

Pesach Sheni – The People's Petition

Introduction

A Surprising Request

Bemidbar 9 opens with the command to sacrifice the Pesach in the second year in the Sinai Wilderness, and it then recounts the request of a group of ritually impure people to be allowed to participate in the Paschal offering:

(ו) וַיְהִי אֲנָשִׁים אֲשֶׁר הָיוּ טְמֵאִים לְנֶפֶשׁ אָדָם וְלֹא יָכְלוּ לַעֲשׂוֹת הַפֶּסַח בַּיּוֹם הַהוּא וַיִּקְרְבוּ לִפְנֵי מֹשֶׁה וּלְפְנֵי אַהֲרֹן בַּיּוֹם הַהוּא. (ז) וַיֹּאמְרוּ הָאֲנָשִׁים הַהֵמָּה אֵלָיו אֲנַחְנוּ טְמֵאִים לְנֶפֶשׁ אָדָם לָמָּה נִגְרַע לְבַלְתִּי הַקְּרִיב אֶת קָרְבָּן יְיָ בְּמַעַדוֹ בְּתוֹךְ בְּנֵי יִשְׂרָאֵל.

(6) But there were certain men, who were unclean by the dead body of a man, so that they could not keep the Passover on that day; and they came before Moses and before Aaron on that day. (7) And those men said unto him: 'We are unclean by the dead body of a man; wherefore are we to be kept back, so as not to bring the offering of the Lord in its appointed season among the children of Israel?'

Their petition is somewhat surprising. Given the general prohibition to eat from sacrifices while impure,¹ what were the people expecting of Moshe? Were they asking him for a special dispensation and that he override a Torah ruling? If so, why did they think they deserved one, or that Moshe would be able to acquiesce? Alternatively, were they arguing on legal grounds that the prohibition did or should not apply to them? Why might they have felt that either their particular impurity, or the case of the Paschal sacrifice, was exceptional? Were there any legal precedents that were comparable to their situation?

Additional Questions

- **"אֲנָשִׁים אֲשֶׁר הָיוּ טְמֵאִים לְנֶפֶשׁ אָדָם"** – Who were these ritually impure people who approached Moshe? Were the circumstances by which they became impure unusual that they might have thought that, despite their status, they should nonetheless not miss out on the offering?
- **"בַּיּוֹם הַהוּא"** – Why did the people wait until the fourteenth of Nisan to ask Moshe about their impure status? Does this imply that they realized that they would not be included only on that very day, or, had they simply first become impure right then? When were the laws of ritual impurity taught to the nation?
- **"לָמָּה נִגְרַע לְבַלְתִּי הַקְּרִיב אֶת קָרְבָּן יְיָ"** – The people speak specifically about sacrificing. Does that suggest that they were requesting only to join in the sacrificial aspect of the rite (its slaughtering and blood rites) rather than the eating of the offering, or are they really referring to the whole ritual? Which aspect was the main focus of the Pesach?²
- **"בְּמַעַדוֹ"** – The petitioners ask that they be able to bring the offering "in its time". What do they mean by this? Did they have any reason to think that they would be allowed to bring it on a different day, that they specifically request to bring it in its proper time?
- **Moshe's lack of knowledge** – Why were the laws of Pesach Sheni taught to Moshe only in the aftermath of the people's request?

- **Hashem's response** – Does Hashem reply in the affirmative to the people, or is His offer of a make-up date essentially a rejection of their arguments?

A Parallel Petition

Our story has several points of contact with the request of the daughters of Zelophchad in Bemidbar 27. In both cases, a group of people approach Moshe ("לְפָנַי מֹשֶׁה" / וַתִּקְרַבְנָה / וַיִּקְרְבוּ... לְפָנַי מֹשֶׁה") asking for a modification of a legal ruling, lest they "miss out" (לְמַעַן יִגְרַע שָׁם אֲבִינוּ / לְמַעַן נִגְרַע). Additionally, on both occasions, Moshe is unsure of how to rule and presents the case before Hashem. Finally, in both, Hashem appears to acquiesce to the appealing parties, and a law ("חֻקָּה") is then enacted for the future as well. How do the petitions of these two groups compare to each other? Can the plea of the daughters of Zelophchad shed any light on the nature of the request of the impure men of our chapter?

¹ See Vayikra 7:20.

² Is the sacrifice necessary only to enable the eating (as in other Shelamim offerings), or is the act of slaughtering itself an important part of the rite? This question relates to the Purpose of the Pesach.

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Exegetical Approaches

This topic has not yet undergone editorial review

Overview

Commentators differ in their understanding of the request of the ritually impure individuals who approach Moshe and request to partake in the Pesach offering. Sforno presents the people as asking for Moshe to override the law as a humanitarian dispensation. Since their impure status had resulted from fulfilling one of Hashem's commandments, they thought it only proper that there be no negative ramifications of their deed.

Others ground the request in legal arguments, suggesting that the petitioners believed that the prohibition should not apply to them. Thus, Rambam asserts that since the impure were to be purified by nightfall, when the Pesach was to be eaten, they argued that there should be no impediment to their partaking in that part of the rite. Abarbanel, in contrast, has the people asking to join only in the first part of the ritual, the slaughtering and blood rites. Since these can be done via an agent and corpse impurity does not mandate being sent out of the camp, there appeared to be no reason for them not to participate.

Finally, Akeidat Yitzchak suggests that the petitioners were simply asking for a make-up date. According to this, their request was fully granted.

Request for Special Dispensation

The petitioners were requesting a special dispensation due to extenuating circumstances of either a personal or national nature.

SOURCES: Sforno, Or HaChayyim #1, Meshekh Chokhmah

Who were the petitioners? According to this position the petitioners were people whose impurity stemmed from dealing with a dead body for the purposes of fulfilling a mitzvah. They could have become impure from burying a "מת מצוה", caring for the bodies of Nadav and Avihu or carrying Yosef's casket, as per the opinions in Bavli Sukkah 25a-b.¹ They question why it is fair that the performance of a good deed should have negative consequences² and thus request a special dispensation that their impure status be ignored.

Legal precedents – Or HaChayyim points out that since impurity can be nullified in a case where the majority of the community is impure, there is a precedent for ignoring a person's true status and simply considering them pure for the purposes of the sacrifice. However, it is unclear that the petitioners would have been aware of this law,³ and there is no evidence that they were making any such comparison.

"אָשֶׁר הָיוּ טְמֵאִים" – The passive and seemingly superfluous words "אָשֶׁר הָיוּ" might come to teach that these people had become impure, not of their own volition, but rather because they had performed a good

deed.⁴

What part of the rite did they want to participate in? The impure were requesting that they be able to participate in the entire rite (both the sacrifice and the eating) just like the rest of the nation.⁵

"בְּמַעַדוֹ" – According to this position it is not clear why the people emphasize that they desire to bring the sacrifice in "is proper time" specifically rather than simply asking to be a part of the rite.

"בְּתוֹךְ בְּנֵי יִשְׂרָאֵל" – The petitioners might add this phrase to highlight how they were hoping to be considered part of the nation (with their impure status ignored), and not those who must be kept outside in an impure state.

Why is Moshe unaware of the law? According to this position, it is understandable why Moshe did not know how to respond to the petition. The people were not asking him to clarify a matter of law but rather to override the law and so he needed Divine permission to acquiesce.

Hashem's response: is the request granted? Though Hashem does not allow the people to override the laws of impurity, Hashem recognizes the justice of the complaint and finds a different way that the people can still offer the Pesach. In addition, Hashem widens the special dispensation to include not only those who missed out due to involvement in a mitzvah, but also others who had a valid reason (distance/impurity) not to bring the Pesach in Nisan.

Uniqueness of Pesach – It is possible that Hashem grants a second chance specifically for the Pesach due both to its great importance in commemorating the Exodus and the fact that it is a rite that can only be performed once a year.

Why wait for the 14th to ask? Netziv suggests that since the people were doing a mitzvah they did not think to try and purify themselves earlier.

Comparison to request of the daughters of Zelophchad – It is possible that in the case of the daughters of Zelophchad, too, the women's claim did not stem from halakhic considerations but rather humanitarian/emotional ones. They were requesting that, due to their unique circumstances, the regular law be overridden since otherwise their father's name will be lost. Their questioning "לְמָה יִגְרַע שֵׁם אָבִינוּ" "מִתּוֹךְ מִשְׁפַּחַתוֹ" thus echoes the similar language of the petitioners here "לְמָה נִגְרַע לְבִלְתִּי הַקָּרִיב". As they, too, are asking to circumvent a given law, it is understandable why there, as well, Moshe was not able to determine the law on his own.

When were laws of impurity given?

Focal point of Pesach: sacrifice or eating?



Legal Claim that Impurity was Not an Impediment

The petitioners believed that their impure status was a not a good reason to prevent them from participating in the Paschal rite. The sources disagree regarding the specific reasoning and legal basis for this claim:

Purified in Time for Leil Pesach

The people were requesting that they be able to participate in the Pesach rite since by nightfall, when the Pesach was to be eaten, they would already be pure.

SOURCES: R. Yitzchak in Sifre Bemidbar and Bavli Sukkah, R. Yosef Bekhor Shor, Rambam, Ritva, Ralbag, Or HaChayyim #3

Who were the petitioners? The questioners were people who had become impure on the eighth of Nissan. The seventh day of their impurity fell on the fourteenth, so that they were still impure at the hour that the sacrifice was brought, but by nightfall, when the Pesach was to be eaten, they would have been purified.

"ולא יקלו לעשת הפסח ביום שהוא" – R. Yitzchak learns from the phrase "ולא יקלו לעשת הפסח ביום שהוא" that it was specifically on that day (the fourteenth) that they could not bring the Pesach. The following day, however, they would have been able to.

What part of the rite did they want to participate in? The people did not expect to be able to actually offer the sacrifice (as they were clearly impure at that point), but were hoping that they could be counted with someone else's offering, and that they would eat of it themselves at nightfall.

Focal point of Pesach: sacrifice or eating? It is possible that the petitioners assumed that the focal point of the Peach was the act of eating,⁶ and they therefore thought that if they were pure for that aspect of the rite, it should not be problematic if they had not yet been purified when the Pesach was sacrificed. Hashem's negative response might be an indication that the sacrifice itself is a crucial part of the ceremony.⁷

Uniqueness of Pesach – The Pesach is unique in that it is sacrificed in the afternoon of one day (14th), but only eaten at night, which is the next day (15th). This is what allowed the petitioners to suggest that there might be some halakhic leniency to allow them to participate.

Legal precedents – Or HaChayyim suggests that the people compared themselves to those who have touched an insect (שרץ) whose impurity only lasts for a day. In such a case, the impure are allowed to immerse on the fourteenth and then be included with someone else's sacrifice and eat at nightfall. The petitioners believed that the law might be the same for them.

When were laws of impurity given? This position might assume that only some of the laws of impurity had been given prior to our story. Thus, the petitioners might have been familiar with the laws of insects, but not all of those which related to touching a dead body.⁸ As the full discussion of the red heifer and purification from the dead first appears in Bemidbar 20, it is possible that many details of the rite were first taught then.

Why wait until the 14th to ask Moshe? According to this approach, it is not clear why the people would wait until the last day to ask Moshe the law, given that they knew their status in advance. The Ritva suggests that the parallel to other laws made them overly confident that there would not be a problem.⁹

Why is Moshe unaware of the law? As the people found themselves in a unique situation (there is no other sacrifice where it would be possible to be pure for part of the rite and not for a different part) it is not surprising that Moshe might not have been aware of the law.

Hashem's response – Hashem's response is somewhat difficult for this position. If the people's legal reasoning was wrong, why does Hashem not simply say so and refuse the request? The offer of an alternative date seems to have nothing to do with the specific arguments of the people and thus should have been relayed regardless of this specific case and not, as the text implies, as a reaction to it.



Could Partake Via Agent

The people requested that they be allowed to partake in the sacrifice via an agent. Since there was no need for them to individually perform the ritual and their impurity did not necessitate them to disassociate from the rest of the nation, they felt that this would be a legitimate way to participate.

SOURCES: Abarbanel

Who were the petitioners? According to Abarbanel the people making the request had come in contact with a dead body at some point in the week before the Pesach was to be sacrificed and would only be fully purified at some point after the fourteenth.

Why wait until the 14th to ask Moshe? According to this approach, it is possible that the people first became impure on that day.

What part of the rite did they want to participate in? They were asking to be counted with someone else's sacrifice, but had no expectations of actually eating of it, recognizing that their impurity precluded doing so.

Legal reasoning – In contrast to other forms of impurity such as a *metzora* or *zav* whose impurity entails being sent out of the camp, one who is impure due to the dead is only excluded from the vicinity of the Mishkan (מחנה שכינה) itself. As such, the people thought that there should be no impediment in their joining the rest of Israel as they offered the sacrifice.

Uniqueness of Pesach – Every Pesach sacrifice is brought by a group of people of whom just one sufficed to act as the representative to slaughter and offer the sacrifice. As such, there was room to believe that the impure could be part of the group as long as they personally did not actively slaughter or eat. This might explain the petitioner's emphasis on wanting to sacrifice "בְּתוֹךְ בְּנֵי יִשְׂרָאֵל", as part of a group of pure Israelites.

Focal point of Pesach: sacrifice or eating? The petitioners might have assumed that the sacrificial aspect of the rite was the most important, and therefore concluded that the fact they would not eat was not

particularly problematic. Hashem's response might suggest that eating is just as important as sacrificing and therefore anyone who is excluded from the meal, cannot be included in the sacrifice either.¹⁰

Hashem's response – As above, Hashem's response does not seem to be reacting to the claims brought by the petitioners.

Why was Moshe unaware of the law? Abarbanel claims that when Moshe saw the sincerity of the petitioners, he thought that surely Hashem would find a way to allow them to partake of the sacrifice.



Sacrifice Supersedes Impurity

The petitioners claimed that a sacrifice which has a set time supersedes and pushes off the laws of impurity. Therefore they should be allowed to participate in the rite.

SOURCES: Netziv

Who were the petitioners? According to this position, the people could have been anyone who had become impure via contact with the dead and would only be purified after Pesach.

Legal reasoning – Since a sacrifice which has a set time is allowed to be brought even on Shabbat or in a state of impurity, the petitioners assumed that the Pesach fell into such a category and that their impurity would be deemed irrelevant.

"בְּמַעֲדוֹ" – The people emphasize this since it was specifically because the sacrifice had a set time that they felt that they should be allowed to offer it even while impure.

What part of the rite did they want to participate in? Netziv suggests that they were only asking to be included in the sacrifice since their impurity would not have been deferred for the meal itself.

"בְּתוֹךְ בְּנֵי יִשְׂרָאֵל" – The people, thus, ask to be included "בְּתוֹךְ בְּנֵי יִשְׂרָאֵל" for the meal, suggesting that they be counted among those who were pure who would eat in their stead.

Hashem's response: is the request granted? Hashem explains to the people that they were mistaken and that in fact the Pesach is not included in the category of sacrifices that has a set time, since there is a make-up date for it and it can be brought in Iyyar.



Plea for Make-up Date

The impure were asking Moshe for an opportunity to bring the sacrifice at a later date.

SOURCES: Akeidat Yitzchak, Or HaChayyim #2

Who were the petitioners? According to this position, the petitioners could have been anyone who was impure due to contact with a corpse.

Legal reasoning

- Or HaChayyim suggests that the people were comparing the Pesach to the Chagigah offering which, if not brought on Yom Tov itself, can be brought on any other day of the holiday (תשלומים). Thus, they thought that if they they were impure on the fourteenth but would be purified before the end of Chag HaMatzot, they could offer it by the end of the holiday.
- Akeidat Yitzchak suggests more simply that the people were asking for a general make-up date (not necessarily within the holiday) since they thought it unfair that due to circumstances beyond their control they should miss out on such a central sacrifice which was only offered once a year.

"בְּמַעֲדוֹ"

- According to Or HaChayyim, the people question why they need miss out on bringing the Pesach "בְּמַעֲדוֹ", during the Moed = holiday. Recognizing that they can not bring it on the 14th, they hope to nonetheless offer it on one of the other days of the Moed.
- For Akeidat Yitzchak, however, the word is difficult, as the people are specifically asking to bring the offering **not** "בְּמַעֲדוֹ" (in its proper time), but on a make-up date.

"לֹא יָכְלוּ לַעֲשֵׂת הַפֶּסַח בַּיּוֹם הַהוּא" – The words "בַּיּוֹם הַהוּא" suggest that though the impure could not offer the sacrifice on "that day", the fourteenth, at some later point in the holiday (or year) they would be able to.

Hashem's response – According to Or HaChayyim, Hashem tells the petitioners, that unlike the Chagigah, they cannot make up the sacrifice during the rest of the holiday, but they can do so at an alternative date in the following month. [According to Akeidat Yitzchak, this is what the people requested regardless.]

Why did Moshe not know the law? Akeidat Yitzchak suggests that even though Hashem could have taught the law via Moshe, Hashem intentionally allowed it to be learned by the petitioners as a merit to them for their positive desire to fulfill the obligation [מגלגלין זכות ע"י זכאי].

¹ Meshekh Chokhmah assumes that the petitioners were specifically those who carried Yosef's bones. As this act should have been especially meritorious (and was for the benefit of the nation as a whole), the people were bothered that it should lead to their exclusion from sacrificing the Pesach.

² Sforno alludes to the idea that performing a mitzvah is supposed to lead to more mitzvot (מצוה גוררת מצוה). In this case, though, it leads to a transgression.

³ See, though, Chizkuni, who suggests that the people argued that in Egypt they had all eaten of the sacrifice when impure, so why could they not do so now?

⁴ The Netziv further claims that the language suggests that the people had **already** been impure and had nonetheless not purified themselves. They assumed that since they were involved in a mitzvah, it was preferable that they continue, and that, in compensation, they would not be discounted for the sacrifice.

⁵ Due to their special circumstances they ask to be viewed as totally pure, and thus no different than anyone else. This might be what they mean when they ask to bring the offering "בְּתוֹךְ בְּנֵי יִשְׂרָאֵל".

⁶ They might have viewed the offering as similar to other Shelamim offerings, where the sacrificial component comes mainly to enable the eating of the meat. Moreover, compared to other Shelamim, the Pesach had a significantly larger portion which was to be eaten by the owners, supporting the possibility that the meal itself was the focal point.

⁷ In the original Pesach the blood played an important role, suggesting that the sacrificial component was crucial. Moreover, according to some opinions, the entire purpose of the original Pesach was that the nation kill a lamb as a demonstration of their rejection of Egyptian gods. If so, in commemorating the event, too, it is logical that the slaughtering itself is integral to the ritual. See Purpose of the Pesach for elaboration.

⁸ Vayikra 7 warns against eating sacrifices when defiled, and Vayikra 11 speaks of the purification process for one who has become impure through an insect, but not of the purification rite for one who has come in contact with the dead. Thus, it is possible that the petitioners only had partial knowledge of the laws.

⁹ He even suggests that had they immersed and been sprinkled with blood before the time of the slaughtering they would have in fact been able to be included in the sacrifice. However, they first asked Moshe when there was no more time to do so. See Raavad similarly.

¹⁰ See above notes regarding the relative importance of each aspect.

