

The Thirteen Middos - Shiur 1

Rabbi Meir Triebitz

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Why learn the 13 middos?

We are going to focus on the 13 middos through which the torah is expounded. These are the hermeneutical principles of the rabbinical exegesis of scripture. We will focus on the 13 middos as they appear in the very famous baraisa of R' Yishmael, which appears at the beginning of every edition of the midrashic halacha on Vayikra which is called Toras Kohanim.

Let's ask the question, why learn the 13 middos? Why does it matter how the pesukim are interpreted by Chazal? No one uses the baraisa as a source of halacha, and most of the interpretations of halachos of Toras Kohanim also appear in other places in Shas. So what is the purpose of learning Toras Kohanim?

Many Rishonim devoted considerable energies to writing commentaries on Toras Kohanim. The edition published by Machon Ofek lists quite an impressive number of Rishonim who have expounded on this baraisa. This list includes the Raavad, the Rema and the Rosh. Toras Kohanim is not any less relevant for us than it was for the Rishonim, so we should learn from it just as they did.

We will focus on the primary commentary on the Toras Kohanim, that of the Raavad, who is known as a gadol who wrote commentaries on yerushalmi, Eidiyus and many things that no one learns anymore and probably even more things that have been lost over time. The Raavad begins with an introduction explaining why he writes a commentary on the baraisa of R' Yishmael.

We can see from this introduction the benefits of learning the baraisa, and this introduction can be used as a guide for learning the baraisa.

The Ravad's introduction says:

Since Vayikra is filled with mitzvos and chukim and since the exegesis of Toras Kohanim involves kal vchomer, klal v'prat and gezeiros shavos, all which are middos which are included in the baraisa of R' Yishmael, therefore they established this as a reference to understand all the mitzvos of the Oral Law,

Incidentally, most of the derashos on Toras Kohanim do not deal with the 13 middos.

Interestingly, the Malbim's introduction to Vayikra lists 613 middos so we have an incredible expansion in history.

Why does the baraisa of R' Yishmael begin Toras Kohanim? The answer is Toras Kohanim makes use of the 13 middos, so the baraisa delineates the middos.

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Most derashos are from the Oral Law

The Raavad says that most of the derashos are from the Oral Law (except for many which are explicit in the Written Torah). The tradition is in fact the basis of everything. The root of all the mitzvos is the tradition, the mesorah passed down, and if not for the tradition how would we know anything in the Torah? For example, the first pasuk in the Torah “Bereishis bara Elokim”, how do we know that Elokim is the name of the creator?

You may think that it is obvious that Elokim is the name of the creator, but actually If you are familiar with older exegeses of the text, from before some of these Tanaim who are being quoted, for example “the wisdom literature”, a lot of these interpret the text as “Wisdom created G-d”, but the fact is that even from the words “Bereishis bara Elokim” it is not so clear that Hashem created the world, maybe the world created Hashem.

See also Megillah 9a where they changed the order of the words for the translation of Ptolemy to avoid misunderstanding. They wrote that “Elokim bara bereishis”, because otherwise the reader could have misunderstood and thought that bereishis created Elokim so they felt it necessary to clarify. The Raavad is saying that even a pasuk as simple as the first pasuk in the Torah which discusses the creation of the world, requires a tradition in order to be properly understood. Without a tradition there are a million ways of interpreting even simple things in the Chumash, some of which are antithetical to the way we think and believe.

Even the prayer relies on tradition and Oral Law

The Raavad continues that even in prayer we have to rely upon the tradition.

The gemara says, in megilla and in berachos, that the Anshei K’nesses haGedola, among whom were several prophets, composed the liturgy to the Shmoneh Esrei prayer. The Rambam in Moreh Nevuchim says the reason we can use the prayers is because they were composed through prophecy.

So according to the Rambam, and the Raavad here, we need a tradition for the liturgy of our prayers, in order to know how to address Hashem. Otherwise we may be guilty of anthropomorphism, or paganism.

Two reasons for necessity of 13 middos

The Raavad says we need tradition, without this we have no way of fully understanding what was written. The Raavad goes on to speak about his own commentary.

The Raavad says the concept is very difficult to explain but we have to do it for the following two reasons.

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The first reason is that we have to make this understandable. We have to explain it (even though it is difficult) because it is important – a part of Chazal, and therefore it is important that people understand it.

The second reason the Raavad lists is that despite the challenge in making the derashim intelligible, we must do so in order to refute the Minim – presumably the Karaites.

The Karaites refused to accept the authority of Chazal to interpret pesukim and instead offered their own interpretations. We have to write a clear commentary to give these principles a solid foundation. The arguments of the Karaites should not go unanswered.

In confronting the Karaites we need to make things more rational. The people who believe will have to use this as a way of strengthening their understanding of Chazal.

The Raavad is telling us how to answer a heretic, and that answering him is part of the depth of Torah. Part of learning Torah involves a breakdown of material to the extent that it would give the heretic something to dispute, and we would use that to make the Torah more intelligible. The only way to answer a heretic is through learning Torah in depth. Every kasha is a suspension of belief. Answering a heretic is part of learning Torah. The two are inseparable.

An example in Gemara in Sanhedrin (38b) says 'A heretic came to R' Yochanan and said to him, "Hashem must have had a partner in creation." R' Yochanan answers him, "the Torah is teaching us *derech erez* (politeness), that a person must always consult with those below." This means that once HaKadosh Baruch Hu entertains the creation of man, there must be a G-d-man dimension to Him. We cannot understand G-d in and of Himself. Hashem needs to make Himself intelligible to human beings.

The seven middos of Hillel

The baraisa of R' Yishmael, is a long baraisa. Towards the end of halacha 7 (the end of chapter 7 Tosefta Sanhedrin), R' Yishmael lists the seven middos of Hillel the Elder. Why are Chazal telling me that Hillel explains seven of the 13 middos that day?

We can understand this in one of two ways; either we can understand that Hillel happened to expound upon 7 middos, coincidentally that specific day when he came in front of Bnei Beseira.

Alternatively, we can understand this as meaning that Hillel was the first person to give a number to the middos. R' Yishmael adds another six middos, to total 13 middos, and then comes R' Eliezer ben R' Yossi haGalili who counts 32 middos.

The two ways of understanding this is a machlokes Rishonim. How do we explain the fact that Hillel lists seven middos? Somehow the 13 middos of R' Yishmael include the 32 middos of R' Eliezer ben R' Yossi haGalili.

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Why are Chazal telling me here that Hillel lists seven middos?

Sefer HaKerisus says that of course Hillel didn't make up these middos, rather, they were always in his mouth, they were special to him – or because expounding upon these seven middos was necessary at that time because people didn't know these middos. In other words, the *Sefer HaKerisus* follows the first opinion, that it was a coincidence that on that day Hillel explained these seven middos. But he is not saying that there is an evolution of the middos from seven to 13 to 32.

However, the Gaon differs by saying that just as the 32 middos of R' Eliezer ben R' Yossi haGalili are an expansion of the 13 middos of R' Yishmael, so too, the 13 middos of R' Yishmael are an expansion of the seven middos of Hillel the Elder.

Meaning that the Gaon claims here an historical development, i.e. Hillel had a canon of seven, R' Yishmael added more detail, turning it into 13, and then R' Eliezer ben R' Yossi haGalili continued elaborating on these 13, turning them into 32.

My feeling is that the meaning of the baraisa follows the opinion of the Gaon. Why would I need to know the baraisa if it's only telling us about something that happens coincidentally?

Hillel's middos are a precursor to R' Yishmael's middos.

Difficulties with this explanation

What is the problem?

Firstly, the problem is that if you look at the middos that Hillel explained in front of Bnei Beseira according to the Yerushalmi and the Tosefta you find that they don't match with R' Yishmael's list of middos.

We have to address this. We can't say there is a contradiction so we must try and understand what this means.

The story of Hillel and Bnei Beseira appears in the Tosefta of Sanhedrin, and in the Yerushalmi Pesachim and in the Bavli 66.

Why focus so much on Hillel? From a careful reading of Hillel's middos, we will gain some very interesting insights into what the middos are, and what is this notion of mesorah, tradition.

The Gemara in Pesachim tells us, that there is a halacha in the Mishna that if Erev Pesach falls out on Shabbos, the korban pesach is sacrificed on Shabbos. The Gemara tells us that this halacha was hidden from Bnei Beseira.

The Gemara says in Sukkah 20a, "In the beginning Torah was forgotten from Israel until Ezra came from Bavel and re-established it, and was then forgotten again until Hillel re-established it."

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Rashi explains that Torah wasn't completely forgotten, but that certain halachos were forgotten.

Bnei Beseira didn't know if you bring the korban pesach when Erev pessach falls on Shabbos, so Hillel comes from Bavel and explains the middos. The two middos that appear, in the Bavli, are gezeira shava, and then kal v'chomer.

Chavos Yair 192 doesn't understand how such a thing could be forgotten. Every several years Erev Pesach falls on Shabbos. 600,000 people have kept the tradition, how could the Bnei Beseira forget?

He doesn't give an answer, and leaves it as needing further clarification.

The explanation of the Meiri

The Meiri (*Beis HaBechira*) on Pesachim 66b answers that it cannot be understood literally that Bnei Beseira didn't know the halacha since Erev Pesach must fall on Shabbos at least once (or twice according to the Yerushalmi) within every seven year cycle. Therefore the Meiri explains that Bnei Beseira knew the halacha but they didn't know the reason. And so, Hillel came and supplied the reason.

The Meiri's contention that they knew the halacha and not the reason has a lot of support from Chazal.

The Tosefta seems to say that the argument took place on Erev Pesach itself after they had already done the sacrifice, and they were arguing about the reason after the fact.

Hillel explained two middos. They asked Hillel, how he knew the reason. He answered them, with a gezeira shava and then a kal v'chomer. These are the first two middos that appear in R'Yishmael's list.

The Tosefta has a different version. This is attested to by the Yerushalmi. He answers them first with a Hekesh, then with a gezeira shava, and then a kal v'chomer.

Why does the Gemara not bring the hekesh? And why does the baraisa not say hekesh?

The Yerushalmi says clearly that he first brings hekesh, then kal v'chomer and then gezeira shava.

Maybe one could say that what Hillel uses is not really a hekesh, that really it is a binyan av. So where the baraisa says that Hillel brought kal v'chomer, gezeira shava and binyan av, perhaps the binyan av is referring to what the Yerushalmi calls a hekesh.

The Tosefta and the Yerushalmi clearly list three middos: hekesh, kal v chomer and gzeira shava. The Bavli skips over the hekesh.

The question is why does the baraisa of R' Yishmael not include hekesh (although it does include binyan av)?

Gezeira shava and kav v'chomer; tradition and rationalism

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Before I address this question, I would like to raise another question. The Chachamim argue about Hillel. The Gemara asks why was it necessary to name two middos. He answers them you have a tradition of gezeira shava, but you could learn a kal v'chomer using only logic, without a tradition.

We have here a principle that a gezeira shava requires a tradition; it can only be learned from a teacher.

But if a gezeira shava requires a tradition, how can it be that they didn't have this tradition? It is very interesting that the Yerushalmi tells us that a gezeira shava needs a tradition and kal v'chomer does not. The reason is that gezeira shava does not operate rationally. One can take any two words and make up a whole new torah. A kal v'chomer is open to attack, it leans on reason, whereas a gezeira shava cannot be deconstructed because it is a tradition that has been passed down.

What is the tradition that one needs? Rashi says several times in Shas that a gezeira shava comes from your rebbe, and the Gemara is very clear that Hillel brings from Shmaya and Avtalyon, but what does it mean here, that I have to learn a gezeira shava from my rebbe?

I am now going to invoke a Gemara in Rosh Hashana and try to explain what is meant by having a tradition for a gezeira shava and based upon that I will explain the discrepancy between the Yerushalmi, Tosefta and the Bavli, the baraisa.

The Gemara in Rosh Hashana 32a is concerned with how many shofar blasts (tekios and teruas) we blow on Rosh Hashana. First the Gemara brings a hekesh and after that the Gemara brings a gezeira shava. The Gemara asks why do we first learn from a hekesh and then a gezeira shava? We will see next week that a gezeira shava is actually more effective than a hekesh.

The Gemara explains that if I didn't have a gezeira shava, I would have learned it with a hekesh, but now that I have a gezeira shava I don't need a hekesh.

What is the Gemara saying? If a gezeira shava is learned from your rebbe, how can you not have a gezeira shava?

Explanation of gezeira shava

A gezeira shava is ultimately based in a hekesh. What Hillel knew from Shmaya and Avtalyon was a hekesh. It could be that Bnei Beseira also knew the hekesh and that's why they didn't relate to the hekesh. What Hillel did was to introduce a gezeira shava. The new canon is the gezeira shava. The gezeira shava is based upon a hekesh. Hillel is now changing the nusach and it becomes a gezeira shava. Every gezeira shava is based on a hekesh. That's why you have to have a mesorah. You can't just take two words. There is a reason behind the gezeira shava. How do I know that? I know it from my rebbe. But what my rebbe called a hekesh which is purely a logical equation, I'm calling a gezeira shava. – linking two words in Scripture.

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So what is the advantage of the gezeira shava? The gezeira shava is much more powerful because it creates a new text. Now we can explain the new text and come out with more halachos than we had previously. The middah of gezeira shava is a text. The text must come from tradition. Hillel constructed a text called the gezeira shava which basically maintained all the properties of the tradition but this text becomes more important at this stage in history.

One of the major themes of these shiurim is going to be the relationship between what we call sevorah (rational logic) and canon.

The reason that the baraisa of R' Yishmael leaves out hekesh and the Bavli leaves out hekesh is because hekesh doesn't make it into the canon because hekesh is a precursor to the gezeira shava, the hekesh is from the old system, it has a renewal in the gezeira shava.

Bnei Beseira didn't accept Hillel's answer at first because they also knew the hekesh, but when Hillel brought the gezeira shava then they accepted the reasoning, because the gezeira shava includes the hekesh but the gezeira shava creates the new text which provides the answer that was needed at that time.

What is the difference between a gezeira shava and a hekesh? A hekesh is a sevara, a logical argument. You can always disagree with a hekesh, but a gezeira shava is the words of the torah and you can't argue with it. In other words, I've taken the oral law and put it back into the written law.

A hekesh is a general comparison. The Bnei Beseira knew the halacha through a hekesh and not through a gezeira shava which explains the difference between the Yerushalmi with the Tosefta and the Bavli with the baraisa of R' Yishmael.

This is a large topic. I'm introducing the concept of the emergence of the new canon, a new text, which contains within it a tradition from before but is actually more powerful, producing new halacha. Like in science, once you create the equation, the equation can work for you, not only in things that you know about but actually probing new things too and this is actually part and parcel of how the Oral Law works.

The Meiri is correct, there was a tradition. Hillel did not just make up a new halacha. What changed was that Hillel created the new text, this new middah - the gezeira shava.

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