



Not Having a Brit Millah

Masechet Keritot begins my listing the thirty-six prohibitions that are punishable with *karet*. *Karet* is considered a severe punishment and exactly what it is, or even the types of *karet*, is discussed in the *Rishonim*. The necessity of listing the prohibitions is because if one violated one of them inadvertently (*be'shogeg*), they would be obligated to bring a *korban chatat*. The exception is the two positive *mitzvot* for which the punishment of *karet* is also applied – offering the *korban pesach* and having a *brit millah*. We shall focus on the latter.

A question that is debated is when is one liable to *karet* for not having a *brit millah*. The *Rambam* (*Milah* 1:2) rules that if one decidedly did not have a *brit millah*, everyday he is violating the positive *mitzvah*. Nevertheless, he is only liable to *karet* if he died having deliberately chosen not to have a *brit millah*.

The *Raavad* however disagrees. Instead he maintains that when a person deliberately does not have a *brit millah*, every day that passes, he is “standing in a *karet* prohibition”.

The *Kesef Mishnah* explains that according to the *Raavad*, the individual is fit for the punishment of *karet* of the category where ones years are reduced. If, however he has a *brit millah*, he will exempt himself of this punishment. He notes that since he can redeem himself, he is not “completely” obligated in *karet*. Nonetheless since he is violating the *mitzvah* by not having a *brit*, he is standing in the prohibition of *karet* and worthy of punishment. Regarding the position of the *Rambam*, the category of *karet* cannot be life shortening, since he is only liable if he died deliberately uncircumcised. Consequently, the punishment must be of a spiritual nature.

The *Minchat Chinuch* (2) provides an additional practical difference. He maintains that according to the *Rambam*, if at the time the person died he finally wanted to have a *brit millah* but it was out of his control (he was *be'ones*) then he

would be exempt. According to the *Raavad* however, since he was immediately liable, being *be'ones* towards the end of his life will not help.

The *Chazon Ish* (*Nashim* 148) cites the *Shitah Mekubetz* who deals with the following question. The *Gemara* taught that one is not obligated to bring a *korban chatat* for inadvertently violating the *mitzvah* of not having a *brit millah* because it is not actively violated. The *Tosfot* asks, that the reason appears unnecessary. The *Gemara* should have taught that one is not liable because once he learns of his mistake, he can simply have a *brit millah*, thereby removing (or preventing) the issue of *karet*? This question applies to both the *Raavad* and *Rambam*'s understanding.

The *Chazon Ish* then cites the *Shitah Mekubetz* who answers, that it was still necessary for the *Gemara* to provide this reason because of the following case. If the person subsequently became a *saris* making it impossible to have a *brit millah*, then he would be liable to *karet* according to all opinions. It was therefore necessary to teach that even in that situation, if it came about *be'shogeg*, the person would not be liable to bring a *korban chatat*.

The *Griz* cites a similar question of the *Tosfot*: what practical difference is there that the punishment is *karet* for *millah*, considering that it is only applied after the person died?¹ The *Griz* provides a different practical difference – the *par helem davar shel tzibur*. Recall that there is a special *korban* that must be brought by the *Sanhedrin*, if they ruled in error regarding a detail of a prohibition that is punishable with *karet* and most people followed this ruling. He explains that the practical difference is that this *korban* would need to be brought for an errant ruling regarding *brit millah*. He is not bothered that an individual would not practically be able to bring a *chatat*², because for the *par helem davar shel tzibur* it is only important that it relates to a *mitzvah* that is punishable with *karet*.

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¹ The question appears to be based on the *Rambam*'s understanding, whereas the *Tosfot*'s answer is in line with the *Raavad*'s.

² It appears that the *Griz* does not accept the *Shitah Mekubetz*'s understanding since he explains that if the member was severed, it would be *ones* and only liable according to the *Raavad*.

Revision Questions

תמורה ה' ה' – ז' ז'

- Is it considered *temurah* if one attempts to transfer the sanctity from one animal to another (using the language of *mechulelet*)? (ה' ה')
- Is it considered *temurah* if one says “this animal is in place of a *chataf*”? (ה' ז')
- What is the difference if one declares, regarding an animal unfit for a *korban*, that it is “an *olah*” (הרי אלו עולה) or it is “for an *olah*” (הרי אלו לעולה)? (ה' ז')
- List the eight animals that cannot be offered on the *mizbeach*. (ז' ז')
- What is the law if these animals are mixed with many others? (ז' ז')
- What is the case of an *etnan*? (ז' ז')
- Provide two examples of a *mechir kelev*. (ז' ז')
- What is the source for why a *mechir zonah* and *etnan kelev* are *mutar* to offer on the *mizbeach*? (ז' ז')
- What other law is learnt from that *pasuk*? (ז' ז')
- Does the law of *etnan zonah* apply to money? (ז' ז')
- What is the rule regarding to what items the law of *etnan zonah* applies? (ז' ז')
- What is the source for why the law of *etnan zonah* applies to birds and why would we have thought otherwise? (ז' ז')
- Explain the debate regarding whether a *vlad treifah* can be used as a *korban*? (ז' ז')
- What does *R' Channinah ben Antigonus* add to the list of animals that cannot be used as a *korban*? (ז' ז')
- What is the law regarding a *korban* that became a *treifah*? (ז' ז')
- What laws apply to *kodshei mizbeach* that do not apply to *kodshei bedek ha'bayit*? (ז' ז')
- What four laws apply to *kodshei bedek ha'bayit* that do not apply to *kodshei mizbeach*? (ז' ז')
- What laws listed apply equally to both and which one is the subject of a debate? (ז' ז')
- What are the *issurei hana'ah* that must be buried and which one is the subject of a debate? (ז' ז')
- What are the *issurei hana'ah* that must be burnt? (ז' ז')
- How does *tameh trumah* differ from those items referred to in the previous question? (ז' ז')
- Is one allowed to burn that which must be buried? (ז' ז')

כריתות ז' ז'

- How many prohibitions listed in the *Torah* are punishable with *karet*? (Hard: Can you list them?) (ז' ז')

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15 February כ"ח שבט	16 February כ"ט שבט	17 February ל' שבט	18 February א' אדר	19 February ב' אדר	20 February ג' אדר	21 February ד' אדר
Keritot 1:2-3	Keritot 1:4-5	Keritot 1:6-7	Keritot 2:1-2	Keritot 2:3-4	Keritot 2:5-6	Keritot 3:1-2

