



## Lost and Found Korban

The *Mishnah* (7:4) teaches that if one finds an animal close to *Yerushalaim*, one needs to be concerned that it is a *korban*. If it is a male animal it is assumed to be an *olah*, and if it is a female it is a *shelamim*. The *Bartenura* explains that the reason is that most male animals were offered as *olah* offerings, whereas most female animals as *shelamim*.

The *Tosfot Yom Tov* however cites the *Gemara* (*Kidushin* 55a) that does not make any assumption regarding the nature of the animal. For example, since the male could also be a *shelamim*, one needs to wait for it to develop a blemish. After that one separate two animals to be brought as an *olah* and *shelamim* and stipulates that if the animal was an *olah* then its *kedusha* is transferred to the animal that will now be brought as an *olah* and the other animal one volunteers to bring as a *shelamim*. If however it was a *shelamim*, the opposite is true. Since a male *korban* could also be an *asham*, the case must be that the animal was too young for it to be brought as an *asham*. Similarly since an *asham metzora* and *asham nazir* are rare, that possibility is ignored.

Regarding the female animal, since a *chatat* can be brought from that animal, the assumption is the animal is in its second year and too old for that purpose. If however it was indeed in its first year, then one would need to be concerned that it was a *chatat* and the animal would need to be left to die.

The *Bartenura* however makes no reference to all qualifications and conditions cited by the *Tosfot Yom Tov*. How then can this animal be offered as one *korban* when it might indeed be another?

The *Yerushalmi* (according to the *Gra's* reading) understands our *Mishnah* differently. The *Gemara* initially suggests transferring the *kedusha* of the animal, without waiting for it develop a *mum*. Even though, normally deliberately doing so would not work, in this case *Beit Din* allowed it. The *Gemara* then asks, even though it might work, one is still not allowed to do so (unless the animal developed blemish)! The *Gemara* responds, like the *Bartenura*, that instead we simply rely on the fact that most male animals were *olah* offerings and most female animals

were *shelamim*. The *Gemara* continues by explaining that just like *Beit Din* rule that money that is found between the chest for obligatory and voluntary *kinim* (bird offerings) are offered as *olot* (even though it may have been funds for a *chatat*) the same is true that any male animals found are offered as *olot*. Note that no redemption or stipulation is required. In other words, the animal might indeed be a *shelamim*, yet it can nevertheless be offered as an *olah* based on this “*tenai beit din*” - a condition set forth by the *beit din*. It would seem then that the *Bartenura* is following the *Yerushalmi's* understanding of the *Mishnah*.

Granted that it is a *tenai beit din* how does the *tenai* work?

The *Mikdash David* (19:2) has the reading of the *Yerushalmi* as printed. In other words the *Gemara* justifies the use of the animals, that just as there is a *tenai beit din* that excess funds are used to purchase *olot*, the same is true for these *korbanot*. He explains that since we cannot identify the owner of this lost animal, it cannot be offered. It is therefore considered like excess funds, in that it cannot be used for what it was originally intended. Consequently, its original designation is annulled, and *Beit Din* can then decide on its purpose. (See *Tosfot Shevuot* 10a).

*R' Chaim* (on the *Yerushalmi*) however reads the *Yerushalmi* like the *Gra* as cited above. Therefore, he explains that when consecrating money to be used for a *korban* it is done dependent on the agreement of *beit din*. In the case of the money that is found between the two different chests, the money can be used for *olah* offerings even if they may have originally be consecrated for a *chatat*. That is because when they were originally set aside for that use, there was an implicit condition that if they were lost, the originally consecration would not take affect such that they can now be used for *olah* offering without any concerns. The same is true therefore regarding these animals. Interestingly, the difference between the *Mikdash David* and *R' Chaim* is that according to the *Mikdash David* the *tenai beit din* relates to what is done with the animal after it loses its *kedusha* whereas according to *R' Chaim* the *tenai beit din* is what enables the change in *kedusha* to occur at all.

## Revision Questions

שקלים ו' א' – ח' א'

- What three things were numbered thirteen in the *Beit Ha'Mikdash*? (א: ו')
- How did they interpret the strange death of a *kohen* that was recounting a structural imperfection in the *Beit Ha'Mikdash* and what was the imperfection? (ב: ו')
- How many gates were there in the Northern, Southern, Western and Eastern faces of the *Beit Ha'Mikdash*? (ג: ו')
- Which gates had no names? (ג: ו')
- What were the marble and silver tables that were by the ramp of the *mizba'ech* used for and on which side of the ramp were they located? (ד: ו')
- What were the marble and gold tables that were inside the *ulam* used for and where were they located? (ד: ו')
- Explain the debate regarding the use of the *shofarot* labelled “*kinim*” and “*gozlei olah*”? (ה: ו')
- What is the minimum that one must provide if they vowed to bring: (ו: ו')
  - Wood?
  - Frankincense?
  - Gold?
- What was done with the coins donated for a *nedava*? (ו: ו')
- What was done with coins found in between piles of coins for: (א: ז')
  - *Shekalim* and *nedava*?
  - Wood and frankincense?
  - Mundane use and *ma'aser sheni*?
- What was done with coins found: (ב: ז')
  - Before animal traders in *Yerushalaim*?
  - On *Har Ha'Bait*?
  - In *Yerushalaim*? (Give two scenarios)
- What was done with limbs and cut up meat of animals found: (ג: ז')
  - In the *Azarah*?
  - In *Yerushalaim*?
  - Outside *Yerushalaim*?
- What was done with animals found just outside *Yerushalaim*? (ד: ז')
- Why did the *Chachamim* revert their decree that the person that finds a *korban* must provide the required *nesachim*? (ה: ז')
- What were the seven decrees by *Beit Din*? (ו: ז')
- According to *R' Meir*, when is spit found in *Yerushalaim* assumed to be *tameh*? (ח: ז')
- According to *R' Yosi*, during the year, what part of the road was travelled by *tameh* people? (ח: ז')

## Shiurim

### ONLINE SHIURIM

*Yisrael Bankier*  
mishnahyomit.com/shiurim

*Rabbi Reuven Spolter*  
mishnah.co

*Rabbi Chaim Brown*  
www.shemayisrael.com/mishna/

*Rabbi E. Kornfeld*  
*Rabbi C. Brown*  
http://www.dafyomi.co.il/calend  
ars/myomi/myomi-thisweek.htm

### APPS

*Mishnah Yomit*  
mishnahyomit.com

*All Mishnah*  
Orthodox Union

*Mishna Yomi*  
Our Somayach, South Africa

*Kehati*

### SHIUR ON KOL HALOSHON

*Rabbi Moshe Meir Weiss*  
In US dial: 718 906 6400  
Then select: 1 – 2 – 4

## Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
21 May א' סיון	22 May ב' סיון	23 May ג' סיון	24 May ד' סיון	25 May ה' סיון	26 May ו' סיון	27 May ז' סיון
Shekalim 8:2-3	Shekalim 8:4-5	Shekalim 8:6-7	Shekalim 8:8 - <b>Yoma 1:1</b>	Yoma 1:2-3	Yoma 1:4-5	Yoma 1:6-7

