



Volume 10. Issue 36

## Brit Millah on Erev Pesach

This week we continued learning about the debates between *Beit Shammai* and *Beit Hillel* where *Beit Hillel* ruled stringently. One of these debates was regarding a *ger* that converted on *erev Pesach* and whether or not he could partake in eating the *korban pesach* that night. *Beit Shammai* maintains that he can immerse in the *mikveh* and eat the *korban pesach*. *Beit Hillel* however maintains that he cannot, arguing that “one that separates from the *orlah* is like one separate separating from a corpse.” We will attempt to understand this debate.

The *Gemara* explains that the debate is focused only on a *nochri*. The concern of *Beit Hillel* is as follows. If we allow this *ger* to immerse in the *mikveh* and eat that night, the next year on *erev Pesach* he might be *tameh met* and wrongly assume that immersion in the *mikveh* would be enough to enable him to partake in the *korban pesach*. The purification from *tumat met* involves the *mei chatat* and is a process that takes a week. The *ger* however will think that in the previous year, prior to his conversion he was not particular with staying a way from *tumah* and a simple immersion was enough on *erev Pesach*. The mistake was that prior to the conversion he was not susceptible to *tumat met*. *Beit Hillel* was concerned for this situation and therefore prevent a *ger* that converted on *erev Pesach* from taking part in the *korban Pesach* that night.

The *Tosfot Yom* (*Pesachim* 8:8) raises a number of issues with this *Mishnah*. First, he cites the *Rambam* (*Korban Pesach* 6:7) who asks that the position of *Beit Hillel* is a rabbinic one – it is a *gezeirah*. The obligation to eat a *korban pesach* is biblical and punishable with *karet*. How then can they make a

*gezeira* to override this serious obligation? The *Rambam* explains that a *ger* is not obligated in *mitzvot* until the immersion in the *mikveh*. Furthermore he does not immerse until he has recovered from the circumcision. Consequently, there was room for *Beit Hillel* to institute the *gezeira* since he could delay the immersion until he recovered from the *brit* and thereby avoid issue of being liable to *karet*.

The *Gemara* continues that when it comes to an *yisrael* who is circumcised on *erev Pesach* everyone agrees that he immersed in a *mikveh* and partakes in eating the *korban pesach* that night. *Beit Hillel* would not expand the scope of the *gezeira* to *yisraelim*. The *Bartenura* on our *Mishnah* brings this comment of the *Gemara*. The *Tosfot* cite the *Riva* that raises a basic problem with the statement in the *Gemara*. We do not find anywhere that there is an obligation for an *yisrael* that has a *brit millah* to immerse in a *mikveh*! What then does the *Gemara* mean that an *yisrael* that has a *brit millah* on *erev Pesach* “immerses and eats his *korban Pesach* that evening”? Indeed that *Rambam* does not mention the immersion when he bring this law in the *Mishnah Torah*.

The *Tosfot Yom Tov* answers that it is true that a *brit millah* for an *yisrael* does not need to be followed by *tevillah*. Nevertheless he is required to immerse when going to *Yerushalaim* for the *regalim* (festivals). Consequently the *Gemara* means that since he will be immersing in the *mikveh* following his *brit millah* (albeit for another reason) one might think that *Beit Hillel* would expand the *gezeira* to cover this case as well. The *Gemara* therefore teaches that this is not the case.

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### Revision Questions

עדינות ד': י"ב ז': ג'

- Regarding which case do *Beit Shammai* and *Beit Hillel* argue whether a person's body can join two *ohalim*? (ד': י"ב)
- What are the six case that *R' Yehuda* listed that *Beit Shammai* is more lenient than *Beit Hillel*? (ה': א')
- What are the six cases that *R' Yosi* listed that *Beit Shammai* is more lenient than *Beit Hillel*? (ה': ב')
- What are the three case that *R' Shimon* listed that *Beit Shammai* is more lenient than *Beit Hillel*? (ה': ג')
- What are the two case that *R' Eliezer* listed that *Beit Shammai* is more lenient than *Beit Hillel*? (ה': ד')
- What is the law concerning a case where two brothers marry two sisters and they both die without any children with respect to *Yibum* and *Chalitzah*? What is *R' Eliezer's* opinion? (ה': ה')
- What were the four *dinim* that were debated between the *Chachamim* and *Akavya ben Mehalalel*? (ה': ו')
- According to *R' Yehuda* on which *Tana* did they place a *nidui* and why? (ה': ז')
- What did *Akavya ben Mehalalel* request of his son before he died? (ה': ח')
- What did his son request and what was the response? (ה': ט')
- Which animal did *R' Yehuda ben Bava* testify committed a capital offence and was punished with stoning? (ו': א')
- What were the other four laws that *R' Yehuda ben Bava* presented? (ו': ב')
- Explain the debate regarding whether a limb from a corpse can be a source of *tum'ah*. (ו': ב')
- According to *R' Eliezer* what is a greater source of *tum'ah*, a live person or a corpse? (Explain) (ו': ב')
- What are the three opinions (*R' Eliezer*, *R' Yehoshua* and *R' Nechunya*) regarding *kezayit basar min ha'chai* and *etzem ke'seorah min ha'chai* and explain the rationale behind each of those opinions? (ו': ג')
- Explain the debate regarding a *peter chamor* that is lost. (ו': ד')
- What did *R' Tzadok* testify regarding:
  - *Tzir* from *chagavim te'emeim* and how did it differ from the *mishnah rishona*? (ז': א')
  - A body of water where the *zochalin* is more than the *notfim* and why is this law important? (ז': ב')

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10 minutes before *Mincha*  
Mizrachi Shul  
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##### Friday & Shabbat

10 minutes before *Mincha*  
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*Shiur in English*

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Rabbi Mordechai Scharf  
 9:00am  
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[www.shemayisrael.com/mishna/](http://www.shemayisrael.com/mishna/)

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#### SHIUR ON KOL HALOSHON

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### Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
20 <sup>th</sup> October ט"ז חשוון	21 <sup>th</sup> October י"ז חשוון	22 <sup>th</sup> October י"ח חשוון	23 <sup>th</sup> October י"ט חשוון	24 <sup>th</sup> October כ' חשוון	25 <sup>th</sup> October כ"א חשוון	26 <sup>th</sup> October כ"ב חשוון
Eduyot 7:4-5	Eduyot 7:6-7	Eduyot 7:8-8:1	Eduyot 8:2-3	Eduyot 8:3-4	Eduyot 8:5-6	Eduyot 8:7 – Avodah Zara 1:1

