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“Breirah” of a Korban Pesach

The *Mishnayot* in the beginning of the eighth *perak* deal with various cases where the *korban pesach* has been slaughtered on behalf of another person. Since everyone is obligated in this *mitzvah* and that *korban* is slaughtered for groups of people – “a sheep per household” – it create many situations where one performs the *mitzvah* on behalf of others when they are not present or unaware of the fact that it is being performed for them. As the *beraitah* teaches:

“A sheep per household” (*Shmot* 12:13) this teaches that a person brings and slaughters a *korban* for his minor son or daughter, or for his slaves, with or without their knowledge

The first *Mishnah* deals with a case where a person has two options regarding which *korban* to join. For example, a woman has relevance to both her husband’s and father’s sacrifices. What would be the law if both her husband and father included her in their *korbanot* without her knowledge? One must remember that one can only be included in one *korban*! The *Mishnah* explains that when the two options are equally weight (in the first example, if in the first year of marriage she was included in her father’s *korban*) and we have no way of knowing whose *korban* she assumed she would be part of, then “she may eat from which ever place she wishes.” It appears that the *Mishnah* refers to her preference now, after the *korban* has been slaughtered. Consequently the *Gemarah* initially deduced that there is *breirah* (retroactive selection). (In other words, a matter that is not clear now, yet clarified later, it is as if it is clarified now.) Since a person does not fulfil his obligation unless he is elected as being part of a group prior to the slaughtering of that group’s *korban* we must say that now that the woman chooses which group she wishes to be part of, the matter is retroactively clarified that she was part of that *korban* at the time of its slaughtering.

Nevertheless, the *Gemarah* is not satisfied with this explanation since “the *halacha* is that with respect to

biblical laws, *breirah* does not apply.” It therefore explains the *Mishnah*’s statement that “she may eat from which ever place she wishes” to mean that she must clarify at the time of slaughtering into which *korban* she is having a share, otherwise she may not eat from either.

The concept of *breirah* also appears in the second *Mishnah*. The *Mishnah* discusses a case where a man tells his servant to slaughter the *korban pesach* yet the servant is unsure which animal he was directed to use – a lamb or kid.

Here, there are two possibilities. If his master did not specify which animal to use, and the slave slaughtered both a lamb and kid on the condition that which ever the master chooses shall be the *korban pesach*, this depends on the law of *breirah*. If we say that matter must be clarified retroactively, since the *halacha* is that in such a case there is no *breirah*, he would not be able to eat from either sacrifice. (Note that when the *Mishnah* explains that in such a case the owner eats from the animal that was slaughtered first, the *Gemarah* explains that this refers to a specific case including a king and queen, where the owners do not care which animal is slaughtered and rely on their slave to choose.)

The second possibility is when the owner explicitly mentioned which animal he desired and the slave forgot. In this case, the slave can slaughter both animals making the following condition “If he said a kid, then the kid is for my master and the lamb is for me. If he said a lamb, then the lamb is for my master and the kid is for me.” Despite the fact that *breirah* is not affective, this case does not require *breirah* since at the time of slaughtering that matter was already clarified, even though the slave was unclear. Later, when the master comes, there will be no retroactive selection taking place but rather simply revealing the details (“*gilui milta be’alma*”).

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Revision Questions

פסחים ז' - ח' - ט'

- 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': ח')
- How did one dispose of the meat of *korban pesach* whose owners became *tameh*? (Include both opinions.) (ז': ט')
- How did one dispose of the bones left over from the *korban pesach*? (ז': י')
- Which parts of the *korban pesach* were eaten and why is this important? (ז': י"א)
- What is the punishment for one that: (ז': י"א)
 - 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': י"ב)
- Regarding the previous question, what should one do if the same thing happened to another *korban*? (ז': י"ב)
- Are the tops of the walls of *Yerushalaim* considered as being inside or outside *Yerushalaim*? (ז': י"ב)
- Can a group sharing one *korban pesach* split into two groups when consuming it? (ז': י"ג)
- What must a waiter be cautious of when attending to two *chaburot*? (ז': י"ג)
- If a woman's husband and father each included her in their *korban pesach*, of whose *korban* does she partake? (ז': י"ד)
- If an *eved* has two owners, from whose *korban pesach* does he partake? (ז': י"ד)
- What animal must an *eved* that was sent to slaughter a *korban pesach* use? (ז': י"ה)
- What should the *eved* do if the owner specified which animal to use and the *eved* forgot? (ז': י"ה)
- What is the law if, regarding the previous question, if the owner also forgot which animal he specified? (ז': י"ה)
- What must one be careful of when electing people to join in his *korban pesach*? (ז': י"ו)
- Explain the debate regarding the cut-off point when one can join and leave a *chaburah*? (ז': י"ו)
- Can a person with his share in *korban pesach* include others without the consent of the rest of the group? (ז': י"ז)
- When can a *korban pesach* be brought for a *zav* or *zava*? (ז': י"ז)
- Under what condition can an *onen* be included in a *korban pesach*? (ז': י"ח)
- Explain the debate regarding whether a *korban pesach* can be offered for an individual? (ז': י"ח)

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
29 th January כ"ט טבת	30 th January א' שבט ראש חודש	31 st January ב' שבט	1 st January ג' שבט	2 nd January ד' שבט	3 rd January ה' שבט	4 th January ו' שבט
Pesachim 8:8-9:1	Pesachim 9:2-3	Pesachim 9:4-5	Pesachim 9:6-7	Pesachim 9:8-9	Pesachim 9:10-11	Pesachim 10:1-2

