



# Covenant & Conversation

Jonathan Sacks  
THE RABBI SACKS LEGACY

YITRO • יתרו

FROM THE TEACHINGS AND WRITINGS OF RABBI LORD JONATHAN SACKS ז"ל

With thanks to the Schimmel Family for their generous sponsorship of Covenant & Conversation, dedicated in loving memory of Harry (Chaim) Schimmel. "I have loved the Torah of R' Chaim Schimmel ever since I first encountered it. It strives to be not just about truth on the surface but also its connection to a deeper truth beneath. Together with Anna, his remarkable wife of 60 years, they built a life dedicated to love of family, community, and Torah. An extraordinary couple who have moved me beyond measure by the example of their lives." — Rabbi Sacks

This year's series of essays were originally written and recorded by Rabbi Sacks ז"ל in 5772 (2011–2012). These timeless messages are accompanied by a new [Family Edition](#) created to inspire intergenerational learning on the Parsha and Haftara.

## The Custom that Refused to Die

There's an enthralling story about the Ten Commandments and the role they played in Jewish worship and the synagogue.

It begins with a little-known fact. There was a time when there were not three paragraphs in the prayer we call the Shema, but four. The Mishnah in Tamid (5:1) tells us that in Temple times the officiating priests would first recite the Ten Commandments and then the three paragraphs of the Shema.

We have several pieces of independent evidence for this. The first consists of four papyrus fragments acquired in Egypt in 1898 by the then secretary of the Society of Biblical Archaeology, W.L. Nash. Pieced together and located today in the Cambridge University Library, they are known as the Nash Papyrus. Dating from the second century BCE, they contain a version of the Ten Commandments, immediately followed by the Shema. Almost certainly the papyrus was used for prayer in a synagogue in Egypt before the birth of Christianity, at a time when the custom was to include all four paragraphs.

Tefillin from the Second Temple period, discovered in the Qumran caves along with the Dead Sea Scrolls, contained the Ten Commandments. Indeed a lengthy section of the halachic Midrash on Deuteronomy, the

Sifri, is dedicated to proving that we should not include the Ten Commandments in the tefillin, which suggests that there were some Jews who did so, and the rabbis needed to be able to show that they were wrong.

We also have evidence from both the Babylonian Talmud (Bavli, Brachot 12a) and the Jerusalem Talmud (Yerushalmi Brachot 1:8) that there were communities in Israel and Babylon who sought to introduce the Ten Commandments into the prayers, and that the rabbis had to issue a ruling against doing so. There is even documentary evidence that the Jewish community in Fostat, near Cairo, kept a special scroll in the Ark called the Sefer al-Shir, which they took out after the conclusion of daily prayers and read from it the Ten Commandments.<sup>1</sup>

So the custom of including the Ten Commandments as part of the Shema was once widespread, but from a certain point in time it was systematically opposed by the Sages. Why did they object to it? Both the Babylonian and Jerusalem Talmud say it was because of the "claim of the sectarians."

Jewish sectarians – some identify them as a group of early Christians but there is no compelling evidence for this – argued that only the Ten Commandments

<sup>1</sup> Jacob Mann, *The Jews in Egypt and in Palestine under the Fāṭimid caliphs, 1920*, volume I, p. 221.

were binding, because only they were received by the Israelites directly from God at Mount Sinai. The others were received through Moses, and this sect, or perhaps several of them, held that they did not come from God. They were Moses' own invention, and therefore not binding.

There is a Midrash that gives us an idea of what the sectarians were saying. It places in the mouth of Korach and his followers, who rebelled against Moses, these words:

“The whole congregation are holy. Are you [Moses and Aaron] the only ones who are holy? All of us were sanctified at Sinai . . . and when the Ten Commandments were given, there was no mention of *challah* or *terumah* or tithes or *tzitzit*. You made this all up yourself.”

Yalkut Shimoni Korach 752

So the rabbis were opposed to any custom that would give special prominence to the Ten Commandments since the sectarians were pointing to such customs as proof that even orthodox Jews treated them differently from the other commands. By removing them from the prayer book, the rabbis hoped to silence such claims.

But the story does not end there. So special were the Ten Commandments to Jews that they found their way back. Rabbi Jacob ben Asher, author of the Tur (14<sup>th</sup> century) suggested that one should say them privately. Rabbi Joseph Karo argues that the ban only applies to reciting the Ten Commandments publicly during the service, so they could be said privately after the service. That is where you find them today in most siddurim – immediately after the morning service. Rabbi Shlomo Luria had the custom of reading the Ten Commandments at the beginning of prayer, before the start of *Pesukei de-Zimra*, the Verses of Praise.

That was not the end of the argument. Given that we do not say the Ten Commandments during public prayer, should we none the less give them special honour when we read them from the Torah, whether on Shavuot or in the weeks of Parshat Yitro and

Vaetchanan? Should we stand when they are being read?

Maimonides found himself involved in a controversy over this question. Someone wrote him a letter telling the following story. He was a member of a synagogue where originally the custom was to stand during the reading of the Ten Commandments. Then a rabbi came and ruled otherwise, saying that it was wrong to stand for the same reason as it was forbidden to say the Ten Commandments during public prayer. It could be used by sectarians, heretics and others to claim that even the Jews themselves held that the Ten Commandments were more important than the other 603. So the community stopped standing. Years later another rabbi came, this time from a community where the custom was to stand for the Ten Commandments. The new rabbi stood and told the congregation to do likewise. Some did. Some did not, since their previous rabbi had ruled against. Who was right?

Maimonides had no doubt. It was the previous rabbi, the one who had told them not to stand, who was in the right. His reasoning was correct also. Exactly the logic that barred it from the daily prayers should be applied to the reading of the Torah. It should be given no special prominence. The community should stay sitting. Thus ruled Maimonides, the greatest rabbi of the Middle Ages. However, sometimes even great rabbis have difficulty persuading communities to change. Then, as now, most communities – even those in Maimonides' Egypt – stood while the Ten Commandments were being read.

So despite strong attempts by the Sages, in the time of the Mishnah, Gemara, and later in the age of Maimonides, to ban any custom that gave special dignity to the Ten Commandments, whether as prayer or as biblical reading, Jews kept finding ways of doing so. They brought it back into daily prayer by saying it privately and outside the mandatory service, and they continued to stand while it was being read from the Torah despite Maimonides' ruling that they should not.

“Leave Israel alone,” said Hillel, “for even if they are not prophets, they are still the children of prophets.”

Ordinary Jews had a passion for the Ten Commandments. They were the distilled essence of Judaism. They were heard directly by the people from the mouth of God himself. They were the basis of the covenant they made with God at Mount Sinai, calling on them to become a kingdom of priests and a holy nation. Twice in the Torah they are described as the covenant itself:

Then the Lord said to Moses, “Write down these words, for in accordance with these words I have made a covenant with you and with Israel.” Moses was there with the Lord forty days and forty nights without eating bread or drinking water. And he wrote on the tablets the words of the covenant—the Ten Commandments.

Ex 34:27-28

Then the Lord spoke to you out of the fire. You heard the sound of words but saw no form; there was only a voice. He declared to you His covenant, the Ten Commandments, which He commanded you to follow and then wrote them on two stone tablets.

Deut. 4:12-13

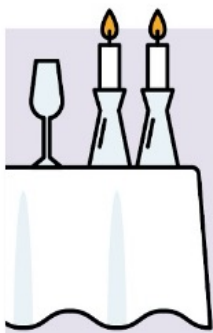
That is why they were originally said immediately prior to the Shema, and why despite their removal from the prayers Jews continued to say them – because

their recital constituted a daily renewal of the covenant with God. That too is why Jews insisted on standing when they were being read from the Torah, because when they were being given, the Israelites “stood at the foot of the mountain” (Ex. 19:17). The Midrash says about the reading of the Ten Commandments on Shavuot:

“The Holy One blessed be He said to the Israelites: My children, read this passage every year and I will account it to you as if you were standing before Mount Sinai and receiving the Torah.”

Pesikta de-Rav Kahana 12, ed. Mandelbaum, p. 204

Jews kept searching for ways of recreating that scene, by standing when they listened to it from the Torah and by saying it privately after the end of the morning prayers. Despite the fact that they knew their acts could be misconstrued by heretics, they were too attached to that great epiphany – the only time in history God spoke to an entire people – to treat it like any other passage in the Torah. The honour given to the Ten Commandments was the custom that refused to die.



## Around the Shabbat Table

1. How might the experience of receiving these laws as a group have affected Bnai Yisrael?
2. How do you think it felt to hear God's voice at Sinai? Why did it make such a lasting impression?
3. What does the Shema debate tell us about the relationship between written Torah and the Oral Tradition?

● These questions come from this week's **Family Edition** to Rabbi Sacks' Covenant & Conversation. For an interactive, multi-generational study, check out the full edition at <https://rabbisacks.org/covenant-conversation-family-edition/yitro/the-custom-that-refused-to-die/>