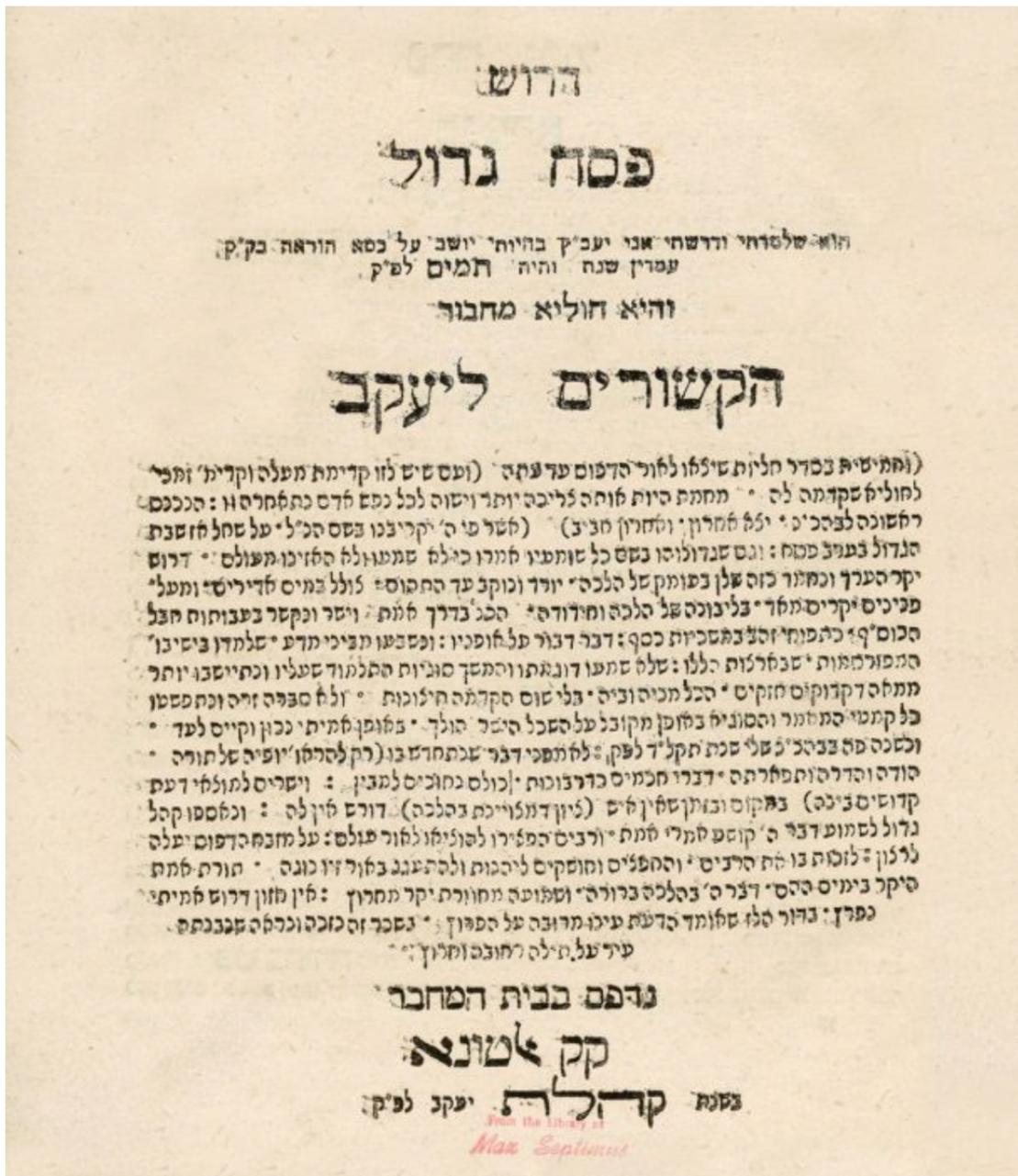


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**The Mysterious Lapse of Memory by B'nei Beteira
as explained by Rav Yaakov Emden (and others)**



1. MISHNA PESACHIM 65B – KORBAN PESACH ON SHABBAT

אלו דברים בפסח דוחין את השבת: שחיטתו, וזריקת דמו, ומיחוי קרביו, והקטרת חלביו. אבל צלייתו והדחת קרביו — אינן דוחין את השבת. הרקבתו, והבאתו מחוץ לתחום, וחתירת יבלתו — אין דוחין את השבת. רבי אליעזר אומר: דוחין

These are the **matters** related to the **Passover** sacrifice that **override Shabbat** (when Erev Pesach falls on Shabbat): **its slaughter, the sprinkling of its blood, the cleaning of its intestines and the burning of its fats** on the altar, all of which are activities that have to be done on Erev Pesach before nightfall. **However, roasting it and washing its intestines**, which don't need to be done during the day, **do not override Shabbat**; rather, one should wait until after Shabbat to do these tasks. **Carrying** the Passover sacrifice through a public domain to the Temple for slaughter does not override Shabbat. Similarly, **bringing it from beyond the Shabbat boundaries and cutting off its wart do not override Shabbat**, as these tasks could have been done before Shabbat. **Rabbi Eliezer says**: All these tasks **override Shabbat**.

2. GEMARA PESACHIM 66A – B'NEI BETEIRA HAVE A LAPSE OF MEMORY & HILLEL TO THE RESCUE

תנו רבנן: הלכה זו נתעלמה מבני בתירא. פעם אחת חל ארבעה עשר להיות בשבת, שכחו ולא ידעו אם פסח דוחה את השבת אם לאו. אמרו: כלום יש אדם שיודע אם פסח דוחה את השבת אם לאו? אמרו להם: אדם אחד יש שעלה מבבל והלל הבבלי שמו, ששימש שני גדולי הדור שמעיה ואבטליון, ויודע אם פסח דוחה את השבת אם לאו. שלחו וקראו לו, אמרו לו: כלום אתה יודע אם הפסח דוחה את השבת אם לאו? אמר להם: וכי פסח אחד יש לנו בשנה שדוחה את השבת? והלא הרבה יותר ממאתים פסחים יש לנו בשנה שדוחין את השבת

The Sages taught in a *baraita* that this law was forgotten by the B'nei Beteira. Once, when the fourteenth of Nisan occurred on Shabbat, they forgot and did not know whether the Korban Pesach overrides Shabbat or not. They said: Is there anyone who knows whether the Korban Pesach overrides Shabbat or not? They said to them: there is a certain man in Jerusalem who came on 'aliyah' from Babylonia, and his name is Hillel the Babylonian. At one point, he served the two most eminent scholars of the generation, Shemaiah and Avtalyon, and he certainly knows whether the Korban Pesach overrides Shabbat or not. And so, the B'nei Beteira sent messengers and called for [Hillel]. They said to him: Do you know whether the Korban Pesach overrides Shabbat or not? He said to them – Are you kidding me? You can't work this one out for yourselves? Is there only one Korban Pesach during the year that overrides Shabbat? Don't we have more than two hundred Paschal lambs, namely other sacrifices that are brought on Sabbaths throughout the year that override Shabbat?

אָמְרוּ לוֹ: מִנֵּין לָךְ? אָמַר לָהֶם: נֹאמַר "מוֹעֵדוֹ" בַּפֶּסַח, וְנֹאמַר "מוֹעֵדוֹ" בַּתְּמִיד: מָה "מוֹעֵדוֹ" הָאֶמּוֹר בַּתְּמִיד דּוֹחָה אֶת הַשַּׁבָּת, אִף "מוֹעֵדוֹ" הָאֶמּוֹר בַּפֶּסַח דּוֹחָה אֶת הַשַּׁבָּת

They said to him: From where do you know this? He said to them: it says בְּמוֹעֵדוֹ "its appointed time" about Korban Pesach and it also says "its appointed time" about the daily offering: צוּ אֶת בְּנֵי יִשְׂרָאֵל – "Command the children of Israel and say to them, My offering, the provision of My sacrifice made with fire, for a sweet savor to Me, shall you observe to offer Me *at its appointed time*" (Num. 28:2). From here we learn that the daily offering is brought even on Shabbat. Which means that the daily morning and afternoon offerings are brought on more than fifty *Shabbatot* over the course of the year, and two sheep are offered every Shabbat as additional offerings (Korban Mussaf), for a total of more than two hundred sacrifices a year that override Shabbat. **Just as the expression "its appointed time," which is stated with regard to the daily offering, indicates that it overrides Shabbat, so too "its appointed time," which is stated with regard to the Korban Pesach, indicates that it overrides Shabbat.**

וְעוֹד קָל וְחוֹמֵר הוּא: וְמָה תְּמִיד שְׂאִין עֲנוּשׁ כֶּרֶת דּוֹחָה אֶת הַשַּׁבָּת, פֶּסַח שְׁעֵנוּשׁ כֶּרֶת אֵינוֹ דִּין שְׂדוּחָה אֶת הַשַּׁבָּת

And furthermore, it is an *a fortiori* inference: If the daily offering, the neglect of which is not punishable by *karet*, overrides Shabbat, is it not right that the Korban Pesach, the neglect of which is punishable by *karet*, should override Shabbat?

מִיָּד הוֹשִׁיבוּהוּ בְּרֵאשׁ, וּמִיִּנְוֵהוּ נְשִׂיא עֲלֵיהֶם, וְהָיָה דוֹרָשׁ כָּל הַיּוֹם כּוּלּוֹ בְּהִלְכוֹת הַפֶּסַח. הַתְּחִיל מִקְנָטְרֵן בְּדַבְּרִים. אָמַר לָהֶן: מִי גָרַם לָכֶם שְׂאֵעֵלָה מִבְּבֶל וְאֶהְיָה נְשִׂיא עֲלֵיכֶם — עֲצָלוֹת שְׁהִיְתָה בְּכֶם, שְׁלֵא שְׂמִשְׁתֶּם שְׁנֵי גְדוּלֵי הַדּוֹר, שְׂמַעֲיָה וְאַבְטַלְיוֹן

After Hillel brought these proofs, **they immediately seated him at the head and appointed him *Nasi* over them, and he expounded the laws of Passover that entire day.** As he was his teaching, **he began rebuking them with words. He said to them: What caused this to happen to you, that I should come up from Babylonia and become *Nasi* over you?** It was **your laziness** – because **you did not serve the two most eminent scholars of the generation** living in Eretz Yisrael, Shemaiah and Avtalyon.

אָמְרוּ לוֹ: רַבִּי, שָׂכַח וְלֹא הֵבִיא סִכִּין מִעֶרֶב שַׁבָּת, מָהוּ? אָמַר לָהֶן: הֲלָכָה זֹאת שְׂמַעֲתִי וְשָׂכַחְתִּי, אֲלֵא הִנֵּחַ לָהֶן לְיִשְׂרָאֵל, אִם אֵין נְבִיאִים הֵן — בְּנֵי נְבִיאִים הֵן

They said to him, Rabbi, if one forgot and did not bring a knife on Erev Shabbat to slaughter his Korban Pesach, **what is the law?** Since he could have brought the knife before Shabbat, he cannot bring it on Shabbat; but what should he do in this situation? **He said to them: I once heard this *halakha* from my teachers, but I have forgotten it. But leave it to the Jewish people; if they are not prophets** to whom God has revealed His secrets, **they are the sons of prophets**, and will certainly do the right thing on their own.

למחר, מי שפסחו טלה — תוחבו בצמרו, מי שפסחו גדי — תוחבו בין קרניו. ראה מעשה ונזכר הלכה, ואמר: כך מקובלני מפי שמעיה ואבטליון

The next day, on Shabbat that was Erev Pesach, **one whose Korban Pesach was a lamb** took the knife and **stuck it in its wool**; and **one whose Korban Pesach was a goat**, which does not have wool, **stuck it between its horns**. Hillel saw the incident and remembered the *halakha* that he had once learned and said: This is the tradition I received from the mouths of Shemaya and Avtalyon, meaning that this is in fact the proper course of action.

Rashi: [What did B'nei Beteira forget?] That Pesach supersedes Shabbat.

3. WHO WERE B'NEI BETEIRA?

The B'nei Beteira family – known in the Jerusalem Talmud as the Ziknei Beteira (Beteira Elders) – were the dominant group of sages who served as the religious leadership of the Jewish people in the period about a century before the destruction of the Second Temple, during the reign of Herod the Great. They took over from Shemaiah and Avtalion, but after an unspecified period B'nei Beteira handed over the religious leadership to Hillel, an immigrant from Babylon who had studied with Shemaiah and Avtalion. **The best-known member of the B'nei Beteira family is Rabbi Yehuda ben Beteira, who settled in the city of Netzivin in western Babylon (today Nusaybin, Eastern Turkey, N. Syrian border).**

4. SOME OF RAV YAAKOV EMDEN'S QUESTIONS ON THE B'NEI BETEIRA MEMORY LAPSE STORY

- How is it possible that B'nei Beteira forgot such a basic law? They were the Torah leaders!
- Erev Pesach falling on Shabbat is not so uncommon that this could have been forgotten by everyone in Eretz Yisrael; how is it possible that no one remembered?
- “They forgot” and “they didn't know” are two different things. “Forgot” means they once knew it and later forgot it, while “didn't know” means they never knew it in the first place. Why the need for both?
- How come they had never heard of Hillel?
- Why did they pick Hillel to be the Nasi because of this story?
- Why was Hillel rude to them, rebuking them for the fact that he was chosen as the Nasi, and blaming it on the fact that they were lazy and didn't serve Shemaiah and Avtalyon?

5. THE REMAINDER OF THE MISHNA – WHAT IS THE LAW REGARDING MACHSHIRIN (FACILITATORS)?

אמר רבי אליעזר: והלא דין הוא: מה אם שחיטה שהיא משום מלאכה — דוחה את השבת, אלו, שהן משום שבות — לא ידחו את השבת? אמר ליה רבי יהושע: יום טוב יוכיח, שהתירו בו משום מלאכה, ואסור בו משום שבות

Rabbi Eliezer (who said that all of these tasks do override Shabbat) **says:** Could the fact that they override Shabbat **not** be derived through a *kal-vachomer* inference? **If slaughter, which is** ordinarily forbidden on Shabbat **as a** biblically prohibited **labor**, nonetheless **overrides Shabbat** when performed for the sake of the Paschal lamb, then **these** activities, namely carrying the animal, bringing it from

outside the Shabbat limit, and the like, which are prohibited **due to rabbinic decree, should they not override Shabbat?** But **Rabbi Yehoshua said to him:** The law governing a **Festival proves** otherwise, for the Torah **permitted on it** acts that are normally prohibited **as labor**, such as slaughtering, cooking, and baking, **and yet it is forbidden** to do acts **on [yomtov]** that are prohibited **by rabbinic decree**. Thus, we cannot derive policy about rabbinic prohibitions from the rules that govern Torah laws.

According to Rav Yaakov Emden, the memory lapse was not about whether one could bring a Korban Pesach on Shabbat, but whether all the aspects of bringing korbanot that broke Shabbat laws could also be done. Hillel demonstrated that a Korban Tamid is the same as Korban Pesach which means that the same rules apply to both, and as one can break the laws of Shabbat for Korban Tamid, one can also break the laws of shabbat for Korban Pesach – even for tangential aspects of the Korban. And as we see from the Mishna, the debate as to how far this ruling went continued among the sages in the generations that followed Hillel.

6. RAV YAAKOV EMDEN – HILLEL KNEW MORE THAN B'NEI BETEIRA ABOUT KORBANOT

ובני בתירא שלא היו דרים בירושלים ... ולא עוד אלא שיתיישבו בחו"ל בזמן הבית ... הוא דבר מתמיה מאד וישתומם כל חכם לב על זאת בלי ספק וביותר לפי מה שכתב התוספות שעל ידי כך היו פטורים מעשיית הפסח מפני שהיא דרך רחוקה ... אמאי לא אתדר להו בארץ ישראל בזמן שישראל יושבין על אדמתן? ומאי טעמא לא סליקו להו למידר בארץ ישראל - טצדקי למיפטר נפשייהו מ[קרבן] פסח וחובות הרגלים וכל שכן הדבר קשה הלא גדולי היו ואב"ד על כל פנים ... האיך לא עלו וקבעו דירתם בירושלים

B'nei Beteira had left Jerusalem and moved to Chutz La'aretz to get out of bringing the Korbanot associated with Chagim – Chagigah and Pesach. Rav Yaakov Emden explains that when they decided one year to come for Pesach, they believed that the halacha was that machshirin were forbidden if Erev Pesach coincided with Shabbat. But others disagreed with them – and yet they were the leading rabbis of the time. They needed to clarify matters by consulting someone who lived in Jerusalem. Ironically, that person turned out to be Hillel – who had come from Chutz La'aretz to study under Shemaiah and Avtalyon. B'nei Beteira thought Hillel would back them up, and when he didn't, they realized that their leadership position was untenable and they immediately appointed Hillel as the Nasi. Hillel didn't rebuke them to be rude, but to make the point that if you move away from the center of action then you are likely to get into these situations. Rather, like him, you need to move towards the center of action – so that you keep your finger on the pulse.

7. TOSAFOT RI"D – B'NEI BETEIRA'S MEMORY LAPSE HAD TO DO WITH HILLEL BECOMING NASI

ת"ר הלכה זו נתעלמה מבני בתירא כו' - ירושלמי אמר ר' אבין והלא אי אפשר לשני שבועות שלא יחול ארבעה עשר בשבת ולמה נעלמה הלכה מהם כדי ליתן גדולה להילל

8. ME'IRI (INTRODUCTION TO AVOT) – B'NEI BETEIRA KNEW THE LAW, BUT THEY HAD NO PROOF

The story is told in the Talmud about the [B'nei] Beteira, the Nesi'im (religious leaders) in the Land of Israel, the leaders in Torah teaching. It says that they once forgot whether the Korban Pesach takes precedence over Shabbat or not. Is this doubt [as presented in the Gemara] simply as it seems, or is there some secret hidden within it? Did [the B'nei] Beteira really forget how to derive this law using Talmudic exegesis? [Clearly] they were forced into this [doubt] by someone [an unnamed person] who argued against the practice, and B'nei Beteira could not give a conclusive legal ruling.

[The B'nei Beteira] were embarrassed and asked if there was anyone who knew whether the Korban Pesach takes precedence over the Sabbath or not, in other words whether there was anyone who knew how to respond to this interlocutor with conclusive arguments from the Torah, whether via analysis (sevara e.g. kal vachomer), or parallel biblical texts (e.g. gezeira shaveh), or any testimony about an existing tradition (eduyot). They were told that there a certain man who had come from Babylonia called Hillel the Babylonian, who had studied under the two greatest sages Shemaiah and Avtalyon, and perhaps ... he [knew something about this matter].

They sent for [Hillel] and he came. They asked him, "Does the Korban Pesach supersede Shabbat?" He said to them: "Does only one Korban Pesach supersede Shabbat? Are there not more than 200 Pesachim that supersede Shabbat every year?" – by which he meant the [Shabbat] sheep sacrifices (kevasim) that are similar to the Passover sacrifices, of which four are brought every Sabbath (4 x 50 = 200) ... They said, "Did we not say that we would have hope from you? But where do you know this from?" He proceeded to expound the law using a kal vachomer and a gezeirah shavah... However, it is said there that they disagreed with and disproved his two proofs ... **[THE PIECE THAT FOLLOWS IS NOT IN THE TALMUD BAVLI, IT IS IN YERUSHALMI PESACHIM 6:1 – SEE BELOW]** and even though he argued with them all day, they did not accept it from him until he said, "Let it be brought upon me – this is what I heard from Shemaiah and Avtalyon." Immediately, they accepted it from him, sat him first and appointed him to be the Nasi.

Here is the Yerushalmi:

אע"פ שהיה יושב ודורש להן כל היום לא קיבלו ממנו. עד שאמר להן: יבוא עלי, כך שמעתי משמעיה ואבטליון
כיון ששמעו ממנו כן, עמדו ומינו אותו נשיא עליהן

Even though [Hillel] was sitting and expounding for them the whole day, the Elders of Beteira did not accept it [the ruling] from him until he said to them: May [harm] befall me if I did not learn thus from Shemaiah and Avtalyon. As soon as the Elders of Beteira heard that from him they rose and appointed him Nasi over them.

The Me'iri is saying that B'nei Beteira knew that Korban Pesach supersedes Shabbat but couldn't prove it. This frustrated them, which was why they summoned Hillel, who attempted to prove it to them. But they did not accept any his logical proofs and in the end they only accepted his (somewhat uncertain) testimony that he had a tradition from Shemaiah and Avtalyon that this was the halakhah.

9. PNEI YEHOSHUA – B'NEI BETEIRA WERE UNSURE ABOUT ONE ASPECT OF THIS LAW

היאך שכחו ולא ידעו דהא בימי בני בתירה והלל היה הרבה יותר ממאתים שנה אחר בנין בית שני והיאך שייך לומר שכל הדור ההוא שכחו בדבר דשכיח כולי האי ונעשה בפרהסיא ובכנופיא בפירסום גדול ולא שייך שכחה בכה"ג דאי איתא דבי"ד שחל להיות בשבת לא היו מביאין פסח כלל מידכר דכירו הוי לה

נראה לי דבכולהו סוגיא דשמעתין לא נתעלמה מבני בתירה הך מילתא דפסח דוחה שבת לענין עיקר הבאת קרבן ... פסח בי"ד שחל להיות בשבת דודאי פשיטא טובא דעיקר הבאתו ושחיתו וזריקתו דוחה שבת... אלא דמה שנתעלמה מבני בתירה היינו לענין הקטרת פסח דנהי דשחיתו וזריקתו דוחה שבת איכא למימר דהיינו משום דאי אפשר בענין אחר דלא לידיחי לגמרי משא"כ לענין הקטרה דאפשר להקטירו בלילה במוצאי שבת א"כ נראה מסברא דלא דחי שבת כדאשכחן בכמה דוכתי דכל היכא דאפשר לקיים שניהם לא דחינן שבת

10. RAV YITZCHAK ELCHANAN SPEKTOR (SHU" T BE'ER YITZCHAK O.C. 14:2) – "KORBAN TZIBBUR"

זה גופא היה ספיקן של בני בתירה. דהא המה היו בזמן בית שני, דלא היו שם אלא שני שבטים... ולכן כיון דהרוב נשאר בבבל, יש לדון דאין [שאיין] דינם כקרבן ציבור לדחות שבת. ודוקא במדבר שהיו כל הציבור ביחד, אז ודאי דדינם כקרבן ציבור ממש לדחות שבת, מה שאין כן בבית שני שהיו רובן בחו"ל, אפשר דאין דינם כקרבן ציבור. ... או אפשר דעם כל זה דינם כמו קרבן ציבור, דהא על כל פנים כל ישראל דבארץ ישראל המה בני חיובא, וכמו הא דהוריות (ג ע"א) "דאמר רב אסי דבהוראה הלך אחר יושבי ארץ ישראל", כפירוש רש"י שם: "דאותן הדרים בחו"ל אינם נחשבים מן המנין" ... ועל זה הספק בא הלל וקפשט להו [ופתר להם].

11. RAV AVRAHAM YITZCHAK HACOHEN KOOK (OLAT RE'YAH 1 P.178-9) – THE POWER OF TZIBBUR

הופעת הקדושה המקשרת את הכח הלאומי הכללי של כנסת ישראל להיות כאיש אחד ממש, עד שקרבן היחיד של כל אחד נחשב כקרבן ציבור - זהו הענין המתגלה בפסח. ...הכלל כולו מתאחד בזה, לא התאחדות חברתית מקובצה מאישים בודדים, שעל ידי המגע ומשא ומתן היומי הם מתאחדים יחד לחטיבה אחת, אלא התגלות יחוד עליון, שהכללות כולה של האומה שמתאחדת על ידי קדושת הפסח, נעשתה לאישיות יחידה ממש.

12. R. MENACHEM MENDEL SCHNEERSON – THE SAME, AND DIFFERENT

הטעם אליבא דהלל שפסח דוחה שבת הוא מפני היותו קרבן ציבור. זו הסיבה שהוא מכנה את כל קרבנות התמיד והמוסף "פסחים", לפי שהצד השווה שבהם הוא היותם קרבנות ציבור. אולם אע"פ שזה עתה אמרנו על פסח שחל עליו הגדר של קרבן ציבור, בכל זאת אין להחיל על הפסח את כל הגדרים של קרבן ציבור. שכן, אדרבה, במהותו היסודית קרבן פסח בכל זאת קרבן יחיד.

13. RAMBAM – INTRODUCTION TO KODSHIM

והמין הרביעי קרבן יחיד דומה לקרבן ציבור, והוא קרבן פסח ששוחט כל אחד ביום י"ד בניסן.