

***Korban Pesach* Today: A Survey of Halacha and History**

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In recent years, an organization in Israel has been selling a share in a sheep or goat, should they be able to sacrifice and offer the Passover Offering, *Korban Pesach*. They have even received the approbation of R. Chaim Kanievsky. In addition to an annual mock ceremony held in Jerusalem, educating the public on how the *Korban Pesach* was offered, a group petitions Israel's Supreme Court each year to be granted the right to bring the *Korban Pesach* on the Temple Mount. And each year their request is summarily denied.

But according to Jewish Law, can we offer the *Korban Pesach* today?

Over the centuries, authorities have examined and debated the issues involved. The result is a rich discussion of both halacha and history. And while there are a number of obstacles that stand in the way, *Korban Pesach* has a number of advantages over other offerings, making it potentially easier to be brought today.

What follows is a survey of some of the halachic issues discussed and debated over the centuries.

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Beit ha-Mikdash

One of the most obvious challenges is that the *Beit ha-Mikdash*, the Holy Temple, is not standing. *May one bring a sacrifice without a Beit Mikdash?*

The Mishnah teaches that indeed sacrifices may be brought even without the Holy Temple,¹ and so rules *Rambam* in his *Mishneh Torah*.² According to tradition, this law was taught by one of the three prophets, Chaggai, Zechariah, and Malachi, who ascended to Jerusalem with the Jewish People, following the Babylonian Exile.³

Historically, offerings were brought without the Temple standing. During the 'Return to Zion,' in the days of Ezra and Nechemiah, the Jewish People brought sacrifices even before the Second Temple was completed.⁴ The Book of Ezra describes how, "they commenced offering burnt offerings to the Lord, but the foundation of the Lord's sanctuary was not yet laid."⁵

And evidence suggests that even after the destruction of the Second Temple, the *Korban Pesach* was still being offered. For example, the Mishnah (Pesachim 7:2) describes how Rabban Gamliel instructed his servant, Tavi, to roast the *Korban Pesach*. Both R. Shimon ben Tzemach Duran⁶ and R. Yaakov Emden⁷ identify this Rabban Gamliel as Rabban Gamilel II, who served as *nasi* (president) of the Sanhedrin in Yavneh following the

1. *Eduyot* 8:6. See also *Zevachim* 107b; *Shevuot* 16a; *Megillah* 10a.

2. *Hilchot Beit ha-Bechirah* 6:15; *Hilchot Ma'aseh ha-Korbanot* 19:15. Cf. *Hilchot Beit ha-Bechirah* 2:4.

3. *Zevachim* 62a.

4. See Rashi to *Megillah* 10a, s.v. *kla'im la-heichal*. See also R. Yechiel Heilpern, *Seder ha-Dorot, Elef ha-Rev'i*.

5. *Ezra* 3:6.

6. *Commentary to the Haggadah Shel Pesach*, s.v. *Rabban Gamliel hayah omer*.

7. *She'eilat Ya'avetz*, Vol. 1, no. 89. See also R. Zvi Hirsch Chajes, *Teshuvot Moharatz, Kuntrus Acharon Avodat ha-Mikdash*, Chap. 3.

destruction of the Second Temple.⁸ *Sanhedrin* 11b relates how Rabban Gamliel attempted to intercalate the year (i.e., add an extra month before Nissan, the month of Passover), because of Pesach. For R. Naftali Tzvi Berlin, this too suggests that the *Korban Pesach* was offered following the destruction of the Holy Temple.⁹

In his *Historia Arcana*, the historian Procopius records how Sixth Century Byzantine Emperor Justinian issued an edict prohibiting the Passover Offering from being brought.¹⁰ Jews who were found to have eaten from the *Korban Pesach* were forced to pay heavy fines to the magistrates.¹¹ This account too suggests that the *Korban Pesach* continued to be offered by some for centuries following the destruction of the Second Temple.

Impurity

When the Temple stood, pilgrims ascending to Jerusalem were purified before they could enter the Temple's courtyard and bring their offerings. Today, it is assumed that everyone is 'impure,' having knowingly or unknowingly come into contact with a corpse. Without the ashes of the Red Heifer (*para adumah*) to purify, entry into the courtyard of the Temple is prohibited today, making bringing offerings impossible. However, the Mishnah (*Pesachim* 7:6) states: "If the [entire] congregation, or a majority are impure, or the *kohanim* are impure and the congregation is pure – it is done in impurity."¹² *Rambam*, based on statements in the Mishnah and Talmud, rules that if the majority of the community is impure, time-sensitive offerings may be brought, even in a state of

8. For other examples of Talmudic evidence of sacrifices being offered following the destruction of the Temple, see *Teshuvot Moharatz*, *Ibid*.

9. *Ha-Emek Davar* to Lev. 26:31 and Deut. 16:3.

10. Chap. 28.

11. *Ibid*.

12. See also *Pesachim* 79a.

impurity.¹³ This applies to communal offerings as well as the Passover Offering.¹⁴

In 1313, Ishtori ha-Parchi made his way to Jerusalem following an expulsion of Jews from France. In his *Kaftor va-Ferach*, an important study of the geography and laws related to the Land of Israel, he records that in 1257, R. Yechiel of Paris (or R. Chananel, or R. Chaim, in some versions) wanted to ascend to Jerusalem and offer sacrifices.¹⁵ In his account, Ishtori ha-Parchi concludes like *Ramban*, that the issue of impurity does not prevent *korbanot* from being brought today.¹⁶

Sanctity of the Temple Mount

The mid-Nineteenth Century saw a renewed interest in restoring the sacrificial order, as R. Zvi Hirsch Kalischer, a Prussian rabbi with pre-Zionist plans for returning to Israel, who was a student of R. Akiva Eiger, began writing letters to leading rabbis about returning to the Land of Israel and restoring the sacrificial service. He also wrote to wealthy Jews, encouraging them to support the movement. His letters were the catalyst for a flurry of scholarship, with many of the issues still being debated today.

For R. Kalischer, redemption is predicated on the restoration of the sacrificial order. As he describes it, the Jewish People will first return to the Land of Israel and begin offering sacrifices, only thereafter to be followed by the coming of the Messiah and the building of the Holy Temple. *Korbanot* are a *sine qua non* in R. Kalischer's eschatology.

A major issue, which R. Kalischer addresses, is the sanctity

13. *Hilchot Bi'at ha-Mikdash* 4:9-13; *Hilchot Korban Pesach* 7:1.

14. *Ibid.*

15. *Kaftor va-Ferach*, Chap. 6.

16. *Ibid.* See, however, *Shu"t Yaski Avdi*, Vol. 1, *Yoreh De'ah*, no. 18, where additionally the issue of *tumat zav* is raised.

of the Temple Mount, today. A Tannaitic dispute on whether the Temple Mount retains its sanctity following the destruction of the Temple appears on many folios of the Talmud. The *Rambam* rules that the Temple Mount's holiness endures forever, as it was sanctified "at that time and for all eternity."¹⁷ But the *Raavad*, in his glosses, argues that the Temple Mount no longer has sanctity,¹⁸ making sacrifices on the Temple Mount today impossible in his view.

R. Kalischer came up with a creative, albeit controversial, solution. If the *Raavad* is indeed correct, R. Kalischer writes, then an altar built on the Temple Mount can be considered a *bamah*, a private altar.¹⁹ R. Zvi Pesach Frank,²⁰ R. Shlomo Zalman Auerbach,²¹ and R. Eliezer Waldenberg²² were just a few of the authorities who disagreed with R. Kalischer's suggestion.

Still, many authorities assume like *Rambam*, that the Temple Mount retains its sanctity and indeed it is possible to construct an altar and offer sacrifices on the Temple Mount.²³ Some, however, suggest we should be stringent for the opinion of *Raavad*.²⁴

Priestly Pedigree

In responding to R. Tzvi Hirsch Kalischer, R. Akiva Eiger elicited the help of his son-in-law, R. Moshe Sofer, known as *Chatam Sofer*. R. Eiger questioned whether sacrifices were even feasible on the Temple Mount in Jerusalem, at that time under

17. *Hilchot Beit ha-Bechirah* 6:14-16; *Hilchot Ma'aseh ha-Korbanot* 19:15.

18. *Hilchot Beit ha-Bechirah* 6:14.

19. *Drishat Zion* (Jerusalem: Mossad Harav Kook, 2003), pp. 90-91.

20. *Mikdash Melech* (Jerusalem, 1968), pp. 14-29.

21. *Minchat Shlomo*, Vol. 3, no. 140.

22. *Tzitz Eliezer*, Vol. 10, no. 5.

23. See *Yabia Omer*, *Yoreh De'ah*, Vol. 5, no. 26; *Yechave Da'at*, Vol. 1, no. 25.

24. See *Likutei Halachot, Zevachim*, p. 66b.

Ottoman rule. In his response, *Chatam Sofer* answers that the governor “is exceedingly strict, for he said no one who is not of the Islamic faith may sacrifice there.”²⁵ He continues and addresses a number of concerns, one major issue being priestly pedigree.²⁶ For this purpose, he refers to an episode in the Book of Ezra:

Upon returning from Babylonia, Ezra the Scribe insisted that the *kohanim*, priests, be able to prove their lineage. The Book of Ezra describes families who “searched for their genealogical record, but they could not be found, and they were banned from the priesthood.”²⁷ Ezra would only allow *kohanim m’yuchasim*, priests able to trace their lineage to those who served in the First Temple, to perform the service in the Holy Temple.

But today, priests who can trace their lineage are few in number. Most priests are *kohanim muchzakim*, meaning they have a chain of tradition that they are priests.²⁸ *Chatam Sofer* rules that indeed *kohanim muchzakim* would be allowed to bring offerings.²⁹ After all, as some explain, we allow *kohanim* today to recite the priestly blessing and make the blessing at a *pidyon haben*, redemption of the first-born.

Ezra’s insistence on *kohanim m’yuchasim*, as R. Kalischer explained, was because many *kohanim* had intermarried, and those who did ascend were plagued with problematic or questionable lineage in general. Others assume that Ezra was able to insist on *kohanim m’yuchasim* as there were just a few generations separating the *kohanim* from their forebears who

25. *Chatam Sofer*, *Yoreh De’ah*, no. 236.

26. *Ibid.* See also the letter of R. Akiva Eiger to R. Zvi Hirsch Kalischer concerning priestly pedigree, published in *Drishat Zion*, pp. 100-103.

27. Ezra 2:62; Neh. 7:64.

28. See *Rambam*, *Hilchot Issurei Biah* 20:1.

29. *Chatam Sofer*, *Yoreh De’ah*, no. 236. See also *Drishat Zion*, pp. 103-107, and *Chazon Ish*, *Even ha-Ezer* 2:7.

served in the First Temple. Today, after a lapse of two millennia, such a requirement would be impossible to fulfill.³⁰

Priestly Garments

Another concern in response to R. Kalischer, which was heavily debated, was the requirement of priestly garments, as a *kohen* may not bring an offering without the priestly garments.³¹ R. Akiva Eiger was specifically concerned about the *tzitz*, the golden frontlet worn on the forehead of the High Priest, the stones for the breastplate, and the *techelet* and *argaman* dyes.³² In response, the *Chatam Sofer* writes that the lack of priestly garments would not stand in the way of *korbanot* being brought.³³

Shekalim

R. Yaakov Emden raised an objection to the possibility of bringing *korbanot* today, as communal offerings must be purchased with the half-shekel collected annually.³⁴ R. Emden concludes, however, that the *Korban Pesach* may be offered, as it is not purchased with money from the public coffers.³⁵ In fact, R. Yaakov Emden³⁶ and *Chatam Sofer*³⁷ assume that the Tosafists who wanted to restore the sacrificial service in the 13th Century, as described by Ishtori Ha-Parchi, must have been interested in offering the *Korban Pesach*, precisely for this reason.

30. Still, many authorities conclude that *kohanim muchzakim* today are full fledged *kohanim* for all intents and purposes, without any doubt. See *Aruch ha-Shulchan, Yoreh De'ah* 305:55.

31. *Mishnah Zevachim* 2:1. See also *Zevachim* 17b-18b.

32. See *Drishat Zion*, pp. 102-103.

33. *Chatam Sofer, Yoreh De'ah*, no. 236.

34. *She'eilat Ya'avetz*, Vol. 1, no. 89.

35. *Ibid.*

36. *Ibid.*

37. *Chatam Sofer, Yoreh De'ah*, no. 236.

Location of the Altar

Rambam writes that the “location of the altar is very precise and may never be changed from its place.”³⁸ Indeed the exact location of the altar, and its dimensions, were passed from one generation to the next. Following the Babylonian Exile, the prophets who returned to the Land of Israel with the Jewish People testified as to the location of the altar and its dimensions.³⁹ It is reasonable that the location of the altar needs to be precise, as according to tradition it is the site where earth was taken to form Adam, the place where Adam offered a sacrifice to God, where Cain and Abel and Noah too brought offerings, the site of the Binding of Isaac, and the altars of David and Solomon.⁴⁰

While there is debate as to the exact location to place an altar on today’s Temple Mount, the general area has been identified.⁴¹ For some this poses no problem,⁴² but R. Avraham Yitzchak Kook ruled that the location of the altar must be precise and exact, in accord with the view of Rambam.⁴³ A novel solution, offered by some, would be to create an altar that meets the minimal size requirements within the general larger area in which the altar of the Temple stood.⁴⁴

38. *Hilkhot Beit ha-Bechirah* 2:1.

39. *Zevachim* 62a.

40. *Hilchot Beit ha-Bechirah* 2:1-2.

41. See R. Yosef Elbaum, “*Chiddush ha-Avodah B’zman Hazeh*,” *Techumin* (5744), vol. 5, pp. 448-449, where he suggests excavating the site to provide an accurate location of where the altar stood. See also R. Chaim Sova, *Karnot ha-Mizbe’ach* (Jerusalem, 2003), pp. 16-30.

42. See R. David Friedman of Karlin, *Kuntrus Drishat Zion v’Yerushalayim*, published as an appendix to his *She’eilat David*. See also *Hilchot Beit ha-Bechirah* 2:17, where *Rambam* himself rules that any length and width is acceptable as long as the altar’s dimensions are at least one cubit by one cubit.

43. *Mishpat Kohen*, no. 91. See also R. Ovadia Hedaya, *Yaskil Avdi*, Vol. 1, *Yoreh De’ah*, no. 18.

44. *Drishat Zion*, pp. 91-92; R. Yechiel Michel Tukachinsky, *Ir ha-Kodesh*

Inaugurating the Altar

The Mishnah states that the altar must be inaugurated by offering the daily offering of the morning (*tamid shel shachar*).⁴⁵ But since the daily offering must be purchased from the communal coffers, this would create a problem for those who argue that only the *Korban Pesach* can be brought since it is purchased with private funds. R. Zvi Pesach Frank offers a novel solution, and suggests that since the *Korban Pesach* carries the punishment of *kareit* (see below) it would override the requirement of inaugurating the altar.⁴⁶ Once inaugurated by the *Korban Pesach*, the altar would presumably be usable for other *korbanot*.

“A Satisfying Aroma”

When a sacrifice is offered, it must be offered with the intent of providing a satisfying aroma (*rei'ach nicho'ach*).⁴⁷ Yet a verse from the Torah's Admonition (*Tochacha*) suggests that following the destruction of the Temple, Hashem does not desire our offerings: “I will lay your cities in ruin and I will make your sanctuaries desolate; I will not savor your satisfying aromas.”⁴⁸ Citing this verse, R. Yaakov Ettlinger objected to R. Kalisher's attempt at restoring the sacrificial service.⁴⁹

But as R. Naftali Tzvi Berlin notes, the Torah does not mention a “satisfying aroma,” in the context of the *Korban Pesach*, implying that the *Korban Pesach* may indeed be brought

V'hamikdash (Jerusalem, 1970), Vol. 5, pp. 61-70.

45. *Menachot* 4:4.

46. *Mikdash Melech*, p. 152. See also *Kuntrus Drishat Zion v'Yerushalayim* and R. Shlomo Zalman Auerbach, *Minchat Shlomo*, Vol. 3, no. 140, where the possibility of offering a conditional offering is suggested.

47. *Mishnah Zevachim* 4:6.

48. Lev. 26:31.

49. *Binyan Zion*, no. 1.

following the destruction of the Temple.⁵⁰ R. Berlin assumes that the Passover Offering is to be “observed” even during the Exile, as alluded to by the verse, “Observe the month of the springtime, and keep the Passover unto the Lord your God” (Deut. 16:1).⁵¹

Kareit

Korban Pesach is one of only two positive commands that carry a penalty of *kareit*, spiritual excision, if not performed, which conveys the seriousness of this mitzvah. In fact, following the Six Day War, R. Menachem Mendel Schneerson, the Lubavitcher Rebbe, told his followers to leave Jerusalem before Pesach and Pesach *Sheini*, lest they be held accountable for having the ability to bring the Passover Offering and not doing so.⁵² But in 1975, after it became clear that the political reality would not allow for the *Korban Pesach* to be offered in any case, the Lubavitcher Rebbe retracted his ruling.⁵³

Conclusion

While the topic of restoring the sacrificial service is the subject of much controversy, some of the leading authorities of the Modern Era ruled that the *Korban Pesach* may be brought, at least in theory, given certain requirements be met.⁵⁴ Among

50. *Ha-Emek Davar* to Lev. 26:31; *Meishiv Davar, Yoreh De'ah*, no. 56. But see also *Kli Chemdah to Ki Tavo*, where it is argued that *Korban Pesach* does indeed require a *rei'ach nicho'ach*.

51. *Ha-Emek Davar*, *ibid.* See also *Ha-Emek Davar* to Deut. 16:3.

52. See *Likutei Sichot* (Brooklyn, NY: Kehot, 2006), Vol. 12, pp. 220-221 and R. Neriah Guttel, “*Ha-im Chayavim l’hitracheq mi-Yerushalayim b’Erev Pesach?!*,” *Hatzofeh*, Pesach Supplement (March 27, 2002), p. 13. See also R. Shlomo Yosef Zevin’s letter and the Rebbe’s response, published as an appendix to *Chiddushim u’Biurim B’Shas* (Jerusalem: Kehot, 1979), Vol. 1, pp. 347-349, and *Tzitz Eliezer*, Vol. 12, no. 47.

53. *Likutei Sichot*, Vol. 12, p. 216; *Sha’arei Halacha u’Minhag* (Jerusalem: Kehot, 1993), Vol. 2, pp. 139-140. See also R. Neriah Guttel, *ibid.*

54. See *Tzitz Eliezer*, Vol. 10, no. 7, where he suggests that these opinions

those approving were R. Akiva Eiger, *Chatam Sofer*, R. Yaakov Emden, and R. Zvi Hirsch Chajes. Tradition has it that the Vilna Gaon encouraged his students to bring offerings should they be permitted to do so.⁵⁵ Even the *Chazon Ish* ruled that should the Israeli government grant permission, the *Korban Pesach* should indeed be offered.⁵⁶

As discussed above, the *Korban Pesach* possesses a number of advantages over other offerings, making it easier to be offered in our day. Given the significance and centrality of the *Korban Pesach*, the issues involved should continue to be discussed and debated until we merit to “rejoice in the rebuilding of Your city, and rejoice in serving You. And there we will eat from the offerings and from the Passover Offering.”⁵⁷

are all purely theoretical, and would require many conditions to be met before offering sacrifices today.

55. *Ir ha-Kodesh V'ha-Mikdash*, Vol. 5, p. 14.

56. *Chazon Ish, Even ha-Ezer* 2:7.

57. *Hagadah Shel Pesach*.