

The Thirteen Middos - Shiur 2

Rabbi Meir Triebitz

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Review

We will begin this shiur, the second in our series on the 13 middos of R' Yishmael, by reviewing what we said last week.

We began a discussion on the historical development of the middos. We focused on the famous case in which Hillel comes in front of B'nei Beseira and answers them regarding the halacha of the Korban Pesach when Erev Pesach falls on Shabbos. This case is detailed both in the Gemara, the Yerushalmi and the Bavli and the Tosefta.

The claim of the Meiri is that in fact the halachos were already known but that Hillel presented a new way of deriving the halacha. And this is in accordance with the way that some of the Rishonim learned the part of the beraisa of R' Yishmael that Hillel was doresh seven middos that day in front of B'nei Beseira.

I would like to elaborate on some of the points that we made last week because I think it is important that we really understand the text and how what we're saying fits in with the text of the Gemaras.

Hillel introduced midos, not halachos

Firstly, the contention of the Meiri was that the halacha was already known, and that Hillel only came to justify the halacha on the basis of the middos. According to the Yerushalmi and Tosefta, first there was a hekesh, and then (also according to the Bavli) a kal v'chomer and a gzeira shava.

What does it mean that Hillel came and gave an underlying logical basis, an exegesis of something that was an existing tradition in Klal Yisrael? Certainly, as the Meiri points out, seven years cannot go by without Erev Pesach falling on Shabbos. It can't be that this halacha was a new halacha that was discovered at this time. The fact is that the Meiri's contention is very much based in the text too.

They asked two questions of Hillel. The first question that Hillel addressed was can you bring a korban when Erev Pesach falls on Shabbos?

The second question was how to bring the knife to slaughter the Korban Pesach without transgressing the prohibition of carrying from a public domain to a private domain on Shabbos.

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One would think that this discussion was taking place the day before Erev Pesach, planning how to behave the following day, but we see in the Tosefta in Pesachim, perek 4, halacha 11, "They asked Hillel, what will be with the nation? They didn't bring the knife for the korban to the Beis haMikdash."

They ask using the past tense, "they didn't bring", meaning that the act had already taken place. The discussion actually transpired on Erev Pesach itself. The whole discussion was post factum.

The question was, how did they bring the knives? They looked and they saw that they had stuck the knives into the wool of the animal.

Hillel then explains the halacha to them as he had learned it from Shmaya and Avtalyon.

This is one proof that the entire discussion was post factum, meaning that Hillel did not come and decide the halacha at that time, rather it was a fait accompli. It was clear that Pesach took precedence over Shabbos and it was clear that there must be some way of bringing the knife into the Beis haMikdash because the act had already taken place.

Derasha based on Hekesh

It is also clear from the Bavli that there are allusions to the fact that the halacha was already known. For example, the Bavli says they called Hillel and asked him if he knew whether you could slaughter the Korban Pesach when Erev Pesach falls on Shabbos. He answers that there are 200 Pesachim that take precedence over the laws of Shabbos. They asked him how he knew.

Rashi explains that every Shabbos you bring four korbanos (and other offerings); four times (more than) 50 (weeks of the year) gives you at least 200.

Hillel is saying that we already have a tradition; we know that Pesach is docheh Shabbos because we know that every Shabbos we bring korbanos. The question is what is the explanation for this?

Last week we said that what Hillel knew from tradition was the hekesh, the equation. This is a further proof from the Bavli that the hekesh was not something that came up at that time; the hekesh was a mesorah they already had. In other words, by saying that there are 200 korbanos that are offered on Shabbos, it must be that intrinsically he is equating the Korban Pesach with every other korban that is done on Shabbos.

Shimush Talmidei Chachamim

The second proof that in fact the hekesh was already known is that it says that Hillel was meshamesh two Gadolei haDor. He was involved in exegesis the entire day. He started giving them mussar saying why should I become your leader? You are lazy because you were not meshamesh the two Gadolei haDor.

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What does meshamesh mean? Later on when the issue arises of how to bring the knife for the korban on Shabbos, Hillel says “kach *mekublani* mi-Shmaya ve-Avtalyon”. We see that the Gemara uses two different terms: meshamesh and mekublani.

What do these terms mean?

There is a gemara in Brachos 47b in the name of Acheirim which says “even someone who has learned scripture (*koreh*) and mishna (*shanah*) but has not been meshamesh a talmid chacham is an am ha’aretz.” Rashi here explains that meshamesh means sevora, logical reasoning. We have koreh (Torah she b’chtav), shanah, (Torah she b’al peh) and shimush (logic).

When speaking about the halachos that involve the gzeira shava, Hillel says that he was meshamesh Shmaya and Avtalyon. What is shimush? A hekesh is sevora.

In being meshamesh Shmaya and Avtalyon he produced a gzeira shava which we learn is really based upon a hekesh. He also produces a kal v’chomer which is also sevora.

Tradition is not based on Sevora

However, when they bring the knives in there is no sevora. Therefore he says “Kach mekublani”. What tradition did he have?

It says he saw the act and remembered the halacha. The use of the word halacha is interesting. Halacha usually means a didactic, not logical reasoning. So what does Hillel mean when he says he has a tradition from Shmaya and Avtalyon? Later on, the Gemara goes on in detail on this topic and says “This halacha I heard and then forgot.” How or why does he forget the halacha and then remember it?

The Gemara continues and explains in Pesachim 66b “Let the Jewish people do what they do – if they are not prophets, they are the descendants of prophets.”

The same language appears in the Tosefta 4:11 where Hillel answers regarding how to bring the knives. He says the people have ruach hakodesh and if they are not prophets, they are the descendants of prophets.

Why does the Gemara say that Hillel heard the halacha and then forgot it? Then he remembered the halacha and said this is the tradition I received (*kach mekublani*) from Shmaya and Avtalyon.

On amud beis the Gemara does not mention that Hillel remembered and received the tradition from Shmaya and Avtalyon.

It could be that the halacha Hillel is speaking of is the minhag; what the Jewish people do. Let them work it out - if they are not prophets, they are descendants of prophets.

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We see something interesting here. Hillel had two mesorahs from Shmaya and Avtalyon. One tradition he had was *sevara - hekesh*. That is *shimush*.

Another tradition is that he knew certain things from Shmaya and Avtalyon. Not to tell the people what to do but rather to let the people navigate because they have prophecy. We see an example in the Gemara in Sukkah. The Gemara talks about Hoshana Raba and the Gemara says "*minhag neviim hu*". The people's behavior establishes the way things should be done.

What do we see from these two things? We see that the Gemara is indicating that Hillel was not coming to tell B'nei Beseira any type of new halacha. Clearly, they were well aware of the halacha from the tradition of Klal Yisrael. Rather than inaugurating a new halacha, Hillel was *doresh* the *kal v'chomer* and *gzeira shava* which provided an exegetical basis for that which was already known.

Gzeira Shava moves beyond Hekesh

I would now like to move on to the second point we discussed in the last shiur.

It is clear that Shmaya and Avtalyon taught Hillel the concept of *hekesh*. The B'nei Beseira already knew the *hekesh*. The novel idea that Hillel taught them was the *gzeira shava* and the *kal v'chomer*.

The *gzeira shava* represents a step beyond the *hekesh*.

The Gemara Rosh Hashana 33b-34a gives us more insight into the relationship between *hekesh* and *gzeira shava* and how the *hekesh* is the basis for the *gzeira shava* and how the *gzeira shava* goes beyond the *hekesh* and becomes, in a sense, more powerful than the *hekesh*.

The Gemara discusses how many shofar blasts are blown on Rosh Hashana.

There are two types of blasts. There is a straight blast – a *pshuta*, and a broken blast which is called a *teruah* (this includes what we call both *shevarim* and *teruah*). One set is called a *tekia teruah tekia*. The Gemara is trying to derive how we know that on Rosh Hashana we make three sets of three blasts.

The Gemara brings a *beraisa* because of the *hekesh*. The word *teruah* does not appear three times in the whole of Rosh Hashana. It appears twice in Rosh Hashana and once in Yovel regarding Yom Kippur.

The Gemara says how do we know that *teruah* means shofar blast? The Gemara quotes the verse in Vayikra which talks about the shofar being blown on Yom Kippur. There it says the *teruah* is blown with a shofar, so even though in Yovel it specifies "*bachodesh hashvi'i*" it must be possible to equate this with the verse in Rosh Hashana and say that when it says *teruah* for Rosh Hashana it must also mean shofar blast, because how else can you call this a *hekesh*?

The Gemara asks how do we know to blow a *pshuta*, a single blast, before a *teruah*? We learn this by equating Yovel with Rosh Hashana. On Yom Kippur we blow a *tekia* then a *teruah* then a *tekia*, so therefore we learn that we do the same thing on Rosh Hashana.

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The Gemara asks, but how do we know that on Rosh Hashana we blow three sets of three blasts? It only says *teruah* twice in Rosh Hashana, and once in Yovel. How do we know that what is written in one place also holds true in another context? We see that the word *shvi'i* appears in both places so we can learn with a *gzeira shava*. We mix it up as if it is all one text. First the Gemara brings a *hekesheh* and then a *gzeira shava*.

If you have the *gzeira shava*, why do you need the *hekesheh*? The Ritva learns that the *hekesheh* only tells me that both are with a *shofar* and both have a single blast preceding and following the broken blast. The *hekesheh* equates the two verses. But how do we know to take the verse in Yovel and the verse in Rosh Hashana and learn them as if they are one verse? This is what the *gzeira shava* tells us.

The Ritva says the *gzeira shava* tells me that on Rosh Hashana we blow three sets of three blasts. So the Ritva asks, why can't we learn this with a *hekesheh*, with logic? It's based on a *gzeira shava* for which the Ritva tells us we need a *mesorah*, a tradition. We don't need a tradition for a *hekesheh*. The Ritva says you can't learn a *gzeira shava* from a *hekesheh*. A *hekesheh* can only equate things, but it can't tell me to take the *pasuk* in Yovel and put it into Rosh Hashana. A *hekesheh* is only a logical equation. The *gzeira shava* is more powerful because once I have the equation, the *gzeira shava* picks out two words which are the same and says now everything becomes interchangeable. The *gzeira shava* tells me how to apply the *halachos* of one verse to another.

We can't possibly determine that on Rosh Hashana we blow three sets of three blasts by using only a *hekesheh*.

Rashi learns that the *hekesheh* is telling me the same thing as the *gzeira shava*. Rashi says that if we don't have it as a tradition from Sinai, then we bring a *hekesheh b'atzmo*.

R' Akiva Eiger in Gilyon haShas points out that in Sukkah 31a where the Gemara asks how we know that if an *Esrog* must be "*pri eitz hadar*" that the other *minim* must also be *hadar*, the Gemara learns a *hekesheh*. Here Rashi learns explicitly that *hekesheh* is *halacha le Moshe miSinai*, which contradicts what Rashi learns regarding *hekesheh* in Rosh Hashana. R' Akiva Eiger leaves the question unresolved (*tzarich iyun*).

I want to claim that Rashi does not contradict himself. Rashi learns that there are two types of *hekesheh*. Rashi learns that in Rosh Hashana the Gemara is speaking about one type of *hekesheh*; the *hekesheh* which is the basis of a *gzeira shava*. Every *gzeira shava* is preceded by a *hekesheh*; every equation of two words begins with logical reasoning. Rashi learns that before I had the terminology to equate two words with a *gzeira shava*, I had the *hekesheh*; the logic.

The fact is that sometimes in Chazal we see a *hekesheh*. We did not eliminate the *hekesheh*. The *hekesheh* can exist as a *middah* in and of itself rather than as a basis for a *gzeira shava*. This is the second type of *hekesheh*. That is what we see from Rashi in Sukkah 31a. There is a *hekesheh* that serves as a precedent to a

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gzeira shava and a hekesh that stands independently. We learn the hekesh, which is logical reasoning, from our Rebbe, and from this stems the gzeira shava.

The Ritva asks why would we need gzeira shava? The answer is because a gzeira shava is a more powerful technique than a hekesh. A hekesh is only a logical equation; a gzeira shava which is based upon the logical equation established by my Rebbe is the formalization of that sevara and can be used to do more.

We see this clearly in the Gemara in Rosh Hashana.

Why is the hekesh the basis for the gzeira shava? The Yerushalmi states very clearly that if we were to equate any two words we can end up with a major misunderstanding, as in the translations for Ptolemy which understood the first verse of the Torah to mean that an entity named Bereishis created Elokim. We need the tradition, the hekesh, to give us the correct understanding.

Why does the gzeira shava need to come from a hekesh? The hekesh is logical; everything needs to be logical in order to have control. According to the Ritva, once I have the logical equation between two things, then I can invoke the model of the gzeira shava and use the powerful tool of making them identical. That is how to derive the halacha.

It is interesting that there is a dispute between Rashi and the Ritva on how to read the Gemara in Rosh Hashana. According to the Ritva, the hekesh doesn't give me the three sets of three shofar blasts on Rosh Hashana because a hekesh only equates things; it doesn't make things identical. A hekesh means x equals y . A gzeira shava means x equals x .

However, Rashi learns it differently. Rashi learns that the hekesh actually means x equals x .

I would like to claim that you get two principles from the two Rishonim which are true.

By the way, Rashi is makeish b'atzmo, in other words, saying that in Rosh Hashana you have three is not a logical equation. Why would a person learn that as a logical thing? That's what Rashi learns in the Gemara.

According to the Ritva, the gzeira shava produces chidushei halachos.

Of course, Rashi agrees with the Ritva; every gzeira shava is preceded by a hekesh.

There are two ways to answer this. One answer is that a hekesh equates two things, or two pesukim. For example, in Rosh Hashana it says teruah twice; each time it says teruah I'm making a logical hekesh with the teruah in Yom Kippur. In each pasuk I'm making a hekesh. I make a hekesh between one teruah in Rosh Hashana with one teruah in Yom Kippur. I make a hekesh between the other teruah in Rosh Hashana with the teruah in Yom Kippur, so you get two sets in Rosh Hashana and you get one set in Yom Kippur. That's not good; they are not equal, they need to be equal.

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How can we solve this? We can't break one of the sets in Rosh Hashana so I make three in each one. One could say that Rashi is making a textual hekesh and the Ritva is making a conceptual hekesh.

Gzeira Shava is Halacha le-Moshe mi-Sinai

We have already clearly established that a gzeira shava is preceded by a hekesh. I don't make up two words in each one and equate them, rather, my equation is based upon logic learned from the previous generation. An equation that comes from the previous paradigm is called halacha le-Moshe mi-Sinai. On the basis of this equation, I create a formalization, which is the gzeira shava.

Incidentally, the concept of halacha le-Moshe mi-Sinai doesn't appear in the Talmud with respect to the gzeira shava – rather the Talmud uses phrases such as “a person may not make a gzeira shava by himself” or “received from his teacher”. It doesn't say this is halacha le-Moshe mi-Sinai; it says “learned from my rebbe” which means each generation learned from the previous generation taking us all the way back to Sinai.

Paradigm shift from logic to formal model

Besides the more powerful formalism that we have here, Hillel introduced something very interesting. A hekesh is intuitive; it is logical. A gzeira shava is a formal model. Once we have a formal model, we have a common language with which to discuss. You can't argue with logic.

This is what we see in Pesachim; once Hillel sets forth the middos, B'nei Beseira have something they can discuss. This is similar to the Gemara in Brachos 28a where we see that once they opened up the Beis Midrash they were able to engage in halachic discussion.

The yesod of Hillel is that we have a more powerful technique and we have a basis for discussion; a dialectic in the halacha.

We can see a possible allusion to Hillel's approach of introducing commensurable debate in halacha in the famous Gemara in Shabbos 31a.

A man came to Shamai and asked, “How many Torahs do you have?”

“We have two: a Written Law and an Oral Law.”

“I believe in the Written Law, but I don't believe in the Oral Law. Convert me on the condition that you teach me only the Written Law.”

Shamai sends the man away.

The man went to Hillel, and Hillel converted him. Then he began teaching him the letters of the aleph-bet (Written Law) and demonstrated using rational argument that it is impossible to have a Written Torah without an Oral Law explaining it.

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Hillel felt you could reach people through reason. He believed in the power of persuasion. The middos created by Hillel are the models of commensurability which allow scholarly exchange between talmidei chachamim.

Another example in Shabbos 31a is the convert who came to Shamai and asked to be taught the Torah “while standing on one foot”. Shamai sent him away. Hillel said “I’ll give you a klal; the rest you can learn.” Hillel was confident of the fact that the Torah can be learned.

We can also see this concept in the final story there, when someone wanted to convert on the condition that he become the Kohen Gadol. Though Shamai sent him away, Hillel first converted him, then persuaded him through rational argument to give up his condition of being the Kohen Gadol.

What do we learn from these three stories? Hillel created middos so that the Torah could be debated rationally. Hillel created formal logical steps - there is a model, there is an equation, there is a rule that we all agree on, that we know how to use. This allows technique in generating halachos and enables commensurable scholarly exchange.

These three stories from the Gemara in Shabbos are reflections of Hillel’s approach that there is no impediment to teaching a person Torah. Hillel believed in the power of persuasion. Shamai held that you learn something because it is tradition, there is an authority and there is no room for debate. B’nei Beseira were students of Shamai.

Transformation from tradition to rational debate

The middos introduced by Hillel allow us to rationally persuade a person.

Each story in Shabbos brings a different aspect of logical persuasion.

The Talmud in Eruvin says that the halacha is according to Beis Hillel because they taught the opinion of Beis Shamai first. They were able to do this because they were confident in their ability to debate, and that through conversation could reach a common conclusion that everyone agrees to. Hillel’s stance is that logic can bring us to a commonality of position.

The personality of Hillel (about which there is much written in the agadata) is a function of the fact that Hillel introduces the seven middos. The seven middos are objective models on the basis of which people can continue a logical dialogue.

The new paradigm is built upon the previous paradigm – halacha le-Moshe mi-Sinai

We understand the concept of mesorah to mean that the previous generation established a logical basis upon which I can construct this model; this middah. Even where there is a change of paradigm, the new paradigm rests upon the old paradigm.

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There are no arguments in the Talmud about the concept of the existence of the middos. The details of how to apply the middos are debated, but their existence is not. The fact that everybody accepts the middos means that they are tradition.

Hillel constructed a formal model based upon a hekesh. Everyone agrees with this model; everyone accepts that the formalization of the gzeira shava is the logical continuity of a hekesh. That is the element of halacha le-Moshe mi-Sinai.