



Volume 5. Issue 32

Perfect Timing

The last *Mishnah* of the first *perek* of *Masechet Keritut* mentions the case of a woman that has had numerous births or numerous instances of *zava tum'ah*. The law is that such a woman is obligated to bring one *korban*, and only then is she permitted to eat from *kodshim*. However, following this, she still is obligated to bring *korbanot* for each of times she gave birth (or each of times she became *tameh*)¹.

The *Mishnah* brings a case following this where the price of birds in *Yerushalaim* increased to a gold dinar (25 silver *dinarim*). *Rabban Shimon Ben Gamliel* responded by entering the *Beit Midrash* and teaching the opposite of the *Tana Kama* – after a woman has had a number of births (or *zavot*) she is only obligated to bring one *korban* to permit her from eating *kodshim* and she has no other obligatory *korbanot* to offer. The point of this ruling was to soften the demand for birds fit for *korbanot* and therefore ease prices. Following this ruling the price of birds went down to a quarter of a silver *dinar*!

The question is asked: How could *Rabban Shimon ben Gamliel* issue a decree that blatantly disregarded the *Torah* law. *Rabbi Ovadya MiBartenurah* states that he was able to do this because of a *pasuk* in *Tehillim* (119:126), “*Et la'asot L'Hashem, heferu Torahtecha*” (“It is a time to act for Hashem; they have nullified your law”). The *Gemara* in numerous places² discusses this concept whereby in order to fulfil *Hashem's* will, the *Chachamim* are able to permit (at certain times of great need) acting in a manner which brings about a nullification of His Laws. Thus, in this instance, *Rabban Shimon Ben Gamliel* felt it appropriate to nullify the *Halacha* of bringing supplementary obligatory bird offerings, since he felt that the prices were so high that it led to women being unable to bring even the first obligatory *korban*. Subsequently, these women would be at risk of eating *kodshim* in a state of *tum'ah*.

The *Tifferet Yisrael* provides another explanation. The general rule is that *Chachamim* have the authority to override a *Torah* law if deemed necessary at the time. It

is debated in what exact cases they have this authority. All agree however that they are able regarding a law that is a “*shev v'al ta'aseh*”³, where the *Chachamim* instruct one to remain passive. This is indeed the case here for the woman and her *korbanot*.

The *Tifferet Yisrael* however argues, in this case there was no requirement to override a *Torah* law at all. This is because we have a separate concept of “*Ones Rachmana Patrei*” (“The *Torah* makes an *Ones* exempt”). In other words, one who is restricted from doing a *mitzvah* by something out of his control is exempt from that performing that *mitzvah*. Therefore in this case, since the bird offerings are currently too expensive there should be no *chiyuv* on the woman at all! By the letter of the law, the woman should be *patur* until the prices of the birds begin to fall, and then her *chiyuv* would return.

The *Tiferet Yisrael* answers that theoretically, that would be the case. Ideally, *Rabban Shimon Ben Gamliel* did not have to make a decree which overrode the *Torah* law as the woman would be *patur*. However, had *Rabban Shimon Ben Gamliel* not made his decree, then the forces of supply and demand would still drive the prices. That is, there would still be people in the market that could afford to pay for the numerous bird offerings that they would have been obligated to bring at the higher price. Therefore had *Rabban Shimon Ben Gamliel* not made his decree, the prices would have stayed high. It is only due to his ruling that caused the easing of demand for bird offerings which led to his intended outcome - cutting prices.

We see from here the extreme lengths that the *Chachamim* will go to in order to ensure that a person does not transgress a serious *aveirah*. *Rabban Shimon Ben Gamliel* issued a ruling that effectively cancelled a *mitzvat asseh* (the obligation for the woman to bring the remainder of her sacrifices) in order to save the woman from incurring possible *karet* (eating *kodshim* in a state of *tumah*).

Yehuda Gottlieb

¹ This is a *D'oraysa* law (see *Vayikra* 12:7)

² *Gittin* 60a; *Yoma* 69a; *Brachot* 54a, 63a

³ See *Gittin* 90a

Revision Questions

כריתות א' ג' – ג' א'

- Explain the debate between *Beit Shammai* and *Beit Hillel* regarding a woman that miscarries on the eighty-first night after giving birth to a girl. (א': א')
- What is the law regarding a woman that has experienced multiple births and it is doubtful in each case whether she must bring a *korban*? (א': א')
- What did *Rabban Shimon ben Gamliel* do to fight the inflated price of birds? (א': א')
- What are the four *mechusarei kapparah*? (א': ב')
- For which four prohibitions does one bring a *korban* whether it was transgressed *be'shogeg* or *be'meizid*? (ב': ב')
- For which five prohibitions does one bring one *korban* for multiple transgression? (ב': ג'-ד')
- For which five prohibitions does one bring a *korban oleh ve'ored*? (ב': ד')
- What are the differences between a *shifcha charufah* and other prohibited relationships? (ב': ד')
- What is a *shofcha charufah*? (ב': ה')
- What is the law regarding forbidden relationships where: (ב': ו')
 - One party was a *katan*?
 - One party acted *be'shogeg* and the other *be'meizid*?
- What is the law of one person said that one ate *cheilev* and another said he did not? (ג': א')
- Explain the debate where two witnesses testified the a person ate *cheilev* and he denied it. (ג': א')
- In what way is transgressing multiple transgressions harsher than transgressing one multiple times? (ג': ב')
- Regarding the previous question, in what way is it less harsh? (ג': ב')
- How long has one waited between eating two half-*kezaytim* such that they do not combine to obligate him to bring a *korban*? (Include both opinions.) (ג': ג')
- What is the discussion regarding the minimum quantity of wine one drinks such that it is forbidden to enter the *Beit Ha'Mikdash*? (ג': ג')
- How is it possible that one can eat one thing and be obligated to bring four *chata'ot* and one *asham*? (ג': ד')
- How is it possible for a person to have one relationship and be obligated to bring six/seven *chata'ot*? (Provide more than one case.) (ג': ה')
- How can one person be prohibited in eight ways? (ג': ו')

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
7 th December י' כסלו	8 th December י"א כסלו	9 th December י"ב כסלו	10 th December י"ג כסלו	11 th December י"ד כסלו	12 th December ט"ו כסלו	13 th December ט"ז כסלו
Keritut 3:7-8	Keritut 3:9-10	Keritut 4:1-2	Keritut 4:3-5:1	Keritut 5:2-3	Keritut 5:4-5	Keritut 5:6-7

