



## When the Kohanim are Tameh

When individuals become *tameh met*, they are unable to offer the *korban pesach* on *pesach* and must do so a month later, on *pesach sheni* instead. The *Mishnah* (7:6) however teaches that if the population or a majority of the population become *tameh*, then the *korban pesach* is nevertheless offered in a state of *tumah*. The *Mishnah* adds that this would also be the case if the *kohanim* were *tameh*. The *Bartenura* explains that even those individuals who are *tameh* would offer their *korban pesach* on *Pesach*, since the *korbanot* are being offered by the *kohanim* who are *tameh*.

Recall that the *kohanim* were divided into twenty-four *mishmarot* that were rostered to work in the *Beit HaMikdash* on a weekly basis. Each *mishmar* was divided into *batei av* that were rostered on a daily basis within that week. The *Rambam* (*Bi'at Mikdash* 4:14) explains that if some of one *beit av* was *tameh*, then only those that were *tahor* would serve. If all the *beit av* was *tameh* then a different *beit av* would serve. If the whole *mishmar* was *tameh* then a different *mishmar* would serve. Thus far it would seem that as long as there were some *kohanim* that were *tahor*, the *korban pesach* would not be brought in a state of *tumah*. The *Rambam* however continues that if a majority of those *kohanim* in *Yerushalaim* were *tameh* then the *korban pesach* would be brought in a state of *tumah*. We shall try to understand this ruling.

The *Kesef Mishnah* explains that the law is based on the debate in the *Gemara* between *Rav Nachman* and *Rav Sheshet* whether *tumah hutrah betzibur* or *dechuya betzibur*. In other words, when *korbanot* are offered when most people are *tameh*, is that because it becomes permitted to offer the *korbanot* in this situation (*Rav Nachman*) or because the prohibition is overridden (*Rav Sheshet*). The practical difference is when the *beit av* is *tameh* and whether it is necessary use a different *beit av*. The *Rambam* rules like *Rav Sheshet*, that the prohibition against offering *korbanot* when

*tameh*, is present yet overridden. Consequently, a different *beit av* should be sought.

The *Ridbaz* continues that one might then ask based on the above, if a majority of *kohanim* were *tameh*, it should nevertheless only be offered by those *kohanim* that are *tahor*, contrary to the *Rambam*'s ruling. The *Gevurat Ari* also poses this question. If *tumah* is *dechuya*, then as long as there are *tahor kohanim*, that option should be sought.

The *Ridbaz* answers that due to the general rule that the status is determined by the majority, when a majority of the *kohanim* are *tameh* it is considered as if all the *kohanim* are *tameh*.

The *Avi Ezri* explains in a similar manner that that nature of *dechuya* here is different to, for example, when a positive *mitzvah* is “*doche*” a negative *mitzvah*. In the latter case, if there is an avenue in which both *mitzvot* can be preserved, then that option should be taken.<sup>1</sup> In this case however, the meaning of *dachuya* is that it is not *hutrah* with respect to the debate between *Rav Nachman* and *Rav Sheshet*. Once however a majority of the *kohanim* in *Yerushalaim* are *tameh* it has a status of *dechuya* and is overridden even if there are *tahor kohanim* available.

The *Rashash* (*Temurah* 14a) however questions the basis of this ruling. Firstly, we only find the concept of a *rov* (majority) with respect to the *korban pesach* as it relates to the population and not the *kohanim* alone. Furthermore, determining the majority regarding those in *Yerushalaim* is also difficult, considering that we find the *rov* for *korban pesach* is measured by those in the *azara* (*Pesachim* 94b). Finally, the *Mishnah* itself implies that it is only if all the *kohanim* were *tameh* that *tumah* is overridden, considering that it does not add “or a majority” as it did when listing that case where the population became *tameh*.

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<sup>1</sup> *Aseh doche lo'taaseh* is learnt from the *mitzvah* of *tzitzit* (with *techelet*) overriding *shatnetz* where the only way of performing the positive *mitzvah* is if the negative *mitzvah* is overridden.

### Revision Questions

פסחים ז' ג' - ח' ג'

- What does one need to be wary about if they coated the *korban pesach* with *ma'aser sheni* oil? (ז' ג')
- Which five *korbanot* are brought even if the *kohanim* or utensils are in a state of impurity, yet are not eaten in a state of impurity? (ז' ד')
- Describe a case where the parts of a *korban* have become impure, where it invalidates a *korban pesach* while it does not for other sacrifices? (ז' ה')
- If a majority of the nation is in a state of impurity when do they offer their *korban pesach*? (ז' ו')
- What is the law regarding a *korban pesach* whose blood was sprinkled and then after, it was discovered that: (ז' ז')
  - The animal was impure?
  - The owner was impure?
- If a majority of the *korban pesach* became *tameh*, where was it burnt? (ז' ח')
- If a minority of the *korban pesach* became *tameh*, where were the parts burnt? (ז' ט')
- How did one dispose of the meat of *korban pesach* whose owners became *tameh*? (Include both opinions.) (ז' י')
- How did one dispose of the bones left over from the *korban pesach*? (ז' יא')
- Which parts of the *korban pesach* were eaten and why is this important? (ז' יב')
- What is the punishment for one that: (ז' יג')
  - Breaks a bone of a *korban pesach*?
  - Leaves some of the meat till the next day?
- What should one do if a limb of the *korban pesach* extended outside the walls of *Yerushalaim*? (ז' יד')
- Regarding the previous question, what should one do if the same thing happened to another *korban*? (ז' טו')
- Are the tops of the walls of *Yerushalaim* considered as being inside or outside *Yerushalaim*? (ז' טז')
- Can a group sharing one *korban pesach* split into two groups when consuming it? (ז' טז')
- What must a waiter be cautious of when attending to two *chaburot*? (ז' טז')
- If a woman's husband and father each included her in their *korban pesach*, of whose *korban* does she partake? (ז' טז')
- If an *eved* has two owners, from whose *korban pesach* does he partake? (ז' טז')
- What animal must an *eved* that was sent to slaughter a *korban pesach* use? (ז' טז')
- What should the *eved* do if the owner specified which animal to use and the *eved* forgot? (ז' טז')
- What is the law if, regarding the previous question, the owner also forgot which animal he specified? (ז' טז')
- What must one be careful of when electing people to join in his *korban pesach*? (ז' טז')
- Explain the debate regarding the cut-off point when one can join and leave a *chaburah*? (ז' טז')

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Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
16 April כ"ה ניסן	17 April כ"ו ניסן	18 April כ"ז ניסן	19 April כ"ח ניסן	20 April כ"ט ניסן	21 April ל' ניסן	22 April א' אייר
Pesachim 8:4-5	Pesachim 8:6-7	Pesachim 8:8-9:1	Pesachim 9:2-3	Pesachim 9:4-5	Pesachim 9:6-7	Pesachim 9:8-9

