

From the Rabbi's Desk
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Mishnah with a Twist [4]

And Why do They Record the Opinions of Shammai and Hillel for Naught?

Insights into Mishnah Eduyot 1:3



Background to Our Story (What you need to know to better understand the story)

Hillel



Koren Talmud Bavli, The Noe Edition. Pesachim Part 2. Koren publishers Jerusalem.

Page 9.

Hillel, referred to as the Elder due to his position in the Sanhedrin, was born in Babylonia and lived in Jerusalem during the time of King Herod and the Roman Emperor Augustus, about a hundred years before the destruction of the Second Temple. He and his colleague Shammai were the last of the *zugot*, the pairs of *tanna'im* who played a role in establishing the Mishnah.

Although Hillel and Shammai established two distinct schools, Beit Hillel and Beit Shammai, and their disciples were involved in many controversies, Hillel and Shammai themselves disagreed only with regard to three or four cases. The real difference between them was one of character. Hillel was a calm and gentle individual who avoided conflict whenever possible, whereas Shammai was stern and uncompromising. When approached by a potential convert whom Shammai had rejected because he wished to learn the entire Torah on one leg, Hillel offered him the maxim: That which is hateful to you, do not do to your fellow. That is the whole Torah, and the rest is its interpretation; go and learn.

According to tradition, Hillel arrived in Eretz Yisrael to study at age forty in a state of poverty, but his perseverance brought him to the attention of Shemaya and Avtalyon, the heads of the academy, who welcomed him into the study hall. Ultimately, serving those scholars allowed him to settle questions whose solutions were unknown to others, and he was appointed head of the Sanhedrin. The Gemara compares Hillel to Ezra the Scribe, crediting him with reestablishing Torah at a period in history when it was being forgotten (*Sukka* 20a). His disciples were praised, as well. According to the Gemara, Hillel the Elder had eighty students: Thirty of them were worthy that the Divine Presence should rest upon them like Moses, thirty that the sun should stand still for them, as it did for Joshua

the son of Nun, twenty were average, with the greatest among them Yonatan ben Uzziel and the least among them Rabban Yoĥanan ben Zakkai (*Sukka* 28a).

Shammai the Elder



Koren Talmud Bavli, The Noe Edition. Sukka. Koren publishers Jerusalem. Page 133.

Shammai, occasionally referred to as Shammai the Elder, was the counterpart of Hillel the Elder, as they constituted the last of the pairs of the early tannaitic period, approximately one hundred years prior to the destruction of the Temple, at the beginning of Herod's reign. Hillel was the *Nasi* and Shammai served as president of the court. Despite the fact that they founded two schools, Beit Hillel and Beit Shammai, whose disputes continued for many years after their passing, they disagreed with regard to only three or four issues. The difference between Hillel and Shammai themselves was mainly a difference in character.

Hillel related to himself and to others in an easygoing manner, avoiding conflict whenever possible. Shammai, in contrast, took a more exacting approach, closely scrutinizing people's motivation and conduct. Nevertheless, it was Shammai who coined the phrase: And greet every person with a pleasant countenance (*Avot* 1:15). Little is known about his personal life; however, he was apparently an architect or builder by trade, as he is depicted on several occasions as standing with a builder's cubit, which was a common measuring stick, in his hand.

Shemaya and Avtalyon



Koren Talmud Bavli, The Noe Edition. Pesachim Part 2. Koren publishers Jerusalem. Page 35.

Shemaya and Avtalyon were the fourth pair of rabbinic Sages listed in the Ethics of the Fathers, who served as leaders of the Sanhedrin during the reign of Herod the Great in the first century BCE and played a role in establishing the Mishna. According to tradition they were converts or descendants of converts whose lineage was traced to Sennacherib, king of Assyria. Only a small number of *halakhot* appear in the Talmud quoted in their names, but their ethical teachings include statements warning to avoid political engagement, perhaps reflecting the political upheaval that was taking place in the last years of the Second Temple period. According to tradition, they are buried in the village of Gush Ĥalav in northern Israel.

Measurements of Volume

- **1 Seah = 6 Kav**
- **1 Hin (הין) = 12 Logs**
- **1 Kav = 4 Logs**
- **1 Log (לג) = 4 Revi'ith (רביעית, lit. 'quarter [Log]')**
- **1 Revi'ith = Between 3 and 5 oz.**

Mikveh



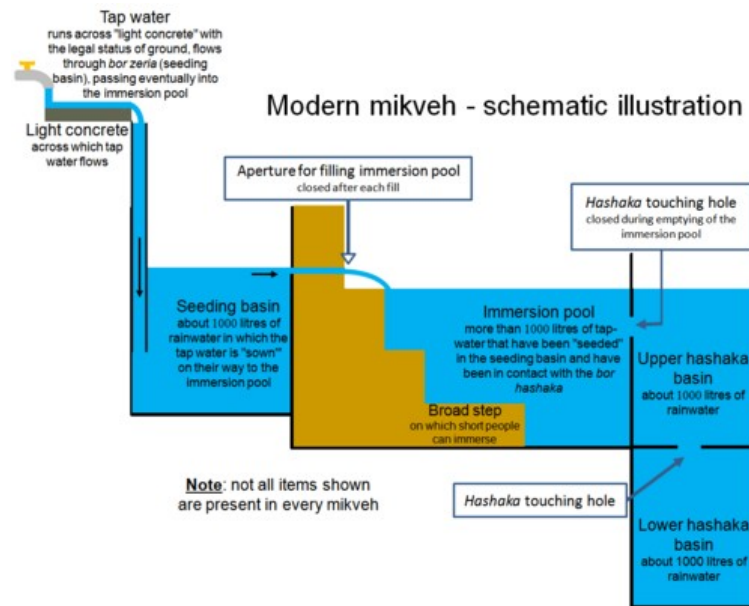
<https://en.wikipedia.org/wiki/Mikveh>

Mikveh is a bath used for ritual immersion in Judaism to achieve ritual purity.

In Orthodox Judaism, these regulations are steadfastly adhered to; consequently, the mikveh is central to an Orthodox Jewish community. Conservative Judaism also formally holds to the regulations. The existence of a mikveh is considered so important that, according to halacha, a Jewish community is required to construct a kosher mikveh even before building a synagogue, and must go to the extreme of selling Torah scrolls, or even a synagogue if necessary, to provide funding for its construction.

Mikveh water must have collected naturally (*bidei shamayim*) rather than by human action. Thus, *mikveh* water must flow naturally to the *mikveh* from the source (rain or a spring). This essentially means that it must be supplied by gravity or a natural pressure gradient and cannot be pumped there by hand or carried. As a result, tap water cannot be used as the primary water source for a mikveh, although it can be used to top the water up to a desired level provided the minimum amount (40 *seah*) of ritually appropriate water is in the *mikveh* first; in practice, this means that for a pool of at least 80 *seahs* (approximately 1,150 liters) the majority of its volume can be tap water. The water is also forbidden to pass through any vessel which could hold water within it or can become impure (anything made of metal); however, pipes open to the air at both ends are fine so long as there is no significant curvature). Frozen water (snow, ice and hail) is exceptional in that it may be used to fill the *mikveh* no matter how it was transported.

The laws for a *mikveh* are slightly different from those of a spring. *Mikveh* water must be at rest, while spring water can still be flowing. Thus, flowing rivers may only be used for immersion when most of their water comes from springs, rather than rainfall or snowmelt. Seas may be used (even if waves are present).



A mikveh must contain enough water to cover the entire body of an average-sized person; based on a mikveh with the dimensions of 3 cubits deep, 1 cubit wide, and 1 cubit long, the necessary volume of water was *estimated* as being 40 *seah* of water. The exact volume referred to by a *seah* is debated, and classical rabbinical literature specifies only that it is enough to fit 144 eggs; most Orthodox Jews use the stringent ruling of the Avrohom Yeshaya Karelitz, according to which one *seah* is 14.3 liters, and therefore a mikveh must contain at least some 575 liters. This volume of water can later be topped up with water from any source, but if there were less than 40 *seahs* of water in the mikveh to begin with, then the addition of 3 or more pints of water that did not meet the strict requirements would render the mikveh unfit for use, regardless of whether more water from a natural source was added later; a mikveh rendered unfit for use in this way would need to be completely drained away and refilled in the prescribed way.

Inasmuch as water that collects naturally according to halachic prescriptions is hard to come by in urban areas, various methods are employed to establish a valid mikveh. One

is that tap water is made to flow into a kosher mikveh and through a conduit into a larger pool in which users bathe.

A second method is to create a mikveh in a deep pool, place a floor with holes over that and then fill the upper pool with tap water. In this way, it is considered as if the person dipping is actually "in" the pool of rainwater. Additionally, the *hashoko* method involves using two pools: one filled with at least 40 *seahs* of natural water and one filled with tap water. A hole at least 5 cm (2 in) wide on the wall of the pool filled with tap water connects it to the pool filled with natural water. When these two collections of water touch, the tap water pool is okay to use for ritual immersion.

Most contemporary mikvot are indoor constructions involving rainwater collected from a cistern and passed through a duct by gravity into an ordinary bathing pool; the mikveh can be heated to make the experience of bathing more comfortable, taking into account certain rules, often resulting in an environment not unlike a spa.

The Text: Mishnah Eduyot 1:3

הלל אומר, מלא הין מים שאובין פוסלין את המקוה, אלא שאדם חיב לומר בלשון רבו. ושמאי אומר, תשעה קבין. וחקמים אומרים, לא כדברי זה ולא כדברי זה, אלא עד שפאו שני גרדיים משער האשפות שבירושלים והעידו משום שמעיה ואבטליון, שלשת לגין מים שאובין פוסלין את המקוה, וקמו חקמים את דבריהם:

ולמה מזכירין את דברי שמאי והלל לבטלה, ללמד לדורות הפאים שלא יהא אדם עומד על דבריו, שיקרי אבות העולם לא עמדו על דבריהם:

Hillel says: "A hin full of drawn water renders the mikveh unfit." (However, man must speak in the language of his teacher.) And Shammai says: "Nine kavs."

But the Sages say: "Neither according to the opinion of this one nor according to the opinion of this one;" But when two weavers from the dung-gate which is in Jerusalem came and testified in the name of Shemaiah and Avtalion, "Three logs of drawn water render the mikveh unfit," the Sages confirmed their statement.

And why do they record the opinions of Shammai and Hillel for naught? To teach the following generations that a man should not [always] persist in his opinion, for behold, the fathers of the world did not persist in their opinion.

The Commentary: Obadiah of Bertinoro (Bartenura)

Obadiah ben Abraham of Bertinoro (c. 1445 – c. 1515), commonly known as "The Bartenura", was a 15th-century Italian rabbi best known for his popular commentary on the Mishnah. In his later years, he rejuvenated the Jewish community of Jerusalem and became recognized as the spiritual leader of the Jews of his generation.

הין – twelve Logs

פוסלין את המקוה – if they (i.e., drawn water) fell into it prior to its measure being completed. But after it was completed, even if he cast into it all the drawn water that is in the world, they would not make it (i.e., the Mikveh) invalid.

שחייב אדם לומר בלשון רבו – that is to say, the word "הין" /"hin" is not the language of the Mishnah, but rather is the language of the Torah, but that is what he heard from his teachers Shemaiah and Avtalion. And Maimonides received from his father, of blessed memory, that since Shemaiah and Avtalion were righteous converts, they were not able to pronounce from their mouths the word "Hin," and they would say, "Een" instead of "Hin," like people until today who are incapable of articulating the letters [Aleph, Khet, Hei and Ayin), and Hillel would also say, "Een", like this teachers, the righteous converts Shemaiah and Avtalion would say.

גרדיים – weavers

משער האשפות – The Tanna mentioned the name of their craft and the name of their neighborhoods, to inform you that nothing should prevent a person individually from the House of Study, for there is no lesser craft than that of the weaver, for we cannot appoint from it neither a King nor a High Priest, and there is no lesser gate in Jerusalem than the Dung Gate, and they cast the deciding vote through their testimony for all the Sages of Israel.

שלא יהא אדם עומד על דבריו – Let no man stand stubbornly by his opinion.

אבות העולם – Hillel and Shammai



Explaining the Story - What is going on in our story? (Explain the sequence of events)

Comprehension and Analysis Questions

Bonus ? If Hillel and Shammai both learned from Shemaiah and Avtalion, why did they have a difference of opinions on the amount of drawn water that renders the mikveh unfit?

Answer 1 _____

Answer 2 _____

Answer 3 _____

? Why did the Sages take the opinions of the two weavers from the dung-gate to decide the halakha as opposed to the opinions of Hillel and Shammai?

Bonus ? Why is it important to know that the ones who testified were weavers from the dung-gate?

? Why didn't Hillel and Shammai persist in their opinions?

Answer 1 _____

Answer 2 _____

Answer 3 _____

Answer 4 _____

Answer 5 _____

? In which way were the opinions of Shammai and Hillel recorded for naught? In which way were they not?

“The Twist” – Or the Lessons We Can Learn from This Text.

! If the fathers of the world did not persist in their opinion...



Our Mishnah reminds us that it is OK to change your mind when called for. If the fathers of the world did not persist in their opinion, you can do the same. Our Mishnah reminds us that, despite what many people believe today, stubbornness is (generally) a very bad character trait.