



Karet and Lashes

The fifth *perek* of *Chulin* opens by discussing *oto ve'et beno* – the prohibition of slaughtering the mother animal and its offspring on the same day. After the *Mishnah* teaches that the *oto ve'et beno* can apply to regular animals as well as *korbanot*, the *Mishnah* raises different cases where, depending on where the two animals were slaughtered, different punishments would be applied. One case is where both the animals were *korbanot* and both were slaughtered outside the *Beit HaMikdash*.

Other than the prohibition of *oto ve'et beno*, it is also prohibited to slaughter a *korban* outside the *Beit HaMikdash* – a prohibition that is punishable with *karet*. The *Mishnah* teaches that for slaughtering the first animal one would be liable to *karet*. This makes sense as already explained. One however would not be liable to *karet* for slaughtering the second animal on that day. That is because after the first animal was slaughtered, the second one is not fit to be brought as a *korban* that day due to the prohibition of *oto ve'et beno*. Consequently, the prohibition of offering a *korban* outside would not be violated. The *Mishnah* continues that one would however be liable to lashes for each of the *korbanot* that were slaughtered. The first for offering a *korban* outside, and the second due to *oto ve'et beno*.

To explain, one would be liable to lashes if they were forewarned against violating a prohibition that is normal punishable with *karet*. A difficulty raised on this *Mishnah* is that in *Makkot* (3:15) we learn that if one received *lashes* for such a prohibition, then they would not be liable to *karet*. If that is the case, how then can our *Mishnah* teach that one would be liable to both *karet* and lashes for slaughtering the first animal, this *korban* outside the *beit ha'mikdash*?

The *Tosfot Yom Tov* cites the *Tosfot* who explains that our *Mishnah* simply argues with the one in *Makkot*. The *Tosfot Yom Tov* however cites the *Rambam* that cites both these rulings. In other words that one exempt from *karet* if they received lashes as well as the ruling in our *Mishnah*. He therefore suggests that the *Mishnah* is discussing two situations. If the person was warned then he is liable to lashes, otherwise it would be *karet*. One or the other. This is also how the *Tifferet Yisrael* explains that *Mishnah*.

The *Achiezer* (20:6) however cites the *Rambam's* position (*Peirush Mishnayot, Makkot* 3) that if one received lashes, they are only exempt from *karet* if they did *teshuva*. With this explanation he answers our question. The individual that slaughters the first *korban* outside is indeed liable to both lashes and *karet* until he does *teshuva*.

The *Achiezer* however continues that the *Rambam* in the *Mishnah Torah* appears to have changed his position from his commentary on the *Mishnah*. In *Hilchot Sanhedrin* (17:7) he rules that once he received lashes he would return to his original *kashrut* and be exempt from *karet*. There is no mention of *teshuva* in that *halacha*. In *Hilchot Teshuva* (1:1) however he explains that one that is liable to lashes does not achieve a *kapara* after receiving lashes unless they performed *teshuva*. How do we explain this apparent contradiction?

The *Achiezer* therefore differentiates but the sin being wiped away and removing the punishment. They are two separate things. In other words, one how is liable to *karet*, if they received lashes, whilst the punishment of *karet* is removed, they sin remains until *teshuva* is performed.¹

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¹ The *Chatam Sofer* (*Chulin* 79b) explains our *Mishnah* in a similar way. However, with respect to the *Rambam*, the *Chatam Sofer* (*Shut OC* 174) explains that there is no contradiction, and it is assumed that he is only exempt from *karet* with *teshuva*. He however adds that if he has done

teshuva, why then should he still receive *malkut*? He explains, referring to the *arbah chilukei kapara*, that for an *issur karet*, full *kapara* is only achieved with *yissurim*. *Malkut* would satisfy for that.

Revision Questions

חולקין ג' ז' – ו' א'

- What are the signs indicating that a *chagav* is kosher? (ג': ז')
- What are the signs indicating that a fish is kosher? (ג': ז')
- If a baby calf extends which limb outside its mother is it considered born and for what law is this important? (א': ד')
- How is an animal foetus different from the animal's other limbs? (א': ד')
- What is one advised to do if a *beheimah* is having severe difficulty in delivering its first offspring? (ב': ד')
- What are the two opinions regarding when a miscarried animal foetus is a *neveilah* and regarding which animals do they argue? (ג': ד')
- What is the law regarding an animal foetus that extended its limb outside the mother and was severed prior to the mother being slaughtered? (ד': ד')
- Explain the debate regarding the previous question when the limb was severed after the mother was slaughtered. (ד': ד')
- What is the law regarding a foetus found inside a slaughtered animal? (ה': ד')
- Regarding the previous question, which specific case is debated? (ה': ד')
- When does a severed leg render an animal a *treifah*? (ו': ד')
- What is an *ever medulda* and when is it *kosher* (after *shechita*)? (ו': ד')
- When is a placenta found in slaughtered animal able to become *tameh*? (ז': ד')
- What is the law regarding a placenta expelled from an animal that had not yet give birth? (ז': ד')
- What is the law regarding the animals and the people who slaughter a cow and its offspring on the same day:
 - When they are regular animals?
 - When they are *kodshim* and slaughtered outside the *Beit Ha'Mikdash*?
 - When they are *kodshim* and slaughtered inside the *Beit Ha'Mikdash*? (א': ה')
 - When the first is *chulin* and the second is *kodshim*, slaughtered inside? Outside?
 - When the first is *kodshim* and the second is *chulin*, slaughtered inside? Outside?
 - When they are both:
 - *Chulin* and the first is slaughtered inside and the second outside?
 - *Kodshim* and the first is slaughtered inside and the second outside?
 - *Chulin* and the first is slaughtered outside and the second inside?
 - *Kodshim* and the first is slaughtered outside and the second inside? (ב': ה')
- Does the law of *oto v'et b'no* apply today? (ה': ה')
- What is the law regarding the prohibition of *oto v'et b'no* when: (ג': ה')
 - One of the animals was a *treifah*?
 - One of the *shechitas* was invalid?
- How many sets of lashes does one receive if they: (ג': ה')
 - Slaughtered the mother animal and then its two children?
 - Slaughtered its children first?
- At what times in the year is a seller required to inform the buyer that he also sold the mother animal? (ה': ג')
- What other law applies to these times in the year? (ה': ד')
- What is the definition of one day for the law of *oto v'et b'no*? (ה': ה')
- To what animals does the law of *kisui ha'dam* apply? (א': ו')

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
9 November י"ח חשוון	10 November י"ט חשוון	11 November כ' חשוון	12 November כ"א חשוון	13 November כ"ב חשוון	14 November כ"ג חשוון	15 November כ"ד חשוון
Chulin 6:2-3	Chulin 6:4-5	Chulin 6:6-7	Chulin 7:1-2	Chulin 7:3-4	Chulin 7:5-6	Chulin 8:1-2

