



## Arel

The *Mishnah* (5:3) teaches that if one slaughters a *korban pesach* exclusively for people that were not appointed to be part of that *korban pesach*, for *areilim* (uncircumcised men) or people that are *tameh* then the *korban* is invalid. We shall try to understand the law of the *areilim*.

An *arel* (uncircumcised male) is not allowed to partake in the *korban pesach*. There can however, be different situations in which one might be an *arel*. Either because that person deliberate refused to have a *brit millah*. Alternatively, it may be that he is not allowed to have one. That case would be if he had other brothers that died because of having a *brit millah*. Does the law prohibiting an *arel* from being part of a *korban pesach* apply to all *areilim*?

The *Tosfot* (*Chagigah* 4b, s.v. *demerabe*) cites a debate between *Rashi* and *Rabbeinu Tam* regarding this matter. According to *Rashi*, even an *arel* that is *halachically* forced to be so, is forbidden from having a *korban pesach*. *Rabbeinu Tam* however disagrees, arguing that such an *arel* would be allowed. How do we understand this debate?

The *Atvan Deoraita* explains that the debate relates to how we understand the case of *oness*. The exemption in the case of *oness* is learnt from the case of rape. The context there is the exemption relating to the violation of a negative *mitzvah*. With respect to a positive *mitzvah* however, how it works is not clear. It could either be that one is complete exempt from that *mitzvah* – the *mitzvah* does not apply to that person. Alternatively, the *mitzvah* still exists, yet one is simply unable to perform it.

A practical difference is found in the debate between the *Derisha* and the *Taz*. Normally, if one misses a *tefillah*, then one must *mashlim* – recited *shemonah esrei* in the next

*tefillah* twice. If however one was in a situation of *oness* when they missed the *tefillah*, there is debate whether the obligation of *tashlumin* applies. If *oness* means that one was exempt, then there is no need for *tashlumin*. If however the obligation was still in place, then one would need to be *mashlim*.<sup>1</sup>

The *Atvan Deoraita* uses this distinction to explain the debate between *Rashi* and *Rabbeinu Tam* above. According to *Rabbeinu Tam* one is completely exempt in the case of *oness*. Consequently, since there is no obligation for this *arel*, he may take part in the *korban pesach*. According to *Rashi* however, even though this *arel* is *oness*, the obligation is still there – it is just that he is unable to fulfill it. Consequently, since the obligation is in place, he is an *arel* that is not allowed to partake in the *korban pesach*.

The *Atvan Deoraita* however continues by proving that *Rashi* appears to maintain that an *oness* for this *arel* is completely exempt. He however further suggests that there is a difference between this *arel* and a regular case of *oness*. In this case, the *Torah* explicitly exempts the *arel* due to the risk to his life (*ve'chai bahem*).

Perhaps we can suggest a different basis for the debate between *Rashi* and *Rabbeinu Tam*. Both can agree that the *arel* is completely exempt. Nevertheless, they might argue regarding why an *arel* is not allow to partake in the *korban pesach*. *Rabbeinu Tam* might understand that an *arel* in this context is one that is obligated to have a *brit millah*. Since he is not obligated, he can eat from the *korban pesach*. According to *Rashi* however it is a function of whether this person is physically an *arel* irrespective of whether he is obligated to have a *brit millah*. Consequently, he cannot have any of the *korban pesach*.<sup>2</sup>

**Yisrael Bankier**

<sup>1</sup> See the *Atvan Deoraita* who answers that there is a difference regarding the type of *mitzvah*. If it is a *mitzvah ben adam le'makom* (between man and Hashem) then in a case of *oness* one is completely exempt. For *mitzvot bein adam le'chaveiro*, the obligation is still there even if one is not able to fulfil it at that moment (e.g. *maake*, paying off a loan, etc).

<sup>2</sup> This distinction may help to explain the following point. An *arel kohen* is also not allowed to eat *terumah*. The *Gemara* (*Yevamot* 71a) discusses whether a new born baby *kohen*, less than eight days old, can have *terumah* oil rubbed on their skin. Interesting the *Rambam* rules like the *Yerushalmi* (*Shabbat*) that the baby for the first seven days is not considered an *arel*. On the night of the eighth, before the day on which he can have a *brit millah* he is considered an *arel*. Interestingly, even though there is no obligation for this child to have a *brit millah* until the morning, its body, is already defined as an *arel*.

### Revision Questions

פסחים ג' ח' – ה' ד'

- If someone leaves *Yerushalaim* with *kodshim* in his hand, after which point is he not required to return to the *Beit Ha'Mikdash* and can simply burn it where he is? (ג' ח')
- Regarding the previous two questions, list the opinions regarding the minimum measure of the *chametz* or *kodshim* for which one must return? (ח' ה')
- Whether one performs *melacha* in the morning of *erev Pesach* depends on the custom of the place. What if a person, coming from a place that does not do *melacha* travels on the morning of *erev Pesach* to a place that does do *melacha*? (א' ד')
- What law regarding *Shmittah* shares a similar ruling to that of the previous question? (ד' ב')
- What law regarding animal trade shares a similar ruling to that of the previous question? (ג' ד')
- Some places have the custom of not eating meat on the night of *Pesach* prepared in which manner? (ד' ד')
- During which festival is lighting candles dependant on local custom? (ד' ד')
- Even though whether or not people work on *Tisha B'Av* is dependant on local custom, which people do not work, regardless of their location? (ה' ד')
- From when does *Beit Shammai* prohibit work on *erev Pesach*? (ה' ד')
- What is *R' Meir's* opinion regarding the previous question? (ד' ו')
- Which three professions do the *Chachamim* permit to work till *chatzot* on *erev Pesach* regardless of local custom? (ו' ד')
- In what manner can one clean an animal's waste from its pen on *erev Pesach*? During *Chol Ha'moed*? (ו' ד')
- Can one take his utensils to be mended on *erev Pesach* if they are not required for the festival? (ד' ו')
- What were the three customs of the people of *Yericho* that the *Chachamim* objected to? (ח' ד')
- What were the three customs of the people of *Yericho* that the *Chachamim* accepted? (ד' ח')
- What were the three things *Chizkiyah HaMelech* did that the *Chachamim* objected to? (ט' ד')
- What were the three things *Chizkiyah HaMelech* did that the *Chachamim* accepted? (ד' ט')
- During the year, when was the afternoon *tamid* offering slaughtered and offered? (ה' א')
- On *erev Pesach*, when was the afternoon *tamid* offering slaughtered and offered? (ה' א')
- Regarding the previous question, when was the *tamid* offered even earlier? (ה' א')
- What are the four processes that must be performed for the purpose of the *korban Pesach*, otherwise it would invalidate the *korban*? (ב' ה')
- Is the *korban Pesach* valid if it was slaughter (in mind) for the sake of the people that had a share in the *korban* as well as other who did not have a share? (ה' ג')
- Is the *korban Pesach* valid if it was slaughtered before noon? (ה' ג')
- Is the *korban Pesach* valid if it was slaughtered before the *korban tamid*? (ה' ג')
- What does the *Mishnah* mean when it say that if someone slaughters the *korban Pesach* "on *chametz*" they have transgressed a negative prohibition? (ד' ה')

### Shiurim

#### ONLINE SHIURIM

*Yisrael Bankier*  
[mishnahyomit.com/shiurim](http://mishnahyomit.com/shiurim)

*Rabbi Reuven Spolter*  
[mishnah.co](http://mishnah.co)

*Rabbi Chaim Brown*  
[www.shemayisrael.com/mishna/](http://www.shemayisrael.com/mishna/)

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

#### APPS

*Mishnah Yomit*  
[mishnahyomit.com](http://mishnahyomit.com)

*All Mishnah*  
 Orthodox Union

*Mishna Yomi*  
 Our Somayach, South Africa

*Kehati*

#### SHIUR ON KOL HALOSHON

*Rabbi Moshe Meir Weiss*  
 In US dial: 718 906 6400  
 Then select: 1 – 2 – 4

### Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
2 April י"א ניסן	3 April י"ב ניסן	4 April י"ג ניסן	5 April י"ד ניסן	6 April ט"ו ניסן	7 April ט"ז ניסן	8 April י"ז ניסן
Pesachim 5:5-6	Pesachim 5:7-8	Pesachim 5:9-10	Pesachim 6:1-2	Pesachim 6:3-4	Pesachim 6:5-6	Pesachim 7:1-2

