YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**TALMUDIC AGGADA**

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The htm version of this shiur is available at:

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This week’s shiurim are dedicated by Ruchy Yudkowsky   
in memory of Yehuda Yudkowsky z"l

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**Shiur #03: Did the Patriarchs Keep the Torah?**

Rava, and some said it was Rav Ashi, said: “Avraham fulfilled even [the mitzva of] *eruv tavshilin*[[1]](#footnote-1)” (*Yoma* 28b).

*Midrashim* frequently express the idea that our patriarchs kept the Torah as we know it. Yaakov kept the six hundred and thirteen *mitzvot* despite the difficult environment in Lavan’s house (Rashi *Bereishit* 32:5), Lot apparently learned from Avraham to serve matza on Passover (Rashi *Bereishit* 19:2), Yaakov and Yosef jointly studied the laws of *egla arufa[[2]](#footnote-2)* (*Bereishit Rabba* 94:3), and Yosef observed Shabbat (*Beresihit Rabba* 92:4).

This position presents several difficulties. Could Jews celebrate Passover before the exodus actually occurred? Furthermore, the narratives of *Bereishit* do not portray the patriarchs as functioning based on a halakhic code equivalent to the *Shulchan Arukh*.[[3]](#footnote-3) The patriarchs violate principles of Jewish law; Yaakov marries two sisters and builds a *matzeva*.[[4]](#footnote-4) It seems that Avraham, Yitzchak, and Yaakov did not observe our Jewish legal system.

God tells Yitzchak that he will receive blessings due to Avraham keeping “my charge, my commandments, my statues and my laws” (*Beresihit* 26:5). This verse serves as a source for the midrashic approach. The four terms refer to different categories of *mitzvot*, indicating that Avraham indeed observed the totality of Torah. Rashi outlines the various categories which include rational and non-rational *mitzvot* as well as biblical and even rabbinic ordinances.

Commentators provide alternative interpretations of these categories of laws. Chizkuni suggests that all the terms refer to *mitzvot* specifically commanded to our first patriarch such as circumcision, leaving his homeland, and the binding of Yitzchak. Rashbam adds that some of the terms relate to the basic moral decency demanded by the Noahide laws such as refraining from theft and sexual immorality. Similar approaches appear in the commentaries of Ibn Ezra and Ramban. These *rishonim* (medieval rabbinic authorities) do not assume that the patriarchs observed all six hundred and thirteen *mitzvot*.

The four terms in the verse include “*chukotai”* and “*mishpatai,”* words traditionally associated with rational and non–rational commandments. If we limit the verse to the rational Noahide laws, what would “*chukotai*” refer to? Radak explains that “*chukotai*” includes prohibitions on grafting trees or crossbreeding animals, actions not proscribed as part of basic human decency but still prohibited to Noahides.

Perhaps some of these *midrashim* agree that the *avot* (patriarchs) did not keep the entire Torah. Our patriarchs had a robust religious life including a personal relationship with God, and these *midrashim* express our patriarchs’ religious life. For example, Shabbat represents recognition of a divine creator, an idea that was relevant before the revelation at Sinai. When *Chazal* attribute Shabbat observance to Yosef in Egypt, they are claiming that he transmitted the idea of *creatio ex nihilo* to his children. Ramban offers this explanation, noting that Yosef has to counter idolatrous ideas rampant in Egyptian culture.

If we adopt this approach, we should ask why the Gemara specially selects *eruv tavshilin* as a rabbinic institution adopted by Avraham. Some commentators connect the choice with a close reading of associations present in the biblical text. R. Tzvi Hirsch Chajes emends the text to read *eruv techumin*.[[5]](#footnote-5) The verse employs the word “*ekev,*” which also means heel, a reference to the walking proscribed by the laws of *techumin* (boundaries). R. Barukh Epstein cites the same idea before ultimately rejecting the emendation.

Other commentators explain that *eruv tavshilin* is a relatively minor rabbinic mitzva; if Avraham kept that, he surely kept everything. What makes this mitzva more lenient? Ritva explains that we allow one small piece of bread to suffice for the entire town, indicating that we do not treat *eruv tavshilin* with great stringency. Avraham even observed those rabbinic *mitzvot* that carry less legal weight.

If we reject textual emendations and do not view *eruv tavshilin* as a less serious institution, we can attempt to find symbolism in the choice of *eruv tavshilin*. In his commentary on this *gemara*, R. Yaakov Reisher (*Iyyun Yaakov*) says that the real reason a Jew can cook on Yom Tov for Shabbat is that additional guests might come before Yom Tov ends, rendering the cooking for Shabbat permissible. The rabbinic allowance for an *eruv tavshilin* is based on the possibility of guests arriving. *Chazal* (the sages) may have chosen *eruv tavshilin* since the theme of hospitality to guests is central to *Chazal*’s portrait of Avraham. [My presentation differs from how R. Reisher utilizes the guest theme].

R. Kook explains (*Iggerot Ha-ra’aya* 3: p. 92) that the *eruv* reminds us of the difference in sanctity between Shabbat and the festivals. Without this institution, we might equate the two and even end up cooking on Shabbat. When these two types of holy days fall on subsequent days, the *eruv* reminds us of crucial distinctions. According to R. Kook, Avraham understood not only the obvious difference between holy and mundane, but also the more subtle distinction between levels of holiness. The Gemara conveys this point by stating that Avraham observed *eruv tavshilin*.

We can broaden the analysis by citing a relevant *midrash* about our third patriarch. “He pitched his tent before the city” (*Bereishit* 33:18). Playing on the verb “*va-yichen*,” the *midrash* suggests that Yaakov set *techumin* (boundaries) for the city (*Bereishit Rabba* 11:7). If we do not adopt R. Chajes’ textual emendation, then the *midrash* associates Avraham with *eruv tavshilin* and Yaakov with *eruv techumin*. R. Meir Simcha Ha-kohen from Dvinsk sees each mitzva as reflective of the life mission of particular patriarchs. Avraham mixed disparate items whereas Yaakov drew boundaries and distinctions (see *Meshekh Chokhma Bereishit* 33:18).

Avraham adopted a universal program of spreading the monotheistic ideal. Several *midrashim* outline his educational strategy, and the repeated biblical refrain of “calling out in the name of the Lord” (*Bereishit* 12:8) may refer to spreading his religious ideas. God changes Avraham’s name to indicate that he will be a “father to many nations” (*Bereishit* 17:5). According to R. Meir Simcha, Avraham intentionally went down to Egypt, then the center of human wisdom, to bring his message to an important audience.

Yaakov had a different calling. Avraham and Yitzchak both transmitted Jewish destiny to only one of their children; Yaakov was the first to set up an entire family included in the covenant. In the words of the *Sifra* (*Bechukotai*), Yaakov’s bed was complete. Building a family sometimes calls for an inward turn and a more concentrated focus. Yaakov’s life story indicates greater separatism. He does not attempt to wean Lavan away from idol worship and even becomes upset with Rachel for stealing her father’s idols. When he moved to Egypt, he set up residence in Goshen far from the Egyptians. Yaakov focused on the parochial religious quest of his family and minimized the universal mission. Where Avraham made combinations and connections, Yaakov established boundaries and borders.

This idea highlights an important balance in Judaism between the universal and particular. We care about the physical and spiritual welfare of the entire world, and yet we have particular concern for the Jewish people. The requests inserted in the third blessing of the *amida* each Rosh Hashana include a paragraph about the entire world (“*vi-yadukha kol ha-maasim”*) and a paragraph about the Jewish people (“*ten kavod le-amekha*”). We need to integrate the task of Avraham and that of Yaakov. Certain times may call for emphasizing a single task, and various individuals may divide their commitment between these two tasks in different ways, but every Jew should feel both callings.

1. Preparing a cooked food prior to a Yom Tov(festival) that is followed by Shabbat. This rabbinic device enables cooking on Yom Tovfor Shabbat. [↑](#footnote-ref-1)
2. Ritual of breaking a heifer’s neck in order to expiate for an unsolved murder. [↑](#footnote-ref-2)
3. Legal code by Yosef Karo written in 1563 in Tzfat. The *Shulchan Arukh* is arguably the most authoritative legal code in the Jewish tradition. [↑](#footnote-ref-3)
4. Monument commonly used in Canaanite worship that the Canaanites built beside their sacrificial altar. [↑](#footnote-ref-4)
5. Preparing a food prior to Yom Tovor Shabbat that allows one to travel more than is usually allowed on those days. [↑](#footnote-ref-5)