



Korban Oleh Ve'Yored Revisited

The first two *perakim* of *Masechet Shevuot* discuss *yediyot ha'tumah*. The *Mishnah* teaches that if one became *tameh*, forgets this fact, enters the *Beit HaMikdash* or eats from a *korban* while *tameh*, and only after is made aware of this transgression, the person must bring a *korban oleh ve'yored*. The *korban* that is offered varies with one's financial position. A wealthy person brings an animal; a poor person offers a pair of birds; and an even poorer person brings a meal offering. We discussed the *korban oleh ve'yored* previously (see 10(28)) analysing and contrasting the other cases where this *korban* is offered. In this issue we shall ask a different question: can a poor person bring the *korban* that is meant to be offered by someone wealthy?

Whether or not the poor person can in our case of *yediyot ha'tumah* appears to be the subject of debate. The *Rambam* (*Shegagot* 10:13) rules that he can. The *Sefer HaChinnuch* (123) however disagrees and argues that the poor person would not fulfil his obligation if he brings the wealthy *korban*. He explains that "since *Hahem* had mercy on him, it is incorrect to pressure himself to bring more than he can afford". The *Sefer HaChinnuch* draws a general principle from this case that one should not spend more than he can afford, for this leads to theft when one subsequently requires their basic needs and can no longer afford them.

The *Chatam Sofer* (*Shabbat* 132a, s.v. *ha*) cites the question of the *Maharach Alpantri*, who notes that the *Sefer HaChinnuch* appears to contradict a *Mishnah*.¹ The *korbanot* offered during the purification of a *metzora* is another case where the *korban olah ve'yored* is offered. The *Mishnah* (*Negaim* 14:12) teaches that if a poor

metzora offered the *korban* required of a wealthy *metzora*, then it would be effective. How then can the *Sefer HaChinnuch* rule to the contrary?

The *Sefat Emet* (*Yoma* 41b s.v. *gufa*) differentiates between the case of *metzora* and ours. He explains that for the *metzora*, both the wealthy and poor man offer the same types of *korbanot*, albeit from different creatures. Both offer a *chatat* (sin offering) and *olah* (burnt offering). Consequently, if a poor *metzora* were to "upgrade" his *korban*, he would still offer the required *chatat* and *olah*. Our case is different because the *korban* offered by the wealthy individual is only a *chatat*, while the pair of birds is a *chatat* and *olah*. Consequently, the poor person's requirements are different, and they would not be satisfied with the wealthy *korban*.

The *Chatam Sofer* however suggests that *korban oleh ve'yored* serves a different purpose in these two cases. As already stated, the *korbanot* in the case of the *metzora* is part of the purification process. The *Torah* affords a leniency to the poor person allowing him to bring a simpler *korban*. If he nonetheless wants to bring the more expensive option, it would be considered praiseworthy. In our case however, the *korban oleh ve'yored* achieves an atonement. The *korban* that achieves this end is designated to everyone according to their means. If one brings a different *korban*, it would be tantamount to bringing an unconsecrated animal into the *Beit HaMikdash*. Consequently, a poor person would not be able to offer the wealthy person's *korban*.

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¹ Other *Achronim* cite this question in the name of the *Mishneh LeMelech*.

Revision Questions

מכות ג' ח' – ט"ז

- What other two prohibitions that apply to a *nazir* share the same law? (ג': ח')
- When is one liable for multiple sets of lashes for wearing *shatnez*? (ג': ח')
- For what single action can one be liable for eight sets of lashes? (ג': ט')
- Describe the debate regarding the previous question. (ג': ט')
- How many lashes constitutes a "set" of lashes? (ג': י')
- According to *R' Yehuda* where was the extra blow administered? (ג': י')
- What is the limitation given when determining how many lashes a person can receive? (ג': י"א)
- What is the law if it was determined that a person could receive a full amount, but once the lashes begun, it was clear the person could not bare the full amount? (ג': י"א)
- If someone was to receive two sets of lashes, how was the evaluation of how much the person could bare determined? (Provide both scenarios.) (ג': י"א)
- Describe how the person was prepared for lashes? (ג': י"ב)
- Describe the whip that was used for lashes? (ג': י"ב)
- How long was the whip? (ג': י"ג)
- Where was the offender struck? (ג': י"ג)
- What else occurred during lashes? (ג': י"ד)
- What is the law if the offender died during lashes? (ג': י"ד)
- When would the striker be sent to *galut*? (ג': י"ד)
- What is the law regarding *chayavei krittut* that receive lashes? (ג': ט"ו)
- What does *R' Shimon* learn from the *p'sukim* relating to *karet*? (ג': ט"ו)
- What does *R' Chananya ben Akashya* say and the end of the *masechet*? (ג': ט"ז)

שבועות א' – ה'

- Which three areas of *halacha* are "*shtayim she'hein arba*"? Explain. (א': א')
- When is someone obligated to bring a *korban oleh ve'yored* for a *shevuah*? (א': ב')
- For the other cases, what is *mechaper*? (א': ב'-ג')
- What are the two opinions for what is a *mechaper* for a person that did not have *yediyah* at all? (א': ד')
- What is *R' Meir's* opinion with respect to the function of the *se'irim*? (א': ד')
- Describe the debate around the opinion of *R' Shimon*? (א': ד')
- How does *R' Shimon ben Yehuda* differ in his understanding of *R' Shimon*? (א': ה')

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Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
19 May י"ד אייר	20 May ט"ו אייר	21 May ט"ז אייר	22 May י"ז אייר	23 May י"ח אייר	24 May י"ט אייר	25 May כ' אייר
Shevuot 1:6-7	Shevuot 2:1-2	Shevuot 2:3-4	Shevuot 2:5-3:1	Shevuot 3:2-3	Shevuot 3:4-5	Shevuot 3:6-7

