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Pesachim Daf 92

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### **Tzvi Gershon Ben Yoel (Harvey Felsen) o”h**

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

MISHNAH: An onein<sup>1</sup> performs tevillah and eats his pesach-offering in the evening, but [he may] not [partake] of [other] sacrifices.<sup>2</sup> One who hears about his dead [for the first time],<sup>3</sup> and one who collects the bones [of his parents],<sup>4</sup> perform tevillah and eat sacred meat.<sup>5</sup> If a convert was converted on Erev Pesach, — Beis Shammai maintain: he performs tevillah and eats his pesach-offering in the evening; while Beis Hillel rule: one who separates himself from [the state of] uncircumcision is like one who separated himself from a grave.<sup>6</sup> (91b4 – 92a1)

GEMARA: What is the reason? — He holds: [The law of] aninus at night is Rabbinical [only], and where the pesach-offering is concerned they did not insist on their law, since it involves kares;<sup>7</sup> but in respect to sacrifices [in general] they insisted on their law, seeing that [only] a positive mitzvah is involved.<sup>8</sup> (92a1)

<sup>1</sup> One whose close relative passed away and has not been buried yet.

<sup>2</sup> An onein may not eat the meat of sacrifices. By Scriptural law a man is an onein on the day of death only, but not at night; the Rabbis, however, extended these restrictions to the night too. Since, however, the pesach-offering is a Scriptural obligation, they waived their prohibition in respect of the night, and hence he may eat of it. He is not tamei, but requires tevillah to emphasize that until the evening sacred meat was forbidden to him, whereas now it is permitted. In respect of other sacrifices the Rabbinical law stands, and he may not partake of them.

<sup>3</sup> On the day when a man is informed of the death of a near relative, e.g., his father, he is an onein by Rabbinical law, even if death took place earlier.

<sup>4</sup> He too is a mourner on that day by Rabbinical law.

One who hears about his dead etc. one who collects bones? — But he requires sprinkling on the third and the seventh [days]?<sup>9</sup> — Say: One for whom [his parent's] bones were collected.<sup>10</sup> (92a1)

A convert who was converted etc. Rabbah bar Bar Chanah said in Rabbi Yochanan's name: The controversy is in respect of an uncircumcised gentile, where Beis Hillel hold: [He is forbidden to eat in the evening] as a preventive measure lest he become defiled the following year [by the dead] and he argues, 'Did I not perform tevillah last year and eat [of the pesach-offering]? So now too I will perform tevillah and eat.' But he will not understand that the previous year he was a gentile and not susceptible to tumah, whereas now he is an Israelite and susceptible to tumah. While Beis Shammai hold: We do not enact a preventive measure. But with regard to an

<sup>5</sup> In the evening. This applies to all sacrifices, for since even during the day he is an onein by Rabbinical law only, the Rabbis did not extend his aninus to the evening.

<sup>6</sup> He must be sprinkled upon with the water of purification on the third and seventh days after the circumcision; hence he is not yet fit in the evening.

<sup>7</sup> Since the neglect of the pesach-offering involves kares, they waived their law.

<sup>8</sup> It is a positive mitzvah to eat of one's own sacrifice, but the violation of this law does not involve kares.

<sup>9</sup> The Mishnah was understood literally as meaning that he himself gathered them; but these defile just like a corpse, and he is tamei for seven days, and must be sprinkled upon on the third and the seventh days.

<sup>10</sup> By others: he himself is nevertheless regarded as an onein on that day.



uncircumcised Israelite<sup>11</sup> all agree that he performs tevillah and eats his pesach-offering in the evening, and we do not preventively forbid an uncircumcised Israelite on account of an uncircumcised gentile.<sup>12</sup>

It was taught likewise, Rabbi Shimon ben Elozar said: Beis Shammai and Beis Hillel did not differ about an uncircumcised Israelite, [both agreeing] that he performs tevillah and eats his pesach-offering in the evening. About what do they differ? About an uncircumcised gentile, where Beis Shammai rule: He performs tevillah and eats his pesach-offering in the evening; while Beis Hillel maintain: He who separates himself from uncircumcision is as though he separated from a grave. (92a1 – 92a2)

Rava said: [In the case of] an uncircumcised person, sprinkling, and a knife, they [the Sages] insisted on their enactments [even] where kares is involved;<sup>13</sup> [in the case of] an onein, a metzora and beis ha-peras,<sup>14</sup> they did not insist on their enactments where kares is involved. ‘An

uncircumcised person,’ as stated.<sup>15</sup> ‘Sprinkling,’ for a Master said: Sprinkling is [forbidden as] a shevus, yet it does not override the Shabbos.<sup>16</sup> ‘A knife,’ as it was taught: Just as one may not bring it [sc. a knife for circumcision] through the street, so may one not bring it by the way of roofs, court-yards, or enclosures.<sup>17</sup> ‘An onein,’ as we have stated. What is this [law of] ‘a metzora’? For it was taught: A metzora whose eighth day fell on Erev Pesach<sup>18</sup> and who had a nocturnal discharge [keri] on that day,<sup>19</sup> performs tevillah<sup>20</sup> and eats [the pesach-offering in the evening].<sup>21</sup> [For] the Sages said: Though a tevil yom may not enter [the Levitical Camp], this one does enter:<sup>22</sup> it is preferable that a positive mitzvah which involves kares<sup>23</sup> should come and override a positive mitzvah which does not involve kares.<sup>24</sup> Now Rabbi Yochanan said: By the law of Torah there is not even a positive mitzvah in connection with it, for it is said, And Yehoshaphat stood in the congregation of Judah and Jerusalem, in the house of Hashem, before the new court. What does ‘the new court’ mean? That they innovated a

would be done another day, but Rava means that to the mitzvah of circumcision there is attached the penalty of kares.

<sup>18</sup> When a metzora was healed from his leprosy he waited seven days, performing tevillah on the seventh, and brought his sacrifices on the eighth. When he brought these he was still not permitted to enter the Temple Court (the camp of the Shechinah) but stood at the east gate (the gate of Nikanor). whose sanctity was lower (it was regarded as ‘the Levitical camp’), while the Kohen, standing inside the Temple Court, applied the blood and the on to the thumbs and the great toes of the metzora.

<sup>19</sup> Before he had offered his sacrifices. A ba'al keri might not enter even the Levitical Camp.

<sup>20</sup> Again. Though he had performed tevillah the previous day, that was on his tzaraas, whereas now he performs it on account of his discharge.

<sup>21</sup> Thus after the tevillah he would bring his sacrifices for tzaraas.

<sup>22</sup> For his purification services.

<sup>23</sup> Sc. the pesach-offering.

<sup>24</sup> Sc. that a tevil yom must not enter the Levitical Camp. That is derived in Gemara Nazir from, ‘he shall be tamei; his tumah is yet upon him’; since that is an affirmative statement, the injunction likewise counts as a positive mitzvah. Its violation does not involve kares.

<sup>11</sup> Who was circumcised on Erev Pesach.

<sup>12</sup> I.e., through fear that if the former is permitted it may be thought that the latter is permitted too.

<sup>13</sup> I.e., though thereby a Scriptural command, failure to observe which involves kares, is disregarded.

<sup>14</sup> Peras is half the length of a hundred-cubit furrow, hence fifty cubits; beis ha-peras is the technical designation for a field a square peras in area, declared tamei on account of crushed bones carried over it from a plowed grave. Its tumah is Rabbinical only.

<sup>15</sup> Beis Hillel forbid him to eat of the pesach-offering as a preventive measure, which is only a Rabbinical enactment.

<sup>16</sup> Thus on account of a shevus, which is a Rabbinical prohibition, the tamei person may not participate in the pesach-offering.

<sup>17</sup> Karpaf, pl. karpafs, is an enclosure not more than two se'ahs in area (this is slightly over seventy cubits square). If the eighth day of birth, when a child must be circumcised, falls on the Shabbos, the knife must be brought the previous day. If it was forgotten, however, it must not be brought on the Shabbos, even by way of roofs, etc., carrying on which is forbidden by Rabbinical law only, and circumcision must be postponed, notwithstanding that failure to circumcise involves kares. — Actually no kares would be incurred in the present case, since it

law there and ruled: A tevil yom must not enter the Levitical Camp.<sup>25</sup> **'Beis ha-peras'**: for we learned: Now Beis Shammai and Beis Hillel both agree that we examine [a beis ha-peras] for the sake of those who would offer the Pesach,<sup>26</sup> but we do not examine [it] for those who would eat terumah.<sup>27</sup> How is it examined? Said Rav Yehudah in Shmuel's name: He sifts the beis ha-peras as he proceeds.<sup>28</sup> Rav Yehudah bar Abaye said in Rav's name: A beis ha-peras which was [thoroughly] trodden down is tahor.<sup>29</sup> (92a2 – 92b1)

WE SHALL RETURN TO YOU, HA'IAHAH

#### CHAPTER IX

**MISHNAH:** He who was tamei or in a journey afar off and did not offer the first [pesach] must offer the second. If he unwittingly erred or was accidentally prevented and did not offer the first, he must offer the second. If so, why is a tamei person and one who was in a journey afar off specified? [To teach] that these are not liable to kares, whereas those are liable to kares. (92b3)

**GEMARA:** It was stated: If he was in a journey afar off<sup>30</sup> and they slaughtered [the pesach-offering] and sprinkled [its blood] on his behalf, — Rav Nachman said: It is

<sup>25</sup> Since this was all innovation, it is only Rabbinical, and as seen above, it was waived for the sake of the pesach-offering.

<sup>26</sup> If there is no other way to reach Jerusalem in time to sacrifice the pesach-offering save by crossing a beis ha-peras, the field is examined and they pass through it.

<sup>27</sup> If a Kohen wishes to go somewhere to eat terumah and his way lies across a beis ha-peras, he cannot examine it but must take a circuitous course, even if this delays him a day or more. — One who passes over the beis ha-peras becomes tamei, and may not partake either of the pesach-offering or of terumah.

<sup>28</sup> He takes up the earth en route and sifts it, to see if any small bones are hidden there, and if there are none he is tahor.

<sup>29</sup> As it is assumed that every bone which may be there has been reduced to less than the size of a wheat, which is the minimum standard for conveying tumah 'through contact' or treading upon it. Therefore, if a man sees this he may cross it to sacrifice

accepted;<sup>31</sup> Rav Sheishes said: It is not accepted. Rav Nachman said, It is accepted: The Divine Law indeed had compassion on him,<sup>32</sup> but if he kept [the first], a blessing come upon him! While Rav Sheishes said, It is not accepted: The Divine Law did in fact suspend him, like a tamei person.<sup>33</sup> Rav Nachman said, From where do I know it? Because we learned: He who was tamei or in a journey afar off and did not offer the first [pesach] must offer the second; from where it follows that if he wished, he could offer it. And Rav Sheishes? -He can answer you: If so, the second clause which teaches: If he unwittingly erred or was accidentally prevented and did not offer the first, he must offer the second: [will you argue that] since he [the Tanna] states: and did not offer, it follows that had he desired he could have kept it? But surely he had unwittingly erred or been accidentally prevented! Hence [you must answer that] he teaches of deliberate neglect together with these;<sup>34</sup> so here too [in the first clause] he teaches about an onein together with these.<sup>35</sup> Rav Ashi said: Our Mishnah too implies this,<sup>36</sup> for it is taught: These are not liable to kares, while those are liable to kares; now to what [does this refer]? Shall we say, to one who errs unwittingly or is accidentally prevented? Are then he who errs unwittingly and he who is accidentally prevented subject to kares!<sup>37</sup> Hence it must surely [refer] to a deliberate offender and an onein. And Rav Nachman? -He

the pesach-offering, but not to eat terumah. Now the tumah of a beis ha-peras is only Rabbinical, and as we see here this law was waived somewhat in favour of the pesach-offering.

<sup>30</sup> He can reach Jerusalem by nightfall in time to eat the offering, but not by day when the offering is sacrificed.

<sup>31</sup> The sacrifice is valid, and he does not offer the second pesach.

<sup>32</sup> By providing him the opportunity of a second pesach.

<sup>33</sup> So that he is not permitted to offer the first.

<sup>34</sup> I.e., though it is not specifically stated, yet the words 'and did not offer' can only apply to such, and he is therefore to be understood as included in the Mishnah.

<sup>35</sup> I.e., the Mishnah is to be read in the first clause as including onein. He could have offered the first pesach had he desired, and it is to this that the words 'and did not offer' refer.

<sup>36</sup> That the first clause includes also onein.

<sup>37</sup> Certainly not!



can answer you: In truth it refers to a deliberate offender alone, and logically he should have taught, he is liable [in the singular]; but the reason that he teaches, they are liable is that because the first clause teaches they are not liable, the second clause teaches they are liable. Rav Sheishes said: From where do I know it? Because It was taught, Rabbi Akiva said: Tamei' is stated and 'in a journey afar off' is stated: just as a tamei [person] is one who has the means of offering it, yet must not offer it, so [a man 'in ] a journey afar off' means one who has the means of offering it, yet he must not offer it. And Rav Nachman? He can answer you: Rabbi Akiva is consistent with his view, for he holds: One must not slaughter and sprinkle on behalf of a person tamei through a sheretz; whereas I agree with the view that one slaughters and sprinkles on behalf of a person tamei through a sheretz. (92b3 – 93a1)

#### INSIGHTS TO THE DAF

The Gemora explains Beis Hillel's statement that a gentile who converted on Erev Pesach cannot eat the korban pesach that night, as "whoever separates from the foreskin is like separating from the grave." Beis Hillel does not mean that he is actually impure as if he touched the dead. Rather, it is a decree that he cannot eat the korban, as we are scared that next year he will become impure right before pesach and think that he can just go to the mikveh and eat the korban, just as he did the previous year. Beis Shamai does not make this decree.

The Sfas Emes asks that Beis Hillel didn't have to establish an uncommon scenario that he will become impure before next pesach. They could have said that he will become impure by coming in contact with the dead anytime after pesach! He will think that he can just go the mikveh and eat kodshim, when in fact he must wait seven days. Why didn't the Gemora make the decree due to a more common case?

The Sfas Emes answers that in fact, Beis Shamai agrees to Beis Hillel that during the year a gentile who converts must wait seven days before eating any kodshim, so he will not make this mistake that one can always eat kodshim soon after becoming impure. They merely argue that this decree should not be applied when it comes to him missing his Torah obligation of korban pesach. Beis Hillel says that the decree applies despite the fact that he will miss bringing the korban pesach. It is possible, the Sfas Emes continues, that everyone agrees that during the year a regular Jew would also need to wait for seven days to avoid the reasoning of this decree.

#### DAILY MASHAL

#### **Pesach Sheini**

The Sefas Emes writes that Pesach Sheini represents the opportunity of people who had sullied themselves with aveiros to become pure and draw close to Hashem (Likutim, Kodem Shavuos). The mitzva of Pesach Sheini was granted as a result of people who were *tamei* and unable to offer the Korban Pesach in its proper time. They came to Moshe Rabbeinu to protest that they too wanted to bring the korban. "Wait and I will hear what Hashem has commanded for you," Moshe said (Bamidbar 9:8).

R' Tzadok HaKohen explains that this mitzva was drawn down from *Shomayim* as a result of the heartfelt yearning of the Jewish people to perform the mitzvos. In truth, there was no fault in these *tamei* people. They were not to be punished or scorned for failing to bring the Korban Pesach; they were simply exempt. Yet they did not suffice with this excuse. They wanted so badly to do this mitzva, that Hashem granted it to the entire Jewish people in their merit (Pri Tzadik, Pesach Sheini).