



Bringing an Asham Together

The *Mishnah* (5:4) discusses a case where a piece of *kodesh* and *chulin* were resting on the table and a person ate one of these, but is unsure which of the two. Since one of the two is *kodesh*, there is a doubt whether the prohibition of *meilah* has been violated. If one does violate the prohibition of *meilah* inadvertently (*be'shogeg*), then they are required to bring a *korban ashem* and pay the value of what they benefited plus *chomesh* (an additional 25%) to *hekdesh*. Whether in a case of doubt an *asham talui* must be brought is the subject of debate. *R' Akiva* maintains the *korban* is brought, whereas the *Chachamim* argue that the *asham talui* is only brought in a case of doubt where if clarified, one would be required to bring a *chatat*.

The *Mishnah* continues by recording a further debate where one person ate one of the two pieces and another the other. *R' Akiva* maintains that since that the doubt applies to each of them, both must bring an *asham talui*. *R' Shimon* however argues that they can simply bring the definite *asham* and stipulate that it is being offered from the individual that truly requires it. *R' Yossi* however argues that two people cannot bring a *korban asham* together. We shall try to understand the position of *R' Yossi*.

The *Bartenura* explains that *R' Yossi* maintains that two people cannot bring the *korban* together since such a condition does not work for *korbanot*. The *Tosfot Yom Tov* clarifies that *R' Yossi* maintains that conditions do not work specifically for *korbanot* that are brought for a sin. What then should these two people do? The *Bartenura* continues, according to *R' Akiva* both would be required to bring an *asham talui* each, whereas the *Chachamim* argue that no *korban* would be brought. Interestingly, the *Bartenura* does not explain who *R' Yossi* agrees with.

The *Rambam* however explains that *R' Yossi* is the first opinion in our *Mishnah*. In other words, each would not be obligated to bring an *asham talui*.

The *Ramban* (*Shabbat* 71b) however explains that for one to bring a *korban asham*, *R' Yossi* requires *yedi'ah* (knowledge) from the outset. As explained, the *asham me'ilot* is brought in a case where the prohibition of *meilah* was violated *be'shogeg*, e.g. the person was unaware that the piece of meat was *kodesh* when he consumed it. *R' Yossi* however requires that the person initially knew that that piece was *kodesh*. In our cases there was no *yedi'ah* at the beginning. Consequently, even if it was later discovered which of the two pieces was indeed *kodesh*, the one that violated the prohibition would not be required to bring the *korban me'ilot*. It is for this reason that *R' Yossi* argues that they two individuals could not bring the *korban meilah* together.

The *Gra* (*Hahot HaGra Shabbat* 71b) brings a proof in support of the *Ramban*. Recall that two issues ago we discussed *R' Yossi's* opinion regarding the case of two women that miscarry, with only one requiring a *korban*, yet we are unsure which of the two that is. In that *Mishnah* (1:4) *R' Yossi* maintained that the two women could bring a single pair of birds and stipulate that they should be offered for she that required them. Note that in that case, *R' Yossi* maintains that the condition does work. The *Gemara* (*Keritot* 7b) questions the different positions and explains that for a *mechusar kapara* (*korbanot* brought at the end of the purification process thereby enabling one to partake in *korbanot*) *R' Yossi* agrees that such a condition would work. The *Gemara* probes why and answers that for a *chatat* (and therefore also an *asham*) one requires *yedi'ah* from the outset. This fits perfectly with the explanation of the *Ramban*.

Yisrael Bankier

Revision Questions

כריתות ג' ט' – ו' א'

- 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*? (ד' א')
- What are the similarities regarding the obligation to bring a *chatat* and the obligation to bring an *asham talui*? (ד' ב')
- 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*? (ד' ב'-ג')
- If one consumed which specific blood are they punishable by *karet*? (Hard: what is the law regarding the other bloods listed?) (ה' א')
- Explain the debate regarding whether one is obligated to bring an *asham talui* for *safek meilot*. (ה' ב')
- What was *R' Tarfon's* argument to *R' Akiva* regarding the previous question? (ה' ב')
- How did *R' Akiva* respond? (ה' ג')
- What is the law regarding a piece of *kodesh* meat and a piece of regular meat where: (ה' ד')
 - One person ate both?
 - Two people ate one each but it is not known which person ate the *kodesh* piece?
- What other case is brought that is similar to the previous question? (ה' ה')
- What is the law regarding the previous question if one piece was *kodesh* and the other *cheilev*? (ה' ו')
- What is the law if one piece was *cheilev* and the other *cheilev kodesh*? (ה' ז')
- What is the law regarding a piece *cheilev* and a piece of *cheilev notar* where: (ה' ח')
 - One person ate both one after the other?
 - Two people ate one each but it is not known which person ate the *cheilev notar*?
- What are the opinions regarding one that brings an *asham talui* and the matter was clarified that he did not sin: (י' א')
 - Before the *korban* was slaughtered?
 - After the *korban* was slaughtered?

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf
9:00am
Kollel Magen Avraham
Reemon Neighbourhood

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
7 June ט"ז סיון	8 June ט"ח סיון	9 June י"ט סיון	10 June כ"א סיון	11 June כ"ב סיון	12 June כ"ג סיון	13 June כ"ד סיון
Keritot 6:2-3	Keritot 6:4-5	Keritot 6:6-7	Keritot 6:8-9	Meilah 1:1-2	Meilah 1:3-4	Meilah 2:1-2

