

**Daf Ditty Yoma 28: The Torah before the Torah**



## הדרן עלך בראשונה

אמר להם הממונה \*צאו וראו אם הגיע  
זמן השחיטה אם הגיע "הרואה אומר  
ברקאי \*מתיא בן שמואל אומר האיר פני  
כל המזרח עד שבחברון והוא אומר הן  
ולמה הוצרכו לכך שפעם אחת עלה מאור  
הלבנה ודימו שהאיר מזרח ושחטו את  
התמיד והוציאוהו לבית השריפה הורידו  
כ"ג לבית הטבילה זה הכלל היה במקדש  
\*יכל המיסק את רגליו טעון טבילה וכל  
הטטיל כוס טעון קידוש ידים ורגלים:  
נמ'

## הדרן עלך בראשונה

אמר להם הממונה: צאו וראו אם הגיע זמן השחיטה. אם הגיע,  
הרואה אומר: "ברקאי". מתיא בן שמואל אומר: "האיר פני כל  
המזרח עד שבחברון?" והוא אומר: "הן!" ולמה הוצרכו לכך?  
שפעם אחת עלה מאור הלבנה, ודימו שהאיר מזרח, ושחטו את  
התמיד, והוציאוהו לבית השריפה.

**MISHNA: The appointed priest said to the other priests: Go out and observe if it is day and the time for slaughter has arrived. If the time has arrived, the observer says: There is light [barkai]. Matya ben Shmuel says that the appointed priest phrased his question differently:**

**Is the entire eastern sky illuminated even to Hebron? And the observer says: Yes. And why did they need to ascertain whether or not it is day, which is typically evident to all? It was necessary, as once, the light of the moon rose, and they imagined that the eastern sky was illuminated with sunlight, and they slaughtered the daily offering before its appropriate time.**

The animal was later **taken out to the place** designated for **burning** and burned because it was slaughtered too early. In order to prevent similar errors in the future, the Sages instituted that they would carefully assess the situation until they were certain that it was day.

## Jastrow

בִּרְקָאִי I m. *morning star*. Yoma III, 1; 28<sup>b</sup>; v. בִּרְקָ. [Y. ed. בּוֹרְקָי q. v.]

בִּרְקָאִי III, בִּרְקָאִי I m. ch. 1)=h. בִּרְקָ. Targ. Deut. XXXII, 41 (Y. II בִּרְקָאִי); a. fr.—Ber. 59<sup>a</sup> ב' יחידא א a single flash (for vers. v. Rabb. D. S. a. l.); a. fr.—Pl. בִּרְקִין, בִּרְקִין, בִּרְקִין. Targ. Ps. XVIII, 15; a. fr. [Y. R. Hash. II, beg. ברקא ברקא, read בִּרְקָאִי Ber. l. c. וברקיא ירוקתא. some ed. (read ירוקתא as Ms. M.). Ib. דבריק ברקיא ומנהמי. Ib. (read דברוק v. also Rabb. D. S. a. l.) the lightnings break through and make the clouds rumble &c.—2) *white cataract* (v. בִּרְקָאִי Hif.), emp. בִּרְקִיחַ. Bekh. 38<sup>b</sup> ברקא ברקא

הוֹרִידוּ פָּהֵן גָּדוֹל לְבֵית הַטְּבִילָה. זֶה הַפְּלֵל הָיָה בַּמִּקְדָּשׁ: כָּל הַמֵּיֶסֶד  
אֶת רַגְלָיו — טָעוֹן טְבִילָה, וְכָל הַמְטִיל מַיִם — טָעוֹן קִידוּשׁ יָדַיִם  
וְרַגְלָיִם.

After the priests announced the start of the day, **they led the High Priest down to the Hall of Immersion**. The Gemara comments: **This was the principle in the Temple: Anyone who covers his legs, a euphemism for defecating, requires immersion afterward; and anyone who urinates requires sanctification of the hands and feet with water from the basin afterward.**

גַּמְ' תַּנִּיא, רַבִּי יִשְׁמַעֵאל אוֹמֵר: "בֵּרַק בֵּרְקַאי". רַבִּי עֲקִיבָא אוֹמֵר:  
 "עָלָה בֵּרְקַאי". נַחוּמָא בֶּן אֶפְקִשְׁיֹן אוֹמֵר: "אַף בֵּרְקַאי בְּחֶבְרוֹן".  
 מַתִּיא בֶּן שְׁמוּאֵל (אוֹמֵר): הַמְּמוֹנָה עַל הַפְּיִסוֹת אוֹמֵר: "הָאִיר פְּנֵי כָּל  
 הַמְּזֻרַח עַד שְׁבַחְבְּרוֹן". רַבִּי יְהוּדָה בֶּן בֵּתִירָא אוֹמֵר: "הָאִיר פְּנֵי כָּל  
 הַמְּזֻרַח עַד בְּחֶבְרוֹן, וַיֵּצְאוּ כָּל הָעָם אִישׁ אִישׁ לְמַלְאכְתּוֹ".

**GEMARA:** It was taught in a *baraita* that the Sages disputed the precise expression that was employed in the Temple. **Rabbi Yishmael says** that the formula is: **The light flashed; Rabbi Akiva says: The light has risen**, which is brighter than a mere flash. **Naḥuma ben Apakshiyon says:** There is **even light in Hebron**. **Matya ben Shmuel says** that **the appointed** priest in charge of **the lotteries says: The entire eastern sky is illuminated** all the way to Hebron. **Rabbi Yehuda ben Beteira says** that this is what the appointed priest said: **The entire eastern sky is illuminated** all the way to Hebron and **the entire nation has gone out, each and every person to engage in his labor.**

אִי הָכִי, נִגְהָ לִיָּה טוֹבָא? לְשִׁכּוֹר פּוֹעֲלִים קְאָמְרִינָן.

The Gemara questions Rabbi Yehuda ben Beteira's version of the formula: **If it is so** that the people have gone to work, it has **grown considerably lighter**. People go to work after it is light. Apparently, Rabbi Yehuda ben Beteira is referring to a time after sunrise, not a time adjacent to dawn. The Gemara answers: It is that people have gone out **to hire workers** that **we are saying**. Owners of fields rose early, adjacent to dawn, to hire workers so that they could begin working when it is light.

אָמַר רַב סַפְרָא: צְלוֹתִיה דְּאַבְרָהָם, מִכִּי מִשְׁחָרֵי כּוֹתְלֵי.

§ **Rav Safra said:** The time for the afternoon **prayer of Abraham** begins **from when the walls** begin to **blacken** from shade. When the sun begins to descend from the middle of the sky, producing shadows on the walls, that marks the beginning of the setting of the sun and then the afternoon prayer may be recited.

אָמַר רַב יוֹסֵף: אֲנִי מֵאַבְרָהָם נִיקוּם וְנִיגְמַר?! אָמַר רַבָּא: תְּנָא גַּמַר  
מֵאַבְרָהָם וְאֲנִי לֹא גַמְרִינָן מִיְנֵיהּ?! דְתַנְיָא: "וּבַיּוֹם הַשְּׁמִינִי יְמוּל בְּשָׂר  
עֶרְלָתוֹ", מְלַמֵּד שְׁכָל הַיּוֹם כְּשֶׁר לְמִילָה, אֶלָּא שְׁהַזְרִיזוּן מִקְדִּימִין  
לְמִצּוֹת, שֶׁנֶּאמַר: "וַיִּשְׁכֶּם אַבְרָהָם בַּבֶּקֶר וַיַּחְבֹּשׁ וְגו'".

**Rav Yosef said:** And will we arise and derive a *halakha* from Abraham? Didn't Abraham live before the Torah was given to the Jewish people, and therefore *halakhot* cannot be derived from his conduct? **Rava said:** The *tanna* derived a *halakha* from Abraham's conduct, and we do not derive a *halakha* from his conduct? As it was taught in a *baraita* with regard to the verse:

3 And in the eighth day the flesh of his foreskin shall be circumcised.  
ג וּבַיּוֹם הַשְּׁמִינִי יְמוּל בְּשָׂר עֶרְלָתוֹ.

Lev 12:3

*“And on the eighth day the flesh of his foreskin shall be circumcised”* this verse teaches that the entire day is suitable for performance of the mitzva of **circumcision**. However, the vigilant are early in their performance of **mitzvot** and circumcise in the morning, as it is stated with regard to the binding of Isaac:

3 And Abraham rose early in the morning, and saddled his ass, and took two of his young men with him, and Isaac his son; and he cleaved the wood for the burnt-offering, and rose up, and went unto the place of which God had told him.  
ג וַיִּשְׁכֶּם אַבְרָהָם בַּבֶּקֶר, וַיַּחְבֹּשׂ אֶת-חֲמֹר, וַיִּקַּח אֶת-שְׁנֵי נְעָרָיו אִתּוֹ, וְאֶת יִצְחָק בְּנוֹ; וַיִּבְקַע, עֵצִי עֲלֵהּ, וַיִּקַּם וַיֵּלֶד, אֶל-הַמָּקוֹם אֲשֶׁר-אָמַר-לוֹ הָאֱלֹהִים.

Gen 22:3

*“And Abraham arose early in the morning and saddled his donkey”* . He awakened early to fulfill the mitzva without delay. Apparently, *halakha* is derived from the conduct of Abraham.

אֶלָּא אָמַר רַבָּא: רַב יוֹסֵף הָא קָא קִשְׂיָא לֵיהּ. דְתַנּוּ: חָל עַרְבֵי פְסָחִים  
לְהִיּוֹת בְּעֶרְב שַׁבָּת, נִשְׁחָט בְּשֶׁשׁ וּמְחַצָּה, וְקָרַב בְּשֶׁבַע וּמְחַצָּה.  
וְנִשְׁחָטִיה מְכִי מִשְׁחָרֵי כּוֹתְלֵי!

**Rather, Rava said:** With regard to **Rav Yosef**, it was not the matter of deriving *halakha* from the conduct of Abraham that is difficult. Rather, **this is difficult for him, as we learned** in a mishna: When **Passover eves occur on Shabbat eves**, the daily afternoon offering is slaughtered **at six**

**and a half hours** of the day **and sacrificed** on the altar **at seven and a half hours**. The afternoon offering was slaughtered as early as possible to enable all the Paschal lambs, which were slaughtered after the daily afternoon offering was sacrificed, to be slaughtered and roasted before sunset, so that no labor would be performed on Shabbat. Now, if indeed this *halakha* is derived from the conduct of Abraham, **let us slaughter** the offering even earlier, **from when the walls** begin to **blacken**, just after the end of the sixth hour of the day. Apparently, *halakha* is not derived from the conduct of Abraham.

מאי קושיא? ודילמא כותלי דבית המקדש בשש ומחצה משחר, משום דלא מכווני טובא. אי נמי, שאני אברהם דאיצטגנינות גדולה היתה בלבו. אי נמי, משום דזקן ויושב בישיבה הוה. דאמר רבי חמא ברבי חנינא: מימיהן של אבותינו לא פרשה ישיבה מהם.

The Gemara rejects this: **What is the difficulty?**

**Perhaps the walls of the Temple** begin to **blacken** only **at six and a half** hours of the day **because they are not perfectly aligned**. The Temple walls were broad at the bottom and gradually narrowed as they reached the top; therefore, the upper part of the wall did not cast a shadow on the wall opposite it until six and a half hours of the day.

**Or, alternatively**, it is **different** with regard to **Abraham** because **there was great** knowledge of **astronomy [itzagninut] in his heart**. He was able to precisely calculate the movements of the heavenly bodies and was therefore able to discern immediately after noon that the sun had begun its descent. Others require a half hour to be certain that the descent of the sun has begun. **Or, alternatively** Abraham was different **because he was an Elder and sat** and studied Torah **in a yeshiva**, where the Divine Presence rests. There he developed the expertise to determine the precise hour.

**As Rabbi Hama, son of Rabbi Hanina, said: From the days of our ancestors, yeshiva never left them**. Our ancestors were leaders of their generations, who taught Torah to students who came to them.

היו במצרים — ישיבה עמָהֶם, שְׁנֵאָמַר: "לךְ וְאָסַפְתָּ אֶת זִקְנֵי  
 יִשְׂרָאֵל". הָיוּ בַּמִּדְבָּר — יְשִׁיבָה עִמָּהֶם, שְׁנֵאָמַר: "אָסַפְהָ לִּי שְׁבָעִים  
 אִישׁ מִזִּקְנֵי יִשְׂרָאֵל". אֲבָרְהָם אָבִינוּ, זָקֵן וְיוֹשֵׁב בְּיִשְׁבָּה, שְׁנֵאָמַר:  
 "וְאֲבָרְהָם זָקֵן בָּא בְּיָמָיו". יִצְחָק אָבִינוּ, זָקֵן וְיוֹשֵׁב בְּיִשְׁבָּה הָיָה,  
 שְׁנֵאָמַר: "וַיְהִי כִּי זָקֵן יִצְחָק". יַעֲקֹב אָבִינוּ, זָקֵן וְיוֹשֵׁב בְּיִשְׁבָּה הָיָה,  
 שְׁנֵאָמַר: "וַיְעִיֵּי יִשְׂרָאֵל כְּבָדוֹ מִזִּוְקָן".

When they were in Egypt there was a yeshiva with them, as it is stated: “Go and gather the Elders of Israel” (Exodus 3:16), indicating that there were Sages among them who studied Torah. And similarly, when they were in the desert, there was a yeshiva with them, as it is stated:

<p>טז וַיֹּאמֶר יְהוָה אֶל-מֹשֶׁה, אָסַפְהָ לִּי          שְׁבָעִים אִישׁ מִזִּקְנֵי יִשְׂרָאֵל, אֲשֶׁר          יָדַעְתָּ, כִּי-הֵם זִקְנֵי הָעָם וְשֹׁטְרָיו;          וְלָקַחְתָּ אִתָּם אֶל-אֹהֶל מוֹעֵד, וְהִתְיַצְּבוּ          שָׁם עִמָּךְ.</p>	<p>16 And the LORD said unto Moses: 'Gather unto Me seventy men of the elders of Israel, whom thou knowest to be the elders of the people, and officers over them; and bring them unto the tent of meeting, that they may stand there with thee.</p>
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Num 11:16

“Gather for me seventy men from the Elders of Israel” Abraham our Patriarch was himself an Elder and would sit in yeshiva, as it is stated:

<p>א וְאֲבָרְהָם זָקֵן, בָּא בְּיָמָיו; וַיְהוּהוּ בְרַךְ אֶת-אֲבָרְהָם,          בְּכֹל.</p>	<p>1 And Abraham was old, well stricken in age; and the LORD had blessed Abraham in all things.</p>
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Gen 24:1

“And Abraham was old, advanced in years” From the apparent redundancy of the terms old and advanced in years, it is derived that old means that he was a wise Elder and prominent in Torah, and advanced in years means that he was elderly. Similarly, Isaac our Patriarch was an Elder and sat in yeshiva, as it is stated: “And it came to pass when Isaac was old and his eyes were dim” (Genesis 27:1). Similarly, Jacob our Patriarch was an Elder and sat in yeshiva, as it is stated: “And Israel’s eyes were heavy with age” (Genesis 48:10).

אֱלִיעֶזֶר עֶבֶד אַבְרָהָם, זָקֵן וְיוֹשֵׁב בְּיִשְׁבֵּה הָיָה, שֶׁנֶּאֱמַר: "וַיֹּאמֶר  
 אַבְרָהָם אֶל עֶבְדוֹ זָקֵן בֵּיתוֹ הַמְּשָׁל בְּכָל אֲשֶׁר לוֹ", אָמַר רַבִּי אֶלְעָזָר:  
 שְׁמוֹשָׁל בְּתוֹרַת רַבּוֹ. "הוּא דְמִשְׁק אֶלְיָעֶזֶר" — אָמַר רַבִּי אֶלְעָזָר:  
 שְׁדוּלָה וּמִשְׁקָה מִתּוֹרַתוֹ שֶׁל רַבּוֹ לְאַחֵרִים.

Eliezer, servant of Abraham, was an Elder and sat in yeshiva, as it is stated:

ב וַיֹּאמֶר אַבְרָהָם, אֶל-עֶבְדוֹ זָקֵן בֵּיתוֹ, הַמְּשָׁל, בְּכָל-אֲשֶׁר-לוֹ: שִׂים-נָא יָדְךָ, תַּחַת יָרְכִי.  
 2 And Abraham said unto his servant, the elder of his house, that ruled over all that he had: 'Put, I pray thee, thy hand under my thigh.

Gen 24:2

*"And Abraham said to his servant, the elder of his household, who ruled over all he had"*

**Rabbi Elazar said:** The verse means that **he had mastery over the Torah of his master**, having gained proficiency in all of the Torah of Abraham. That is the meaning of the verse:

ב וַיֹּאמֶר אַבְרָם, אֵלֹהֵי יְהוָה מַה-תִּתֶּנְּךָ לִי, וְאַנְכִי, הוֹלֵךְ עֲרִירִי; וְכֵן-מִשְׁק בֵּיתִי, הוּא דְמִשְׁק אֶלְיָעֶזֶר.  
 2 And Abram said: 'O Lord GOD, what wilt Thou give me, seeing I go hence childless, and he that shall be possessor of my house is Eliezer of Damascus?'

Gen 15:2

*"He is Damascus [Dammesek] Eliezer"* **Rabbi Elazar said:** The word *Dammesek* is a contraction of he who draws [*doleh*] and gives drink [*mashke*] to others from his master's Torah.

אָמַר רַב: קַיִים אַבְרָהָם אָבִינוּ כָּל הַתּוֹרָה כּוֹלָהּ, שֶׁנֶּאֱמַר: "עֲקֵב אֲשֶׁר  
 שָׁמַע אַבְרָהָם בְּקוֹלִי וְגו'". אָמַר לִיה רַב שִׁימִי בַר חֲזִיָּא לְרַב: וַאֲימָא  
 שְׁבַע מְצוֹת? הָא אִיכָא נְמִי מִלְּהָ! וַאֲימָא שְׁבַע מְצוֹת וּמִלְּהָ! אָמַר  
 לִיה: אַם כֵּן "מְצוֹתֵי וְתוֹרוֹתֵי" לְמָה לִּי?

Apropos the previous statement, the Gemara cites that **Rav said: Abraham our Patriarch fulfilled the entire Torah** before it was given, as it is stated:



5 because that Abraham hearkened to My voice, and kept My charge, My commandments, My statutes, and My laws.  
 ה עקב, אשר-שמע אברהם בקלי; נישמר, משמרת, מצותי, חקותי ותורת.י

Gen 26:5

*“Because [ekev] Abraham hearkened to My voice and kept My charge, My mitzvot, My statutes and My Torahs”.* Rav Shimi bar Hiyya said to Rav: And say that the verse means that he fulfilled only the seven Noahide mitzvot and not the entire Torah. The Gemara asks: **But isn't there also circumcision** that Abraham clearly observed, which is not one of the Noahide laws? Apparently, Abraham fulfilled more than just those seven.

The Gemara asks: **And say** that he fulfilled only **the seven mitzvot and circumcision**. Rav said to him: **If so, why do I** need the continuation of the verse, that Abraham kept: **My mitzvot and My Torah?** That is a clear indication that he fulfilled mitzvot beyond the seven Noahide mitzvot, and apparently fulfilled the entire Torah.

אמר (רב), ואיתימא רב אשי: קיים אברהם אבינו אפילו עירובי תבשילין, שנאמר: "תורותי", אחת תורה שבכתב ואחת תורה שבעל פה.

Rav said, and some say Rav Ashi said: Abraham our Patriarch fulfilled the entire Torah, even the mitzva of **the joining of cooked foods**, a rabbinic ordinance instituted later, **as it is stated: My Torahs**. Since the term is in the plural, it indicates that Abraham kept two Torahs; **one, the Written Torah, and one, the Oral Torah**. In the course of fulfilling the Oral Torah, he fulfilled all the details and parameters included therein.

RASHI

אפילו עירובי תבשילין - שאינו הלכה למשה מסיני אלא תקנת סופרים שעתידין לתקן:

## Steinzaltz

אמר רבא, ואיתימא [ויש אומרים] שהיה זה  
רב אשי: קיים אברהם אבינו כל התורה  
אפילו מצות עירובי תבשילין שהיא מדברי  
סופרים, שתיקנוה לאחר מכן, שנאמר:  
"תורת" בלשון רבים, ללמד שקיים שתי  
תורות אחת תורה שבכתב ואחת תורה שבעל  
פה, ובגדר תורה שבעל פה קיים את כל  
הפרטים והגדרים המצויים בה.

## Summary

**Rav Avrohom Adler** writes:<sup>1</sup>

### **Avraham Avinu was very quick in his performance of mitzvos.**

The Gemora teaches us that the Minchah prayer of Avraham Avinu was exactly at noon. This is the earliest possible time for Minchah. Rav Yosef asks: Should we learn to be quick in performance of mitzvos from Avraham?

Rava responds that there is a baraisa which appears to encourage us to emulate Avraham's zealotry. The baraisa says even though the entire eighth day is valid for milah, one should be zealous to do it early like Avraham Avinu. The baraisa quotes a verse which states that Avraham woke up early to perform the circumcision. Even though Avraham prayed at noon, the afternoon sacrifice couldn't be offered till six and a half hours into the day.

There is a discrepancy between the time when Avraham prayed, and the time when the afternoon sacrifice could be brought. The Gemora gives three answers for this discrepancy.

1. The walls of the Temple were wider on the bottom than on the top. Consequently, the eastern facing wall did not become shaded exactly at midday. Shade on an eastern facing wall was a sign that midday had arrived, and Chazal didn't want to allow the afternoon sacrifice to be brought until this sign was present.

2. Avraham was an expert in astronomy and knew exactly when it was midday was.

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<sup>1</sup> [http://dafnotes.com/wp-content/uploads/2015/11/Yoma\\_28.pdf](http://dafnotes.com/wp-content/uploads/2015/11/Yoma_28.pdf)

3. Avraham Avinu was a Torah scholar and wouldn't come to make a mistake.

Avraham Avinu observed the entire Torah before it was given. The Gemora learns from a pasuk that Avraham kept the whole Torah even the rabbinic obligation of Eruv Tavshilin. The pasuk says that Avraham kept "My Torahs." The word Torahs is in plural to indicate that Avraham kept both the written and oral Torahs.

**There is a difference of opinion as to the conversation which took place when the supervisor sent someone to check if dawn had arrived.**

The Mishna states that someone was sent to the roof of the Temple to check if the time had come to slaughter the morning sacrifice. The messenger announced that dawn had arrived. The rest of the conversation is subject to a debate in the Gemora. According to one opinion, the messenger would say the eastern sky is lit up. Then the supervisor would ask if the light reached Chevron and the messenger would answer yes. In the alternate version the supervisor would ask if the eastern sky was lit up and the messenger would say until Chevron. Then the supervisor would confirm what he heard.

## **The Avos Kept the Mitzvos**

Our Gemora says that Avraham Avinu kept the entire Torah. This implies that all the Avos kept the Torah. The question the commentators ask is how Yaakov married two sisters when this is clearly in violation of the Torah. The Ramban on Chumash gives several answers to this question. One answer he suggests is that the Avos only kept the Torah in Eretz Yisroel.

The Ramban bases himself on a Sifri which implies the main place to do Mitzvos is Eretz Yisroel. Therefore, the Ramban concludes the Avos only kept the Mitzvos in the environment which is most conducive for their performance. Another answer the Ramban offers is the Avos only kept Shabbos. Shabbos, Chazal teach, is equal to all the Mitzvos. Therefore, it is as if the Avos kept the entire Torah. The Maharsha gives a different answer. He explains that Rachel and Leah had the status of converts. A convert is considered like a newborn and is not considered to be related to his previous family. It was therefore permitted for Yaakov to marry two sisters because they were not Halachically considered sisters.

There is a problem with this answer, however. Although it is permissible from a Torah standpoint for a Jew to marry two sisters who are converts, it is rabbinically prohibited. This is in order to prevent converts from thinking that since things that used to be prohibited to them are now permitted, their level of kedusha actually decreased. Therefore, as a rule anything that was forbidden to them as idolaters remain forbidden even after they convert.

The Maharsha answers this problem by saying that Rachel and Leah were only half-sisters. They did not have the same mother. Gentiles are only considered related through their mother and not through their father. Consequently, even as gentiles, Rachel and Leah were not considered related.

## WHO INSTITUTED THE TEFILAH OF MINCHAH?

**Rav Mordechai Kornfeld** writes:<sup>2</sup>

*Our Daf* quotes Rav Safra who refers to Minchah as the "Tefilah of Avraham." However, the Gemara in Berachos (26b) says that Yitzchak Avinu instituted the Tefilah of Minchah.

**Why does the Gemara here attribute Minchah to Avraham Avinu?**

The **TOSFOS YESHANIM** answers that Avraham Avinu himself was the first to pray Minchah and Ma'ariv. He prayed three times a day just as he observed all of the other Mitzvos of the Torah and of the Rabanan. However, Yitzchak Avinu was the first to institute Minchah (and Yakov Avinu the first to institute Ma'ariv) as a Tefilah for *all* of the members of his household to recite.

If Avraham Avinu was the first to pray Minchah, then how does the Gemara in Berachos derive from the verse, "Yitzchak went out to converse in the field" (Bereishis 24:63), that Yitzchak *instituted* the Tefilah of Minchah? Perhaps, like his father, he merely recited Minchah for himself (as Yitzchak also observed all of the Mitzvos), but he did not institute it for others. In addition, if Avraham Avinu did not find it necessary to institute Minchah for his entire household, why did Yitzchak Avinu do so?

Perhaps the Gemara in Berachos is addressing the following question. If Yitzchak Avinu recited Minchah every day, then why does the Torah record that Yitzchak recited Minchah on that specific occasion? It must be that the intention of the verse is to teach not only that Yitzchak Avinu himself prayed, but to offer an explanation for why Yitzchak Avinu *instituted* the Tefilah of Minchah for his entire household. The verse teaches that at the time that Yitzchak Avinu prayed Minchah, Hashem bestowed upon him a great kindness, for it was at that moment that his bride, Rivkah, arrived, confirming that Eliezer succeeded with Divine assistance in his mission to find a bride for Yitzchak Avinu. Out of gratitude to Hashem, Yitzchak Avinu instituted the Tefilah of Minchah as an obligatory prayer for his entire household, because he understood that it was in the merit of his Tefilah of Minchah that Eliezer succeeded in finding him a wife.

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<sup>2</sup> <https://www.dafyomi.co.il/yoma/insites/yo-dt-028.htm>

This approach also explains Yakov Avinu's institution of the Tefilah of Ma'ariv. The Torah relates that Yakov Avinu recited Ma'ariv at Beis El (Bereishis 28:11). The Torah's intention is not to teach merely that Yakov Avinu followed the ways of his father and grandfather and prayed Ma'ariv. Rather, the Torah's intention is to teach that because of what occurred on that occasion, Yakov Avinu decided to institute the Tefilah of Ma'ariv for his entire household. It was at that time that Hashem promised to protect him as he sojourned outside of Eretz Yisrael. Yakov Avinu understood that Hashem's promise at that time was a sign that his Tefilah of Ma'ariv afforded him the merit of Hashem's protection. For this reason, he instituted that his entire family should always recite Ma'ariv.

**TOSFOS** in Berachos (27b) and the **TOSFOS YESHANIM** here (in his second answer) explain that the first person to recite Minchah was Yitzchak Avinu. Rav Safra refers to the prayer as the "Tefilah of Avraham" because Avraham also recited Minchah after Yitzchak had instituted it.

Why, though, does Rav Safra refer to Minchah as "the prayer of Avraham," if Avraham Avinu was merely following his *son's* example? It should be called "the prayer of *Yitzchak*," since Yitzchak originated the Tefilah of Minchah. Perhaps the Gemara mentions Avraham only because it refers to Avraham's *Zerizus* in praying Minchah at the earliest possible time. Since Avraham Avinu is known for his exceptional *Zerizus* (as the Gemara here describes), he certainly taught that attribute to his son; Yitzchak's *timing* for Minchah may be attributed to his father. In this sense, it is correct to refer to Minchah *when recited immediately after Chatzos* as "the prayer of Avraham."

**RABEINU CHANANEL** and the **ARUCH** (Erech "Shachar") explain simply that although the Torah mentions Minchah explicitly only with regard to Yitzchak Avinu, all of the Avos recited Minchah.

The **TOSFOS RID** explains that Rabeinu Chananel means that the Gemara here argues with the Gemara in Berachos which says that Yitzchak Avinu instituted the Tefilah of Minchah. The Gemara here follows the other opinion in Berachos which says that the Anshei Keneses ha'Gedolah, and not the Avos, instituted the Tefilos, and that they correspond to the Korbenos Tamid which were offered in this Beis ha'Mikdash each day and whose fats were burned each night.

## **LEARNING A HALACHAH FROM AVRAHAM AVINU**

The Gemara quotes Rav Safra who says that one should recite Minchah, the "Tefilah of Avraham" (see previous Insight), as soon as the eastern sides of the walls begin to darken (that is, as close as

possible to midday). Rav Yosef questions how we can derive a Halachah about how to pray from the conduct of Avraham Avinu.

### **What is Rav Yosef's question? Why should we not derive a Halachah from the conduct of Avraham Avinu?**

**RASHI** explains that Rav Yosef's intention is to ask that Avraham Avinu was especially fervent in his performance of Mitzvos (see Chulin 16a), and it is not logical to require l'Chatchilah that everyone be as zealous as Avraham Avinu and recite Minchah immediately after midday. Rather, one who is particularly zealous in his performance of the Mitzvos should emulate Avraham Avinu and recite Minchah as soon as possible, as Avraham Avinu did. The Rabanan, though, cannot enact a *requirement* l'Chatchilah for everyone to be as zealous as Avraham Avinu.

**RABEINU TAM** and the **ARUCH** (as explained by the **RITVA**) understand that Rav Yosef's intention is to ask how a Halachah can be derived from an act that was done *before* the Torah was given. Halachos may be derived only from what was done after the Mitzvos were commanded.

The Gemara answers that since we derive the precept of "Zerizin Makdimin l'Mitzvos" from the conduct of Avraham Avinu, we should also be able to derive the preferable time to recite Minchah from the conduct of Avraham Avinu. The Gemara rejoins that Halachos indeed may be derived from what was done before the Torah was given, but only when there is no indication that such a practice was discontinued or changed at the time of Matan Torah. In the case of Minchah, there is evidence from a Tana that from the time of the giving of the Torah it is no longer proper to recite Minchah immediately after midday. The Tana teaches that the Korban Tamid can be offered a half-hour after midday (and not immediately after midday). Therefore, even though Avraham Avinu recited Minchah immediately after midday, there is no reason for us to do so.

**MAHARATZ CHAYOS** (Chulin 16a) explains, based on the Yerushalmi (Moed Katan 3), that although we may not derive *Mitzvos* or *Halachos* from the conduct of the Avos before the Torah was given, nevertheless we *may* derive guidelines for what is considered praiseworthy conduct from the Avos.

According to this, the Gemara's question may be understood as explained by the Aruch (in (b) above), but the answer may be expressed differently. The Gemara's answer is that we do not mean to derive a Halachah from the prayer of Avraham Avinu, but rather a commendable practice: one should be "Zariz" and pray Minchah immediately after midday. The Gemara's proof that this practice may be learned from Avraham Avinu is that the practice of "Zerizin Makdimin l'Mitzvos" is learned from him (from the way he conducted his Bris Milah).

## **AVRAHAM AVINU OBSERVED ALL OF THE MITZVOS**

The Gemara says that Avraham Avinu observed all of the Mitzvos of the Torah, even though the Torah had not yet been given. To emphasize the point, the Gemara says that Avraham Avinu observed even the rabbinical enactment of Eruv Tavshilin.

**Why does the Gemara choose this Mitzvah, of all the Mitzvos, to emphasize that Avraham Avinu observed the Mitzvos? (TOSFOS YESHANIM)**

**RITVA** explains that Eruv Tavshilin differs from other rabbinical enactments insofar as it is not a prohibition. The Rabanan did not enact Eruv Tavshilin in order to prevent people from transgressing a Torah prohibition. Rather, the Rabanan enacted Eruv Tavshilin in order to enhance a person's Shabbos enjoyment by encouraging him to put away some food for Shabbos and not to eat all of his food on the Yom Tov that precedes Shabbos (Beitzah 15b). The Gemara teaches that Avraham Avinu fulfilled even this type of enactment.

**SEFER YUCHASIN** (Erech "Avraham Avinu") explains that the Rabanan enacted Eruv Tavshilin as a way to fulfill the Mitzvah of "Zachor Es Yom ha'Shabbos" -- "Remember the Shabbos day" (Shemos 20:8). The enactment of Eruv Tavshilin reminds a person that Shabbos is coming, so that he will remember to save some of his delicious food for Shabbos and he will not eat it all on the Yom Tov that precedes Shabbos (Beitzah ibid.). In a similar manner, Avraham Avinu "reminded" the people that the world has a Creator Who created the world in six days and rested on Shabbos.

**GEVURAS ARI** adds additional insight to why Eruv Tavshilin exemplifies Avraham Avinu's fulfillment of Mitzvos. He explains that according to the opinion of Rabah in Pesachim (46b), an Eruv Tavshilin permits one to cook on Yom Tov for Shabbos only because of the principle of "Ho'il." When one cooks on Yom Tov for Shabbos, he is actually cooking for Yom Tov itself, since it is possible that guests will visit him on Yom Tov and he will need to serve them the extra food. However, this application of "Ho'il" enables one to cook on Yom Tov only when the guests who might visit are Jewish. One is not permitted to prepare food for a non-Jewish guest on Yom Tov, even if the non-Jew will eat it on Yom Tov.

In the times of Avraham Avinu, there were no other Jews. Consequently, Avraham Avinu could not rely on the principle of "Ho'il" to cook on Yom Tov for a guest who might come and eat with him on Yom Tov, because any guest who might come would not be Jewish, and one is not permitted to prepare food for a non-Jew on Yom Tov. One might have thought that if Avraham Avinu made an Eruv Tavshilin, then he did not properly observe the Mitzvah not to cook on Yom Tov. Therefore, the Gemara teaches that he indeed fulfilled the Mitzvah of Eruv Tavshilin. The

Gemara here follows the opinion of Rav Chisda who argues with Rabah in Pesachim. Rav Chisda maintains that the Torah permits one to cook on Yom Tov for Shabbos (since Yom Tov and Shabbos are considered one Kedushah), even without the principle of "Ho'il." (The only reason an Eruv Tavshilin is necessary is in order to prevent people from thinking that one is permitted to cook on Yom Tov for an ordinary weekday.)

The Midrash (Bereishis Rabah 64:6) records the statement differently. The Midrash says that Avraham Avinu observed all of the Mitzvos, even Eruv *Chatzeros*. Shlomo ha'Melech prohibited carrying an object from one Reshus ha'Yachid (private domain) to another on Shabbos, lest one mistakenly assume that he is permitted to carry from a Reshus ha'Yachid to a Reshus ha'Rabim (public domain) as well. In order to permit one to carry from one Reshus ha'Yachid to another, Shlomo ha'Melech instituted Eruv Chatzeros, which transforms all of the private domains into a single Reshus ha'Yachid. In a similar manner, Avraham Avinu taught the people of the world not to attribute the world and its contents to multiple entities, but to attribute it to the sole Creator, Hashem, Who is One. (**SEFER YUCHASIN**, Erech "Avraham Avinu")

According to the **RASHBA's** text of the Gemara, Avraham Avinu observed even Eruv *Techumin* (Teshuvos 1:94). The **VILNA GA'ON** (Kol Eliyahu #26) explains that this is the most accurate text, because the verse itself implies that Avraham Avinu observed the law of Eruv Techumin. The verse says, "Ekev Asher Shama..." (Bereishis 26:5), which implies that with his "Ekev," his heels, Avraham Avinu observed the Mitzvos and did not walk beyond the permitted limit.

According to this text as well, the Gemara alludes to the fact that Avraham Avinu taught people that Hashem does not remain in His lofty abode in the heavens with no awareness or interest of what happens in the world. Rather, Hashem supervises both this world and the heavens; the two "Techumin" of heaven and earth are combined under the dominion of Hashem.

## **Light all the way to Hevron**

**Steinzaltz (OBM)** writes:<sup>3</sup>

The third *perek* of *Massekhet Yoma* begins on *our daf*. From here until the end of the *Massekhta*, the unique Temple service of *Yom Kippur* is described, from the first *tevilah* (ritual immersion) of the *kohen gadol*, until he completes the *avodah* (service). This *perek* specifically is an introduction,

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as it discusses the preparations and special arrangements made for the *avodah*, without getting into the details of the *avodah* itself.

***Mishna: The appointed priest said to the other priests: Go out and observe if it is day and the time for slaughter has arrived. If the time has arrived, the observer says: There is light [barkai]. Matya ben Shmuel says that the appointed priest phrased his question differently: Is the entire eastern sky illuminated even to Hebron? And the observer says: Yes.***

This was necessary because of an error that had been made once, when the light from the moon fooled the *kohanim* and they began the *avodah* before the appropriate time, and the *korban tamid* (the first sacrifice of the day) had to be destroyed. There are different opinions about the statement made by Matya ben Shmuel. According to the Rambam, Matya ben Shmuel was one of the *tanna'im*, and he was disagreeing with the first position in the Mishna, arguing that the question presented in order to clarify that sunrise had occurred was whether it was light in the east all the way to Hevron.

Tosafot Yeshanim argues that Matya ben Shmuel was the name of the *kohen* who was responsible for the lotteries that were done in the Temple (his name is mentioned in that context in *Massekhet Shekalim*). If we accept this explanation, then he is not arguing, rather the Mishna is describing that after the first sighting of the sun, Matya ben Shmuel followed by asking whether it was light all the way to Hevron.

The Meiri explains that Matya ben Shmuel's question was whether the *kohen* watching for the sun could see all the way to Hevron in the south. In any case, the Jerusalem Talmud points out that everyone agrees that the reference was specifically to Hevron because they wanted to invoke the city where the forefathers of the Jewish people are buried.

**Rabbi Johnny Solomon** writes:<sup>4</sup>

***Our daf*** (Yoma 28b) contains an oft-cited and widely misunderstood rabbinic saying that Avraham Avinu kept the entire Torah. In fact, at least one Amoraic opinion mentioned in our daf goes so far as to say that Avraham didn't just observe the laws in the written Torah, or just the laws that are clearly deduced from Torah, but also those laws that were subsequently instituted by the Rabbis such as 'Eruv Tavshilin' (which - though literally meaning 'the stirring/mixing of the foods' - is understood to refer to the practice of preparing some cooked food for Shabbat prior to a Yom Tov that falls on a Thursday/Friday thereby permitting cooking on Yom Tov for Shabbat so that the needs of Yom Tov do not overshadow the needs of Shabbat, and to restrict people from cooking on Yom Tov for weekday needs).

Admittedly, numerous commentaries do not take this reference to 'Eruv Tavshilin' at face value, and instead, they ascribe various meanings to what is being alluded to by this statement. For example, given its literal meaning of 'the stirring/mixing of the foods', the Da'at Zekenim M'Ba'alei HaTosfot (on Bereishit 18:8) quotes an opinion that – despite what some may interpret

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<sup>4</sup> [www.rabbijohnnysolomon.com](http://www.rabbijohnnysolomon.com)

from the episode when he and Sara served food to their three guests - Avraham did not mix meat and milk.

However, there are others who understand this statement as relating directly to the concept of Eruv Tavshilin - although not necessarily the practice. For example, Rav Kook explains (Iggrot HaReiyah Vol. 1 p. 135) that we learn from here that Avraham was able to distinguish between different levels of holiness – namely that of the weekday, Yom Tov & Shabbat – which is the function of the Eruv Tavshilin. Still, there is one explanation, offered by the Sefer Yuchsin and quoted by the Maharsha, which particularly speaks to me and which I would like to share.

As we know, the concept of Shabbat is to remember that God created the world and that we should emulate God in what we do in the world (as expressed by our resting on Shabbat), and as previously mentioned, a core function of the Eruv Tavshilin is to ensure that we don't overlook and ignore the needs and message of Shabbat.

Given this, the Sefer Yuchsin explains that the reason why Avraham Avinu is associated with 'Eruv Tavshilin' is that just as its purpose is to ensure we don't forget the value and message of Shabbat, so too, Avraham taught the world that we should not forget God as the creator of the world, and that we should do all we can to emulate God.

And why does this explanation speak to me? Because I believe that the task of a religious leader – in every generation – is to be the spokesperson for the important creeds and deeds that are easily overlooked or forgotten in life, and to be an Eruv Tavshilin – of sorts – to help people remember what should be important to them.

Significantly, precisely because they are reminding people of things that are easily forgotten, a religious leader – like an Eruv Tavshilin - sometimes needs to 'stir' things up. Yet the goal of a leader is not to agitate. Instead, it is to help people remember what is valuable to them - at a time when precious priorities can easily be overlooked. And this is why – at least according to the Sefer Yuchsin – Chazal associate Avraham Avinu with the mitzvah of Eruv Tavshilin.

## **Torah before Torah**

**Heather Miller** WRITES<sup>5</sup>

Something magical happens during Torah study when we relate to the characters in the text on a personal level. When we feel the awesome power of nature, we connect with the wonder Adam must have felt wandering around the Garden of Eden. When we know deep life disappointments, we connect with the pain of the barren Hannah and her lamentations. When we survive life's

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<sup>5</sup> <https://www.myjewishlearning.com/article/yoma-28/>

challenges, we connect with the relief Miriam must have felt as she sang to God following the splitting of the Red Sea.

But on today's daf, the rabbis take the connection they feel to the characters in the Bible to a whole new level. They see the patriarchs in the Torah as their rabbis, and they imagine that they studied Torah in study halls just like they did — even though we know the Torah wasn't given to the Jewish people on Mount Sinai until generations later.

Of Abraham, the Gemara tells us that he **“was an Elder and sat and studied Torah in a yeshiva.”** The proof-text for this is found in Genesis 24:1, which states: **“And Abraham was old, advanced in his years.”** The sages associate Abraham's old age with what they knew: that elders carried wisdom from years of study.

The rabbis go on to make similar claims about other biblical figures.

*Isaac our Patriarch was an Elder and sat in yeshiva, as it is stated: “And it came to pass when Isaac was old and his eyes were dim” (Genesis 27:1). Similarly, Jacob our Patriarch was an Elder and sat in yeshiva, as it is stated: “And Israel's eyes were heavy with age” (Genesis 48:10).*

*Eliezer, servant of Abraham, was an Elder and sat in yeshiva, as it is stated: “And Abraham said to his servant, the elder of his household, who ruled over all he had” (Genesis 24:2). Rabbi Elazar said: The verse means that he had mastery over the Torah of his master, having gained proficiency in all of the Torah of Abraham. That is the meaning of the verse: “He is Damascus [Dammesek] Eliezer” (Genesis 15:2). Rabbi Elazar said: The word Dammesek is a contraction of he who draws [doleh] and gives drink [mashke] to others from his master's Torah.*

They even claim that there was a yeshiva in Egypt when the Israelites were enslaved there, and a yeshiva in the desert after the Israelites were freed. How could an enslaved people, or one that was constantly on the move, possibly set up a study hall? And if they did, what were they studying? Historically, how would it have been possible that there could have been Torah study ten generations before Moses received the Torah on Mount Sinai?

The Gemara takes up this idea and wonders if Abraham at least observed the Noahide commandments, the seven ethical laws that were given to Noah's descendants after the flood and which Jewish tradition teaches are incumbent upon all of humanity, Jewish and not. But the sages dismiss this idea and offer proof instead that Abraham observed laws beyond the seven universal laws, citing the example of his self-performed circumcision, which is decidedly a Jewish ritual commanded by Torah. And not only did they insist that Abraham knew and observed the Torah, but they even claim that Abraham observed rabbinic laws that were instituted later, long after the revelation at Sinai.

What we see from this is that the sages in the Talmud radically reimagined the experience of the patriarchs. In them, they saw themselves. It must have been a divine miracle for these figures to study and observe the Torah generations before the Torah was given. But then again, sometimes we know and observe deep truths before we actively learn them, right?

## Prehistoric Torah

**Rabbi Jay Kelman** writes:<sup>6</sup>

"The Holy One blessed be He looked into Torah and created the world" (Breisheet Rabba 1:2). Our Sages viewed the Torah as the architectural blueprint for the world, predating creation and serving as the very basis for that creation. The Sages wanted to emphasize that the Divinely ordained ethic is the most natural of lifestyles.

It is with this mindset that we must understand the teaching of Rav, the founder of the great Yeshiva in Sura, that "Avraham Avinu observed the entire Torah" (Yoma 28b). If Torah is the blueprint of the world, then our founding fathers surely must have observed such. Of course, like many Midrashic teachings, these are to be understood metaphorically; the Torah itself is replete with examples of our Avot "violating" what would later become part of Torah, not to mention the historical anachronism of the Avot keeping Torah.

Even--or, shall we say, especially--such statements that the angels visited Abraham (and Lot) on Pesach are to be understood metaphorically (see here). The Avot may have kept much of the Torah, as they had an intuitive sense of right and wrong, and acted in ways that would later be codified into Torah law.

With their dramatic style, the rabbis make their teachings sound so real that some fail to see beyond the vivid metaphors. Rav actually links his teaching to a Biblical verse: "because Abraham listened to My voice and obeyed My charge, My mitzvot, My decrees, and My laws" (Breisheet 26:5). In a technique known as *asmachta*, the rabbis link an idea to a Biblical verse, which gives it much weight; but such does not represent the actual meaning of the verse itself [1].

To further emphasize Abraham's dedication to Torah, Rav's teaching concludes by telling us that Abraham "even kept *eiruv tavshilin*". The significance of the choice of *eiruv tavshilin* is not explained, and Tosafot Yeshaneem simply states: "I do not know why this mitzvah was chosen".

Rabbinic law forbids cooking on Yom Tov for Shabbat, unless one begins the cooking process before Yom Tov begins. The Rabbis were afraid that, with many elaborate Yom Tov meals coming, one might neglect to think about Shabbat meals. Hence, in order to maintain the proper respect for Shabbat, they ruled that one must begin cooking for Shabbat beforehand (see Beitzah 15b).

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<sup>6</sup> <https://torahinmotion.org/discussions-and-blogs/yoma-28-prehistoric-torah>

The Maharitz Chayot (an eclectic 19th-century Galician scholar) quotes two alternate readings: it was not *eiruv tavshilin* that Abraham observed, but rather *eiruv chatzerot* or *eiruv techumim* that Abraham kept, just sharpening the question of what is so special about an *eiruv*.

An *eiruv techumim* allows one to walk an additional 2,000 cubits on Shabbat in a given direction. The opening word of the verse from which Rav "derives" the fact that Abraham kept the Torah is *eikev*, literally meaning "a heel" (but in context meaning "because"), which implies walking; hence, the reference to *eiruv techumim*. As in the case of *eiruv tavshilin*, it is unclear why Rav singles out an *eiruv chatzerot*--which is the technical name for what we call an *eiruv*--allowing one to carry from one domain to another on Shabbat.

On a most basic level, Rav is teaching that Abraham observed (intuited) even rabbinic laws, laws that would take thousands of years to come into being. However, this does not explain why the example of an *eiruv* is used.

An *eiruv* joins things together, unifying them into one. Whether it be Yom Tov and Shabbat (or the weekday and Yom Tov), one city to the next, or one's home to that of his neighbor, it is a unifier. The pagan world from which Abraham came believed in many gods, each with its own sphere of influence and each competing with each other for greater power. Abraham (re)introduced the concept of monotheism into the world, where all of existence is a unified whole under the domain of the One and only G-d.

All three of the *eiruvim* are made with food. We begin cooking before Yom Tov to establish an *eiruv tavshilin*; an *eiruv chatzerot* is established by each of the people in a courtyard putting some food into one of the households of that courtyard; and we leave food at the midpoint of the distance that we want to walk on Shabbat to establish an *eiruv techumim*. It is food that joins people together [2], and Abraham introduced the concept of One G-d to others through inviting them to his home and feeding them (Breisheet 54:6).

Before the Torah was even given, Abraham understood that we must make *eiruvim*--we must bring people and communities together, joining the parts into a greater whole. The more we join together, the further we can spread the Divine presence throughout the world.

[1] The Rashbam, the *pashtan* (elucidating the "plain" meaning of the text) par excellence, explains that the verse is referring to those mitzvot that had been commanded to Abraham, such as *brit milah* and the *akeidah*.

[2] This explains why our rabbis forbade, for example, the consumption of wine made by a non-Jew--fearing that drinking together may lead to intermarriage. Interestingly, the Meshech Chochmah (Vayikra 23:21) explains that permission to cook on Yom Tov derives from the fact that the Yamim Tovim celebrate great moments in Jewish history. As a means of uniting the people, we were allowed to cook freshly made food, as there is nothing like food to cement a friendship.

## Did the Patriarchs Keep the Torah?

**Rav Yitzchak Blau** writes:<sup>7</sup>

Rava, and some said it was Rav Ashi, said: “Avraham fulfilled even [the mitzva of] *eruv tavshilin*<sup>[1]</sup>” (*Yoma* 28b).

*Midrashim* frequently express the idea that our patriarchs kept the Torah as we know it. Yaakov kept the six hundred and thirteen *mitzvot* despite the difficult environment in Lavan’s house (Rashi *Bereishit* 32:5), Lot apparently learned from Avraham to serve matza on Passover (Rashi *Bereishit* 19:2), Yaakov and Yosef jointly studied the laws of *egla arufa*<sup>[2]</sup> (*Bereishit Rabba* 94:3), and Yosef observed Shabbat (*Bereishit Rabba* 92:4).

This position presents several difficulties. Could Jews celebrate Passover before the exodus actually occurred? Furthermore, the narratives of *Bereishit* do not portray the patriarchs as functioning based on a halakhic code equivalent to the *Shulchan Arukh*.<sup>[3]</sup> The patriarchs violate principles of Jewish law; Yaakov marries two sisters and builds a *matzeva*.<sup>[4]</sup> It seems that Avraham, Yitzchak, and Yaakov did not observe our Jewish legal system.

God tells Yitzchak that he will receive blessings due to Avraham keeping “my charge, my commandments, my statutes and my laws” (*Bereishit* 26:5). This verse serves as a source for the midrashic approach. The four terms refer to different categories of *mitzvot*, indicating that Avraham indeed observed the totality of Torah. Rashi outlines the various categories which include rational and non-rational *mitzvot* as well as biblical and even rabbinic ordinances.

Commentators provide alternative interpretations of these categories of laws. Chizkuni suggests that all the terms refer to *mitzvot* specifically commanded to our first patriarch such as circumcision, leaving his homeland, and the binding of Yitzchak. Rashbam adds that some of the terms relate to the basic moral decency demanded by the Noahide laws such as refraining from theft and sexual immorality. Similar approaches appear in the commentaries of Ibn Ezra and Ramban. These *rishonim* (medieval rabbinic authorities) do not assume that the patriarchs observed all six hundred and thirteen *mitzvot*.

The four terms in the verse include “*chukotai*” and “*mishpatai*,” words traditionally associated with rational and non-rational commandments. If we limit the verse to the rational Noahide laws, what would “*chukotai*” refer to? Radak explains that “*chukotai*” includes prohibitions on grafting trees or crossbreeding animals, actions not proscribed as part of basic human decency but still prohibited to Noahides.

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<sup>7</sup> <https://www.etzion.org.il/en/shiur-03-did-patriarchs-keep-torah>

Perhaps some of these *midrashim* agree that the *avot* (patriarchs) did not keep the entire Torah. Our patriarchs had a robust religious life including a personal relationship with God, and these *midrashim* express our patriarchs' religious life. For example, Shabbat represents recognition of a divine creator, an idea that was relevant before the revelation at Sinai. When *Chazal* attribute Shabbat observance to Yosef in Egypt, they are claiming that he transmitted the idea of *creatio ex nihilo* to his children. Ramban offers this explanation, noting that Yosef has to counter idolatrous ideas rampant in Egyptian culture.

If we adopt this approach, we should ask why the Gemara specially selects *eruv tavshilin* as a rabbinic institution adopted by Avraham. Some commentators connect the choice with a close reading of associations present in the biblical text. R. Tzvi Hirsch Chajes emends the text to read *eruv techumin*.<sup>[5]</sup> The verse employs the word “*ekev*,” which also means heel, a reference to the walking proscribed by the laws of *techumin* (boundaries). R. Barukh Epstein cites the same idea before ultimately rejecting the emendation.

Other commentators explain that *eruv tavshilin* is a relatively minor rabbinic mitzva; if Avraham kept that, he surely kept everything. What makes this mitzva more lenient? Ritva explains that we allow one small piece of bread to suffice for the entire town, indicating that we do not treat *eruv tavshilin* with great stringency. Avraham even observed those rabbinic *mitzvot* that carry less legal weight.

If we reject textual emendations and do not view *eruv tavshilin* as a less serious institution, we can attempt to find symbolism in the choice of *eruv tavshilin*. In his commentary on this *gemara*, R. Yaakov Reisher (*Iyyun Yaakov*) says that the real reason a Jew can cook on Yom Tov for Shabbat is that additional guests might come before Yom Tov ends, rendering the cooking for Shabbat permissible. The rabbinic allowance for an *eruv tavshilin* is based on the possibility of guests arriving. *Chazal* (the sages) may have chosen *eruv tavshilin* since the theme of hospitality to guests is central to *Chazal*'s portrait of Avraham. [My presentation differs from how R. Reisher utilizes the guest theme].

R. Kook explains (*Iggerot Ha-ra'aya* 3: p. 92) that the *eruv* reminds us of the difference in sanctity between Shabbat and the festivals. Without this institution, we might equate the two and even end up cooking on Shabbat. When these two types of holy days fall on subsequent days, the *eruv* reminds us of crucial distinctions. According to R. Kook, Avraham understood not only the obvious difference between holy and mundane, but also the more subtle distinction between levels of holiness. The Gemara conveys this point by stating that Avraham observed *eruv tavshilin*. (see below)

We can broaden the analysis by citing a relevant *midrash* about our third patriarch. “He pitched his tent before the city” (*Bereishit* 33:18). Playing on the verb “*va-yichen*,” the *midrash* suggests that Yaakov set *techumin* (boundaries) for the city (*Bereishit Rabba* 11:7). If we do not adopt R. Chajes' textual emendation, then the *midrash* associates Avraham with *eruv tavshilin* and Yaakov with *eruv techumin*. R. Meir Simcha Ha-kohen from Dvinsk sees each mitzva as reflective of the life mission of patriarchs. Avraham mixed disparate items whereas Yaakov drew boundaries and distinctions (see *Meshekh Chokhma Bereishit* 33:18).

Avraham adopted a universal program of spreading the monotheistic ideal. Several *midrashim* outline his educational strategy, and the repeated biblical refrain of “calling out in the name of the Lord” (*Bereishit* 12:8) may refer to spreading his religious ideas. God changes Avraham’s name to indicate that he will be a

“father to many nations” (*Bereishit* 17:5).

According to R. Meir Simcha, Avraham intentionally went down to Egypt, then the center of human wisdom, to bring his message to an important audience.

Yaakov had a different calling. Avraham and Yitzchak both transmitted Jewish destiny to only one of their children; Yaakov was the first to set up an entire family included in the covenant. In the words of the *Sifra* (*Bechukotai*), Yaakov’s bed was complete. Building a family sometimes calls for an inward turn and a more concentrated focus. Yaakov’s life story indicates greater separatism. He does not attempt to wean Lavan away from idol worship and even becomes upset with Rachel for stealing her father’s idols. When he moved to Egypt, he set up residence in Goshen far from the Egyptians. Yaakov focused on the parochial religious quest of his family and minimized the universal mission. Where Avraham made combinations and connections, Yaakov established boundaries and borders.

This idea highlights an important balance in Judaism between the universal and particular. We care about the physical and spiritual welfare of the entire world, and yet we have particular concern for the Jewish people. The requests inserted in the third blessing of the *amida* each Rosh Hashana include a paragraph about the entire world (“*vi-yadukha kol ha-maasim*”) and a paragraph about the Jewish people (“*ten kavod le-amekha*”). We need to integrate the task of Avraham and that of Yaakov. Certain times may call for emphasizing a single task, and various individuals may divide their commitment between these two tasks in different ways, but every Jew should feel both callings.

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[1] Preparing a cooked food prior to a Yom Tov (festival) that is followed by Shabbat. This rabbinic device enables cooking on Yom Tov for Shabbat.

[2] Ritual of breaking a heifer’s neck in order to expiate for an unsolved murder.

[3] Legal code by Yosef Karo written in 1563 in Tzfat. The *Shulchan Arukh* is arguably the most authoritative legal code in the Jewish tradition.

[4] Monument commonly used in Canaanite worship that the Canaanites built beside their sacrificial altar.

[5] Preparing a food prior to Yom Tov or Shabbat that allows one to travel more than is usually allowed on those days.



## The Earliest Time for *Mincha*:

Rav David Brofsky writes:<sup>8</sup>

Firstly, when discussing time, the Talmud generally employs *sha'ot zemanniyyot*, seasonal hours, which are derived by taking the total hours of daytime (or nighttime) and dividing them by twelve. In practice, only twice a year, on the Fall and Spring equinox (actually, on the Fall and Spring equinox, when the time between sunrise and sunset is approximately twelve hours, is each "hour" sixty minutes long. On the other hand, if the sun rises at 6:00 AM and sets at 8:00 PM, each seasonal hour will consist of seventy minutes!

Secondly, the Talmud, as we shall see, refers to two times associated with the *tamid* of the afternoon (*bein ha-arbayim*): *mincha gedola*, which begins a half-hour after midday (i.e., at 6½ *sha'ot zemanniyyot*), and *mincha ketanna*, which begins three seasonal hours later, at 9½ hours, or 2½ hours before night. The Talmud also refers to a period called *pelag ha-mincha*, which refers to the halfway point between *mincha ketanna* and the end of the day, i.e., 10¾ hours after day begins and 1¼ hours before night; we shall discuss its significance later.

The Mishna (*Pesachim* 58b) teaches that generally the *tamid shel bein ha-arbayim* was slaughtered at 8½ hours and offered on the Altar at 9½ hours, during the later period, *mincha ketanna*; on Erev Pesach, it was slaughtered and offered an hour earlier, during the period of *mincha gedola*. Furthermore, when Erev Pesach would fall out on Friday, the *tamid* was slaughtered at 6½ hours and offered at 7½ hours.

The Rambam (*Hilkhot Tefilla* 3:2) explains that the *tamid* was generally offered later in the day, in order to enable individuals to bring their personal sacrifices before the *tamid shel bein ha-arbayim*, which is usually the last offering of the day. However, on Erev Pesach, as the paschal sacrifices had to be offered in the afternoon — after the *tamid shel bein ha-arbayim* and before night — the *tamid* was offered earlier.

Regarding the proper time for the prayers in general, and more specifically for *Mincha*, the *gemara* relates to the debate regarding the origin of *Mincha*. While Rabbi Yosei be-Rabbi Chanina attributes the origin to the prayers of our forefathers, Rabbi Yehoshua ben Levi insists that the prayers come in lieu of the daily sacrifices, and thus *Tefillat Mincha* "replaces" the *tamid shel bein ha-arbayim* offered in the Temple. Let us return to the aforementioned *gemara* (*Berakhot* 26b), which teaches:

*Why did they say that Tefillat Mincha can be said until the evening? Because the afternoon tamid can be brought until the evening. Rabbi Yehuda, however, says that it can*

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<sup>8</sup> <https://www.etzion.org.il/en/tefillat-mincha-1>

*be said only until pelag ha-mincha, because the afternoon tamid can only be brought until pelag ha-mincha...*

*Which one is mincha gedola? From six-and-a-half hours onwards. And which one is mincha ketanna? From nine-and-a-half hours and onwards.*

*The question was raised: did Rabbi Yehuda [when he discussed pelag ha-mincha] refer to the middle of mincha gedola or the middle of mincha ketanna? Come and hear, for it has been taught: "Rabbi Yehuda said, 'They discussed the middle of mincha ketanna, which is eleven hours, less a quarter.'"*

*Shall we say that this is a refutation of Rabbi Yosei be-Rabbi Chanina [who attributes the prayers to the Patriarchs]? Rabbi Yosei be-Rabbi Chanina can answer: I can still maintain that the Patriarchs instituted the prayers, but the Rabbis found a basis for them in the offerings. For if you do not assume this, who, according to Rabbi Yosei be-Rabbi Chanina, instituted Tefillat Musaf? He must hold therefore that the Patriarchs instituted the prayers, and the Rabbis found a basis for them in the offerings.*

According to this *gemara*, one may recite *Mincha* as early as *mincha gedola*, i.e., from 6½ hours onward.

Interestingly, the *Gemara* (*our daf*) elsewhere (*Yoma* 28b), as understood by most Rishonim, implies that theoretically, the *tamid* may be brought as early as midday, but by rabbinic decree, it was always delayed one half-hour in order to avoid mistakes. Rashi (*Pesachim* 58a, s.v. *Ela*) insists that even biblically, one may not recite *Mincha* until 6½ hours.

If so, one might ask, is midday still considered, even *be-diavad* (ex post facto), a valid time for *Tefillat Mincha*? What if one mistakenly recites *Mincha* during the half-hour between midday and *mincha gedola*?

The *Magen Avraham* (232:1) rules that one who prays *Mincha* during the half-hour after midday has not fulfilled his obligation. The *Mishna Berura* (232:2) cites Acharonim who conclude that one should NOT repeat *Shemoneh Esreh* if one unintentionally prays during this half-hour.

Finally, the *Mishna Berura*, in his *Sha'ar Ha-tziyyun* (233:8), discusses whether the half-hour between midday and *mincha gedola* is calculated in *sha'ot zemanniyyot* or simply as thirty minutes. While he, and others, conclude that one should use *sha'ot zemanniyyot*, many (see *Luach Eretz Yisrael*, for example) add a full thirty minutes during the winter, when the *sha'ot zemanniyyot* are shorter.



## Abraham Kept Mitzvot

**Chanan Morrison** writes:<sup>9</sup>

Why are practical mitzvot so central to Judaism? Why is it not enough just to believe in the Torah's central tenets and teachings?

When famine struck, Isaac considered leaving the Land of Israel. But God commanded him to remain in Israel. God allayed Isaac's fears, promising him:

*"I will make your descendants as numerous as the stars of the sky and grant them all these lands.... Because Abraham obeyed My voice; and he kept My charge, My commandments, My decrees, and My laws." (Gen. 26:4-5)*

### Abraham kept God's commandments?

Indeed, the Sages interpreted this verse literally. They wrote that the Patriarchs fulfilled the precepts of the Torah, even before their revelation at Sinai centuries later.

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<sup>9</sup> Sapphire from the Land of Israel. Adapted from *Igrot HaRe'iyah* vol. I, p. 135 (1908); vol. III, p. 92 (1917). Cited in <http://ravkooktorah.org/TOLDOT58.htm>

Fifth-century scholar Rav Ashi made an even more audacious claim. He asserted that Abraham even observed the mitzvah of *eiruv tavshilin* — a rabbinically ordained ritual which enables one to prepare food and lights for the Sabbath when a holiday falls out on a Friday (*Yoma* 28b). (Ordinarily, it is forbidden to cook on a holiday if the meal is intended to be served after the holiday is over.)

## Observing Eiruv Tavshilin

A certain scholar once commented to Rav Kook that Rav Ashi's statement clearly cannot be taken at face value. How could Abraham know what the rabbinical courts would decree a thousand years in the future? The Sages must have intended to convey a subtler message: Abraham's philosophical mastery of the Torah was so complete, his grasp of the Torah's theoretical underpinnings so comprehensive, that it encompassed even the underlying rationales for future decrees.

Rav Kook, however, was not pleased with this explanation. In his response, Rav Kook emphasized that the Torah's theoretical foundations cannot be safeguarded without practical mitzvot. It is impossible to truly internalize the Torah's philosophical teachings without concrete actions.

This is the fundamental weakness of religions that rely on faith alone. Without an emphasis on deeds, such religions retreat to the realm of the philosophical and the abstract. They abandon the material world, leaving it unredeemed. The Torah's focus on detailed mitzvot, on the other hand, reflects its extensive involvement with the physical world.

## Levels of Holiness

Rav Kook elucidated this Talmudic tradition in a slightly different vein. While Abraham did not literally perform the ritual of *eiruv tavshilin* as we do today, he was able to apply the essential concept of this ceremony to his day-to-day life. This was not just some abstract theory, but practical knowledge which guided his actions.

What is the essence of *eiruv tavshilin*? The Sages explained in *Beitzah* 15b that this ceremony helps one fulfill the Biblical injunction to “Remember the Sabbath to keep it holy.” Since there is a holiday preceding the Sabbath, the Sabbath could be forgotten or neglected. In what way might one forget the sanctity of Shabbat?

The holiness of Shabbat is greater than the holiness of the holidays. But when Shabbat immediately follows a holiday, one might mistakenly equate the two and forget that there are different laws governing them. This could lead one to desecrate the Sabbath by performing activities that are permitted on holidays, such as cooking.

Just as we need to distinguish between the holy and the profane, so too we need to distinguish between different degrees of holiness. This is the underlying purpose of *eiruv tavshilin*: to remind us of the higher sanctity of the Sabbath.

Abraham, who kept the entire Torah, also made this fine distinction — in his life and actions. Abraham differentiated not only between the sacred and the profane, but also *bein kodesh le-kodesh*, between different levels of holiness.

## Toldot: The Torah Entire

**Mois Navon** writes:<sup>10</sup>

*The Halakha, which was given to us from Sinai, ... declares that any religiosity which does not lead to determinate actions, firm and clear-cut measures, chiseled and delimited laws and statutes, will prove sterile –*

Rabbi Soloveitchik, Halakhic Man.

When God reveals Himself to Isaac with the blessing of the covenant, He tells him that He is doing so: “*because Abraham hearkened to My voice, and kept My charge, My commandments, My statutes, and My laws*” (Genesis 26:5). *Our Daf* (Yoma 28b) interprets this verse to imply that Abraham performed the Torah entire, both written and oral, including rabbinic enactments made thousands of years later. The Midrash expands such observance to include all the patriarchs, and indeed, all the leaders of the nation who preceded the giving of the Torah.

Now, while we might be inclined to take this statement allegorically, Rashi brings it as the literal meaning of our verse:

- *My charge* refers to precautionary measures intended to avoid infringement of biblical prohibitions: such are the rabbinical inhibition of marriage between relatives of the second degree and the rabbinical regulations regarding not doing certain acts on the Shabbat.
- *My commandments* refers to things, which, had they not been written, would have been fit to be commanded, e.g. prohibitions against robbery and bloodshed.
- *My statutes*: Referring to things that the evil inclination and the nations of the world argue against, e.g. prohibitions against eating pork and wearing garments of wool and linen for which no reason is given but which are the decree of the King ...
- *and My laws*: To include the Oral Law, the laws given to Moses from Sinai.

Nachmanides, upon quoting Rashi, enumerates various difficulties inherent in assuming the Talmudic position as literal, for if the patriarchs kept the whole Torah, how then do we find them explicitly violating laws of the Torah – e.g., Jacob married two sisters. Nachmanides advances a number of solutions but ultimately concludes by explaining the plain meaning (*pshat*) of the verse as follows:

- *My charge* means faith in the Deity, ... and calling by the name of the Eternal to bring many to His worship.

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<sup>10</sup> <https://blogs.timesofisrael.com/toldot-the-torah-entire/>

- *My commandments* refers to all that God commanded Abraham: *Go out of thy land*, the bringing of his son as a burnt-offering, and the expulsion of the maid-servant and her son.
- *My statutes* refers to walking in the paths of God by being gracious and merciful, doing the righteousness and judgment, and commanding his children and his household concerning them.
- *and My laws* refers to the circumcision ... as well as all the Commandments of the Sons of Noah which constitute their law.

Nachmanides, in consensus with all the classical commentators, interprets the verse as referring to Abraham's faith and goodness, fealty and morality. But, if the straightforward meaning of the verse is as such, what is the import of the Talmudic exposition? And what, then, is Rashi's point in bringing the Talmud as the straightforward explanation of the verse?

Not a few commentators have asserted that the Talmudic position can be understood literally, the patriarchs having been inspired by divine revelation to keep the whole Torah. **On this, Rabbi Sholom Noach Berezovsky (Netivot Shalom, Akdamot Milin 3) writes, that while such is certainly a possibility, "the truth of the matter" is to be found in the verse "You shall do what is good and right in the eyes of God" – for it is this verse that is at the essence of Torah observance, and it is to this essential observance that the Talmud refers when it states, "Abraham kept the Torah entire."**

In a similar fashion, Rabbi Abraham son of Maimonides (Genesis 35:1) reads the Talmud allegorically, explaining that the patriarchs' actions were in accord with the Torah's commandments in that they achieved the faith, love and awe of the Creator that the commandments serve to engender. Rabbi Menachem ben Shlomo Meiri, Rabbi Abraham Isaac Kook and others in this school of thought explain how the Talmudic statement implies that the patriarchs understood the general theological notions that underlie the Torah's commandments.

And this brings us to Rashi. Now Rashi surely understood that the simple meaning of our verse is that Abraham was a faithful servant of God who did what was "good and right in the eyes of God" and that the Talmud articulates this very point allegorically. The reason, I propose, that Rashi brings the words of the Talmud, instead of their implication, to explain the literal meaning of the verse is to convey a critical message about the covenant that might otherwise be overlooked in its seeming banality.

Our verse, as mentioned at the outset, comes within the context of the transmission of the Abrahamic covenant to Isaac. Here, Isaac is told that he will inherit the blessings of land and offspring "because – *ekev* – Abraham hearkened to My voice, and kept My charge, My commandments, My statutes, and My laws." Now, this being the first time such a transmission is effectuated, it serves as the prototype for all future transmissions. Indeed, the Midrash Aggada notes that the word "*ekev*" is used again in reference to the transmission of the covenant to the Jewish people: "And it shall come to pass, because – *ekev* – ye hearken to these ordinances, and keep, and do them, that the Lord thy God shall keep with thee the covenant and the mercy which He swore unto thy fathers, and He will love thee, and bless thee, and multiply thee ..." (Deuteronomy 17:12-13).

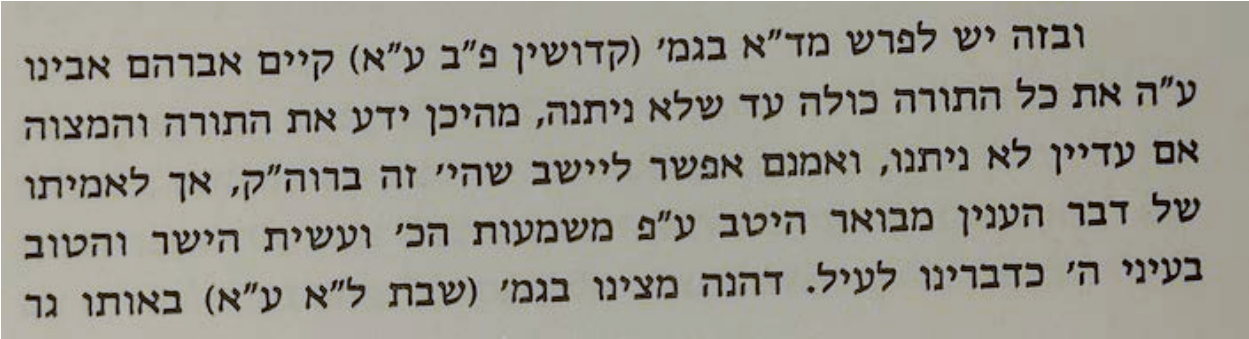
The covenant, in essence, is the mutual agreement wherein the people keep God's commandments and God blesses the people with land and offspring. Now, given that this is the covenant of Abraham we must fulfill it as Abraham did. Yet herein we arrive at ambiguity: are we to fulfill the covenant like Abraham by "having faith", "being gracious and merciful", "doing righteousness and judgment" and simply abiding by the natural morality of the commands to Noah, or are we to follow Abraham as paradigm for fulfilling anything and everything that God commands – even, for example, unto the sacrifice of Isaac?

Rashi resolves the ambiguity by bringing the allegory of the Talmud as the simple meaning (*pshat*) of the verse. The covenant of Abraham entails accepting every possible form of divine command – "commandments, statutes, and laws" – even unto the rabbinic enactments that are part and parcel of the divine authority invested in man (Deut. 17:11). This observance, it must be said, will ideally serve to inculcate the more amorphous qualities exhibited by Abraham.

And this brings us back to the Talmud. The Talmudic statement that Abraham observed the whole Torah, I suggest, is one that purposely outrages the senses in order to convey a critical message that might otherwise be overlooked in its seeming banality. The message that the Talmud so wants us to understand is that Abraham achieved his deep bond of "faith, love and awe" with the Creator, thus becoming worthy of the covenant, not through some "amorphous religious experience", but by treading the path of "determinate actions, firm and clear-cut measures, chiseled and delimited laws and statutes".

And as did Abraham, founder of the covenant, perform the Torah entire, so too must we, inheritors of the covenant, perform the Torah entire.

### **NESIVOS SHOLOM BEREISHIS AKDOMUS MILIN 3**



ובזה יש לפרש מד"א בגמ' (קדושין פ"ב ע"א) קיים אברהם אבינו  
ע"ה את כל התורה כולה עד שלא ניתנה, מהיכן ידע את התורה והמצוה  
אם עדיין לא ניתנו, ואמנם אפשר ליישב שהי' זה ברוה"ק, אך לאמיתו  
של דבר הענין מבואר היטב ע"פ משמעות הכי' ועשית הישר והטוב  
בעיני ה' כדברינו לעיל. דהנה מצינו בגמ' (שבת ל"א ע"א) באותו גר

*Where did Avraham Avinu know about Torah and Mitzvos if they had not as yet been given? One could propose he knew from the Holy Spirit, however "the truth of the matter" is to be found in the verse "You shall do what is good and right in the eyes of God" – for it is this verse that is at the essence of Torah observance, and it is to this essential observance that the Talmud refers when it states, "Abraham kept the Torah entire."*

ואם אמר יאמר איש ישראל, איככה אדע מה מקרב אותי להבוי"ת ואיזה מעשה מפריע ח"ו להתחברות ודביקות בו ית"ש, הכלל בזה הוא כמ"ש נשמת אדם תלמדנו, הנשמה שבקרבו חלק א' ממעל היא יכולה להרגיש מה טוב וישר בעיני ד', ואיזו פעולה עלולה ח"ו לפגום בהתחברות אליו ית"ש. ולדברינו י"ל שבדרך זו קיים ג"כ אברהם אבינו ע"ה את כל התורה עד שלא ניתנה, והוא הענין הכללי שאנו לומדים מתוה"ק שיש בה רמז דרוש וסוד בעניני עבודת השי"ת.

**And if a person questions "what brings me close to the Almighty? And what acts prevent my connection and attachment to Him?"**

**The rule is the soul of person teaches one, the soul which is a piece of godliness itself, it can let one feel what is good and "*You shall do what is good and right in the eyes of God*" and what acts are negative that prevent such attachment to Him.**

**One might then suggest that in this way Abraham was able to fulfil the Torah prior to it being given, which then becomes a general principle in our learning of Torah which contains within it hints and interpretations and mysteries in the spiritual path.**