YESHIVAT HAR EZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Ein Yaakov - The World of Talmudic Aggada**

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**Lecture 38: Daf 11a-12a**

**Glory, Glory…**

The *Ein* *Yaakov* extracts the following *midrash halakha* (legal exegesis) out of a larger passage about possible exemptions from the requirement to recite the *Shema*:

A mourner is under obligation to perform

all the precepts laid down in the Torah

except that of the *tefillin* (phylacteries),

because the term *pe’er* is applied to them,

as it says,

‘Bind thy *pe’er* upon thee?’ (*Yechezkel* 24:17).

The context of the verse from *Yechezkel* is God informing the prophet that his wife will die, but he is not to mourn for her. God lists a series of activities that Yechezkel is not to perform. These verses are an important source for the rabbis for the requirements of mourning (see *Mo’ed Katan* 15a). The assumption is that those activities which Yechezkel is enjoined to do are precisely those which are forbidden to the conventional mourner. Among these requirements is that he bind his *pe’er* upon himself. A *pe’er* is a turban or some sort of headdress. Literally, however, the word means “glory.” Not surprisingly, the Sagesunderstood a reference to the “glory” which is bound to one’s head as referring to *tefillin*.

The simple understanding of the derivation of this law is as Tosafot explain, “since Yechezkel was commanded, ‘Bind thy *‘pe’er* upon thee,’ we learn that it is forbidden to everyone else” who is in mourning. However, this understanding does not account for the careful wording of the Gemara. The Gemara clearly states that *tefillin* are not required for the mourner because they are called *pe’er,* “glory.” The mourner is exempt from *tefillin,* not because Yechezkel was required to wear them, but, rather, because this verse happens to refer to *tefillin* as glory. Along these lines, Rashi offers an alternate explanation to that of Tosafot. He says: “Since the [*tefillin*] require ‘glory’ and the mourner is wrapped up in his pain, in ashes; this is not glory.” The fundamental nature of *tefillin* is incompatible with the state of mourning. Tosafot and Rashi’s interpretations are complementary, not contradictory. The first explains the technical derivation of the law, while the second explains the reason for the law.

Back on *daf* 6a, we discussed two different understandings of the nature of *tefillin* in light of the idea that God too wears *tefillin*. One possibility is that human and Divine *tefillin* are complementary. God’s *tefillin* remind Him of his commitment to Israel, while our *tefillin* remind us of our commitment to Him. The other possibility is that human *tefillin* imitate Divine *tefillin*. We wear *tefillin* in order to imitate God. This teaching about the exemption of mourners from *tefillin* would seem to follow the latter view. Wearing *tefillin* requires that a person at least aspire to a God-like state. A person who has just stared death in the face, who is acutely aware, if not obsessed, with the ephemeral nature of his existence, lacks the focus on the human potential for majesty that is implied by donning *tefillin*. A mourner cannot look in the mirror and see the image of God.

**People Talking without Speaking**

The next section of the Gemara appears to be halakhic in nature. The passage discusses the debate between Beit Hillel and Beit Shammai regarding the proper position for saying the *Shema.* We might, therefore, expect the *Ein Ya’akov* to skipthis passage, but he includes it. The reason that he included this passage seems to be that it contains a story. Many traditional commentators assume that stories, even those that appear to be purely halakhic in nature are, by definition, aggadic. Halakhic stories stand on the boundary between Halakha and Aggada. On the one hand, they transmit laws and rules. On the other hand, these stories always seem to contain some surplus of meaning which carries them beyond the narrow realm of transmitting individual *halakhot.*

The Gemara begins by presenting Beit Hillel’s position:

Our Rabbis taught:

Beit Hillel says that

one may recite the *Shema* standing,

one may recite it sitting,

one may recite it reclining,

one may recite it walking on the road,

one may recite it at one's work.

Beit Hillel holds that there is no required or even preferred position for reciting the *Shema.* In contrast, as was previously mentioned in the Mishna, Beit Shammai rules that the morning *Shema* must be recited while standing and the evening *Shema* must be recited while reclining.

The Gemara now relates a story in which both positions are modeled by great rabbis:

Once R. Yishmael and R. Eleazar b. Azaria

were dining at the same place,

and R. Yishmael was reclining

while R. Eleazar was standing upright.

When the time came for reciting the [evening] *Shema,*

R. Eleazar reclined

and R. Yishmael stood upright.

Thus far, one could define the story as a double exemplum. Two rabbis confront the same situation, the onset of the time to recite the evening *Shema.* They each change their position, one from sitting to standing, and the other from standing to sitting. One clearly conforms to the position of Beit Shammai and the other to that of Beit Hillel. The two rabbis in this account have no direct relationship, even though they are presented as being at the same meal, and they simultaneously exchange positions like two children on a seesaw. As yet, the two rabbis do not speak to each other or interact with one another. Each one acts independently on the basis of his own principles without concern for what the other, or anyone else for that matter, might think. The juxtaposition of these two rabbis and their actions serves only to create a clear contrast between the opinions. In principle, the two rabbis could have played out their part in the story in different times and places.

However, as is often the case in halakhic stories, this exemplum is followed by a dialogue scene in which the rabbi or rabbis explain their motivations for their actions:

Said R. Eleazar b. Azaria to R. Yishmael:

Brother Yishmael, I will tell you a parable.

To what is this [our conduct] like?

It is like that of a man to whom people say,

You have a fine beard,

and he replies,

Let this go to meet the destroyers.

So now, with you:

as long as I was upright you were reclining,

and now that I recline you stand upright!

R. Eleazar presents a *mashal,* a type of parable, to R. Yishmael. A *mashal* is a hermeneutic tool which uses one story to interpret another. By reading the two stories in light of each other, the reader gains a new framework for understanding the story. In this case, the “story” that is being interpreted is the events that have just occurred to our two protagonists. The exact meaning of the *mashal* is unclear. The picture is further muddied because this story appears in several other locations in rabbinic literature, each time with slight, but highly significant, variations. Nevertheless, Rashi seems to provide the most straightforward understanding of the *mashal* as it appears here. A group of people compliments a man on his beard. The person responds, rather incongruously, by saying, “Well then, I’ll just go and shave it off!”

How does this *mashal* impact our understanding of the original events? First and foremost, this *mashal* presents a dialogue in which one side addresses the other and the other responds. Until now we have understood R. Yishmael and R. Eleazar’s symmetrical actions as being independent of each other. By presenting his *mashal*, R. Eleazar directs us to see a causal relationship between the two actions. At first, the two events seemed to be effectively simultaneous, representing two independent plots. Now we learn that they were, in fact, consecutive and, according to R. Eleazar, interrelated events. When R. Eleazar lay down, he sought to join R. Yishmael so that the two of them could say the *Shema* together in the same position. Even if R. Yishmael had no particular desire to conform to Beit Shammai, lying down is fine according to Beit Hillel as well. R. Eleazar felt that for R. Yishmael changing positions would make no sense. Yet, R. Yishmael responded precisely by standing up, as if to implicitly reject R. Eleazar’s actions. Rabbi Eleazar is offended by this response.

R. Yishmael responds with yet a different interpretation of the previous events. The idea that he was engaged in a silent dialogue with R. Eleazar is mistaken. Each of them was ultimately motivated by their preconceived opinions about the proper conduct in each situation. Each did not really take into account the other. This raises the question, why then did R. Yishmael rise? Doing so was not necessary according to the ruling of Beit Hillel; was it not to convey a message to R. Eleazar? R. Yishmael informs us that he did see his act as communicating a message to others, but these others were the students, who were until now invisible, but were apparently present. He did not want the students to misinterpret his actions as endorsing the position of Beit Shammai. Hence he positioned himself so that his recital of the *Shema* made an unequivocal statement that the law is like Beit Hillel.

R. Eleazar and R. Yishmael in this story might be seen as representing two different approaches to Halakha. R. Eleazar sees his halakhic conduct as a personal matter. He sees the events in the opening scene as a dialogue between two individuals regarding their personal observance. Furthermore, he favors Beit Shammai’s ruling, because in this case adopting a stringency which allowed him to fulfill both positions did not do any harm. R. Yishmael, on the other hand, viewed himself as an exemplar. His actions would be interpreted by and influence others. As such, fulfilling the words of Beit Shammai had a potential downside, even though doing so would not contradict the position of Beit Hillel. Such an action could be misinterpreted by others as an endorsement of Beit Shammai’s position, leading to a distortion of the Halakha.

**Sunrise, Sunset**

The next *mishna* discusses the *berakhot* blessings recited before and after the *Shema.*  The passage cited in the *Ein Yaakov* seeks to clarify the exact text of the first blessing recited before the *Shema* in the morning:

What benedictions does one say [in the morning]?

R. Yaakov said in the name of R. Oshaya:

'[Blessed art Thou] who formest light and createst darkness.'

Let him say rather:

'Who formest light and createst brightness'?

We keep the language of the Scripture.

If that is so, [what of the next words in the text],

‘Who makest peace and createst evil’ (*Yishayahu* 45:7),

do we repeat them as they are written?

It is written 'evil' and we say 'all things' as a euphemism.

Then here too let us say 'brightness' as a euphemism!

In fact, replied Raba,

it is in order to mention

the distinctive feature of the day in the night-time

and the distinctive feature of the night in the day-time.

It is correct that we mention

the distinctive feature of the night in the day-time,

as we say,

'Who formest light and createst darkness'.

But where do you find

the distinctive feature of the day mentioned in the night-time?

Abaye replied:

[In the words,] 'Thou rollest away the light from before the darkness

and the darkness from before the light.'

This passage presents several of the key factors that underlie the Sages’ choice of words in the blessings they created. The first of these factors is the rabbis’ effort to draw on the Bible in creating prayers. The blessing, “Blessed art Thou, God, who makes peace and creates all,” is clearly based on the verse from *Yishayahu* (45:7):

I form light and create darkness,  
I make peace and create evil—  
I the Lord do all these things.

Many other blessings, similarly, draw on biblical phrases. The blessing “who brings bread from the earth” alludes to *Tehillim* 104:14. The phrase from the *Birkat ha-Mazon* (blessing after eating bread),“He gives sustenance to all flesh, for His mercy is everlasting,” alludes to *Tehillim* 136:25.

In this case, however, the rabbis made a significant change in the wording of the verse. They remove the word “evil” and replace it with the word “all,” which is taken from the last stich of the verse. The Gemara suggests reasons for this change. The first is an endeavor to remove overtly negative themes and terms. We also see this endeavor in the blessing, “Blessed is the true judge,” made in response to misfortune. Here, too, we refrain from directly mentioning God’s responsibility for the suffering that we undergo. Alternatively, the Gemara suggests that the Sages sought to include references to both sunrise and sunset in both the morning and evening benedictions. I am not sure what the reason for this requirement is, but I suspect that it is because the Sages wanted this blessingto be more than simply a blessing on the sunrise in the morning and the sunset in the evening, but rather an overall blessing of God as creator of the universe. As such, the entire daily cycle of the sun must be mentioned both in the morning and in the evening.

**The Rabbis Reject the Ten Commandments (Sort of)**

Later on, the Gemara turns its attention to the daily prayer service in the Temple as it is recorded in the Mishna in *Tamid* (5:1),

[The Mishna states]

“They recited the Ten Commandments,

the *Shema*,

the sections ‘And it shall come to pass if ye diligently hearken,’

and ‘And the Lord said,’

‘True and firm,’

the *Avodah*,

and the priestly benediction.”

Rav Yehuda said in the name of Shmuel:

Outside the Temple also people wanted to do the same,

but they were stopped on account of

the insinuations of the *minim*.

Similarly it has been taught:

R. Natan says,

They sought to do the same outside the Temple,

but it had long been abolished on account of

the insinuations of the *minim*.

Raba b. Bar Chana

had an idea of instituting this in Sura,

but R. Chisda said to him,

It had long been abolished on account of

the insinuations of the *minim*.

Amemar had an idea of instituting it in Nehardia,

but R. Ashi said to him,

It had long been abolished on account of

the insinuations of the *minim*.

The Mishna teaches that the Ten Commandments were recited daily in the Temple right before the *Shema.* The Gemara goes on to record a series of attempts to institute the recitation of the Ten Commandments in various communities outside of the Temple, generally after its destruction. Each time the initiative was blocked using the argument that this practice had been abolished on “account of the insinuations of the *minim*.” Who were these “*minim*?” As we have noted “*minim*” means “sectarians” and often, but not always, refers to Christians. In this case, evidence shows that the practice of reciting the Ten Commandments before the daily *Shema* was already widespread among non-Rabbinic Jews, even before the rise of Christianity. The Nash Papyrus, a document found in Egypt and dated to the second century B.C.E., contains a text of the Ten Commandments followed by the first paragraph of the *Shema*. This text may reflect the daily prayer of Jews in Egypt at the time. Similarly, some of the *tefillin* found with the Dead Sea Scrolls contain the Ten Commandments among the passages inside of them. This evidence also raises the possibility that the Ten Commandments were recited with the *Shema*.

The logic behind reciting the Ten Commandments before the *Shema* is clear. In the Torah, they appear one chapter before the first paragraph of the *Shema*. Arguably, the phrase “these words which I have commanded you today…” in the *Shema,* actually refer back to the Ten Commandments, rather than referring to all the laws in the Torah. Therefore, prefacing the *Shema* with the Ten Commandments makes sense.

However, the Gemara’s use of the term *minim* seems to suggest that at a certain point this practice became associated with a specific sect that the rabbis opposed, perhaps the Christians. The Jerusalem Talmud states that the rabbis opposed this practice because it gave credence to the belief that only the Ten Commandments were transmitted on Mount Sinai. This statement could possibly refer to early Christians who may have favored the Ten Commandments over other laws of the Torah.

Alternatively, the rabbis did not have any problem per se with the recitation of the Ten Commandments. Rather, at a certain point, this practice became associated with a heretical sect, perhaps Christians. As a result, the Rabbis banned it in order to better demarcate the distinction between rabbinic Jews and their opponents. This would not be the only time that the rabbis banned a practice, not because it is inherently problematic, but in order to reinforce the difference between orthodoxy and heterodoxy.