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Overriding Shabbat

The beginning of the sixth *perek* of *Pesachim* discusses when *erev Pesach* falls out on *Shabbat*. It lists the processes involved in offering the *korban pesach* which would ordinarily be considered *melachot* but nevertheless can be performed on this *Shabbat* – they are “*docheh*” (override) *Shabbat*.

There is an argument between *Rebbi Eliezer* and *Rebbi Akiva* about certain preparatory procedures. *Rebbi Akiva* maintains that one may not carry a *korban pesach* from outside of the *techum* on *Shabbat* and that one may not cut off a *mum* from the *korban* on *Shabbat*, while *Rebbi Eliezer* permits these actions. Their argument can be summed up as follows - *Rebbi Eliezer* permits these actions to be done on *Shabbat* in order to ensure that the *mitzvah* of *korban pesach* will be fulfilled, while *Rebbi Akiva* holds that since these actions could have been done before *Shabbat*, we do not allow one to perform them on *Shabbat* itself.

In the *Mishnah*, *Rebbi Akiva* brings support for his argument from the case of *haza'ah* - the sprinkling of purification waters over someone, as the final stage of the seven day purification process after coming into contact with a dead body. If the seventh and final day of this process coincides with *Shabbat*, *R' Akiva* argues that *haza'ah* does not override *Shabbat*.

According to his reasoning however, this seems to be problematic because this person is not *able* to do the sprinkling before *Shabbat*, as he must wait until the seventh day, which in the *Mishnah's* case will fall out on the fourteenth of *Nissan* which is a *Shabbat*. So this person is unable to do the *haza'ah* before *Shabbat*, unlike the other two cases cited in the *Mishnah*. Therefore the logic of *Rebbi Akiva's* reasoning does not apply, so why should *haza'ah* be prohibited on *Shabbat*?

The *Maharsha* cites one answer - *haza'ah* is different to both the other examples cited by the *Mishnah*. The first two examples are essential to the *korban pesach*, however they can both be done before *Shabbat* and

therefore does not *docheh Shabbat*. However, *haza'ah* cannot be done before *Shabbat*, as it is not its time but it also does not *docheh Shabbat*, because it is not an essential part to the *korban pesach* itself. Rather, it is an external limiting factor, and consequently cannot be *docheh Shabbat*. Only those things that are essential to the *korban pesach* itself, which cannot be done before *Shabbat*, are able to override *Shabbat*.

The *Rambam* however, has a different explanation of the *Mishnah*. The *Rambam* (*Hilchot Korban Pesach* 6:2,6) is of the opinion that one who is *tamei* during the day of the fourteenth, even if it is not *Shabbat*, is not able to eat of the *korban pesach* that night. This is because, since he was *tamei* during the day that the *korban* was brought, he is not able to eat of the *korban* that night, whether *haza'ah* was done to him or not.

Consequently the *Rambam* holds that the *Mishnah* is referring to a case where the seventh day of the purification process fell on the thirteenth of *Nissan* which was also a *Shabbat*. In this case, *Rebbi Akiva* does not hold that *haza'ah* is *docheh Shabbat*. The *Mishnah* is teaching us that even in this case, where a person must do *haza'ah* on the thirteenth in order to be able to offer and eat the *korban* the next day, it is still not *docheh Shabbat*.

The *Rambam* maintains that this case is the same as the previous examples cited in the *Mishnah* (carrying, and cutting off a *mum*). Just as those examples are not *docheh Shabbat*, because one may do them before *Shabbat*, so too *haza'ah* is not permitted to be *docheh Shabbat* (on the 13th) as it can be done after *Shabbat*. The *Rambam* does not pay consideration to the fact that by doing *haza'ah* on the next day (14th/Sunday) that this person will be invalidated from eating the *korban pesach*, as this person is able to make up the *korban* on *Pesach Sheni*.

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Revision Questions

פסחים ה' ט' – ז' י'

- Name the three different places where the *korbanot pesach* were hung for stripping? (ה' ט')
- According to *R' Eliezer*, how was the hanging of the *korbanot* performed differently on *Shabbat*? (ה' ט')
- Where did the three different groups wait with their slaughtered *korbanot* when *erev Pesach* coincided with *Shabbat*? (ה' י')
- Which processes involved in the *korban Pesach* were carried out even on *Shabbat* (according to all opinions)? (א' י')
- Regarding the previous question, which processes were deferred till after *Shabbat*? (א' י')
- Regarding the previous question, which processes were debated by *R' Eliezer* and the *Chachamim*? (א' י')
- What is the general principle stated by *R' Akiva* at the conclusion of the above stated debate regarding which processes that involve *melachot* are still performed on *Shabbat*? (ב' י')
- What are the three criteria that define when a *chagigah* offering is brought alongside a *korban pesach*? (ג' י')
- After the *chagigah* is offered, how long do the owners have to consume the *korban*? (ד' י')
- According to *R' Yehoshua* when is one required to bring a *chatat* if they slaughtered another *korban* for the purpose of a *korban pesach* and why? (ה' י')
- With whom and about what does *R' Yehoshua* argue and what is that *Tana's* reasoning? (ה' י')
- What is law regarding one who slaughters a *korban pesach* on *Shabbat* then finds out that it is: (ו' י')
 - A *ba'al mum*?
 - A *treifah*?
- Describe how they would roast the *korban pesach*? (א' י')
- What point regarding the roasting was debated by *R' Yosi Ha'Glili* and *R' Akiva*? (א' י')
- What is the law regarding a *korban pesach* that touched the side of the oven while roasting? (ב' י')
- What does one need to be wary about if they coated the *korban pesach* with *ma'aser sheni* oil? (ג' י')
- 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? (ד' י')
- 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? (ה' י')
- If a majority of the nation is in a state of impurity when do they offer their *korban pesach*? (ו' י')

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
22 nd January כ"ב טבת	23 rd January כ"ג טבת	24 th January כ"ד טבת	25 th January כ"ה טבת	26 th January כ"ו טבת	27 th January כ"ז טבת	28 th January כ"ח טבת
Pesachim 7:7-8	Pesachim 7:9-10	Pesachim 7:11-12	Pesachim 7:13-8:1	Pesachim 8:2-3	Pesachim 8:4-5	Pesachim 8:6-7

