

OVERVIEW of the Daf

1) **MISHNAH (cont.):** The Mishnah continues to discuss cases of possible eating transgressions and whether one is liable to offer a korban.

2) Clarifying the Mishnah

Rava asserts that in the Mishnah's second case according to R' Yosi they would be obligated to offer an asham talui.

R' Nachman unsuccessfully challenged this explanation.

Rava asks R' Nachman why an asham is not offered for the me'ilah violation.

R' Nachman answers that the Mishnah refers to where the nossar piece did not have the value of a perutah.

Rava unsuccessfully challenges this explanation.

Rava questions whether R' Shimon indeed maintains that one prohibition can override another prohibition when he has ruled elsewhere that it does not.

R' Shisha the son of R' Idi suggests an answer but it is rejected.

Another possible answer is suggested and rejected.

The Gemara answers that a prohibition may take effect upon another prohibition in the context of korbanos.

Two proofs for this contention are presented.

A counterproof is cited and the Gemara is forced to admit that this issue is subject to a debate amongst Tanaim.

The Gemara explains the phrase **כל חלב לה'** in accordance with the opinion that maintains that even regarding korbanos one prohibition cannot take effect upon another prohibition.

הדרן עלך דם שחיטה

3) **MISHNAH:** The Mishnah begins with a discussion of cases where one is in the process of offering an asham talui and becomes aware that he did not sin. Similar discussions are presented regarding one who is liable to bring a definitive asham, an ox condemned to stoning and the decapitated heifer.

4) The dispute between R' Meir and Rabanan

The Gemara identifies the point of dispute between R' Meir and Rabanan.

A related Beraisa is cited and the Gemara explains two of the cases in the Beraisa. ■

Distinctive INSIGHT

Where a person realizes that he need not bring the asham talui

ונודע לו שלא חטא

A person brought an asham talui due to a doubt whether he committed a sin which, if he did it, would have required that he bring a chattas. The issue is what is to be done if and when the person later is able to determine that he definitely either did or did not actually commit the sin. The Mishnah at the beginning of the new perek clarifies the halacha if this information is discovered at various stages of bringing the asham talui.

If the person realizes that he need not bring the asham talui even before the animal designated for the asham talui was shechted, R' Meir holds that the sanctity of the animal is released, and it may be set free into the flock. Chachamim hold that the animal's sanctity is not dismissed, and the animal must graze until it develops a blemish. R' Eliezer says that the asham talui should be brought as planned.

If the realization not to bring an asham talui is discovered only after the animal was shechted, its blood is to be spilled into the stream that runs through the courtyard, and its flesh is taken out to be destroyed with other disqualified items. If its blood had already been sprinkled before the person found out that he did not need the asham talui, its meat may be eaten by the kohanim.

There are two possibilities of how a person could realize that he need not bring an asham talui. One is where he realized that he did sin, and the other is where he was able to determine with certainty that he did not sin. The halachos in our Mishnah apply in either case. Sefer Shoshanim l'David points out that the Mishnah chose to illustrate its rules in regard to a case where the person realized that he did not sin, because it preferred to demonstrate its laws in a case where a sin did not occur, rather than to discuss the theoretical situation of where a person sinned.

Sefer Avir Yaakov explains that in the case where the asham talui was not yet shechted, the view of Chachamim is that even if the person realized that he did not sin, the procedure of the offering must still be completed. This is a very strong statement. Presenting this view of Chachamim is why the Mishnah used the case of not sinning as its illustration, rather than to emphasize the view of R' Meir who says that the animal should be sent back into the flock even where the person realized that he did sin.

Rashash explains that the view of R' Akiva is that an asham talui may even be brought for a doubt of me'ilah (which, in case of certainty, would require atonement with an asham, not with a chattas). The case of the Mishnah would only apply where the person now realizes that he did not sin, and that there is no longer a reason to bring any offering at all. However, if the person realized that he certainly sinned, then, according to R' Akiva, it would be appropriate to bring an asham for the me'ilah which the person realizes that he did violate. ■

HALACHA Highlight

Eating a food that is possibly prohibited

נזרק הדם והבשר קיים יאכל

If the blood was thrown and the meat is still intact it may be eaten

The Mishnah addresses the case of one who was uncertain whether he transgressed a prohibition and as a result offered an asham talui. After the blood of the korban was thrown on the altar the person became aware of the fact that he had not sinned. The halacha is that the meat of the korban may be consumed. Rashi¹ explains that upon the throwing of the blood the atonement was completed and the asham talui was valid. An asham talui is offered when there is a doubtful transgression and it properly atoned for that uncertainty. This clearly demonstrates that even though it is revealed that there was no transgression it is not considered retroactively as though he brought a non-sacred animal into the azarah.

Teshuvos Tzemach Tzedek² writes that one who eats the egg from a bird that is possibly a tereifah has violated a prohibition even if it subsequently becomes known that the bird was not a tereifah. The case is similar to one who had prohibited fat and permitted fat in front of him and he ate one of the pieces not knowing whether he ate the permitted piece or the prohibited piece. Such a person is obligated to offer an asham talui and we are not concerned with the possibility that he ate the permitted piece and the korban would constitute a violation of slaughtering a non-sacred animal in the azarah. The reason is that

REVIEW and Remember

1. What is the point of dispute between R' Shimon and R' Yosi ?

2. According to R' Shimon when can one prohibition take effect upon another prohibition ?

3. What is derived from the phrase ' אשר לה' ?

4. What is done with an animal designated as an asham talui if it is discovered that the person did not sin ?

since he performed an act that could possibly constitute a transgression he is obligated to offer a korban. Similarly in our case where the person ate an egg that may or may not have been prohibited, the fact that he performed an act that could possibly constitute a transgression is itself a sin. Granted it is not a sin that requires one to offer an asham talui but it is a sin nonetheless. Therefore, just as in the case of the asham talui his awareness after the korban was offered does not retroactively undo the transgression that was committed, so too in our case his subsequent awareness that the bird was not a tereifah does not undo the transgression that was violated when he ate the egg, uncertain whether it was permitted. ■

¹ רש"י ד"ה יאכל.

² שו"ת צמח צדק (הקדמון) סי' ס"ט. ■

STORIES off the Daf

The Hope of Yisrael

"ויום כיפור דאיסור חמור הוא..."

On today's daf we find that eating on Yom Kippur is a grievous sin.

Rav Moshe Teitelbaum, zt"l, the previous Rebbe of Satmar, went through the living inferno that those who survived the Holocaust endured. After some time in Auschwitz, he was moved to Tröglitz, a camp in Rehmsdorf. Despite the danger, the inmates of the camp arranged to pray kol nidrei and they invited the rebbe to lead the prayers.

Of course, it was unthinkable to eat on Yom Kippur. But since the meager evening meal was served after nightfall, it

at first appeared as though those who wished to fast would have to go without food before the fast as well. After much wrangling, the head of their block, Dr. Kizaelnik—who had been the rosh kahal in Sighet before the war—finally managed to arrange with the kitchen staff that the evening meal would be served before nightfall.

An eyewitness later recounted, "Before kol nidrei we went back into the block and fell onto our beds, crying bitter tears the likes of which I hope I never hear again. Then the good doctor announced that kol nidrei would soon begin and that any who wished could join the minyan. Still weeping, we went to the part of the room set aside for davening, and the rebbe began to speak.

"The rebbe commenced, 'Rabbi Akiva

said: Ashreichem Yisrael! Before Whom are you purified, and Who purifies you? Just as a mikveh purifies the defiled, God purifies Yisrael. We must recall that Rabbi Akiva was one of the ten martyrs—killed for sins he did not commit. He saw all the terrible travail which would befall Yisrael. Yet he chose to give a message of chizzuk to us for all generations. Although a mikveh literally alludes to a ritual pool, it can also allude to the word tikvah, hope. This teaches that when we hope to Hashem, and do teshuvah—even if we are in the worst situation—God will uplift us. Even from this present darkness, which no nation has ever experienced, such bitterness and cruelty, God will deliver us. Amen."■

¹ עדות חיה, ע' 417, פרי תמרים, האזינו, תשי"ס, ע' י"ג, ע"ש עוד דברים נפלאים ■

