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In honor of Chag Matan Torateinu, we are honored to have Rabbi Reuven Spolter, founder of the Mishnah Project, share insights from the current Mishnah Yomi.

Message in the Mishnah: Is Ignorance of the Law an Excuse?

Thoughts gleaned from the Mishnah, studied as part of the global Mishnah Yomit program. This week's Mishnayot: Keritot 3:3 – 5:5

I first met Pavel (not his real name) at the Lauder Summer Camp for the Jewish community of Poland in the summer of 2018. His story, while fascinating, was not unusual in today's growing Polish Jewish community. Pavel told me that his grandmother on her deathbed confessed

that she could not depart the world without telling him that she – and therefore he – was Jewish. His grandmother was one of many Jews, who upon returning to Poland after the Holocaust, decided that it would be better, and safer, to hide their Jewish roots.

Let's imagine though that Pavel had made his discovery after the rebuilding of the Beit Hamikdash (*bimheirah b'yameinu*). Learning that he is Jewish, Pavel travels to Israel to study about his heritage, and ultimately decides to keep a life of Torah and mitzvot (which he in fact did!). For the first thirty years of his life, Pavel never kept Shabbat, nor kashrut, nor any other mitzvah. He unknowingly violated any number of Torah prohibitions. Would he have to offer a *Korban Chatat* – a Sin offering – in the Beit Hamikdash? Or could he plead ignorance and be exempted from the sacrifice?

The answer lies in a debate found in the first Chapter of *Keritot*.

The tractate of *Keritot* is named for the thirty-six transgressions punishable by

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karet (a terrible spiritual punishment). Yet, most of the tractate focuses on the conditions that would mandate the offering of a *Korban Chatat* – a Sin Offering. The Mishnah (Keritot 1:2) explains that, “For these [thirty-six transgressions] one is liable to *karet* if committed intentionally, and if committed unwittingly to a *Chatat*.” What does it mean to commit a sin “unwittingly”?

Rabbi Ovadia Bartenura in his classic commentary on the Mishnah, explains that the person had to understand that an behavior was forbidden generally, but not know that his or her specific action was prohibited. For example,

“One who transgressed Shabbat [because he] thought that it was a weekday [is liable]...but a person who says that the act is completely permissible...if he says believes there is no [commandment] of Shabbat in the Torah...this is not unwitting, but instead an *ones* [a coerced action for which he is not liable].”

Rambam disagrees. He writes,

“A great general principle was stated with regard to the violation of the Shabbat prohibitions: Anyone who forgets the fundamental principle of the Shabbat, failing to recall that the Jews were commanded to observe the Sabbath or was captured and taken among gentiles while a child or converted in his childhood and remained living among gentiles, he is liable for only one sin-offering even though he performed many forbidden labors on many different Sabbatot, for it is all one lapse of

awareness.” (Laws of Shogeg 7:2)

According to Bartenura, because Pavel had the status of a *tinok shenishbah* – a child captured at a young age, raised with no knowledge of Judaism – he could not be held liable for any sinful behavior he unwittingly had committed. Rambam agrees that Pavel had no way of avoiding his transgressions. But to his mind, that’s exactly the purpose of the *Korban Chatat*: to bring atonement for unwittingly committed sins, whether one knew about them or not. ■

Rabbi Reuven Spolter is the Founder of the Mishnah Project which spreads the study of Mishnah around the world. You can join the Mishnah Yomit program by subscribing on WhatsApp at bit.ly/dailymishnah



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