

Theological Emendation of Halakhah by Rabbi David Novak

Source Sheet by [Union for Traditional Judaism](#), texts from Sefaria

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Mishnah Tamid 5:1

<p>(1) After the priests completed laying the parts of the daily offering on the ramp, they went to the Chamber of Hewn Stone to recite <i>Shema</i>. The appointed priest who oversaw the lotteries in the Temple said to the priests: Recite a single blessing of the blessings that accompany <i>Shema</i>. And the members of the priestly watch recited a blessing, and then they recited the Ten Commandments, Shema (see Deuteronomy 6:4–9), <i>VeHaya im Shamo</i>a (see Deuteronomy 11:13–21), and <i>VaYomer</i> (see Numbers 15:37–41), the standard formula of <i>Shema</i>. Additionally, they blessed with the people three blessings. These blessings were: True and Firm, the blessing of redemption recited after <i>Shema</i>; and the blessing of the Temple service, which is also a blessing recited in the <i>Amida</i> prayer; and the Priestly Benediction, recited in the form of a prayer, without the lifting of hands that usually accompanies that blessing (<i>Tosafot</i>). And on Shabbat, when the new priestly watch would begin its service, the priests would add one blessing recited by the outgoing priestly watch, that love, fraternity, peace, and friendship should exist among the priests of the incoming watch.</p>	<p>(א) אָמַר לָהֶם הַמְמַנֶּה, בְּרָכוּ בְּרָכָה אֶחָת, וְהָן בְּרָכוּ. קָרְאוּ עֲשֶׂרֶת הַדְּבָרִים, שְׁמַע, וְהִיא אִם שְׁמַע, וַיֹּאמֶר. בְּרָכוּ אֶת הָעָם שְׁלֹשׁ בְּרָכוֹת, אֶמֶת וַיְצִיב, וְעִבּוּדָה, וּבְרַכַּת כֹּהֲנִים. וּבְשֵׁבֶת מוֹסִיפִין בְּרָכָה אֶחָת לַמְּשַׁמֵּר הַיּוֹצֵא:</p>
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Berakhot 12a

<p>The Gemara related above that the priests in the Temple read the Ten Commandments, along with the sections of <i>Shema, VeHaya im Shamo</i>a, <i>VaYomer</i>, True and Firm, <i>Avoda</i>, and the priestly benediction. Rav Yehuda said that Shmuel said: Even in the outlying areas, outside the Temple, they sought to recite the Ten Commandments in this manner every day, as they are the basis of the Torah (Rambam), but they had already abolished recitation of the Ten Commandments due to the grievance of the heretics, who argued that the entire Torah, with the exception of the Ten Commandments, did not emanate from God (Jerusalem Talmud). If the Ten Commandments were recited daily, that would lend credence to their claim, so their recitation was expunged from the daily prayers. That was also taught in a baraita that Rabbi Natan says: In the outlying areas, they sought to recite the Ten Commandments in this manner, but they had already abolished their recitation due to the grievance of the heretics. The Gemara relates that several Sages sought to reinstitute recitation of the Ten Commandments, as Rabba bar bar Hana thought to institute this in the city of Sura, but Rav Hisda said to him: They already abolished them due to the grievance of the heretics. So too, Ameimar thought to institute this in the city of Neharde'a. Rav Ashi, the most prominent of the Sages in that generation, said to him: They already abolished them due to the grievance of the heretics.</p>	<p>וְקוֹרִין עֲשֶׂרֶת הַדְּבָרוֹת "שְׁמַע", "וְהִיא אִם שְׁמוֹעַ", "וַיֹּאמֶר", "אֶמֶת וַיְצִיב", וְעִבּוּדָה, וּבְרַכַּת כֹּהֲנִים. אָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: אִף בְּגִבּוּלֵין בִּקְשׁוּ לְקָרוֹת כֵּן, אֲלֵא שְׁכֵבֶר בְּטָלוּם מִפְּנֵי תַרְעוּמַת הַמֵּינִין. תַּנְיָא נְמִי הֲכִי, רַבִּי נִתְּן אוֹמֵר: בְּגִבּוּלֵין בִּקְשׁוּ לְקָרוֹת כֵּן, אֲלֵא שְׁכֵבֶר בְּטָלוּם מִפְּנֵי תַרְעוּמַת הַמֵּינִין. רַבָּה בַר בַּר חֲנָה סָבַר לְמַקְבְּעֵיהוּ בְּסוּרָא, אָמַר לֵיהּ רַב חֲסָדָא: כָּבֵר בְּטָלוּם מִפְּנֵי תַרְעוּמַת הַמֵּינִין. אָמַיִמַר סָבַר לְמַקְבְּעֵיהוּ בְּנֶהרְדָּעָא, אָמַר לֵיהּ רַב אֲשִׁי: כָּבֵר בְּטָלוּם מִפְּנֵי תַרְעוּמַת הַמֵּינִין.</p>
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Jerusalem Talmud Berakhot 1:5:3

Why does one read these two sections every day? Rabbi Simon says because they mention lying down and getting up. Rabbi Levi said, because the Ten Commandments are contained in them²⁰⁵ Since Rabbi Levi depends heavily on the third section of Shema', he cannot agree that in the evening one should recite only two sections. In the [Babli \(Berakhot 12b\)](#), the third section of Shema' is singled out for its importance because five of the Ten Commandments are alluded to in it. "I am the Eternal, your God." - "Hear²⁰⁶ As R. Shelomo ben Adrat (Rashba) points out, *שמע* can mean "hear, understand, or accept." o Israel, The Eternal, our God." "You should not have any other gods before me." - "The Eternal is One." "Do not take the name of the Eternal, your God, in vain." - "You must love the Eternal, your God." He who loves the king will not swear in his name and lie. "Remember the Sabbath day to sanctify it." - "So that you shall remember;" Rabbi said: that is the commandment of Sabbath which is as important as all other commandments of the Torah together, as it is written ([Neh. 9:14](#)): "You informed them about Your Sabbath, commandments, laws, and Torah you commanded them, ..." to show that it is as important as the other commandments of the Torah²⁰⁷ Since the Sabbath alone is given a parallel status to "Torah" in this verse.. "Honor your father and mother" - "So that your days and the days of your children should increase.²⁰⁸ This promise is connected with honoring father and mother in the Ten Commandments of Deuteronomy." "Do not murder" - "You will soon be lost." He who kills will be killed. "Do not commit adultery" - "Do not stray after your hearts and after your eyes." Rabbi Levi said: heart and eye are the two agents of sin. It is written ([Prov. 23:26](#)) "My son, give Me your heart; your eyes should watch My ways." The Holy One, Praise to Him, says: If you give me your heart and eyes I know that you are mine²⁰⁹ The connection seems to be from the following verse: "Because a dark ditch is the harlot and a source of trouble the strange woman." "Do not steal" - "You shall harvest your grain," not your neighbor's grain²¹⁰ This contradicts the opinion of the [Babli, Sanhedrin 86a](#), that the Ten commandments forbid kidnapping, a capital crime like murder and adultery. The Babli's opinion is found also in *Mekhilta deR. Ismael (Jithro 5)*, which possibly was edited in the Academy of Rav in Babylonia. The same attitude as here, that all stealing is prohibited, is found in *Mekhilta deR. Simeon bar Yohai, p. 153*. "Do not testify against your neighbor as a false witness," - "I am the Lord, your God." And it is written ([Jer. 10:10](#)) "But the Lord is the God of truth." What is truth? Rabbi Abun said: that ([Jer. 10:10](#)) "He is God of life and king of the world." Rabbi Levi said: The Holy One, praise to Him, said, if you gave false testimony against your neighbor, I count that against you as if you gave testimony against Me that I did not create heaven and earth²¹¹ This argument is the base of Rashi's commentary on [Berakhot 14b](#), on the statement that one is required to end the recitation of Shema' with "the Eternal is the God of truth." Rabbi Abun (Rabin) was a younger contemporary of R. Levi.. "Do not covet your neighbor's house" - "You shall write them on the doorposts of your house," your house and not your neighbor's house.

מפני מה קורין שתי פרשיות הללו בכל יום. רבי סימון אמר מפני שכתוב בהן שכיבה וקומה. רבי לוי אמר מפני שעשרת הדברות כלולין בהן. אנכי יי אלהיך. שמע ישראל יי אלהינו. לא יהיה לך אלהים אחרים על פני. יי אחד. לא תשא את שם יי אלהיך לשוא. ואהבת את יי אלהיך. מאן דרחים מלכא לא לישתבע בשמיה ומשקר. זכור את יום השבת לקדשו. למען תזכרו. רבי אומר זו מצות שבת שהיא שקולה כנגד כל מצוותיה של תורה דכתיב ואת שבת קדשך הודעת להם ומצוות וחוקים ותורה צוית וגו' להודיעך שהיא שקולה כנגד מצוותיה של תורה. כבד את אביך ואת אמך. למען ירבו ימיכם וימי בניכם. לא תרצח. ואבדתם מהרה. מאן דקטיל מתקטיל. לא תנאף. לא תתורו אחרי לבבכם ואחרי עיניכם. אמר רבי לוי ליבא ועינא תרין סרוורי דחטאא כתיב תנה בני לבי לי ועיניך דרכי תצרנה. אמר הקדוש ברוך הוא אי יהבת לי לבי ועינא אנא ידע דאת לי. לא תגנב. ואספת דגנך ולא דגנו של חברך. לא תענה ברעך עד שקר. אני יי אלהיכם. וכתיב ויי אלהים אמת. מהו אמת אמר רבי אבון שהיא אלהים חיים ומלך עולם. אמר רבי לוי אמר הקדוש ברוך הוא אם העדת לחבירך עדות שקר מעלה אני עליך כאלו היעדת עלי שלא בראתי שמים וארץ. לא תחמוד בית רעיה. וכתיבתם על מזוזות ביתך. ביתך ולא בית חבירך.

Jerusalem Talmud Berakhot 1:5:4

There it was stated ([Tamid Mishnah 5:1](#)): “The official in charge told them²¹² *This Mishnah deals with the details of the Temple service, in particular the prayers of the priests before the start of dawn and beginning of services. The official in charge was one of the small permanent staff of the Temple; the priests themselves were divided into 24 “watches”, one of which served in the Temple from the placing of new show-bread on the Sabbath to its removal the next week. These “watches” are remembered in several kinnot for the Ninth of Av.: recite one benediction! and they recited one benediction.*” What benediction did they recite? Rav Mattanah in the name of Samuel²¹³ *Rav Mattanah was a student of Samuel, the head of the Academy of Nahardea and representative of the Babylonian tradition in Talmudic studies.:* that is the benediction for the Torah. “Then they recited the Ten Commandments and the three sections of *Shema*’.” Rabbi Ammi in the name of Rabbi Simeon ben Laqish: that means that the benedictions are no obstacle²¹⁴ *Since it is implied that the priests fulfilled their duty of reciting the Shema’, it follows that the non-recitation of the benedictions preceding and following the Shema’ does not invalidate the recitation of Shema’ itself.*

The [Babli \(11b\)](#) has a totally different approach. First, they note that Rav Mattanah did not know what benediction was recited in the Temple and then they report that Rav Yehudah said in the name of Samuel that the second of the daily benedictions preceding the *Shema*’ was recited. Rabbi Ammi in the name of R. Simeon ben Laqish is quoted that “benedictions do not invalidate one another”, i. e., the recitation of the second before the first is not an obstacle. The essential difference is that for the Babli, the last benediction before *Shema*’, which is praise for the Torah and its study, may take the place of the explicit benediction for the Torah (e. g., for somebody who came late to the Synagogue and is reciting that benediction before he had a chance to recite the benediction for the Torah), whereas the Yerushalmi requires two benedictions unless one starts studying after the recitation of the *Shema*’ without interruption; see below and [Tosaphot Berakhot 11b, s. v. שכבר](#). Rabbi Abba said: From here you cannot draw any inference because the Ten Commandments contain the essence of *Shema*’²¹⁵ *Since the benedictions for the Shema’ were instituted for Shema’ only, they are not applicable to the Ten Commandments; hence, the Ten Commandments, if recited at the start of the service, require the benediction for the Torah. On the other hand, in the preceding section is was shown that Shema’ contains allusions to all of the Ten Commandments. Hence, Shema’ is in a sense a duplication of the Ten Commandments and a separate benediction would be out of place.* Rav Mattanah and Rabbi Samuel ben Nahman both say that it would have been logical to require that the Ten Commandments should be recited every day. Why does one not recite them? Because of the arguments of the Christians²¹⁶ *מין* always denotes a Jewish Christian. In the [Babli \(12a\)](#) it is said that “the reading of the Ten Commandments was stopped because of the propaganda of the (Jewish) Christians.”, that they should not say that only these were given to Moses at Sinai.

תמן תני אמר
להן הממונה
ברכו ברכה
אחת והם
בירכו. מה
ברכו. רב
מתנה אמר
בשם שמואל
זו ברכת
תורה. לקראו
עשרת
הדברות שמע
והיה אם
שמעו. ויאמר.
רבי אמי בשם
רבי שמעון בן
לקיש זאת
אמרת שאין
הברכות
מעכבות. אמר
רבי בא אין מן
הדא לית שמע
מינה כלום
שעשרת
הדברות הן הן
גופה של
שמע. דרב
מתנה ורבי
שמואל בר
נחמן תרביהון
אמרין בדין
הנה שיהו
קורין עשרת
הדברות בכל
יום ומפני מה
אין קורין אותן
מפני טענת
המינין שלא
יהו אומרין אלו
לבד ניתנו
למשה בסיני.

Yevamot 47a:13

The Sages taught in a *baraita*: With regard to a potential **convert who comes to a court in order to convert, at the present time**, when the Jews are in exile, the judges of the court **say to him: What did you see that motivated you to come to convert? Don't you know that the Jewish people at the present time are anguished, suppressed, despised, and harassed, and hardships are frequently visited upon them? If he says: I know, and although I am unworthy of joining the Jewish people and sharing in their sorrow, I nevertheless desire to do so, then the court accepts him immediately** to begin the conversion process.

תנו רבנן: גר שבא להתגייר בזמן הזה, אומרים לו: מה ראית שבאת להתגייר? אי אתה יודע שישראל בזמן הזה דוויים, דחופים, סחופים ומטרפין, ויסורין באין עליהם? אם אומר: יודע אני, ואיני פדאי — מקבלין אותו מיד.

Yevamot 47a:14

And the judges of the court inform him of some of the lenient mitzvot and some of the stringent mitzvot, and they inform him of the sin of neglecting the mitzva to allow the poor to take gleanings, forgotten sheaves, and produce in the corner of one's field, and about the poor man's tithe. And they inform him of the punishment for transgressing the mitzvot, as follows: They say to him: Be aware that before you came to this status and converted, had you eaten forbidden fat, you would not be punished by karet, and had you profaned Shabbat, you would not be punished by stoning, since these prohibitions do not apply to gentiles. But now, once converted, if you have eaten forbidden fat you are punished by karet, and if you have profaned Shabbat, you are punished by stoning.

ומודיעין אותו מקצת מצוות קלות ומקצת מצוות חמורות, ומודיעין אותו עון לקט שכחה ופאה ומעשר עני. ומודיעין אותו עונשן של מצוות. אומרים לו: הוי יודע שעד שלא באת למדה זו, אכלת חלב — אי אתה ענוש כרת. חללת שבת — אי אתה ענוש סקילה. ועכשיו, אכלת חלב — ענוש כרת, חללת שבת — ענוש סקילה.

Meiri on Yevamot 47a:5

We have already begun to explain ... we teach him some lighter mitzvot and some weightier mitzvot, and it seems to me that the reason for teaching lighter mitzvot is because idolaters don't have in their belief system and idolatry additional commandments, and when they hear our additional mitzvot and the light ones among them, the prospective convert will say in his hearts "how many details they have (lit how many details they detail) needlessly" and will go back i.e. reverse it, their intention to convert.

Trans. Rabbi Noah Gradofsky

כבר התחלנו לבאר ... מודיעין אותו מקצת מצוות קלות ומקצת מצוות חמורות ויראה הטעם בקלות מפני שעובדי האלילים אין להם בדרכי דתיהם ועבודת אליליהם מצוות יתירות וכשישמע מצוות יתירות שלנו והקלות שבהם יאמר בלבו כמה דקדוקין הם מדקדקים ללא צורך ויחזור בו.

Rambam on Mishnah Berakhot 9:5:3

...For it is more precious to my eyes to teach the a fundamental among the fundamentals of belief more than anything else that I teach.

כל חותמי ברכות שבמקדש
היו אומרים עד העולם כו':
...כי יקר בעיני ללמד עיקר
מעיקרי הדת והאמונה יותר
מכל אשר אלמדהו.

Emanuel Kant

Concepts without percepts are empty, percepts without concepts are blind.

Appears in *The Critique of Pure Reason*, translated at <https://www.gutenberg.org/files/4280/4280-h/4280-h.htm> as "Thoughts without content are void; intuitions without conceptions, blind." Also appears in *Letter to Hume* at <https://people.wku.edu/jan.garrett/350/kanthume.htm>.

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