



Not Having a Brit Millah

Masechet Keritot begins by 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 Mekubetzet* 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 Mekubetzet*’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' – ז' :

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

כרייתות א': א'

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

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שבת קודש	Friday	Thursday	Wednesday	Tuesday	Monday	Sunday
21 February ד' אדר	20 February ג' אדר	19 February ב' אדר	18 February א' אדר	17 February לי שבט	16 February כ"ט שבט	15 February כ"ח שבט
Keritot 3:1-2	Keritot 2:5-6	Keritot 2:3-4	Keritot 2:1-2	Keritot 1:6-7	Keritot 1:4-5	Keritot 1:2-3