



Volume 11. Issue 33

Ahsam Talui

With the beginning of the fourth *perek*, we begin learning about an *Asham Talui* in more detail. As we learnt earlier (1:2) this *korban* is brought by one that had a doubt whether he violate a prohibition that would be punishable with *karet* if violated *be'meizid* (deliberately) or require a *korban chatat* if violated *be'shogeg* (inadvertently).

The *Gemara* (25a) explains that the *Torah* was concerned for people's welfare and therefore obligated one to bring this *korban* to protect them from any potential *yisurim* (affliction) that may be due to them if they indeed violated the prohibition. The *Sefer HaChinnuch* (128) explains, one should be careful and act cautiously in order to avoid sinning. The careless actions of person to the extent that they are unsure whether they transgressed, require a *korban* for atonement.

The first example brought is regarding one that has a doubt whether they had *cheilev* (forbidden fats) or regular *shuman*. The *Bartenura* explains that this case is where there was both *cheilev* and *shuman* before him and he ate one of them. The *issur* was definitely there, however he is not sure if he ate it. If however there was only one item and it is not clear if it is *cheilev* or *shuman* he would be exempt.

The second case brought in the *Mishnah* is where one ate *cheilev* however he is not sure if he ate the volume of a *kezayit*, the minimum amount required to obligate one to bring a *korban*. The *Bartenura* however comments that at the time when he ate it, he thought it was *shuman*. Only after he discovered it was *cheilev* and he is unsure regarding the volume.

The *Bartenura's* comment appears to relate to another question. What is the rule regarding a case where one consciously eats something he knows has doubt whether it is *cheilev*. *Rashi* here (17b) rules that in such a case one would be exempt since he acted deliberately (*be'meized*). Presumably, since if he ate *cheilev* deliberately he would not be able to bring a *korban*, the same is true for the *asham talui*.

The *Tosfot* (17a) agrees with *Rashi*, however explains that the reason why he is exempt is because he would not "*shav me'yidayoto*". In other words, one is only obligated bring a *korban* if he would not have engaged in the *issur* had he known it was *assur*. The *Chatam Sofer* notes that in general *eino shav me'yediyato* is regarding cases where one acted *be'shogeg* but regularly transgresses that prohibition anyway. His *shogeg* act is therefore defined as *meizid*. The intention here, where he is already acting *be'meizid*, is different. He explains that regarding the *Asham Talui* the *Torah* explains that (*YaYikra* 5:18): "he shall bring an unblemished ram... to the *Kohen*... for the inadvertence that he committed unintentionally and he did not know, and it shall be forgiven". At the time he would be obligated to bring the *asham talui* there has to be something new he has learnt now that would have prevented him from acting. For example, he thought it was *shuman* and learnt it was *safek cheilev*. In this case however no new detail is learnt.

The *Aruch La'Ner* comments that *Tosfot* did not explain like *Rashi* that the person's actions are defined as *meizid*. The reason is because this would mean that if he later learnt it was indeed *cheilev* then he would be exempt from bringing a *chatat*. Instead, the *Tosfot* can maintain that he is not *shav me'yediyato* with regarding to the *safek cheilev*, but is if it were really *chelev*.

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¹ The *Chatam Sofer* and *Aruch La'Ner* were taken from the *Yalkut Biurim*, 17a, *Metivta*.

Revision Questions

כריתות ג': א' ה': א'

- What is the law of one person said that one ate *cheilev* and another said he did not? (ג': א')
- Explain the debate where two witnesses testified that a person ate *cheilev* and he denied it. (א': ג')
- In what way is transgressing multiple transgresses harsher than transgressing one multiple times? (ג': ב')
- Regarding the previous question, in what way is it less harsh? (ג': ב')
- How long has one waited between eating two half-*kezaytim* such that they do not combine to obligate him to bring a *korban*? (Include both opinions.) (ג': ג')
- What is the discussion regarding the minimum quantity of wine one drinks such that it is forbidden to enter the *Beit Ha'Mikdash*? (ג': ג')
- How is it possible that one can eat one thing and be obligated to bring four *chata'ot* and one *asham*? (ג': ד')
- How is it possible for a person to have one relationship and be obligated to bring six/seven *chata'ot*? (Provide more than one case.) (ג': ה')
- How can one person be prohibited in eight ways? (ג': ו')
- How is it possible for a person to have a relationship with one person who is their sister, father's sister and mother's sister and what is the law in such a case? (ג': ו')
- What case is brought from which the *tumah* status of an *eiver meduldal* is derived? (ג': ח')
- What are the two understandings of the question that *Rabbi Akiva* asked, which *R' Yehoshua* attempted to derive the answer from the case of "five *tamchui'im*"? Explain. (ג': ט')
- Regarding the previous question how did *R' Akiva* respond? (ג': ט')
- How did *R' Eliezer* answer *R' Akiva's* question regarding one that performs many *melachot* (*be'shogeg*) on many *Shabbatot* and how did *R' Akiva* respond? (ג': י')
- When is one required to bring an *asham talui*? (ג': יד')
- What are the similarities regarding the obligation to bring a *chatat* and the obligation to bring an *asham talui*? (ג': יב')
- What are the four opinions regarding the debate between *R' Yehoshua* and *R' Eliezer* about the level of knowledge/intent that one must have in order to bring a *korban chatat*? (ג': יב' ג')
- If one consumed which specific blood are they punishable by *karet*? (Hard: what is the law regarding the other bloods listed?) (ה': א')

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Friday & Shabbat

10 minutes before *Mincha*
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Sunday -Thursday

Rabbi Mordechai Scharf
9:00am
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www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
7 th September י"ב אלול	8 th September י"ג אלול	9 th September י"ד אלול	10 th September ט"ו אלול	11 th September ט"ז אלול	12 th September י"ז אלול	13 th September י"ח אלול
Keritut 5:2-3	Keritut 5:4-5	Keritut 5:6-7	Keritut 5:8-6:1	Keritut 6:2-3	Keritut 6:4-5	Keritut 6:6-7

