

The Mystery at Natsivin

Korban Pesach and Yerushalayim throughout the Ages

Long-distance communication. Encrypted messages. Do you associate these with *Chazal*? While they might seem like recent phenomena, in one episode they were actually utilized by a *tanna* to brilliantly avert a case of false identity and solve a problem that lay at the intersection of Pesach and Yerushalayim. Moreover, a careful look at this fascinating story may point to even deeper connections to Yerushalayim and Eretz Yisrael.

I

The narrative appears near the beginning of *Masseches Pesachim*¹:

ההוא ארמאה דהוה סליק ואכיל פסחים בירושלים. אמר, "כתיב: 'כל בן נכר לא יאכל בו ... כל ערל לא יאכל בו'. ואנא הא קאכילנא משופרי שופרי!"

אמר ליה רבי יהודה בן בתירא, "מי קא ספו לך מאליה?"
אמר ליה, "לא."

"כי סלקת להתם, אימא להו, 'ספו לי מאליה'."

כי סליק, אמר להו, "מאליה ספו לי!"

אמרו ליה, "אליה לגבוה סלקא?!" אמרו ליה, "מאן אמר לך הכי?"

אמר להו, "רבי יהודה בן בתירא."

אמרו: "מאי האי דקמן?" בדקו בתריה ואשכחוהו דארמאה הוא וקטלוהו.

שלחו ליה לרבי יהודה בן בתירא: "שלם לך רבי יהודה בן בתירא, דאת בנציבין ומצודתך פרוסה בירושלים."

In the opening scene, a *nochri* boasts to Rabbi Yehuda ben Beseira, *rav* of Natsivin,² that he annually eats the finest cuts of *korban Pesach* meat with impunity, despite the fact that the Torah³ forbids

¹ פסחים (ג).

² סנהדרין (לב).

³ שמות (פרק י"ב פסוקים מ"ג ומ"ח).

nochri consumption of this *korban*. Hearing this, Rabbi Yehuda ben Beseira was in a quandry. How could he prevent this *aveira* from recurring without personally travelling to Yerushalayim?

Rabbi Yehuda ben Beseira chose to leverage the interloper's own arrogance and competitiveness. "You imagine that you succeeded in fooling the Jews of Yerushalayim, but in fact they know you don't belong." The test, Rabbi Yehuda ben Beseira tells this non-Jew, would be to ask for the tail of the sheep, the choicest portion of the *korban Pesach*. In truth, the Torah mandates that the tail of a *korban Pesach* sheep be burnt upon the *mizbeiach*,⁴ but this intruder now thought that the rest of the group was simply withholding the best part for themselves and gratuitously excluding him.⁵ The following Pesach, he took up the dare and then, when challenged, cited Rabbi Yehuda ben Beseira as his source for requesting the tail. The Jews of Yerushalayim took the hint,⁶ investigated the identity of the mysterious figure, and ultimately administered capital punishment. The *gemara* concludes the story with the note that Rabbi Yehuda ben Beseira subsequently received in appreciation of his effective, remote management of this situation: "You are in Natsivin, yet your net extends to Yerushalayim." From a distance of hundreds of miles,⁷ you ensured that this *nochri* individual would not eat *korban Pesach* again.⁸

II

Rabbi Yehuda ben Beseira succeeded in delivering his message about the *nochri* to the Jews of Yerushalayim, ironically via the *nochri* himself. Yet there ought to have been a more direct delivery option: Rabbi Yehuda ben Beseira himself. While he may have passed the age limit or been otherwise exempt from the thrice-yearly *mitzva* of *aliya la-regel*,⁹ why didn't he travel annually for *korban Pesach*?

*Tosfos*¹⁰ suggests that Natsivin is located outside of Eretz Yisrael, implying that residents of *chutz la-aretz* are exempt from *korban Pesach*. This unspoken premise astonished Rav Yehuda Rosanes,

⁴ ויקרא (פרק ג' פסוק ט'), הובא ברש"י הכא (ד"ה ספו) ועי' במהרש"ל ובמהרש"א (שם).

⁵ For why else would Rabbi Yehuda ben Beseira instruct this man to make a forbidden and impossible request?

⁶ נציבין is likely modern-day Nusaybin (نصيبين), located *circa* 500 miles northeast of Yerushalayim. See wikipedia.org/Nusaybin.

⁷ See also "The Long Net" in *The Prisoner and Other Tales of Faith* by Rav Shlomo Alter Halperin, a noted late-20th-century British *talmid chacham*. "The Long Net" is a brilliantly sequenced retelling of this *aggada* as a short story. This collection of short stories was published by Feldheim in 1968, 1972 and 1981.

⁸ כך תירץ בתוס' שם (ג: ריש ד"ה מאליה). ועי' משנה ריש חגיגה (ב). וברמב"ם הל' חגיגה (פרק ב' הל' א') שמנו ט"ו סוגי בני אדם הפטורים מלעלות לרגל.
¹⁰ שם בסוף הדיבור.

one of the great Turkish *acharonim*. In his *Mishne la-Melech*,¹¹ he can find neither source nor logic to support the unspoken assumption of *Tosfos* that *korban Pesach* is a *chiyuv* for *toshavei Eretz Yisrael* exclusively.

[In an upcoming volume of *Ohel Avraham*, I look forward to developing *Tosfos'* approach based upon the communal nature and significance of the *korban Pesach*.]¹²

III

Rav Tzvi Hirsch Chajes takes an entirely fresh and unexpected approach to resolving the *kushya* raised by *Tosfos*, making a stunning historical suggestion which also solves another vexing *kushya*, this one formulated by *Minchas Chinuch*.

*Minchas Chinuch*¹³ is startled that punishment ended this interloper's career. What crime did he commit? *Minchas Chinuch* offers two *teirutzim* for this *kushya*:

- 1) KORBAN PESACH – In his conversation with Rabbi Yehuda ben Beseira, the intruder mentioned the Torah prohibition against consumption of *korban Pesach* by a *nochri*, כל בן נכר לא יאכל בו. Rambam¹⁴ and *Chinuch*¹⁵ both formulate this as binding upon Jews, namely that we are forbidden to serve *korban Pesach* to *nochrin*. However, Rabbi Moshe of Coucy in his *Semag* (*Sefer Mitzvos Gadol*)¹⁶ presents this as a prohibition binding upon *nochrin*. According to *Semag*, *korban Pesach* joins *eiver min ha-chai* on the list of foods that are halachically forbidden for *nochrin* to eat, and the interloper was guilty of this violation.
- 2) THEFT – Several *acharonim*¹⁷ note that registering for membership in a *korban Pesach* under false pretenses would constitute theft from the rightful owners of the lamb, and the imposter was guilty of this violation of *mitzvos benei Noach*.

¹¹ עיי' משנה למלך הל' קרבן פסח (פרק א' הל' א') בסוף דבריו.

¹² וע"ע בדלקמן – משנה קידושין (ל: - לו.), ובגמרא עד "אלא בארץ"; יחזקאל (א' ג'), וברש"י עד "אלא בארץ"; רמב"ם הל' רוצח (פ"י ה"א) עפ"י ירושלמי סוטה (פ"ט ה"א); ספר המצוות להרמב"ם (מצות עשה קנ"ג); רמב"ם הל' סנהדרין (פ"ד ה"ו) עפ"י סנהדרין (יד:), וברדב"ז ואור שמח; גמרא הוריות (ג:), "אמר רב אסי ... לא איקרי קהל", ובמפרש (שם); פירוש המשניות לרמב"ם על בכורות (פ"ד מ"ג); נחל איתן לגר"ח קניבסקי (סי' א' ס"ק א'); ירושלמי הוריות (פ"א סוף הל' ב')

¹³ מנחת חינוך (מצוה י"ד אות ב' ד"ה ולכאורה)

¹⁴ רמב"ם הל' קרבן פסח (פרק ט' הלכה ז'), "המאכיל כזית מן הפסח ... הרי זה עובר בלא תעשה"

¹⁵ ספר החינוך (מצוה י"ד), "שלא להאכיל מבשר הפסח ..."

¹⁶ סמ"ג (לאו שניד), "שלא יאכל ...". וע"ע בהערה ב' למנ"ח, שדן בדעת תוס' הרא"ש בזה.

¹⁷ ר' אלחנן וסרמן בקובץ שיעורים (סי' ו'), והגרי"ד בשיעוריו

Minchas Chinuch himself adds a halachic twist. In *Masseches Kiddushin* and elsewhere, the *gemara*¹⁸ understands human consumption of *korbanos* as *mi-shulchan gavoah ka-zachu*, that we are invited to join and eat at the Divine table, as it were. Rashi¹⁹ holds that this is relevant to *korban Pesach*, so the intruder was actually an uninvited guest at His table, guilty of theft of Divine property.

Rav Tzvi Hirsch Chajes²⁰ takes an entirely fresh approach to this *kushya*. He collects numerous references throughout the *gemara*²¹ to *aliya la-regel* and *korbanos Pesach* occurring after the *Churban Bayis Sheini*, and he suggests that during the decades – and perhaps centuries – following the *Churban*, individual Jews would periodically sneak onto *Har ha-Bayis* and offer *korbanos*. These attempts must have involved great personal risk, particularly in light of Hadrian's attempts to de-Judaize Yerushalayim in response to the Bar Kochva revolt. Rav T. H. Chajes further quotes a prohibition in the Justinian code against offering *korban Pesach*, clearly indicating both that *korban Pesach* was still occasionally offered centuries after the *Churban* and that this was exceptionally dangerous.

Rav T. H. Chajes demonstrates that Rabbi Yehuda ben Beseira lived after the *Churban*. Our episode, too, refers to a post-*Churban korban Pesach*.²² The extreme risk explains why Rabbi Yehuda ben Beseira legitimately chose not to personally participate in this post-*Beis-ha-Mikdash korban Pesach*. Moreover, the participants recognized that this imposter was a spy who planned to expose them to the Roman authorities, and they acted out of self-preservation based upon the principle of *ha-ba le-horgecha, hashkeim le-horgo*.²³



As we approach the 50th anniversary of the restoration of Jewish sovereignty over ancient Yerushalayim – after it had ceased over two millennia ago, centuries before Rabbi Yehuda ben Beseira,

נישא כפים השמימה, בתודה על ההווה ובתפילה על העתיד –

¹⁸ קידושין (נב); ב"ק (יב); ועוד

¹⁹ ע"י רש"י שם (קידושין ד"ה כי, וב"ק ד"ה אבל) דוה נוהג גם בחלק הבעלים שבקדשים קלים, וא"כ הרי פסח בכלל.

²⁰ שו"ת מהר"ץ (סי' ב' אות ה')

²¹ עלייה לרגל – נדרים (כג); יבמות (קכב); ע"ז (נו); חולין (מח). וע"ע קהל"ד (פיסקא שלח לחמך). קרבן פסח – פסחים (עד), סנהדרין (יג); ובחזק"ן, פסחים (קטו); וברש"י ורשב"ם (שמה) וברשב"ץ (מאמר אפיקומן). גם צ"ח שם למה שכתב בספרו עטרת צבי עפ"י מגילה (י) וזבחים (סב), וכפתור ופרח (פ"ו) בשם ר' חיים כהן.

²² ובוזה יישב את קושיית תוס' מנחות (סוף סה: ד"ה רבי), ולא הוכרח לומר כפי שתירץ בתוס' שהיו שני ריב"ב.

²³ סנהדרין (עב).

למי שגאלנו וגאל את אבותינו ממצרים
והגיענו הלילה הזה לאכול בו מצה ומרור
כן יגיענו למועדים ולרגלים אחרים הבאים לקראתנו לשלום
שמחים בבנין עירך וששים בעבודתך
ונאכל שם מן הזבחים ומן הפסחים
אשר יגיע דמם על קיר מזבחך לרצון
ונודה לך שיר חדש על גאולתנו ועל פדות נפשנו