

## VARIATIONS ON A THEME – HILLEL BECOMES NASI

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Like a game of telephone, the story of Hillel's ascent to the office of Nasi circulates through the major Rabbinic texts. Three times it is told – in Tosefta, in the Yerushalmi, and in the Bavli. There is agreement on time and place – this event occurs in the inner court of the Temple in Jerusalem as Pesach approaches – but beyond that the differences are more meaningful than the similarities. As much as the repetitions of the tale sound similar, a close reading reveals significant differences. Each story deserves to be examined on its own merits to reveal the differences in values. The earliest appearance of the story is in Tosefta, composed in the Land of Israel roughly 220 CE. The second version, in the Yerushalmi, comes from the same geographical area but from vastly different social and political circumstances, from approximately 400 CE. The final version, from the Bavli, reflects circumstances different both geographically and politically, dating from roughly 500 CE.

The initial appearance, in T. Pesachim 4:11, recounts what happened one Pesach when the 14<sup>th</sup> of Nisan coincided with Shabbat. A simple question is posed – How is the Pesach offering affected when the 14<sup>th</sup> of Nisan falls on Shabbat? Hillel the sage is present and responds with a simply stated response which draws a strong, negative reaction from those gathered in the *Azarah*, the Temple courtyard. Hillel holds his ground, offering various proofs of his position – first on his own authority, then through the use of various logical proofs, but neither form of evidence is accepted. He then invokes the traditional teachings transmitted to him from his masters. This earns him notice and his answer is accepted. A second question is posed – what if all the preparations for the offering are not prepared in advance? This time Hillel invokes the Ruach HaKodesh, the Holy Spirit; “let the Ruach HaKodesh rest upon them; if they are not prophets, they are the sons of prophets.” (T. Pesachim 4:11) When his words are born out, he is appointed Nasi, the leader of the community and he proceeds to teach the laws of Passover to the assembled gathering.

The story contains a bit of drama; the Pesach dilemma threatens to stop the community on the eve of this most important holiday, then Hillel saves the day. The story includes conflict; in two versions Hillel's logic is vigorously rejected and he must prove his mettle before his detractors. But the story is not consistent. There are significant variables between the three versions. The earliest does not mention that Hillel is a Babylonian. The middle version seems hostile, even dismissive of our hero. The last version rushes to proclaim Hillel as nasi. The differences in the texts reflect differences in values and priorities.

The three versions differ on the basic process by which Hillel earns the position of Nasi. The requirements vary according to the culture of the period and the place. The Yerushalmi is only interested in received tradition passed through a recognized chain of tradition. The Bavli considers logical argumentation the most salient requirement for the job. Tosefta requires more, as we shall see.

If the focus of this passage is on Hillel's ascent to the office of Nasi, then one might expect that each version would simply tell how Hillel came to power and then move on. In the Yerushalmi and the Bavli Hillel moves into the office earlier in the narrative than in Tosefta's version. But they do not choose to end the tale with Hillel's appointment. Both later versions reshape the "extra" parts of the narrative into new details, thereby creating the opportunity for an exploration of values. In each instance the reshaped tale reflects the cultural context within which it was constructed.

It should be noted at the outset that it is not unusual for a story to recur within Rabbinic literature. The same story or the same saying may appear in more than one document or several times in one document. Neusner devotes one volume to what he calls "the peripatetic saying".<sup>1</sup> He begins by dismissing several theories that preceded him. One theory suggests that the saying was simply repeated often. A second, similar theory suggests that different students repeated their separate version of the same tale. A third theory suggests that each detail in a narrative reflects a historical change or event.<sup>2</sup> Neusner suggests a different approach, stating that "when stories move from earlier documents to the Bavli ... in that last appearance they take on a full and complete character that versions appearing in earlier versions lack."<sup>3</sup> In his study, Neusner examines a number of stories about Pharisees before 70 and describes the movement of the narrative through the various rabbinic documents.

In his commentary on this story of Hillel's ascent to power Neusner notes that "the important developments come between Tosefta and Palestinian Talmud."<sup>4</sup> He is correct that the largest change in the narrative does occur between those two texts. The Toseftan version is singularly focused on the story of Hillel's appointment as nasi. Later versions change the point at which Hillel is appointed Nasi. In order to both change the criteria for Hillel's appointment to the office of Nasi and to retain the "extra" elements of the narrative, significant changes must be made to the

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<sup>1</sup> Jacob Neusner, *The Peripatetic Saying: The Problem of the Thrice-Told Tale in Talmudic Literature*, Chico, CA: Scholars Press, 1985

<sup>2</sup> Neusner, pg. 9.

<sup>3</sup> Neusner, pg. 10.

<sup>4</sup> Neusner, pg. 110.

narrative. From that point of view, Neusner is correct that the change comes between Tosefta and the Yerushalmi and that the version of the Bavli is structurally more complex. It would be wrong, however, to conclude that the narrative itself is simply a more refined version of the earlier tale. The changes are more philosophical than structural.

Neusner's study aims to show that such narratives develop as they move from document to document within the literature, and for that his statement is sufficient. In what follows we will look beyond the structural changes to examine the philosophical changes that occur as the narrative moves from version to version.

Rubenstein offers helpful guidance in his study, *The Culture of the Babylonian Talmud*. He notes that "authors wrote, and storytellers told, stories in order to instruct their audience, to teach morals, to stake claims, and to provide positive and negative models."<sup>5</sup> He suggests that the stories were malleable and that the storytellers would "jettison older terms that would be poorly understood, transform anachronistic situations and replace obsolete issues with contemporary concerns."<sup>6</sup>

Rubenstein's description is helpful when considering the narratives at hand. This story clearly sets out to stake a claim – Hillel, the archetypal sage, ascends to the office of Nasi and the leadership of the community. Tosefta makes this the sole aim of the story and every element pushes toward that goal. The editors of the Yerushalmi and the Bavli chose to reshape the narrative; the key difference being what Hillel does to earn the title of Nasi. In each successive version the requirements for the title change, presumably reflecting the different values of each document. As we read the tales it will be important to review in detail the differences in requirements and the different values implicit in those choices.

The initial change in the narrative, shifting the requirements for the office of nasi, brings other changes in its wake. The remaining elements of the narrative are not discarded once Hillel earns the title, but are transformed into supporting tales of their own. They become new stories, linked to the original tale. These elements are used to instruct the audience, illustrating moral lessons that carried contemporary importance. These new tales illuminate previously unseen facets of the original tale.

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<sup>5</sup> Jeffrey L. Rubenstein, *The Culture of The Babylonian Talmud*, Baltimore: The Johns Hopkins University Press, , 2003, Pg. 6.

<sup>6</sup> Rubenstein, pg. 6.

In the study that follows we will compare the three versions of this narrative and examine the different values they reflect. First, we will summarize each version, noting its distinctive elements.<sup>7</sup> Then we will move on to consider and contrast the values reflected within each version. This will include the requirements for leadership suggested by each of these narratives. Secondly, only one version, the earliest, refers to the *Ruach HaKodesh*, Divine Inspiration, prompting the question of why later versions drop that element of the story. We will consider why this element disappeared. Third, the versions found in the *Yerushalmi* and the *Bavli* use the last element of the story, where Hillel forgets the particular law, in vastly different ways. We will consider how the particular issue of memory and forgetfulness reflects the cultural differences between the *Yerushalmi* and the *Bavli*. Each version reflects the culture of its surroundings.<sup>8</sup> It is of interest to note the ways they use this element of the story.

#### **TOSEFTA'S VERSION – T. Pesachim 4:11**

Tosefta presents the best integrated version of the story. Every element of the tale contributes to the one goal – telling how Hillel ascended to the office of Nasi. The narrative is well organized, with each element logically building on the one before and deepening the plot of the story.

Tosefta's version, T. Pesachim 4:11, can be told rather simply.<sup>9</sup> One Pesach, when the time for the Pesach sacrifice would fall on Shabbat, the leaders of the Temple were stymied, uncertain whether the Pesach offering would supersede Shabbat.<sup>10</sup> Hillel offers a response, declaring that the Pesach does take precedence, but is met with an angry response from those gathered in the Temple Court. Undaunted Hillel continues to prove his case using first a series of logical proofs, each more stringent than the one before. When those proofs fail to convince his listeners, Hillel finally convinces his audience by recourse to the teaching of his teachers. His answer is accepted but prompts a follow-up: what if the preparations were not in place before Shabbat? Hillel admits he does not recall the answer, but confidently responds, "Let the *Ruach HaKodesh* [Holy Spirit] rest on them. If they are not prophets, they are the children of prophets." When the people prove the truth of Hillel's words he is appointed Nasi and spends the rest of the time teaching the laws of Passover.

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<sup>7</sup> The full text of all three versions is presented in a comparative chart in the appendix.

<sup>8</sup> I take my lead on this from the work of Jeffrey Rubenstein, *The Culture of the Babylonian Talmud*.

<sup>9</sup> I have analyzed this version of the story in detail in an earlier article, "Hillel's Ascent to Power", which can be found at <http://www.maqom.com/journal/paper19.pdf>.

<sup>10</sup> Eliezer Segal offers a speculative answer to the question of why this detail of Pesach observance might have been subject to debate. He suggests that this may reflect a conflict over differing calendar systems – one from Babylonia and one championed by the Dead Sea sects, for example. Eliezer Segal, "Hillel's Perplexing Passover Predicament", [http://www.ucalgary.ca/~elsegal/Shokel/010405\\_HillelPassover.html](http://www.ucalgary.ca/~elsegal/Shokel/010405_HillelPassover.html)

It is easy to outline the Tosefta version. The initial question is followed by a series of answers, each drawing on a different style of authority. First Hillel responds on his own authority, which is rejected. He follows with a series of logical proofs. The three proofs he offers – hekesh, gezerah shava, and kal v'homer – move from the least rigorous to the most, but these are also unacceptable. When Hillel invokes the authority of his teachers, unnamed in this version, his answer is accepted. While his answer is accepted, he is neither appointed to the office of nasi, nor acknowledged as a teacher in his own right. The text moves on to a follow-up question. It is as if he were simply being acknowledged as being the conduit from his teachers to those gathered in the Temple court. It is only when he goes on to successfully invoke the Ruach HaKodesh in response to the follow-up question that he is appointed nasi.

The story moves step by step, from the least stringent form of authority to the most. One is tempted to suggest that the story passes judgment at each stage of the narrative.

Hillel's self-proclaimed authority is decisively rejected. The priests "gather against him". Neusner notes that the literature of the Mishnah makes "an autonomous, free-standing statement which does not appeal to some other writing for order or proportion."<sup>11</sup> Hillel's response matches that description. Still the rejection by those gathered in the *azarah* seemingly signals a discomfort with such self-assertion.

The logical proofs do not stir the same level of animosity, but also do not convince. While they may be influential, they are not sufficient. The Mishnah does not utilize these classic forms of logical argumentation, rather they first appear in this time period. In T. Sanhedrin 7:5 Hillel is credited with introducing seven rules of interpretation:

These are the seven *Midot* which Hillel the Elder expounded before the Elders of Batyra: Kal V'Homem; Gezerah Shavah, Binyan Av from a single text, Binyan Av from two texts, the general and the particular, something similar to this from another place, and argument from context. These are the seven *midot* which Hillel the Elder expounded before the Elders of Batyra.<sup>12</sup> (T. Sanhedrin 7:5)

Our Tosefta passage may be the earliest in which these arguments are put to the test.

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<sup>11</sup> Jacob Neusner, *The Mishnah: An Introduction*, Northvale, New Jersey: Jason Aronson, Inc, 1994, Pg. 19.

<sup>12</sup> These rules also appear in Sifra VaYikra Middot, 2,8. Neusner, *Introduction*, pg. 272 ff., notes that "the framers of Sifra recast the two parts of the Torah into a single coherent statement," reading the program of the Mishnah into Scripture. It is possible that Sifra, composed in the 2<sup>nd</sup> half of the 3<sup>rd</sup> century (according to Strack and Stemberger, pg. 263), attempts to reconcile the use of logic with the exegesis of scripture, though with less conflict than is present in this narrative. It is, nonetheless, the imposition of the rabbinic mode of interpretation into the heart of the priestly occupation.

These logical arguments do not shift the argument. Indeed if this entire section were removed from the passage the story would proceed as smoothly – from self-assertion to citation of teachers to invocation of the Ruach HaKodesh. They seem to function here more as an ideological marker; they set the stage for a rabbinic style that will yet emerge. As I noted in an earlier essay, logic introduces “a breadth and a freedom to the process of interpretation.”<sup>13</sup> The inclusion of these logical arguments may not be sufficient in this passage, but they do herald the coming change in the rabbinic style of interpretation.

The line of tradition that Hillel conveys when he cites his teachers is authoritative and sufficient to resolve the central question. In contrast to both the Yerushalmi and the Bavli this passage cites neither Hillel’s Babylonian origins<sup>14</sup> nor the names of his teachers. Presumably these details are not significant for this text, though they will become important in both of the later versions. At this stage of development the conflict is between the sages and non-sages, in this case the priests gathered in the Inner Temple Court. Rubenstein notes that “many rabbinic traditions polemicize against the priests in an effort to minimize priestly claims to leadership in the postdestruction era.”<sup>15</sup> Just as the Tosefta focuses solely on establishing Hillel as the master of all styles of authority, so it minimizes the expertise of the priests who are known here neither by name nor expertise. Neither the origin of the sage nor the names of his teachers are under consideration here, only the conflict between the sage and others. This stands in marked contrast to the versions of the Yerushalmi and the Bavli where the conflict rests within the community of sages.

When Hillel successfully calls upon the Ruach HaKodesh the tide turns. This completes the range of expertise required for the position of nasi. Hillel has demonstrated both his self-assurance in halakha and his mastery of logical proofs. By citing his teachers he places himself within an acknowledged line of tradition. This last step, invoking the Ruach HaKodesh, gives his claim divine recognition. He is now acknowledged and appointed nasi.

Hillel has demonstrated his prowess in four different ways. The Tosefta does not take much notice of either his own self-assertion nor his multiple logical proofs. His claim to stand in the authoritative line of tradition, coupled with his invocation of the Ruach HaKodesh secures his place as nasi.

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<sup>13</sup> Louis Rieser, “Hillel’s Ascent to Power”, pg. 13.

<sup>14</sup> The earliest mention of Hillel’s Babylonian origin is in Tosefta at T. Negaim 1:16, the only time it is mentioned in Tosefta.

<sup>15</sup> Rubenstein, *The Culture of the Babylonian Talmud*, pg. 88.

The Tosefta is the only version of this story to include the reference to the Ruach HaKodesh. It seems to indicate that for the author of this version the divine approval implicit in the appearance of the Ruach HaKodesh is the necessary final step. In the competition between different models of Jewish practice, that of the priests and that of the sages, God has the final voice.

#### **THE YERUSHALMI'S VERSION – Y. Pesachim 39a/6:1**

The attitude displayed by the Yerushalmi toward Hillel is conflicted. In the end Hillel ascends to the office of nasi, as is true in other versions. The story is told, however, in a way that clearly conveys discomfort with this outsider from Babylonia. We see that discomfort displayed in the way the text dismisses Hillel's logical proofs, we see it in the way the text traces the relationship between Hillel and the Elders of Batrya.

The Yerushalmi introduces its version with a superscription: "This halakha was lost by the Elders of Batrya." These opening words already signal a change between this and the Tosefta's version. While Tosefta's focus is sharply and solely on the issue of Hillel's ascent to power, this introduction alerts us that something else is afoot. The superscription gives a reason why the questions needs to be asked – the Elders of Batrya, sages who were in charge at the time and who replace the Azarah in this version of the tale, had forgotten the halakha.

The Yerushalmi replaces the Azarah for good reason. By the time of the Yerushalmi the Azarah was distant history. The tosefta passage seems to be the only place where the term refers to a group of people, otherwise it refers simply to the courtyard, and it is clearly anachronistic, perhaps unrecognizable. By the time of the Yerushalmi, roughly 400 C.E., the term simply makes no sense.

If the term is no longer meaningful, the story of Hillel the sage ascending to the office of nasi retains its power. In order to preserve the story a new protagonist must be found. A convenient link already exists within the story. In order to substantiate his answer to the initial question Hillel introduces the use of logical argumentation in order to answer the question. The rules themselves have already been noted another site, T. Sanhedrin 7:5. There it states that Hillel taught the seven rules to the Elders of Batrya, though it does not note when or where he did so. The two stories merge easily to form the root of the next level.

The Elders of Batrya serve as a useful foil for others reasons as well. First, as interim leaders it is plausible that they may not have known the Temple procedure for this occasion when Passover and Shabbat intersected. According to the sparse material preserved in the Talmudic record, the

Elders of Batyra were religious leaders in the time following the death of Shemayah and Avtalion in the late 1<sup>st</sup> century B.C.E.. Some suggest that they might have been appointed by Herod.<sup>16</sup> Regardless, they may not have been intimately involved with the on-going functioning of the Temple and so may not have known what normal practice was when the 14<sup>th</sup> of Nisan fell on Shabbat. By naming them as the protagonists in this narrative, the Yerushalmi provides a clearer reason why the authorities may not have known what to do in this circumstance.

Second, the shift in characters also shifts the nature of the struggle. The contrast is no longer between the methodology of the Second Temple period and that of the emerging rabbinic movement. The change of protagonists focuses the conflict on the tension between two competing rabbinic-based groups. The Elders of Batyra are local, based in the Land of Israel, and aligned with the priests, while Hillel comes from Babylonia. The Yerushalmi clearly prefers a leader with a local pedigree.

The palpable tension between the local authorities and Hillel, the outsider from Babylonia, is a key feature in the version presented in the Yerushalmi. That tension is already present when Hillel is first introduced as “a certain Babylonian.” A skeptical voice, perhaps an aside, immediately follows – “Perhaps some good can come from him.” The skepticism that accompanies his introduction returns twice more within the passage. After Hillel’s first response, they repeat, “We already said there is a benefit in consulting you.” A bit further on, just before they proceed to refute each of his proofs, the refrain repeats, “We have already wondered if there would be any benefit from this Babylonian.” The skeptical refrain, wondering if any good can come from this [from any?] Babylonian serves to deepen the Yerushalmi’s distain for the logical proofs proposed by Hillel. Despite his status a disciple of Shemaya and Avtalyon, Hillel the Babylonian is greeted with either skepticism or surprise.

Although Hillel’s outsider status is emphasized in multiple ways, the passage opens by naming Hillel as a disciple of Shemaya and Avtalyon. Necessarily, then, he has spent time in the Land of Israel and learned there. It seems a contradiction. How can he be introduced as a product of the local authorities and then challenged as an outsider from Babylonia? I suggest two possible solutions. The simplest answer is simply local pride. Certainly he studied with the local authorities, but he is still identified as a Babylonian. Given a sense of competition between the two locales, his studies earn him a voice while his lineage marks him as suspect. Second, although Hillel learned with Shemaya and Avtalyon and learned their traditions, he brings a new

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<sup>16</sup> Gershom Bader, *The Encyclopedia of Talmudic Sages*, Northvale, NJ: Jason Aronson, Inc, 1988, Pg. 85. Bader does not cite a source for this assertion.



method – the applied use of logical proofs. If his study with the great authorities gains him recognition, his use of logic makes him suspect.<sup>17</sup>

The Yerushalmi dismisses Hillel's logical proofs out of hand. As Hillel multiplies his proofs, they wonder aloud about the wisdom of consulting him and challenge his interpretations. "The hekesh which you said, there is a response to it..." For every proof Hillel offers they have a refutation. The limits of each form logical argument are cited and the faults in his presentation are underscored. Though "he was sitting and lecturing them all the day, they did not accept him." It is a wonderful image – Hillel droning on for hours, presenting proof upon proof which are of no interest to his listeners.<sup>18</sup> Hillel's Babylonian method wins no converts.

Only when Hillel cited his masters, Shemaya and Avtalion, did he earn the title of *Nasi*. And even then there is a backhanded acknowledgment of the preference for a local authority. "Who caused you to be in need of this Babylonian?" he asks, chiding them that they did not properly serve their own great teachers, Shemaya and Avtalion. It is of interest to note that Shemaya and Avtalion, local authorities, are mentioned four times in the Yerushalmi's version, beginning with the opening introduction of Hillel and extending to the last line of the narrative, but are absent from the Tosefta passage. From first to last this passage prefers local tradition and authority but must accede to the greater authority of the Babylonian, Hillel.

For the Yerushalmi the decisive factor is Hillel's discipleship, his ability to faithfully transmit what he received from his teachers. After his logical proofs are refuted and dismissed, he cites the teaching of his teachers, Shemaya and Avtalion. His logic is dismissed and there is no appeal to Ruach HaKodesh. The sole necessary qualification is his discipleship.

Based on a Yerushalmi baraita Rubenstein notes that discipleship is a key value for that community:

A Yerushalmi baraita states, "The collector of traditions (*sodran*) takes precedence over the dialectician (*pilpelan*)." (Y. Horayot 3:5, 48c) "Collecting" or "arranging" is usually associated with breadth of knowledge or precise recall of earlier traditions."<sup>19</sup>

Similarly David Rosenthal refers to the tale told in the Bavli, Berachot 64a, in which the leaders in Babylonia sent to the Land of Israel to ask advice in choosing the head of the academy at

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<sup>17</sup> Rubenstein notes, "Dialectical argumentation is among the clearest example of a specifically Babylonian theme." Rubenstein, *The Culture of the Babylonian Talmud*, pg. 45. We will return to this theme later in this essay.

<sup>18</sup> We will return to this image below. The contrast between way the Yerushalmi and the Bavli present this scene reflects the significant cultural difference between the two versions.

<sup>19</sup> Rubenstein, *The Culture of the Babylonian Talmud*, pg 49

Pumbedita. They asked which style of leader is preferable – Rav Yosef, known as Sinai for his ability to recall Baraitot and to arrange his teachings, or Rabbah, known as an uprooter of mountains for his logical agility. The leaders of the Land of Israel replied, “Sinai is preferred.”<sup>20</sup>

Rosenthal continues, referring directly to our story, to state that:

According to the Yerushalmi Hillel “the Babylonian” was appointed as nasi over the sages of Eretz Israel by the merit of his learning..., by the merit of his being an ‘arranger’, ‘Sinai’; however they mocked his midrash which “he began to expound for them”: is there benefit from this Babylonian?”<sup>21</sup>

The Yerushalmi appoints Hillel as Nasi on the merit of his discipleship. They disparaged his logical skills and removed any mention of the Ruach HaKodesh. His appointment testifies to the centrality of discipleship, a prime example of the style they valued.

There is a literary consequence to the Yerushalmi’s decision to declare Hillel as Nasi based upon his discipleship to Shemaya and Avtalion. The last section of the narrative is no longer necessary. If the narrative intends to tell the tale of Hillel’s ascension to the office of Nasi, it has already accomplished its task. So the last element of the narrative is now free for other purposes. The Yerushalmi takes advantage of that opportunity to transform the last part of our narrative into a brief moral tale.

Once Hillel is appointed as Nasi he sits to teach the gathered community. He opens with a rebuke: “What caused you to be in need of this Babylonian? Because you did not serve the two world-class greats, Shemaya and Avtalion, who were dwelling with you.” Unbeknownst to Hillel this public rebuke causes him to forget. This serves as the catalyst for the next chapter of the story.

While he is teaching, Hillel is asked a question about what would happen if people did not prepare before Shabbat for the Pesach sacrifice. He responds that he once knew this halakhah, but forgot it. He reassures his listeners that the people Israel will know what to do, “If they are not prophets, they are the sons of prophets.” When they do come with the knives safely and appropriately sheathed in the wool of the lambs or the horns of the goats, he recalls the halakhah. “So I learned from Shemaya and Avtalion.”

This narrative began with the declaration that the Elders of Batyra had lost this halakhah. Now Hillel, having just rebuked his listeners for not serving their teachers and for forgetting the

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<sup>20</sup> David Rosenthal, “Mesorot eretz-yisraeliot vedarkan Ibavel”, *Cathedra* 92 (1999), pg. 35. This article is cited in Rubenstein, *Culture of the Babylonian Talmud*, pg 175, n.18.

<sup>21</sup> Rubenstein, pg. 35.

halakhah, loses a halakhah in turn. It is an ironic turn that gives the passage a dramatic twist. Rubenstein notes “irony and reversals contribute above all to the dramatic quality of BT [Babylonian Talmud] stories. They have a didactic function too in effectively communicating lessons to the audience.”<sup>22</sup> Here the same tool is used by the Yerushalmi.

Our narrative ends with Hillel’s declaration. The people have done as his teachers taught, so the tale ends. But the Yerushalmi is not satisfied. “Why was this halakhah forgotten by them?” the Yerushalmi (Y. Pesachim 39b) asks. The answer: “In order to recognize the greatness of Hillel.” Hillel’s greatness is acknowledged when he behaves as did his Palestinian predecessors, the Elders of Batyra, by yielding the floor to learn from the local people.

In the end the Yerushalmi praises the Elder of Batyra all the more. The Yerushalmi (Y. Pesachim 39b) continues: “Three gave up their crown in this world and inherited the world to come:... the Elders of Batyra [who] resigned their office and appointed him [Hillel] nasi” The reversal is complete. The Yerushalmi has elevated Hillel the Babylonian to the office of nasi, but has given him a comeuppance as well. The end of the passage parallels its opening. The Elders of Batyra forgot a halakhah; Hillel forgot a halakhah. The Elders of Batyra yielded their office to Hillel – this part of the story is a given and cannot be changed – but in doing so they gain a place in the world to come.<sup>23</sup> The Yerushalmi crafts the narrative in such a way that one is always aware of the “higher” values cherished in the Land of Israel versus those of the Babylonians.

One last element needs to be addressed before concluding this discussion of the Yerushalmi’s version. All mention of Ruach HaKodesh disappears. It is not surprising. On one hand it is no longer necessary. Hillel has won the office of nasi; no other criteria are needed to prove his worthiness. Any recourse to Ruach HaKodesh at this point would be anticlimactic.

On the other hand, there is a certain discomfort with Ruach HaKodesh. The rabbinic movement moved away from prophecy and toward an understanding of study as the source of on-going revelation. After all, Ruach HaKodesh is unpredictable. Any individual might claim the power and

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<sup>22</sup> Rubenstein, *Rabbinic Stories*, pg.248, see also pg. 388, n. 14. Rubenstein notes our story among several Babylonian Talmud stories that use reversals as a literary device.

<sup>23</sup> Sacha Stern, “Rabbi and the Origins of the Patriarchate”, *Journal of Jewish Studies*, vol. LIV, no. 2, Autumn 2003, pg. 203-203, contrasts this passage with its parallel in the Bavli at B. Bava Metzia 84b-85a. “Whereas the Palestinian Talmud concludes that the elders of Batera were most worthy by giving way to Hillel – who was a Babylonian...— the Babylonian Talmud does not consider this a great achievement, since the superiority of Hillel was obvious and the ‘sons of Batera, likewise, saw that Hillel was better than them.’”

inspiration of Ruach HaKodesh and proceed to declare anything proper or improper. Such inspiration is a problem for organized religion. Cohen writes:

“Revelation... was no longer to be regarded as a spontaneous and pneumatic experience, entirely unrelated to either the desire of the privileged individual or even his attested piety... Instead, it was to be replaced by solicited revelation – consciously aspired to and conscientiously acquired, principally through the medium of relentless study.... It was thus that prophecy and scholarship came to be presented as incompatible alternatives rather than equal imperatives.”<sup>24</sup>

So it is reasonable that the Yerushalmi, redacted around 400 C.E., would be just as pleased to replace that element of the narrative with something else.

The Yerushalmi significantly reworks the tale it inherited from Tosefta. Not only does it alter the requirements that Hillel demonstrates in earning the office of nasi, it revalues our image of Hillel. While he is grudgingly elevated to the office, the abiding question of whether “any good” can come from this Babylonian remains. In the end, one is acutely aware of the difference in values and method between the Babylonian and the Palestinian schools.

#### **THE BAVLI'S VERSION – B. Pesachim 66a**

The Bavli, like the Yerushalmi, reshapes this narrative to its own ends. Just as the Yerushalmi creates from the Tosefta text a narrative that suits its own needs in terms of the values of that community, so the Bavli does the same. Neusner suggests that “the Babylonian version provides a more continuous narrative,”<sup>25</sup> but I think he does a disservice when he makes that judgment. The text is formed and re-formed to meet particular goals. While the text of the narrative in the Bavli seems entirely familiar, the particular choices made in editing the narrative give it a message all its own.

The Bavli opens by adding an extra superscription: “Our Rabbis taught...” The phrase routinely introduces a baraita, “a source from the Mishnaic era that was not included in the Mishnah of Rabbi Yehudah HaNasi but is cited in the Gemara.”<sup>26</sup> In this instance, however, it seems as if the

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<sup>24</sup> Stuart A. Cohen, pg. 70. See also, Joseph Blenkinsopp, *Sage, Prophet, Priest: Religious and Intellectual Leadership in Ancient Israel*, Louisville, KY: Westminster John Knox Press, 1995, Pg. 164 – “The idea seems to be that the promulgation of a written law renders appeal to prophetic inspiration both unnecessary and undesirable, and the same message is conveyed in a number of rabbinic *baraitot* that speak of prophecy (*nebu'a*) as a thing of the past.” Blenkinsopp is commenting primarily on Deuteronomy 18:15-18 which “redefines the prophet as the continuator of the work of Moses the lawgiver” (pg. 163), but his insight is equally applicable here.

<sup>25</sup> Jacob Neusner, *The Peripatetic Saying*, Pg. 110.

<sup>26</sup> Judith Z. Abrams, *The Babylonian Talmud: A Topical Guide*, NY: University Press of American, 2002 Pg. 86.

phrase insulates the narrative of the Bavli from needing to follow in the footsteps of the Yerushalmi. The Bavli's narrative is a reconstructed version of the tale received from Tosefta and the Yerushalmi. The reconstruction is conveniently masked by calling this a baraita, suggesting that this is the original version. The Bavli will not draw a comparison between the actions of the Bene Batyra<sup>27</sup> and Hillel. By opening with the words, "Our Rabbis taught", the Bavli can soften the appearance of the Bene Batyra and focus on Hillel's accomplishments.

Throughout, Hillel is treated in a gentler fashion. He is introduced initially on his own merit, the names of his teachers are not mentioned. The Bavli does not repeat any of the skeptical asides about Hillel that pepper the Yerushalmi's account. It never asks if there is any benefit to come from this man. After Hillel offers his initial response that there are many occasions on which we make offerings on Shabbat and Pesach is no different, they respectfully ask, "How do you know it?"

The Bavli immediately introduces Hillel with all of the necessary qualifications, even before he opens his mouth. "There is a certain man who has come up from Babylonia, Hillel the Babylonian by name, who served the two greatest men of the time, and he knows whether Passover supersedes Shabbat or not." (B. Pesachim 66a) It says that he served the great teachers (who are not yet named); it states that he will know the answer; and it adds that he comes from Babylonia. "For in ancient times when the Torah was forgotten from Israel, Ezra came up from Babylon and established it. [Some of] it was again forgotten and Hillel the Babylonian came up and established it." (B. Sukkah 20a) Just as the sages of the Land of Israel prefer a local scholar, so the Bavli maintains a tradition that the Torah is preserved in Babylonia. Hillel implicitly has an advantage.

In the Bavli's version, Hillel presents only two of the three logical proofs – the gezerah shavah and the kal v'homeir. The hekesh, the weakest of the arguments, is omitted. His proofs are enthusiastically accepted and "they immediately set him at their head and appointed him Nasi over them." Neusner notes that it is because of "Hillel's own proofs, and *not* his citation of his masters"<sup>28</sup> that Hillel ascends to power in the Babylonian version. Indeed, in the Bavli's version, Hillel does not cite the tradition of his teachers as a proof for his opinion concerning the first question about what happens when the 14<sup>th</sup> of Nisan falls on Shabbat.

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<sup>27</sup> The name changes, but the reference is the same. The name change reflects a difference in custom between the two talmuds.

<sup>28</sup> Neusner, *The Peripatetic Saying*, pg. 110. Underlining in the original.

This shift is significant. In Tosefta Hillel is appointed as Nasi because he demonstrates his mastery of multiple forms of authority: logical argumentation, received tradition, and the ability to call upon Ruach HaKodesh. In the Yerushalmi, Hillel's logic is explicitly rejected. No reference is made to Ruach HaKodesh. He ascends to the office of Nasi solely on his merit as the disciple of Shemaya and Avtalion. For the Bavli, the sole relevant expertise necessary for Hillel to earn the office of Nasi is facility with the logical rules. A careful reading of these parallel narratives reveals the differences in values between these three levels of the rabbinic canon.

The Bavli also treats the final section in a manner different from the Yerushalmi. Here, too, the difference reveals a difference in values. But the difference is not found in the text of our narrative, which is nearly identical to that of the Yerushalmi, but in the way the story is contextualized. The Bavli treats the final section of our narrative as a moral tale demonstrating the consequences of anger.

In three sections, each introduced by a different amora, the dangers of boastfulness and anger are detailed. In each case, the dangers are noted for the sage and for the prophet. In the first instance, the example of the sage who transgresses is Hillel.

Rav Judah said in the name of Rav: Whoever is boastful, if he is a sage, his wisdom will desert him; if he is a prophet, his prophecy will desert him.

If he is a sage, his wisdom will desert him – [we learn this ] from Hillel. For the Master said, “He began by rebuking them with words, [and then] he said to them, I had learned this halakhah, but I forgot it....

Resh Lakhish said: Any person who gets angry – if he is a sage, his wisdom will desert him; if he is a prophet, his prophecy will desert him. If he is a sage, his wisdom departs from him: we learn this from Moses... If he is a prophet his prophecy departs from him: we learn this from Elisha...

R. Mani ben Patish said: Any person who gets angry, even if Heaven decrees greatness for him, will be brought down....” (B. Pesachim 66b)

These passages are not part of the narrative, but serve as a context for our text. Hillel becomes angry and forgets his learning, but he is in good company – Moses and Elisha suffered similarly. This brief teaching on anger serves to focus our attention on the moment just after Hillel is appointed Nasi, when he, “began by rebuking them with words.” At the very moment when Hillel earns the position of Nasi because of his logical and rational ability, he loses his learning as a result of his emotional outburst.

The Bavli has no parallel to the explanation offered by the Yerushalmi. Whereas the Yerushalmi taught that Hillel forgot his learning as an opportunity to display his greatness in other ways, the

Bavli simply uses the tale to teach a moral lesson. For the Bavli, the dangers of boastfulness and anger are key.

Conversely, a search reveals that there is no parallel to the teaching about the dangers of anger anywhere in the Yerushalmi. The root used by the Bavli for boastfulness, *yud—hey—resh*, doesn't appear in the Yerushalmi at all. The word for anger, *ka-as*, does appear some 28 times, but none of the passages parallel the teaching in the Bavli.

The Bavli does not make dramatic changes to the text, rather with a few deft strokes it shifts the values and the import of the text. Hillel is proudly paraded in as a Babylonian, and his discipleship is equally heralded as one “who served the two greatest men of the time.” From the very first it is clear that this man is exceptional. All of the skeptical and dismissive asides of the Yerushalmi are dropped.

### **THE YERUSHALMI AND THE BAVLI – CONTRASTING VISIONS**

Both Talmudic narratives mark Hillel's lecture on the laws of Pesach as the decisive point at which he is declared nasi. The Yerushalmi waits until after the lecture to appoint Hillel, suggesting that the lecture was all in vain. By contrast, Hillel's appointment becomes the reason for his lecture in the Bavli's version. There is a world of difference between the two.

In the Yerushalmi Hillel lectures, but to no avail. He has presented his logical proofs and they have been dismissed. As we learn from the interpolated responses to Hillel's proof, the sages of the Yerushalmi can rebut his proofs as quickly as he can present them. Is his day-long lecture merely a redirected rebuttal? At any rate the Yerushalmi might be paraphrased to say: “after a long and fruitless day of logical games, we finally heard something of worth when he revealed that he could have taught this from his teacher's tradition. Would that he has spared us all the academic posings!” Rubenstein notes that,

“In Palestine the sages resolved their legal difficulties without engaging in the argumentative process of ‘objections and solutions’ to examine all sides...That the complex argumentation glorified in the Bavli could simultaneously be ‘troubling’ is seconded by a surprisingly self-reflective midrash to Lamentations 3:6: ‘*he has made me dwell in darkness like those long dead*. R. Yirmiah said: This is the Talmud (or ‘learning’) of Babylonia’ (b Sanhedrin 24a)”<sup>29</sup>

The sages of the Land of Israel seem to echo that sentiment as they endure Hillel's day-long lecture.

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<sup>29</sup> Rubenstein, *Culture*, pg 50.

By contrast, the Bavli can hardly get enough of his wisdom. As soon as Hillel states his logical proofs they “set him at their head and appoint him Nasi.” It is a telling turn of a phrase in two ways. First, it emphasizes the Bavli’s love of argumentation. When Hillel now lectures them through the day, it is a positive event, reflecting the natural interest of a culture that encourages dialectical argumentation. Rubenstein states,

“Dialectical argumentation is among the clearest examples of a specifically Babylonian theme. The combination ‘objections and solutions’ does not appear in the Yerushalmi or in other Palestinian sources.”<sup>30</sup>

Among the many sources Rubenstein cites to support his contention, perhaps the most striking comes from the lips of R. Yohanan following the death of his study partner Resh Laqish. R. Eleazar b. Pedat stood in as a replacement, but R. Yohanan laments:

“Are you [R. Eleazar] like the Son of Laqish? When I made a statement, the Son of Laqish would object with twenty-four objections and I would solve them with twenty-four solutions, and thus our discussions expanded. But you say, ‘There is a teaching that supports you.’ Do I not know that my statements are accurate? He tore his clothes and went crying and saying, ‘Where are you Son of Laqish? Where are you Son of Laqish?’ He could not be consoled. The sages prayed for mercy for him and he died.” (B. Baba Metsia 84a)

For a culture that delighted in dialectics and argumentation, what could be more welcome than a day learning logical proofs from the master?

The setting also offers a contrast. It seems to reflect the setting of the Babylonian academy. “They immediately set him at their head and appointed him Nasi over them, and he was sitting and lecturing them the whole day on the laws of Passover.” The picture created by that phrase is of one person sitting before a group and lecturing, as if in a school or institutional setting.

Rubenstein quotes Catherine Hezser to say that “[t]here is no reason to assume that study houses, houses of meeting or halls were ‘rabbinic academies.’...Those study houses which were associated with a particular rabbi would have ceased to exist with that rabbi’s death.”<sup>31</sup> The scene described is public and does not seem limited to one rabbi. Rather, Hillel seems to step into an already recognized role. When the text says that they “sat him at the head (*hoshevuhu brosh*)” it echoes the language at B. Ketubot 103b wherein Rabbi Judah HaNasi gives his final directives. He orders that they should convene a study session (*v’hoshivu yeshiva*) after 30 days

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<sup>30</sup> Rubenstein, *Culture*, pg. 45.



and that “Shimon, my son, will be Sage, Gamaliel, my son, will be Nasi, and Hanina bar Hama will sit at the Head (*yoshev b’rosh*).” (B. Ketubot 103b) Rubenstein concludes that the term, “head”, refers to a high office within the academic hierarchy.<sup>32</sup> The scene seems to describe a formal academic setting like that common in Babylonia.

The version transmitted in the Bavli reflects the values current in that culture. The sharpness of logical argumentation takes precedence over the recitation of received tradition in the Babylonian setting – and that is reflected at the turning point where Hillel is appointed Nasi. Hillel presides over a gathering of students, similar to the disciple circles or the academy of the Babylonian system, rather than the simpler, student-teacher setting common in the Land of Israel.

### THE OFFICE OF NASI –COMPETING VISIONS

It is tempting to imagine a meeting of the authors of these three narratives. I suspect they would initially recognize the story, but then do a double-take. Rosenthal describes the difference between the versions in the Yerushalmi and the Bavli by saying: “they transmitted the same tradition, with the same meaning, with the same lines of argumentation, but the Babylonians tilted it to their side.”<sup>33</sup> He is correct, but I think it states the case too simply. Every version preserves the central aim of the narrative, describing Hillel’s ascent to the office of Nasi. But the changes are not incidental. The narratives of Hillel constitute the foundation narratives of the rabbinic movement, and the changes reflect the tension between competing visions of the rabbinic story.

Tosefta portrays Hillel as the supreme master of all forms of halakhic authority: he is facile at logical reasoning, holds a place in the chain of tradition as a faithful disciple of his masters, and has access to the Ruach HaKodesh. His power even exceeds that of Rabbi Judah HaNasi. “The Tosefta describes Hillel, subsequent to his appointment, as ‘instructing the laws of Passover’, which implies that as *nasi*, he carried supreme authority in *halakhah*; whereas Rabbi and his successors, in spite of all their alleged powers, are never presented as supreme halakhic authorities.”<sup>34</sup> But the office was still young. Stern argues that “the title of *nasi*, and the patriarchate as a form of socio-religious leadership, only began with Rabbi,”<sup>35</sup> and that the title “may have been previously used by the landowning aristocracies of Galilee.”<sup>36</sup> Could it be that having seen the status of the office “rabbinized” the author of T. Pesachim 4:11 took it all one step further. Levine argues that “the prestige enjoyed by the third century Patriarchs was indeed

<sup>32</sup> Rubenstein, *Culture*, pg. 93-94.

<sup>33</sup> Rosenthal, “Mesorot...”, pg. 36.

<sup>34</sup> Sacha Stern, “Rabbi and the Origins of the Patriarchate”, *Journal of Jewish Studies*, vol. LIV, no. 2, Autumn 2003, pg. 197.

<sup>35</sup> Stern, “Rabbi and the Origins of the Patriarchate”, pg. 193.

<sup>36</sup> Stern, “Rabbi and the Origins of the Patriarchate”, pg. 213.

unprecedented.”<sup>37</sup> In creating his fantasy of the office, could it be that the author went beyond the reality of his time, the newly created office of Judah HaNasi, to imagine one that echoed the prophets of old?

By the time of the Yerushalmi, 400 C.E., the status of the office had changed a good deal. “The ‘rabbinization’ of Rabbi’s dynasty had been short lived. From the later 3<sup>rd</sup> century, Rabbi’s descendants reverted to a more ‘secular’, aristocratic life-style...it is debatable whether they qualified at all as ‘rabbis’; they are hardly mentioned, indeed, in the whole of rabbinic literature.”<sup>38</sup> Which is not to say that the Patriarchate lacked power, only that its functioning was not of interest to the sages of the day. Levine states that “by the mid-fourth century it is clear that the office had achieved first-rank importance within the Roman Imperial system generally, and within the Jewish world in particular... [but] the Patriarchate came to an abrupt end in the early fifth century with the death of Gamaliel VI (425) and the abolition of the office by the Roman authorities (429).”<sup>39</sup> The Yerushalmi limits the Nasi to the role of transmitting traditions. It is not interested in having Hillel create rationales for the halakhah, which could have the additional effect of creating new law. Hillel is not asked to legislate, merely to record and preserve. This is in line with the values of the day – the preference for the “sodran”, the collector of traditions.<sup>40</sup> I suspect that it is not merely descriptive, but a prescriptive teaching of the way things ought to be.

The Patriarch was an office of the Land of Israel, an institution of the Roman Empire, and so never functioned in Babylonia. Further, if the office was abolished by 429, it was a relic of the distant past by the time the Bavli was redacted. Additionally “the Babylonian Talmud is generally sloppy with titles, especially those from Palestine.”<sup>41</sup> With those three elements in place it is understandable that the compilers of the Bavli felt a great deal of freedom in reshaping the narrative to their own needs. For them the Nasi represented the head of the academy. It should be no surprise that in this version Hillel “*yoshev b’rosh*”, sits at the head, just as Hanina bar Hama will sit at the head of the academy.<sup>42</sup> The Bavli’s portrait of Hillel the nasi matches their contemporary understanding of a rabbinic leader.

Most significantly, the Bavli raises up the value of the logical proofs offered by Hillel. They are the necessary element for Hillel to earn the office. We are not told the names of his teachers until

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<sup>37</sup> Lee I. Levine, “The Jewish Patriarch (Nasi) in Third Century Palestine”, *Aufstieg und Niedergang der römischen Welt II*, 19:2 (1979): pg. 654.

<sup>38</sup> Stern, “Rabbi and the Origins of the Patriarchate”, pg. 214.

<sup>39</sup> Levine, “The Jewish Patriarch (Nasi) in Third Century Palestine”, pg. 650-651.

<sup>40</sup> Rosenthal, “Mesorot...”, pg 30.

<sup>41</sup> Stern, “Rabbi and the Origins of the Patriarch”, pg. 198.

<sup>42</sup> See the discussion above, pg. 16, concerning B. Ketubot 103b.

after he is appointed Nasi. His sole response to the question, “How do you know it [that Passover supersedes Shabbat]?”, is a pair of logical responses. They suffice. While it is acknowledged from the outset that Hillel has studied with great sages, that plays no active role in the narrative until the very last line when his memory is stirred and he recalls that he learned the lost halakhah from his teachers, named for the first time, Shemayah and Avtalion.

Three images – each appropriate to its time; each advocating values important to its own setting.

## **CONCLUSIONS**

Throughout this study we have assumed that this narrative is a literary creation. More, it is assumed that at each branch of the “literary tree” the text was crafted to teach specific lessons reflective of the values important within that specific culture. While the story consistently tells the tale of Hillel’s ascension to power, the specifics differ significantly from document to document. While Neusner is correct when he notes that “the arguments in the three versions are pretty much the same” and that “the Babylonian version in general follows the Palestinian with various glosses indicating that it depends upon it”, he glosses over too much when he concludes simply that the “the Babylonian version provides a more continuous narrative.”<sup>43</sup> The three versions convey significantly different sets of values.

We have seen that the three versions differ in way they weight Hillel’s qualifications for the office of Nasi. Tosefta requires Hillel to be master of all the forms of authority: logic, received tradition and Ruach HaKodesh. The Yerushalmi narrows the focus by discounting the logical arguments and elevating the importance of received tradition. The Bavli reverses the measure, accepting logical argument as the sufficient and necessary skill. Each document signals its preference by where in the narrative it places Hillel’s appointment as Nasi. He is not acknowledged as Nasi until he fully completes the necessary task.

A striking change in the narrative occurred between Tosefta and the Yerushalmi as the Ruach HaKodesh disappeared from the narrative. We explored the difference between the two stages in rabbinic development, noting the destabilizing possibility of the Divine voice for the newly developing organized religion. To that mix, it might be added that by the time of the Yerushalmi, the rabbis had to contend with the growing strength of the Church. The Church had gained significant power between the time of Tosefta and the time of the Yerushalmi. As Cohen notes: “Undoubtedly, the challenge of early Christianity did lend particular urgency to the early rabbis’

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<sup>43</sup> Neusner, *The Peripatetic Saying*, pg. 110.

opposition to the authority of ongoing prophecy in their own days.”<sup>44</sup> One wonders if by this time if received tradition was safer than a divine voice which might be unpredictable.

The moral tale that emerged in the place of Ruach HaKodesh appears the same in both the Yerushalmi and the Bavli. But when we examined the way each document placed the story in context we saw that they conveyed vastly different messages. The Yerushalmi focused on the person. The tale served as a vehicle to display Hillel’s greatness in comparison to the greatness of the Elders of Batyra. The Bavli focused on the behavior and uses the tale as a hook upon which to hang a catalog of the dangers associated with boastfulness and anger. Significantly, neither Talmud offers a reply to the way the other spins the story. Rather, we see the different values each opts to display.

The story of Hillel’s ascent to the office of Nasi illustrates the tensions that existed as the rabbinic movement came to power. In the Tosefta version one can glimpse the tension between the old world of the Second Temple period and the new world of the rabbis. The versions preserved in the Yerushalmi and the Bavli illustrate the tensions and connections between these two great communities. The simple question that introduced this narrative opened up a wide window on the rabbinic world.

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<sup>44</sup> Stuart A. Cohen, pg. 68.

## APPENDIX: COMPARISON CHART

Tosefta Pesachim 4:1	Y. Pesachim 391/6:1	B. Pesachim 66a
	<p><b>Mishnah 6:1</b>            These are the matters of Pesach that supercede the Shabbat: slaughtering it, tossing its blood, scraping its entrails, and burning the fat, but roasting it and rinsing its entrails do not supercede [the Shabbat]. Carrying it [to the Temple], and bringing it from outside the Shabbat limit, and cutting off a wen do not supercede the Shabbat. Rabbi Eliezer says: They do supercede it.</p>	<p><b>Mishnah 6:1</b>            These are the matters of Pesach that supercede the Shabbat: slaughtering it, tossing its blood, scraping its entrails, and burning the fat, but roasting it and rinsing its entrails do not supercede [the Shabbat]. Carrying it [to the Temple], and bringing it from outside the Shabbat limit, and cutting off a wen do not supercede the Shabbat. Rabbi Eliezer says: They do supercede it.</p>
	<b>Gemara</b>	<b>Gemara</b>
		Our Rabbis taught:
	This halakhah was lost by the Elders of Batyra	This halakhah was lost by the Bene Batyra
Once the 14 <sup>th</sup> of Nisan fell on Shabbat	Once the 14 <sup>th</sup> [of Nisan] came out on a Shabbat. They did not know whether Pesach superceded the Shabbat or not.	On one occasion the 14 <sup>th</sup> of Nisan fell on the Shabbat, and they forgot and did not know whether Passover supercedes Shabbat or not.
		Said they: "Is there any man who knows whether Passover supercedes the Shabbat or not?"
They asked Hillel the Elder: "Passover – does it supercede Shabbat?"	They said there is a certain Babylonian here by the name of Hillel who served Shemayah and Avtalyon. He knows whether Pesach supercedes Shabbat or not.	They were told, "There is a certain man who has come up from Babylonia, Hillel the Babylonian by name, who served the two greatest men of the time, and he knows whether Passover supercedes Shabbat or not."
	Possibly some good can come from him.	
	They sent and called him. They said to him: "Have you ever learned – when the 14 <sup>th</sup> [of Nisan] falls on Shabbat, does Passover supercede Shabbat or not?"	So they summoned him and said to him, "Do you know whether Passover supercedes Shabbat or not?"
He said to them, "Have we only one Passover that supercedes Shabbat? There are more than 300 Pesachim in the year which supercede the Shabbat!"	He said to them, "Is there truly only one Passover in the year that supercedes Shabbat" Surely there are many Pesachim which supercede the Shabbat in every year."	"Have we then only one Passover during the year which supercedes Shabbat?" replied he to them. "Surely we have many more than 200 Pesachim during the year which supercede Shabbat."
	There is a Tanna who teaches	

	100; there is a Tanna who teaches 200; there is a Tanna who teaches 300. The one who teaches 100 [compares to] the Tamid sacrifice. The one who teaches 200 [compares to] the Tamid plus the Shabbat musaf sacrifices. The one who says 300 includes the Tamid, the musaf for Shabbat and yom tov and Rosh Hodesh and the Festivals.	
All of the Azarah(?) gathered against him.		
	They said, "We already said there is a benefit in [consulting] you."	
		Said they to him, "How do you know it?"
	He began to expound before them using [the methods of] hekesh, kal v'homer and gezerah shava.	
He said to them, "Pesach, the communal offering and <i>Tamid</i> . A communal offering – Just as a <i>Tamid</i> is a communal offering which supercedes the Shabbat, so Pesach is a communal offering which supercedes the Shabbat."	By hekesh: Since the Tamid is a public offering and the Pesach is a public offering – Just as the communal Tamid offering supercedes the Shabbat, so the communal Pesach offering supercedes the Shabbat.	
	By kal v'homer: Just as Tamid, which does not require on the doing of it the penalty of Karet, supercedes the Shabbat, Pesach, which does require on the doing of it the penalty of Karet, certainly it will supercede the Shabbat.	
<b><i>Tosefta Pesachim 4:2</i></b>		
Another matter. It is said [in regard to] Pesach " <i>b'mo-ado</i> " (in its time) and it is said [in regard to] <i>Tamid</i> " <i>b'mo-ado</i> " (in its time). Just as the <i>Tamid</i> , about which is says " <i>b'mo-ado</i> " (in its time), supercedes the Shabbat, so Pesach, about which it says " <i>b'mo-ado</i> " (in its time), supercedes the Shabbat.	By gezerah Shava: It is stated in regard to the Tamid – (Numbers 28:14) "in its season", and it is said (Numbers 9:2) concerning Pesach "in its season". Just as Tamid about which is says "in its season" supercedes the Shabbat, so Pesach about which it says "in its season" supercedes the Shabbat.	He answered them, " <i>In its appointed time</i> is stated in connection with the Passover, and <i>in its appointed time</i> (Numbers 28:2) is stated in connection with the <i>Tamid</i> . Just as "its appointed time" which is said in connection with the <i>tamid</i> overrides the Sabbath, so "its appointed time" which is said in connection with the Passover overrides the Sabbath.

<p>And a further <i>Kal v'Homer</i> [reasoning from a minor principle to a greater one]. If the <i>Tamid</i> which is not punished by <i>karet</i> [if it is not done properly], surely it is logical that Pesach which does carry a penalty of <i>karet</i> supercedes the Shabbat.</p>		<p>Moreover it follows by a <i>Kal v'Homer</i> argument – if the <i>tamid</i>, [the omission of] which is not punished by <i>karet</i>, overrides the Sabbath, then the Passover, [neglect or] which is punished by <i>karet</i>, is it not logical that it overrides the Sabbath!</p>
	<p>They said to him, We have already wondered if would be benefit from this Babylonian.</p>	
	<p>The Hekesh which you said, there is a response to it. You cannot say of <i>Tamid</i>, which has a definite limit, what you say of Pesach which does not have a definite limit.  The <i>Kal v'Homer</i> which you said, there is a response to it. You cannot say of <i>Tamid</i>, which is of the Holy of Holies, what you say of Pesach which is of simple holiness.  The <i>gezera shava</i> which you said, but one doesn't declare a <i>gezera shava</i> on his own accord.</p> <p>Rabbi Yosi bar Rabbi Bun said in the name of Rabbi Abba bar Memel if a man comes to judge after <i>Gezera Shava</i> on his own account, he can make the <i>sheretz</i> purify the tent or the dead defile as with a lentil by creating a <i>drash</i> from (Lev. 11) A garment of skin and (Num. 31) A Garment of skin – a <i>Gezera Shava</i>. Thus, if there is a <i>sheretz</i> in the hand of a person, even if he immerses in the waters of Shiloach or in the waters of creation, he can never become purified. If he throws it from his hand, he is immediately purified.  R. Yoseh B. Rabbi Bun in the name of</p>	

	<p>Rabbi Ba bar Memel: One forms a Gezera Shava to fulfill his learning not to suspend his learning.</p> <p>R. Yoseh B. Rabbi Bun in the name of Rabbi Ba bar Memel: One may form a “Kal v’Homer argument” on one’s own, but one may not form a “Gezera Shava argument” on one’s own. Therefore we rely on a Kal v’Homer, but not on a Gezera Shava.</p>	
<p>And further – I received [a tradition] from my teachers that Pesach supercedes the Shabbat; and not only <i>Pesach Rishon</i> (observed on the 15<sup>th</sup> of Nisan) but also <i>Pesach Sheni</i> (observed on the 15<sup>th</sup> of Iyar – Numbers 9:10ff) ; and not only the communal Pesach, but also the Pesach of the individual.</p>		
	<p>Even though he was sitting and lecturing them all the day, they did not accept him until he said to them, “This came to me from what I heard from Shemaya and Avtalyon. Once they heard [this] from him, then they stood and appointed him Nasi over them.</p>	<p>They immediately set him at their head and appointed him Nasi over them, and he was sitting and lecturing them the whole day on the laws of Passover.</p>
	<p>Once they appointed him Nasi over them he began to chide them with words.</p>	<p>He began by rebuking them with words.</p>
	<p>He said, “Who caused you to be in need of this Babylonian? Because you did not serve the two world-class greats, Shemaya and Avtalyon, who were dwelling with you.”</p>	<p>Said he to them, “What caused it for you that I should come up from Babylonia to be a Nasi over you? It was your indolence, because you did not serve the two greatest men of the time, Shemaya and Avtalyon.”</p>
	<p>Once he chided them with words halakhah escaped his memory.</p>	
<p>They said to him, “If this is so, what will be with the ones who do not bring a [slaughtering] knife and their Pascal offering with them to the Temple?”</p>	<p>They said to him, “What to do to a people and they did not bring their knives [with them for the Pascal sacrifice on the eve of Shabbat].”</p>	<p>Said they to him, “Master, what if a man forgot and did not bring a knife on the eve of the Sabbath?”</p>
	<p>He said to them, “I knew this</p>	<p>“I have heard this law,” he</p>



	halakhah, but forgot it.”	said, “but have forgotten it.”
He said to them, “Let Ruach HaKodesh rest on them.		
If they are not prophets, they are the sons of prophets.	But leave it to Israel. If they are not prophets, they are the sons of prophets.	But leave it to Israel: if they are not prophets, yet they are the sons of prophets.
On the morrow what did they do? If their Paschal [offering] was a lamb, they buried [the knife] in the wool. And if it was a goat, they stuck it in its horns. They brought their knives and their Paschal offerings to the Temple and slaughtered their Paschal sacrifices their that day.	Immediately, whoever had a lamb for their Pesach sacrifice stuck it [the knife] in its wool. A goat, stuck it between its horns. Their Pesach [sacrifices] brought their knives with them.	On the morrow, he whose Passover was a lamb stuck it [the knife] in its wool; he whose Passover was a goat stuck it between its horns.
	When he saw this incident, he remembered the halakhah. He said, ‘So I learned it from Shemaya and Avtalyon.’	He saw the incident and recollected the halakhah and said, “Thus have I received the tradition from the mouths of Shemaya and Avtalyon.”
They appointed Hillel as Nasi and he taught them the Passover laws.		