

OVERVIEW of the Daf

1) Sources (cont.)

R' Tachlifa the father of R' Huna bar Tachlifa in the name of Rava applies R' Elazar's source to an earlier ruling in the Mishnah.

Another statement of R' Tachlifa is cited and explained.

2) Sins known only to God

Numerous unsuccessful challenges to R' Elazar's assertion that Yom Kippur atones only for sins that are known only to God, are presented.

It is suggested that according to R' Elazar one should not be obligated to offer a chattas if he becomes aware after Yom Kippur that he sinned before Yom Kippur.

R' Zeira asserts that since the Torah mentions the term ידיעה in three different contexts it must be that one of them is superfluous to teach this halacha regarding Yom Kippur.

The Gemara rejects this assertion by demonstrating that none of the terms is superfluous.

After a thorough analysis the Gemara proves that the term ידיעה that appears in the context of Nasi is extra to be utilized to teach the relevant halacha regarding Yom Kippur.

Abaye rejects the conclusion that the term ידיעה that appears in the context of Nasi is superfluous and references another phrase that is extra that can be utilized to teach this Yom Kippur halacha.

Another distinction in this halacha is suggested which leads to an exchange between Rava and R' Zeira.

3) A Bird chattas brought out of doubt

Rav asserts that when a woman brought a bird chattas out of doubt and after melikah it was discovered that she was indeed obligated to bring that korban it provides her with atonement.

This ruling is challenged which leads the Gemara to adjust its understanding of the Beraisa and explain that Rav's statement was made in reference to a different context.

R' Yochanan disagrees with Rav's ruling about this case.

Levi cites a Beraisa in support of Rav.

Another Beraisa is cited in support of R' Yochanan.

4) **MISHNAH:** The Mishnah presents three cases of one who misused money he set aside for his Asham.

5) Defining the term מעילתו

The Gemara searches for the meaning of the term מעילתו in the Mishnah's second case.

After the Gemara arrives at an understanding of the term מעילתו it challenges that understanding from the meaning of the term in the Mishnah's third case. ■

Distinctive INSIGHT

Atonement for the generation of the desert

רב פפא אמר אמר קרא כפר לעמך ישראל וגו' ראוייה כפרה זו שתכפר על יוצאי מצרים

The Gemara had established that Yom Kippur atones for a sin that no one including the sinner has an awareness about other than God. This statement indicates that a sin that the sinner is aware about is not atoned by Yom Kippur. This explains why those who are required to bring a chattas or asham who were aware of their sin before Yom Kippur arrived must still bring their offerings after Yom Kippur, because the day of Yom Kippur did not atone for these sins.

The Gemara raises a question that based upon this rule, if an eglah arufah situation occurred and we still do not know who killed a particular person, if Yom Kippur transpired before we brought the eglah arufah there should be no need to bring it after Yom Kippur.

Abaye and Rava present pesukim from which we learn that the atonement for an unknown murderer can only be achieved with the eglah arufah procedure, and that Yom Kippur cannot serve this role. R' Pappa refers to the posuk in Devarim (21:8) which describes how the eglah arufah atones for "the nation of Yisrael which You redeemed." This teaches us that the eglah arufah can atone for the unknown murderers who committed their crimes at the time the Jews were redeemed from Egypt. Although many generations have passed since then, and many days of Yom Kippur have come and gone, atonement can still be procured on their behalf. This demonstrates that Yom Kippur does not have the power to atone for the unknown murderer.

Sefer Beis Dovid and Aruch LaNer explain the reference to atonement for the generation which was redeemed from Egypt. The law of eglah arufah was not performed while the Jews were in the desert, and if there was an incident of an unresolved murder during that period it was left without resolution on the part of the community. When the Jews entered into the Land of Canaan and were able to perform this rite, it served to atone not only for a current situation, but also for the previous cases which had not been settled.

Rashash cites Sifrei which does not say that eglah arufah "may atone" for the generation of the desert, but that it "does atone" for them. This suggests eglah arufah served to actually atone for the sin of the generation of the desert and the golden calf.

We have found that an atonement may be offered for those who have already passed on from this world. The Mordechai (Yoma 1:727) and Mahari Vii'l (#291) note that it is appropriate to give tzedaka on Yom Kippur on behalf of our departed relatives, and a source for this is found in the Sifrei at the end of Sho'etim which cites the posuk of atoning for the generation of the desert. The Achronim explain that this was not a one-time event, but a rule can be established based upon this precedent. ■

HALACHA Highlight

Lashes on erev Yom Kippur

חייבי מלקיות שעבר עליהן יום הכפורים חייב

Those liable to lashes who experienced the passing of Yom Kippur remain obligated to lashes

Tur¹ reports that the custom in Ashkenazi communities is that after mincha on erev Yom Kippur the entire congregation receives lashes so they will internalize the necessity to repent. Beis Yosef² in the name of Kol Bo writes that the custom was to receive lashes after immersing in the mikvah to subordinate their hearts and to prepare to serve God with fear and trepidation. Beis Yosef then wonders why Kol Bo did not mention anything about the fact that lashes atone for one's sins. Although we do not have judges who are qualified to administer lashes and there was no witness testimony that anyone is liable for lashes, nevertheless, receiving lashes provides some degree of atonement. Darchei Moshe³ answered that the lashes that are administered on erev Yom Kippur do not atone at all since the lashes are not administered as they were by Beis Din. Amongst other things the strap that is used does not conform to the strap used by Beis Din and their function is to serve as a mere reminder to repent rather than to actually atone for any sins. This is in fact consistent with the way this halacha is presented by Shulchan Aruch when he writes that people receive lashes on Erev Yom Kippur after Yom Kippur to internalize the necessity to repent.

Teshuvos Torah Lishmah⁵ discussed one who was accus-

REVIEW and Remember

1. Does Yom Kippur exempt one from having to receive lashes ?

2. Why is it necessary for the Torah to use the term ידיעה in reference to the Chatas, Nasi and tzibbur ?

3. What is the point of dispute between Rav and R' Yochanan ?

4. To what does the Mishnah refer when it uses the term מעילתו?

tomed to receive lashes on erev Yom Kippur and one year due to circumstances beyond his control did not receive lashes. The person wanted to know whether he should receive lashes after Yom Kippur. Perhaps the lashes are unnecessary once Yom Kippur passed since he was already forgiven for his sins. He answered that nowadays although the lashes are not authentic we try and replicate the manner in which they would be administered by Beis Din as a commemoration of those lashes. Accordingly, since our Gemara teaches that one who was liable to lashes before Yom Kippur must receive those lashes even after Yom Kippur has passed it follows that nowadays as well if one did not receive lashes on erev Yom Kippur he should receive them after Yom Kippur. ■

¹ טור או"ח סי' תרי"ז.
² בית יוסף שם סעי' ו'.
³ דרכי משה שם אות ד'.
⁴ שו"ע שם סעי' ו'.
⁵ שו"ת תורה לשמה סי' קי"ג. ■

STORIES off the Daf

"Atone for Your Nation Yisrael..."

"...כפר לעמך ישראל אשר פדית ה'..."

The Yalkut Shimoni provides what appears to be an enigmatic explanation of a verse brought on today's daf. "כפר לעמך ישראל – Atone for Your nation Yisrael,' alludes to the living. 'אשר פדית – who You have redeemed,' these are those who are deceased."

But how can one possibly atone for those who have already left the world?

On a simple level we can understand this with the words of the Sefer Chassidim: "In Kareisos we find that bringing an eglah arufah can atone for those who

left Egypt. This seems difficult: how can those who have already left the world attain atonement through the actions of others? Don't they need to choose for themselves? Isn't this why a korban chatas which was owned by one who died may not be offered?

"The answer is that God tells us: 'A son brings merit to his father.' For example, if a father sins but he has a son who learns Torah due to his efforts, the son merited due to his father. In return, the father also merits thanks to his son's learning. If the fathers instruct their children to go in a positive way, they get the merit for this as well."¹

But the Maharitz, ז"ל, adds another dimension to this. "Every day of judgment we find that the books of the living as well as the books of the dead are opened.

Those who have passed on are also judged—either favorably or negatively—based on their children's actions in this world. This explains why the Gemara tells us that eglah arufah will atone for those who left Egypt. It is well known that the Jews did not leave Egypt due to their own merits; they were like a child who digs in a dung heap, since they had no mitzvah that could allow them to leave. They only merited to leave Egypt due to the good their children would later do. But murder among the Jewish people arouses a judgment on them and on the children as well, since they are not acting as they should. We need to atone for this, and so do our forefathers who left Egypt!"² ■

¹ ספר חסידים, תתע"א
² תורת מהרי"ץ, שופטים ■