commanded."

Aharon responded, "Today they offered their chatas and ola sacrifices in front of Hashem, and these [events] occurred to



me, and if I would eat a chatas, would it be good in Hashem's eyes?"

Moshe then heard Aharon's words, and he agreed with them.

Rabbi Nechemia

Moshe was asking Aharon:

1. Was its blood incorrectly taken into the sanctuary, making it invalid? Aharon said it was not
2. Was it taken outside of the courtyard, making it invalid? Aharon said it was not.
3. Was it considered invalid since you were oneinim? Aharon said that *he* sacrificed it. Since a kohen gadol is allowed to sacrifice even when he's an onein, this would not invalidate it.

Moshe then said that if these were not issues, the sacrifice should have been eaten, since Hashem allowed oneinim to eat the sacrifices today. Aharon answered that it would not be good in the eyes of Hashem if he would eat the chatas of Rosh Chodesh, since perhaps Hashem only permitted oneinim to eat the one-time sacrifices. The regular chatas of Rosh Chodesh should still be prohibited for oneinim, since it is more severe than ma'aser, which is prohibited for oneinim. Moshe then agreed to Aharon's distinction. Moshe did not shield himself by saying he never learned this distinction, but was unashamed to admit that he did learn it, but forgot it.

Rabbi Yehuda and Rabbi Shimon

Moshe was asking Aharon:

1. Was its blood incorrectly taken into the sanctuary, making it invalid? Aharon said it was not.
2. Was it taken outside of the courtyard, making it invalid? Aharon said it was not.
3. Was it considered invalid since you were oneinim? Aharon said that *he* sacrificed it. Since a kohen gadol is allowed to sacrifice even when he's an onein, this would not invalidate it.
4. Perhaps due to your pain about your loss, you negligently allowed it to become impure? Aharon

rejected this possibility, telling Moshe that he takes sacrifices very seriously. Even if "these [events, i.e., mourning] occurs," I will not disgrace the sacrifices.

Moshe then said that if these were not issues, the sacrifice should have been eaten, since Hashem allowed oneinim to eat the sacrifices today. Aharon answered that perhaps Hashem only permitted oneinim to eat it at night, but not during the day. During the day, it should remain prohibited, from a logical argument from the less severe ma'aser, which is prohibited to oneinim. Moshe then agreed to Aharon's distinction. The Gemara explains that they would have left it to be eaten at night, but it came in contact with unavoidable impurity, and therefore had to be burned.

The Gemara continues to discuss the dialogue according to both positions. The Gemara says that according to the Sages (Rabbi Yehuda and Rabbi Shimon), we can understand why Aharon emphasized "today" (when asking, "and if I eat a chatas *today*, will it be good?") since he agreed that he could eat it at night, but only objected to eating it during the day. How does Rabbi Nechemia explain this word? The Gemara says he understands the word as referring to the obligation of *today*, i.e., the chatas of Rosh Chodesh, as opposed to the one-time chatas offerings.

According to Rabbi Nechemia, we understand why Aharon tells Moshe, "have they offered *today* the chatas", emphasizing that they offered the obligation of the day, for which there was no permission for oneinim to eat. How do the Sages explain this, since they make no distinction between the different types of chatas sacrifices? The Gemara says that they understand the question to be emphasizing them – "have *they* offered the sacrifice today?" Aharon was asking a rhetorical question – was it *they* who offered it!? It was I, who am a Kohen Gadol, who may offer even when an onein. (101a1 – 101b1)

The Gemara continues to analyze the challenges raised by the Sages.

1. All three should have been burned.

The Gemara explains that the three are alluded to in the verse which states “and the goat of the chatas Moshe sought out, and it was burnt”. They are:

- “The goat” refers to the goat of Nachshon, the first of the tribe princes to offer sacrifices for the inauguration of the Mishkan
- “of the chatas” refers to the goat chatas offered by Aharon for the eighth day of the miluim initiation
- “sought out” refers to the goat chatas of Rosh Chodesh

Only one was burned, as the verse continues to say, “and it was burnt.” The verse uses a doubled verb for seeking out (*darosh darash*), since Moshe investigated both why the one was burnt, and why the others were not. We know that the Rosh Chodesh one was burnt, since Moshe tells Aharon it is the one that “Hashem gave you to forgive the sin of the nation,” and only that goat was atonement (for sins of entering the Mishkan when impure).

The Gemara explains that Rabbi Nechemia’s response to this challenge is that the one-time sacrifices were permitted to oneinim, and only the regular chatas was unfit for the oneinim. (101b1 – 101b2)

2. They should have eaten it at night.

Rabbi Nechemia says that prohibition of onein eating sacrifices the following night is not Rabbinic, but from the Torah, making the sacrifice equally invalid even at night.

3. Pinchas should have eaten it

The Gemara offers two answers for Rabbi Nechemia.

- He agrees with Rabbi Elazar in the name of Rav Huna, who says that Pinchas did not become a kohen until he killed Zimri. Only then does Hashem say that his treaty with him will be “for him and his progeny a treaty of everlasting kehuna”.

- Rav Ashi says Pinchas only became a kohen when he made peace among the tribes in the time of Yehoshua, when settling the dispute that arose when the tribes on the east side of the Yarden river established an altar. At that point, the verse refers to him as “Pinchas the kohen”

The Gemara explains that Rav Ashi understands the verse after Zimri as a blessing that kahuna will not leave the progeny of Pinchas, but this was not fulfilled until later. Rabbi Elazar says that the verse cited by Rav Ashi is the point at which Pinchas’s progeny was designated to be kohanim gedolim. (101b2 – 101b3)

Moshe the Kohen Gadol?

Rav says that Moshe was considered a kohen gadol, who got a portion in the sacrifices, since the verse states that he received the right calf from the miluim ram, as a *mana* – *portion*, akin to the portion of the sacrifice reserved for the kohen.

The Gemara raises a number of challenges to Rav’s statement:

- In the earlier Baraisa, the Sages objected to Rabbi Nechemia, saying that Pinchas could have eaten the chatas, since he was not an onein. If Moshe was a kohen gadol, he also could have eaten it, since he was not an onein. Since the Sages do not raise this objection, this implies that Moshe was not a kohen. The Gemara deflects this, saying that Moshe was preoccupied with his dialogue with Hashem, preventing him from eating the sacrifices.
- The Baraisa says that the verse must explicitly allow a kohen with a blemish to eat both *kodesh kadashim* – *more severe sacrifices* and *kodshim kalim* – *less severe sacrifices*. If it only had allowed him to eat *kodesh kadashim*, we may have limited it to them, since we find an instance where a non kohen may eat them. If it had only allowed him to eat *kodshim*

kalim, we would have limited it to them, since they are less severe. The Gemara assumes that the non kohen the Baraisa is referring to is Moshe, who was allowed to eat the kodesh kadashim calf of the miluim ram. The Gemara deflects this, saying that it refers to a non kohen who offers an offering on a *bama* – private altar. This Baraisa follows the opinion that says that the meal offering, which was kodesh kadashim, was offered on a bama, and therefore could be eaten by a non kohen.

3. The Baraisa asks who processed Miriam's tzara'as plague. It could not be Moshe, since he was not a kohen. It could not be Aharon, since he was a relative. Rather, Hashem himself honored her by processing her tzara'as. The Gemara deflects this, saying that even if Moshe was considered a kohen gadol, the verse mandates that tzara'as be processed by Aharon or his sons.
4. The Baraisa says that Elisheva, the wife of Aharon, had five special happy occasions when the Mishkan was put in place:
 - a. Her brother in law (Moshe) was the king
 - b. Her husband (Aharon) was the kohen gadol
 - c. Her son (Elazar) was the *sgan* - vice kohen gadol
 - d. Her grandson (Pinchas) was the *mashuah milchama* – kohen anointed for battle
 - e. Her brother (Nachshon) was the prince of a tribe

She also was in mourning on her two sons, Nadav and Avihu.

Since the Baraisa refers to Moshe as the king, and Aharon as the Kohen Gadol, it implies Moshe was not the kohen gadol. The Gemara deflects this, saying that the Baraisa means that Moshe was *also* a king. (101b3– 102a1)

INSIGHTS TO THE DAF

What Mistake?

The Gemara poses a contradiction between one Baraisa, which states that Moshe commanded Aharon and his sons to eat the sacrifice as oneinim, and the second, which states that the sacrifice was (correctly) burned since they were oneinim. Shmuel answers that the two Baraisos follow the differing opinions of why the sacrifice was burned. Rabbi Nechemia, who says it was burned due to their being oneinim, is the author of the second, while Rabbi Yehuda and Rabbi Shimon, who say it was burned due to impurity, is the author of the first. Rava answers that Rabbi Nechemia can be the author of both, but the permission to eat the sacrifice as oneinim only applied to the one-time sacrifices.

Rashi says that Shmuel does not offer Rava's answer, since he does not accept the distinction between one-time sacrifice and general sacrifices. Furthermore, it is not tenable to say that Moshe failed to make such a distinction, until reminded by Aharon. Rather, Rabbi Nechemia explains that when Moshe told Aharon and his sons to eat, "as I was commanded," he was referring to eating the meal offering. Although communal meal offerings are generally not eaten, Hashem mandated that this one be eaten.

Tosfos challenges Rashi's explanation, as the Gemara following indicates that even Rabbi Nechemia accepts the distinction between one-time sacrifices and general ones. If he did not, how would he answer Rabbi Yehuda and Rabbi Shimon's question of why the other goat sacrifices were not burnt?

Rather, Tosfos (101a ur'minhi) says that the Gemara's contradiction assumed that the first Baraisa was Moshe stating that they may eat it as oneinim, at least at night, which is inconsistent with the second Baraisa, which states that it was burnt since they were oneinim, implying that they could not eat it at night either. Shmuel answers that Rabbi Nechemia, who says that an onein may not eat any sacrifice even at night, is the author of the second Baraisa. Rabbi Nechemia does say that Moshe mistake was applying the permission for oneinim from a one-time sacrifice to a general sacrifice, and he does accept this distinction. Rabbi Yehuda



and Rabbi Shimon are the authors of the first Baraisa, and they say the mistake Moshe made was between the permission for all oneinim to eat a sacrifice at night (always) with permission to eat it during the day. Rava says both can be authored by Rabbi Nechemia, but the first Baraisa refers to permission only for a one-time sacrifice. The reason Shmuel does not accept Rava's answer is that the first Baraisa says that "as I commanded" refers to eating as oneinim, is in reference to the Rosh Chodesh sacrifice, which is a general sacrifice. Rava explains that Moshe was saying, "as I was commanded [that you can eat the meal offering as oneinim]", so you should have done so with the Rosh Chodesh sacrifice. Shmuel does not accept this reading, and instead says that Moshe was referring to the Rosh Chodesh sacrifice, and he was commanded that it, like any sacrifice, can be eaten by oneinim. His mistake was that this command was only at night, but not during the day.

repent and return to Hashem with love, it is as if the original sins and divorce never took place.

DAILY MASHAL

When the Beis Hamikdash was destroyed and we were sent into exile, it was allegorically the same as if Hashem had given us a bill of divorce and sent us away. Hashem, the source of all Holiness has the status of a Kohen, and a Kohen is never allowed to remarry his divorcee. How then is it possible for Hashem to forgive us for our sins, take us back, and build the third Beish Hamikdash?

It might have been possible to answer that repentance is a positive commandment, and a positive commandment overrules a negative commandment, however, we learn on today's Daf that this rule does not apply in the Beis Hamikdash.

The Damesek Eliezer answers that there are two types of repentance – repentance motivated by fear of consequences and repentance motivated by love of Hashem. When repentance is driven by love, it retroactively converts sins into meritorious deeds. The mechanism for this is based on the ability of a sage to retroactively nullify a vow. When we