

After a woman gives birth, she brings a korbon of a young lamb and a squab.

וְהִקְרִיבֹהּ לְפָנָי ה' וְכִפֶּר עָלֶיהָ וְטָהַרָהּ מִמִּקְרַח דָּמֶיהָ זֹאת תּוֹרַת הַיִּלְדָּה לְזָכָר אִוּ לְאִמָּהּ:

“And he (the Kohen) shall bring it close before HaShem, and make expiation on her behalf and purify her from the blood-source. This is the Law of giving birth to a male or female.” (Vayikra 12:7).

Why does she have to bring a chatos offering and get an atonement? The passuk says “וְכִפֶּר” “and he atones for her.” What is her sin? If it is not a sin, why does the passuk term it this way? Also, what is meant by “this is the Law of women who give birth?” Why does she bring an oleh (burnt offering) and not a todah (thanksgiving offering)?

Gemara Krisos 10b says *a woman brings korbonos on a sliding scale. If she is wealthy then a lamb and a pigeon. If she is poor two doves.*

Gemara Meila 19a says *one may not misuse hekdesh funds even to purchase a birds' nest for the birds to be used by women who gave birth. Even though both are kodesh, that is misappropriation.*

Gemara Niddah 31a says *she atones for the sin of thinking, while in labor, that she no longer wants to have relations with her husband.*

Gemara Niddah 38a says *only her blood makes her tammeh, but not the blood of childbirth. As it says 'her blood.'* (Vayikra 15:25). *It has to be hers, not caused by the neonate.*

Rashi learns from our passuk *in order for her to become tahar and be able to eat from hekdesh she must bring both korbonos. Omitting the chatos will preclude her from becoming tahar. It follows that even though she is actually in a state of tahara now—in regards to her blood—she is termed tameh until she brings the chatos.*

Ohr Chaim says *these two korbonos she brings, lamb and squab, are not dependent on each other. I would not know which is more important, except the Torah then spends more time talking about the atonement. The chatos, then, must be the truly necessary one.*

Daas Zekeinim says *similarly whether she saw blood all these days or did not, she has the same status and all blood is deemed tahar but she is deemed tameh, until she brings the korbon.*

Ibin Ezra learns *the kohen does not eat the bird. He only “offers it and brings it close.” This means he offers it but does not eat it.*

Chizkuni says *the Kohen offers all the korbonos, lamb and bird. "It" refers to the full korbonos package.*

Ramban explains *the atonement is a ransom for her life. Childbirth is very dangerous and because she made it out alive, with her child, she is now giving these korbonos.*

Rabbeinu Bachaya says, "וכפר עליה" "and atone for her, etc." The word כפרה, "atonement," is never used except when applicable to a sin. This is why the very institution of the chatos here strikes one as just as unique as that which the Torah demanded of the Nazir, the person who voluntarily abstained from wine, grape-associated products, and impurity (Bamidbar 6:14). What sin did the woman commit? If it is gratitude then the Torah should have said it was a todah offering. It is possible to understand the reason for this offering as not so much related to her as to her "mother," i.e. the first woman Chavah, who had committed the first chet as a result of which all women subsequently had to endure painful deliveries. Had Chavah not been guilty then women would have been spared all this.

There is much discussion about the chatos. However, what is the lamb? "And when the days of her purification have been completed, whether for a son or for a daughter, she shall bring a lamb in its first year as a burnt offering, and a young squab or a turtle dove as a sin offering, to the entrance of the Ohel Moed, to the kohen." (Vayikra 12:6). She brings the lamb as an oleh. She brings an oleh and a chatos but not a todah, a thanksgiving offering. What is the purpose of these korbonos, and why not a todah?

Avraham brought an oleh offering on Har HaMoriah. "'Please take your son, your only one, whom you love, Yitzchok, and go away to the land of Moriah and bring him up there for an oleh on one of the mountains, of which I will tell you." (Bereishis 22:2). The korbon oleh is explained, "Command Aharon and his sons, saying, 'This is the law of the korbon oleh: That is the burnt offering which burns on the altar all night until morning, and the fire of the mizbeach shall burn with it.'" (Vayikra 6:2). "If his sacrifice is an oleh offering from cattle, an unblemished male he shall bring it. He shall bring it willingly to the entrance of the Ohel Moed, before HaShem." (Ibid 1:3). The Oleh has these traits. It is a voluntary offering (unless commanded to bring one), it is not for any given purpose, and it must be burned completely and be burned all night. An oleh is the result of a person simply wanting to get closer to HaShem. Whether life is good, or hard, a person is moved *willingly* he brings the korbon oleh. Now, no one benefits from it, other than HaShem. The kohen does not eat any part of it. A sole benefit to the giver is that he comes closer to HaShem.

The lamb the woman brings is greater than a todah. A todah is a repayment for good someone sees in life. The woman, at this point, is at a crossroads. Her child may not live very long. Her child may not grow to be a righteous or successful person. Raising the child may be difficult. The woman went through a lot of pain to have that child. Yet, a child is the greatest gift. It is the gift of life and the longevity of her progeny. The oleh is the perfect korbon. She comes to the Mishkan or Beis HaMikdash and makes the statement, *I am moved to give a korbon to HaShem. A korbon that neither I nor the kohanim will eat from. Fully voluntary, and meant as a full token to the Creator.* It is a thanksgiving and a prayer at the same time. As she comes closer to HaShem so should her child.

It is the mother that gives this korbon, not the husband/father. The father can give a todah because his wife and child are alive and he did not suffer the pangs of childbirth. Also, while he is commanded to teach the child, the mother is the stable pillar of educating and rearing the child.

To understand the chatos portion, we first note that even without a Beis HaMikdash and the ability to bring korbonos a birthmother's bloods are tahar so that she is muttar to her husband after the prescribed time. No korbon necessary.

A chatos offering is not always for a specific sin. In fact, chatos itself is for a *possible* sin. "If a person sins unintentionally of all the commandments of HaShem, which may not be committed, and he commits of one of them unintentionally." (Ibid 4:2). Then he brings a korbon chatos. (Ibid 4:3). "If his sin that he committed is made known to him, he shall bring his korbon: an unblemished female goat, for his sin that he committed." (Ibid 4:28). If he never knows about it then he will never get the benefit of the korbon and atonement. "The hidden things belong to HaShem, our Lord, but the revealed things apply to us and to our children forever: that we must fulfill all the words of this Torah." (Devorim 29:28).

Atone, or "וְיִכַפֵּר" is used to atone for sins. However, it is also used on the day of inauguration of the Mishkan. "Approach the mizbeach and perform your korbon chatos and your korbon oleh, *aton*ing for yourself and for the people, and perform the people's sacrifice, *aton*ing for them, as HaShem has commanded." (Vayikra 9:7). There is no specific sin here that is being atoned for. It is a general atonement of possible previous sins. It is a deep cleanse.

We see when there is the combination of oleh with the chatos the chatos is not about a specific sin. It is a general cleansing. There may have been sins, likely there were, in the past—be

it known or unknown—purposeful or accidental. At certain stages a person is given the opportunity to combine an oleh and a chatos to cleans all sins and come close to Hashem.

We see this earlier. “And he shall offer up the second one as an oleh, according to the Law. Thus, the kohen shall make atonement for him, from his sin which he had committed, and he shall be forgiven.” (Ibid 5:10). The oleh combined with the chatos makes full atonement for unintentional sins known and then also a carte blanche for previous unknown or unatoned for sins.

The Nazir (ascetic) does the same. “He shall bring his offering to HaShem: one unblemished lamb in its first year as a korbon oleh, one unblemished ewe lamb in its first year as a chatos, and one unblemished ram as a shelamim.” (Bemidbar 6:14). It is not about atoning for a specific sin. When the Nazir went through his ascetic period, he did it to come close to HaShem. The oleh/chatos combination allows him to further do so. Same with the woman who went through trial by childbirth and now is facing rearing a child properly and healthily. This is the Law of a woman who gives birth to a male or female.

BONUS SHTIKEL

(This discussion only applies to the Torah law: Deoreissah. The Rabbinic laws are more complex.)

“Speak to the Bnei Yisroel, saying, ‘a woman that conceives and gives birth to a boy, and she is tameh seven days, just as the days of her separation tumah.’” (Vayikra 12:2). This means, blood or no blood, if there is bleeding after birth, after a conception, for seven days or less, then the woman is like a niddah separation for those seven days following a boy (and fourteen days following the birth of a girl). Then for thirty-three days following the niddah separation period (and sixty-six days following the birth of a girl) the woman shall be pure [to her husband] to be touched even if she sees blood. The caveat is that she shall still be tumeh not to touch anything hekdesch or kodesch and she may not enter the Beis Hamikdash (or Mishkan) until after the 40 complete days (7 and 33) and she immerses and brings her korbon.

If she gives birth to multiples, then it would seem the days to count are greater. So if she had a boy and girl, then it's 80 days total (14 of separation tumeh plus 66 days of non-separation tumeh). Multiple boys and multiple girls would just trigger one set of days, respectively.

There may be a case where these days do not apply. Gemara Niddah (27b and 40a) says that the conception is as important as the giving birth. One opinion would say she must give birth through the same canal she conceived through. This would exempt a cesarean section from triggering these tumeh days. The prevailing opinion is that the extra word “and she gives birth” in 12:5 would mean gives birth through any means. The other opinion uses this word to learn if the birth was to a child with uncertain if it is male or female, then the longer days would apply due to the uncertainty. The prevailing opinion uses the extra word in passuk 5 of “and she give birth” to mean that even if she gives birth to a still birth or miscarriage.

It is clear it is important that she “conceived” and that she then gave birth, otherwise there would be no purpose in saying she conceived. The passuk would just say “if a woman gave birth.” It is not obvious that she conceived. There are ways for a woman to give birth without “conceiving.” With in vitro fertilization the conception either happens mechanically (IUI) or the ready-made embryo is implanted into the uterus after the zygotes are joined in a lab (IVF). Now, it is possible to learn that since the passuk says “a woman that conceives” or “when a woman conceives” it is a more passive conception. It possibly could have said, “when a man is with a woman and she conceives” or “if a man and a woman conceive” or “if a woman shall conceive”

all a more active language. The passuk also could have left out “and if she conceives” according to the opinion that says the birth does not need to be the same canal as the conception and cesarean assisted births are included. There is no purpose for the Torah to talk about conception according to this view in the Gemara.

Our passuk simply says “when a woman conceives.” This would mean even if she was mechanically implanted with seed. It can also be referring to cases without consent, when she is ‘seduced’ or forced upon, and she conceives. This was not her choice, but she did conceive and she give birth (does not abort). The wording of the passuk would likely cover the situation of mechanical conception (IUI).

The passuk would then be saying that IVF (lab created embryo that is implanted) would not be covered by our passuk and when the woman gives birth, she does not trigger these tumeh days. She did not conceive (the lab did) and so she is excluded from the passuk. Now, the Gemara does say that the word “and she conceives” is used to learn out that even if the woman gives birth to a miscarriage that is unformed and like liquid (like seed that is used to conceive.”). However, this can be learned out of the extra word of “and gives birth,” too. All births, still, tumtum, and miscarriage trigger the tumeh days.

The extra word of “and she conceives” and making it passive would rule out conception by IVF. Further, if the woman who gives birth is not even the biological mother but a surrogate womb (the ready-made embryo of Shimon and Sarah are implanted into Devorah) then for sure this woman did not conceive (how could she?) and the tumeh days do not trigger. More so, if the surrogate would then give birth by cesarean section, then according to all opinions she could not possibly become more tameh than whatever blood she actually bleeds, but the excess days would not apply to her.