

YeshivahAI

Pesach on Shabbat

Questions on the Rebbe's explanation

Likkutei Sichot, vol. 18 · Behaalotecha II

Sichot Kodesh · 11 Nissan & final day of Pesach 5737



Reader edition | 3.1

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What exactly are we examining?

How could the Bnei Beseira forget whether Pesach may be offered on Shabbat, when the offering was a public Temple event? The Rebbe’s Sichot Kodesh propose that the latest decision within a dispute was forgotten. This booklet examines five questions about that explanation: earlier practice, the majority’s authority, reliance on past courts, renewed inquiry, and the comparison with tefillin and tzitzit. ¹

The focus is **Likkutei Sichot, vol. 18, Behaalotecha II**, alongside **Sichot Kodesh: 11 Nissan and the final day of Pesach 5737**. Questions A, C and D were partly answered; the majority remains unresolved. The further question received an explanation of present rulings, without a complete historical reconstruction. Each original question is followed by a plain explanation and the limits of the answer.

Reading map

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A few terms before the questions

For this discussion, a **court** is the body deciding the law. **Interpretive rules** are methods of deriving law from Scripture, including an a fortiori argument and **gezerah shavah**, a traditionally governed inference from shared wording.

1. Pesachim 66a-b and Rashi.

Received teaching is what one learned from one’s teachers. Four different kinds of knowledge must also be distinguished:

Rule — May Pesach be offered on Shabbat?	Derivation — How is permission derived from the Torah?
Ruling — What did the court decide between the views?	Practice — What actually happened in the Temple?

The original questions and what was established

The five original questions appear below in full editorial translation, each followed by a plain explanation and the state of its answer. Their premises are examined in the chapters.

A — Did practice change throughout the generations?

A. It seems a considerable novelty to say that throughout the generations there was disagreement over whether Pesach overrides Shabbat, and that on each occasion they acted differently. Yet we find only one occasion in the Talmud when the Bnei Beseira forgot the law, and only one dispute between R. Yoshiyah and R. Yonatan; elsewhere (in Seder HaDorot and the like) no debate or discussion about this is mentioned.

In plain language—what is the difficulty? This is a historical difficulty. Offering Pesach was a public event, not a ruling given in a private room. The explanation allows two views and a later court deciding differently. But does that possibility establish that practice repeatedly changed? The question asks for the missing link between what a court may do and what Israel actually did. Two views can exist without practice changing in every generation.

What was established: Partly answered. A later dispute is legally possible. The inquiry did not establish that offering practice

actually changed in every generation or whenever 14 Nissan fell on Shabbat. Missing documentation does not prove that it never happened.

B — Which majority was forgotten, and why does it bind?

B. “The law was forgotten” means that the ruling issued on the last occasion was forgotten (by the majority decision of the members of the court, in accordance with which all Israel acted), rather than that the actual practice of the majority of Israel was forgotten. The latter would require us to say that there was no clear court ruling; instead, each Israelite asked his own teacher whether to offer on Shabbat. In other words, it was up to him to decide whether he wished to follow one rabbi or another who disagreed in his day, or to decide whether he wished to follow R. Yoshiyah or R. Yonatan.

In plain language—what is the difficulty? Two difficulties must be solved together. If the majority means the judges, its decision has authority. Yet even a one-vote decision leads to a public act that many people see. Why would that act be forgotten? If the majority means the people who offered, a small numerical difference is easier to forget—but why should counting people determine the law? We need to know both what was forgotten and why knowing it would settle the matter.

What was established: Unresolved. A court majority explains authority, but does not by itself explain forgetting a public act. A majority of practitioners explains forgetting a small numerical difference, but its authority remains unaccounted for. Practice as evidence does not resolve every detail.

C — Why rely specifically on the latest ruling?

C. What difference does it make what the decision was specifically on the last occasion? After all, “the court in your generation” can interpret through the thirteen rules and decide

as it sees fit, even against Moses our teacher. If so, even if it does not wish to enter deeply into the matter, interpret and decide for itself, but prefers to rely on an earlier court, why may it not decide to rely on a greater court further back, all the way to the court of Moses our teacher? It seems very strained to say that, on the one hand, it can disagree with the latest decision and rule as it sees fit, but, on the other hand, if it does not wish to decide for itself and instead relies on an existing ruling, the rule is specifically that “the law follows the later authorities.”

In plain language—what is the difficulty? Imagine three courts. The first rules one way; the second rules differently; a third follows them. If the third examines the arguments and finds the first convincing, returning to that view is understandable. The question concerns another case: the third does not want to decide the reasoning itself, but to rely on earlier sages. Why must it choose the second court? If it has authority to change the ruling, what prevents it from relying on the greater first court? The issue is how it chooses an authority to rely on.

What was established: Partly answered. A court may adopt an earlier argument it finds persuasive. No rule was established requiring reliance on the latest ruling in every case; reliance on stature alone depends on the setting and differing medieval interpretations.

D — When does a court rely, and when does it reconsider?

D. What is the rule here? When does a court decide to rely on an earlier court—as the Bnei Beseira would have done had they remembered the majority decision on the last occasion, or as the sages of Rabbah bar bar Hana’s generation reproached him for not examining the tzitzit of Korah’s company, so that they could rely on this and fulfill the words of the sages? And when does a court decide to interpret and rule for itself through the thirteen rules, even against the ruling of the earlier court—as R.

Yoshiyah and R. Yonatan did, although they knew Hillel's ruling, when they decided to interpret and rule for themselves?

In plain language—what is the difficulty? Question C asks whom to rely on. Question D comes one step earlier: when should a court rely on a previous ruling at all, and when should it reopen the issue? In the explanation under discussion, the Bnei Beseira would have relied on the previous decision if they remembered it; the sages wanted evidence from the tzitzit Rabbah bar bar Hana saw; R. Yoshiyah and R. Yonatan reconsidered the law. What distinguishes these situations? Is there a binding rule, or discretion? Permission to reconsider does not yet tell us when to use it.

What was established: Partly answered. Authority to reconsider and the evidentiary value of practice were clarified. No exhaustive rule was found prescribing when to reopen inquiry and when reliance suffices; permission must not be recast as obligation.

Identification note, outside the quotation: the Talmudic account concerns the wilderness dead. “Korah’s company” is retained here only because it appears in the original question. ²

The further question — Tefillin and tzitzit

[A further, incidental point: in the final-day-of-Pesach talk, p. 44, in the footnote: “Similarly, it must be said concerning tzitzit and tefillin that during the Babylonian exile the majority decision was forgotten.” We should examine the difference between tzitzit and tefillin: why do we now have two kinds of tefillin, those of Rashi and those of Rabbenu Tam, but not two kinds of tzitzit, those of Beit Shammai and Beit Hillel?]

In plain language—what is the difficulty? The note in the talk proposes the same starting point for two laws: the majority

2. Bava Batra 74a and Rashbam.

decision was forgotten during the Babylonian exile. Yet present practice differs. With tefillin, there is a practice of accommodating Rabbenu Tam alongside the principal ruling of Rashi. With tzitzit, four threads are used, with no parallel practice of three. If the earlier cause was similar, what explains the different result? The history of forgetting must be distinguished from the later status of each opinion. The fact that one garment cannot contain both counts does not settle the question: one could still ask about two separate garments.

What was established: The present distinction is supported; the full history is not reconstructed. Tzitzit has an explicit Talmudic ruling for four threads. For tefillin, Rashi is the principal ruling, alongside an instruction to accommodate Rabbenu Tam. This explains present practice, not the entire history of either dispute.

Answer A — Dispute across generations

Question A is historical: did practice actually alternate across generations? Four levels must be separated: authority to reconsider; the existence of two views; documentation of both in every generation; and documentation of changing practice. Evidence for the first does not automatically establish the last. In the midrashic exchange, R. Yoshiyah argues, R. Yonatan challenges the first derivation, and R. Yoshiyah replies with a verbal analogy. The passage records no further explicit response from R. Yonatan. Neither a concession nor a rebuttal to that final answer should be invented. The talk reads the exchange as a substantive legal disagreement; the midrash alone does not document two Temple practices in every recurring case. ³

The result is measured: the legal framework permits renewed disagreement; the stronger historical reconstruction has not

3. Sifrei Bamidbar §142, Numbers 28:2.

been established by the sources examined. That is not proof that such disputes never occurred. It marks the limit of the evidence available.

Returning to the question: Legal possibility is not historical documentation. The answer does not establish that “on each occasion they acted differently.”

Answer B — The forgotten majority

A majority in court is different from a majority among the people. Each of the following three explanations addresses a different part of the question; none resolves it completely.

Question B is the most difficult. If a majority of judges ruled that the offering should be brought, and the public followed that ruling, a narrow vote does not make the offering a small event. A one-vote decision can produce a very public action. Forgetting the judicial tally does not by itself explain loss of memory of what many people saw.

If some offered and others did not, it is easier to understand uncertainty about which group was larger. But a different explanation is then needed: what allowed the differing practices, and why would the number of practitioners determine the law? Counting people in the Temple precincts is not automatically equivalent to counting judges in court.

A third possibility treats public practice as evidence of tradition. The Yerushalmi in Peah directs a person facing an unsettled law to observe public practice. This gives practice an important evidentiary role; it contains neither a count of half plus one nor a rule that only the latest occasion can provide evidence. ⁴

All three approaches were examined. None yet explains together the talk’s wording, the authority of the decision, the

4. Yerushalmi Peah 7:5.

narrowness of the majority and the forgetting of the action.
The majority mechanism remains unresolved.
Acknowledging that does not diminish the value of the distinctions raised by the talk.

Three explanations — the question remains open

Model	What it explains	What remains missing
Court majority	Authority to decide	Why was public action forgotten?
Majority in practice	Why the exact majority may be forgotten	What gives that count authority?
Practice as evidence	Conduct may preserve tradition	Why one extra person and the latest occasion?

Returning to the question: The identity of the majority, its authority and memory of practice must be explained together. No explanation yet accomplishes all three.

Answer C — Choosing an earlier ruling

Rambam distinguishes categories of law. If one court derived a ruling through an interpretive rule and a later court sees a reason to overturn that derivation, the later court may decide according to its judgment. Here that authority is not conditioned on greater wisdom and numbers. This supports the idea that an earlier ruling does not necessarily close all later inquiry. ⁵

Binding decrees, enactments and customs have different conditions. Repeal may require greater wisdom and numbers; a widely accepted protective prohibition is subject to an even stronger limit; a temporary ruling is a separate category. Neither “every court may change everything” nor “a later court must always be greater” is an adequate general rule.

5. Rambam, Hilkhhot Mamrim 2:1-4.

Nor must an “other reason” necessarily be a newly invented reason. A court may find an earlier argument convincing and decide accordingly. This is a reasonable reading of Rambam: the present court’s judgment is new, even if the argument is old. It does not give every individual an automatic right to select a convenient ruling.

Why rely specifically on the latest ruling?

Question C asks more than whether disagreement is permitted. If I do not wish to derive the law anew, why may I not rely on an older and greater court? One possible answer distinguishes continuing an existing ruling from changing it. But that distinction needs support; it is not an explicit rule of “the law follows the later authorities” that can be transferred to every period.

Consider three courts: the first decided A, the second B, and the third wishes to return to A. If the third court finds the first court’s reasoning persuasive, it exercises fresh judgment even though the reasoning is old. If it favors the first solely because of that court’s stature, there is no single answer established here for every opinion and institutional setting.

Avodah Zarah 7a and its medieval commentaries discuss scholarly stature and competing rulings. Kesef Mishneh and Rashba do not read these rules identically. It is therefore wrong to say that stature never matters; it is equally unwarranted to infer from that discussion alone that stature allows a binding institutional ruling to be bypassed. ⁶

The talk can be read as describing what the Bnei Beseira would have done had they remembered: relied on the ruling and continued. That description need not be converted into an

6. Avodah Zarah 7a and commentaries.

exclusive duty always to choose the latest precedent. This offers a partial explanation, not a dismissal of the question.

Returning to the question: Returning to an earlier argument is possible; a universal duty to prefer the latest ruling when relying on authority was not established.

Answer D — Reliance and reconsideration

Question D distinguishes having authority from deciding to exercise it. Rambam gives a court power to overturn a derivation when it sees another reason. He does not command a fresh hearing of every ruling each morning. Nor does the usefulness of an ancient practice create a general obligation to search for it. ⁵

Rabbah bar bar Ḥana describes seeing the wilderness dead and trying to bring back a corner of tzitzit. The sages say he should have counted the threads and winding units and reported them. Their rebuke calls for better observation, not rejection of historical evidence. It also does not require every court to wait for such a discovery before deciding. ²

Different situations can therefore be described: a forgotten ruling prompts a search for tradition; an available piece of evidence may clarify a dispute; or a court sees grounds for reconsideration. These distinctions help, but they do not amount to an exhaustive rule determining when reconsideration is obligatory and when reliance is sufficient.

How do tradition and interpretation meet?

Derivation is not free invention. Rashi in Pesachim stresses that Hillel received the verbal analogy for the particular teaching under discussion, treating its force as comparable to

2. Bava Batra 74a and Rashbam.

5. Rambam, Hilkhhot Mamrim 2:1–4.

an explicit text. It is not enough to say that Hillel knew an interpretive tool and could use it however he wished. ¹

Ramban explains a combination found in some verbal analogies: tradition directs that a particular law be learned through a particular analogy, while the choice of the comparison text and the resulting conclusion can remain disputed. This is more than general permission to use interpretive rules, but it need not transmit every detail of the result. ⁷

Ramban's distinction matters, but it does not by itself solve Hillel's particular analogy involving "at its appointed time." We still need to show exactly what was received in this case and what could remain open. Finding a possible framework is not proof that it applies.

Returning to the question: Different states of knowledge explain part of the choice. They do not supply an exhaustive, binding rule for reopening inquiry.

The further question — Tefillin and tzitzit

Menaḥot records Beit Shammai requiring four threads and Beit Hillel three. Rav Pappa rules for four. The familiar general preference for Beit Hillel does not replace the explicit ruling in this passage. No source checked in this inquiry establishes the claim that four are automatically valid according to Beit Hillel as well. ⁸

The tefillin dispute concerns the order of the passages. Shulḥan Arukh HaRav identifies Rashi and his school as the principal ruling while directing a God-fearing person also to satisfy Rabbenu Tam's view. There is a principal decision

1. Pesachim 66a-b and Rashi.

7. Ramban, Critiques of Sefer HaMitzvot, root 2.

8. Menaḥot 41b.

alongside an additional concern recognized in practice. This is not a complete absence of a ruling. ⁹

The established difference is the status of the rulings and the resulting instructions for practice. Saying that two thread counts cannot occupy one corner is insufficient: the questioner can ask about two separate garments. The seriousness of invalidity under Torah law is not alone the distinction either, since thread count can also affect validity. Two disputes may be attributed to an ancient loss of knowledge yet develop differently in later rulings. Describing the present difference answers the question about practice; it does not reconstruct the entire history that produced it.

Returning to the question: The answer concerns how the two views are treated in present rulings. It does not assume that dual validity or a physical obstacle explains the difference.

What the inquiry leaves us with

The five answers differ in scope: A, C and D were partly clarified; B remains open; the further question received an explanation of present rulings, without a complete historical reconstruction. These are also the limits of the conclusion: legal authority does not establish a historical narrative, and a partial explanation is not a complete solution.

Short glossary

Bnei Beseira	The leaders in the account of Hillel’s appointment.
Tamid	The communal daily offering.
Gezerah shavah	A traditionally governed inference through shared biblical wording.
Kal va-ḥomer	A fortiori reasoning, subject to testing and rebuttal.
Mufneh	Wording freed for inference because its direct teaching is already supplied elsewhere.

9. Shulḥan Arukh HaRav, Oraḥ Ḥayyim 34:3–5.

Transcript / edited text	A transcript records the talk as preserved by listeners, without the Rebbe's review. An edited text received his review. Here the Siḥot Kodesh transcripts and the Likkutei Siḥot treatment must be distinguished.
Unsettled law	A law unclear to the court; practice may help clarify it.
Closure	Acceptance of the authority of a compilation or legal period; the precise rule needs definition.

Sources for further study

Source names are linked. Notes identify the relevant units. The research edition contains the full verification ledger.

Sifrei Bamidbar §142, Numbers 28:2 — R. Yoshiyah's reply and the wording freed for inference (mufneh) concerning the daily offering.

Yerushalmi Peah 7:5 — An unsettled law and public practice; not a census of practitioners.

Yerushalmi Pesachim 6:1 — Three arguments, received teaching, R. Avun and R. Mana.

Pesachim 66a–b and Rashi — Narrative, order of arguments, knife; Rashi on halakhah zo and vekhi me'aḥar de-gamir.

Bava Batra 74a and Rashbam — The wilderness dead; counting threads and winding units.

Avodah Zarah 7a and commentaries — Two sages; Tosafot on ha-nish'al; Rashba on ve-im hayu shenayim; Ritva on hayu sheneihem, under their names on this page.

Menaḥot 41b — Beit Shammai: four; Beit Hillel: three; Rav Pappa's ruling.

Rambam, Hilkhhot Mamrim 2:1–4 — Reconsidering an interpretation; enactments; widespread protective decrees; temporary rulings.

Ramban, Critiques of Sefer HaMitzvot, root 2 — The sequence beginning ve-havvei yodea and aval ha-kavvanah: a particular law through a particular verbal analogy.

Shulḥan Arukh HaRav, Oraḥ Ḥayyim 34:3–5 — Rashi and his school are the principal ruling; a God-fearing person also accounts for the other opinion.

Likkutei Siḥot, vol. 18, Behaalotekha II — Edited Yiddish text; p. 106 n. 26; p. 107 §4 and n. 33; p. 116 identifies its origin.

Siḥot Kodesh 5737: 11 Nissan — Unedited Yiddish transcript; booklet pp. 16–21 / volume pp. 588–593; §22 on p. 591.

Siḥot Kodesh 5737: final day of Pesach — Unedited transcript; pp. 38–45 / 650–657; majority discussion pp. 43–44 / 655–656, §§49–50 and starred note.

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Companion edition and research materials