



Unexpected Twin Korbanot

The fifth *perek* discusses various cases regarding a pregnant animal where one consecrated the foetus as a *korban*, with the type of *korban* depending on the gender. The first case was used to demonstrate how one could avoid a first born animal from having the sanctity a *bechor*. The *Mishnah* explains that if one stipulated that if the offspring is male, then he wants it to be an *olah* from that moment, the declaration works. The reason is that since a *bechor* attains its *kedusha* only once it is born, the *kedusha* of an *olah* preceded it.

The second *Mishnah* discusses a case where after a similar declaration, the mother gave birth to two males. The *Mishnah* rules that one of the two animals is offered as a *korban olah* (as stipulated). The other can be sold to someone who is obligated to offer a *korban olah* and the proceeds of the sale is consider *chulin* – regular money with no *kedusha*.

How do we understand the ruling of the *Mishnah*? If the stipulation affects both animals, then both should be offered by the owner as *korbanot olah*. If it effects only one, then why must the second be sold to someone obligated to bring a *korban olah*?

The *Rashash* explains that it is true that only the first animal has the *kedusha* of an *olah*. The issue addressed in this *Mishnah* is that we do not know which of the two animals was born first. The *Mishnah* therefore teaches that the owner sells the animal that was born second, to someone else – whichever of the two that animal is. The animals are then offered at the same time with the *kohen* having in mind that each is offered for whoever the animal truly belongs to. Put simply, our case is then like a case of one that has a mixture of a *korban olah* and regular animal. The *Rashash*'s answer explains why the proceed of the sale is considered regular money, because what was sold, was not a *korban*.

The *Tifferet Yisrael* however explains that one of the two animals has *kedusha* but not necessarily the first. To determine which of the two, we would need to rely on the principle of *bereira* – retroactive selection. In other words, once born, we would need to select now, which of the two animals were originally designated at the time of the declaration. The *Tifferet Yisrael* explains, that for biblical prohibitions, we cannot rely on the principle of *bereira*. Consequently, both animals must be considered *korbanot olah*. Nevertheless, with respect to the monetary aspect, since the individual only wanted to volunteer one animal as a *korban*, he can keep the money earned from the sale of the second.

Rashi (24b) explains, “the *kedushat olah* applies to both animals, since he stipulated, ‘if it is a male, it shall be an *olah*’; however, since he only vowed to bring one animal, one animal is offered for his *neder* and the second is sold to someone that requires an *olah* and the money is *chulin*.” *Rashi*'s explanation sound similar to the *Tifferet Yisrael* above, where both animals have definite *kedusha* of an *olah*.

The *Chazon Ish* however argues that it is difficult to understand that this is *Rashi*'s intention. The *Gemara* (24b) teaches that if we had a similar case, but where the mother was a *korban*, then one animal would be an *olah* while the other would have the same *kedusha* as the mother. If *Rashi* is to be understood as we explained above, then both animals must be considered *korbanot olah*.

Consequently, the *Chazon Ish* explains the *Rashi* in a similar manner to the *Rashash* above. In other words, one of the animals has *kedusha* of a *korban olah* and the second is *chulin*. However, we are unsure which of the two animals is which¹. In other words, when *Rashi* states “it applies to both” it means the *safek* applies to both animals and both must be treated with *kedusha*. Consequently, we have a mixture of an *olah* and *chulin* and the only solution is to sell one of the *olot* and offer both together (as explained above).

Yisrael Bankier

¹ Unlike the *Rashash* who explains that it is the first of the two born and the doubt is because we do not know which of the two were born first, it appears

that according to the *Chazon Ish*, the doubt would still exist even if we know which one was born first.

Revision Questions

תמורה ד' א' – ו' ד'

- What are the five *chata'ot metot*? (ד' א')
- Can one gain benefit from one of these animals? (ד' א')
- Does the law of *temurah* apply to these animals? (ד' א')
- What is the law if money that was set aside for a *chataf* was misplaced, another sacrifice was then offered instead and then the money was found? (ד' ב')
- Regarding the previous question, what if the money was found only after other money was set aside in its place? (ד' ג')
- What is the law if an animal that was set aside for a *chataf* got lost, money was set aside in its place and then the animal was found with a *mum*? (ד' ג')
- Regarding the previous question, what if an animal was set aside in its place and both were found to have developed *mumim*? What if both were *temimot*? (ד' ג')
- What is the law regarding an animal that had a *mum* that was set aside for a *chataf*? (ד' ד')
- When making what declaration is it possible for one to legally prevent a first born animal from becoming a *bechor behema*? (ה' א')
- What is the law if one declared regarding the foetus of a an animal that had not given birth, that if it is male it is sanctified as an *olah* and if it is female it is sanctified as a *shlamim* and the animal gave bird to:
 - A male?
 - A female?
 - A male and female? : (ה' א')
 - A *tumtum*? (ה' ב')
- What is the law if one made a declaration regarding the foetus in a similar manner to the previous question and the animal gave bird to: (ה' ב')
 - Two males?
 - Two females?
- What is the law if one declares that the foetus shall be an *olah* and the animal a *shlamim*? (ה' ג')
- Explain the debate, regarding the previous question when it is the other way around. (ה' ג')
- Explain the debate regarding one that declared that an animal is a “*temurat olah* and a *temurat shlamim*”. (ה' ד')
- 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' ו')
- 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' ו')
- List the eight animals that cannot be offered on the *mizbeach*. (ה' א')
- What is the law if these animals are mixed with many others? (ה' א')
- What is the case of an *etnan*? (ה' ב')
- Provide two examples of a *mechir kelev*. (ה' ג')
- What is the source for why a *mechir zonah* and *etnan kelev* are *mutar* to offer on the *mizbeach*? (ה' ג')
- What other law is learnt from that *pasuk*? (ה' ג')
- Does the law of *etnan zonah* apply to money? (ה' ד')
- What is the rule regarding to what items the law of *etnan zonah* applies? (ה' ד')
- What is the source for why the law of *etnan zonah* applies to birds and why would we have thought otherwise? (ה' ד')

Melbourne, Australia

Sunday -Thursday
10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat
10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Efrat, Israel
Shiur in English

Sunday -Thursday
Rabbi Mordechai Scharf
9:00am
Kollel Magen Avraham
Reemon Neighbourhood

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mishnahyomit.com/shiurim

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
17 May כ"ג אייר	18 May כ"ד אייר	19 May כ"ה אייר	20 May כ"ו אייר	21 May כ"ז אייר	22 May כ"ח אייר	23 May כ"ט אייר
Temurah 6:5-7:1	Temurah 7:2-3	Temurah 7:4-5	Temurah 7:6 - Keritot 1:1	Keritot 1:2-3	Keritot 1:4-5	Keritot 1:6-7

