

## *To Stand or to Sit for the Ten Commandments*

### *And Why It Matters*

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The Ten Commandments (*Aseret Had'varim* or *Aseret Hadib'rot*) are read from the Torah three times during the year: on Shabbat *Yitro* (Exodus 20:1-14); on Shabbat *Va'ethanan* (Deuteronomy 5: 6-18); and on Shavuot (the Exodus version). The powerful and majestic nature of the reading is expressed by two *minhagim*, or customs. One is that a special cantillation (called *ta'am elyon*) is used when the section is read in public. And the other is the practice, widespread among many Jewish communities, for the congregation to stand during the reading. It turns out, though, that not everybody follows that custom. In fact, some pretty considerable *poskim* (halakhic authorities) forbid it.

What could be wrong with standing during the reading of such an important part of the Torah? Plenty, according to some *poskim*. But others think there's nothing wrong with the custom. This dispute (*mahloket*), which has lasted for many centuries, teaches us a great deal about how even the smallest details of ritual practice can reflect deep conflicts over theology and belief, even if the members of the community are no longer aware that those conflicts exist. It also tells us much about halakhic decision making and about our own responsibility in the process of interpreting and understanding our tradition.

#### *Talmudic Sources*

The roots of the *mahloket* reach back to the days of the Temple, where the daily liturgy included the recitation of the Ten Commandments (*M. Tamid* 5:1). The Talmudic sources tell us that some wanted to include the Ten Commandments in synagogue worship outside the precincts of the Temple, but their effort failed.

#### *B. B'rakhot* 12a

רבי נתן אומר: בגבולין בקשו לקרות כן, אלא שכבר בטלום מפני תרעומת המינין.

R. Natan said: Those outside of Jerusalem also wanted to recite (the Ten Commandments), but the practice was halted due to the claims of the heretics.

#### *Y. B'rakhot* 1:5, 3c

בדין הוה שיהו קורין עשרת הדיברות בכל יום. ומפני מה אין קורין אותן? מפני טענת המינין, שלא יהו אומי' אלו לבדם ניתנו לו למשה בסיני.

The Ten Commandments should be recited every day. So why do we not recite them? Because (if we did so) the heretics might claim that these were the only (*mitzvot*) given to Moses at Sinai.

Those heretics, whoever they were,[1] must have been sufficiently loud or numerous to provoke such a strong Rabbinic response. But provoke it they did; to this day, the Ten Commandments are not recited as part of the statutory Jewish prayer service.[2]

It's one thing to prohibit the daily recitation of the Ten Commandments. But the posture we assume – sitting or standing – when that section is read from the Torah is ostensibly a completely different matter. Is there a meaningful connection between these two things?

### *Rambam: A Matter of False Doctrine*

Flash forward to the twelfth century, to a *t'shuvah* of Rambam (Maimonides), responding to a question from a community where, long ago, the people had customarily stood for the reading of the Ten Commandments. That practice eventually changed, due to the ruling of a “great rabbi” who settled in the town and forbade the practice on the basis of those same Talmudic texts in *Bavli* and *Yerushalmi B'rakhot*. He extended the reasoning behind those texts to the issue of posture: when we rise during the reading of the Ten Commandments, we appear to endorse the claim of “heretics” that this section of the Torah is holier or more important than all the others. Now a new rabbi has come to town, and he wants the people to return to their original practice of standing during the reading, at least in part because such is the *minhag* of other Jewish communities, including the metropolis of Baghdad. Rambam's correspondent opposes this move, and Rambam himself agrees with him: the community should maintain the current *minhag* and remain seated. And for that matter, *every* community should do the same.

*Resp. Rambam* (ed. Blau), no. 263

וכך היה ראוי לעשות, (ר"ל) בכל מקום, שמנהגם לעמוד, צריך למנעם, בגלל מה שמגיע בזה מן ההפסד באמונה (ומה שמדמים), שיש בתורה מדרגות ומקצתה מעולה ממקצתה, וזה רע עד מאד. ומן הראוי לסתום כל הפתחים, שמביאים לזאת האמונה הרעה.

It is also proper to take this action in every community where the custom is to stand. That is, they should be prevented from doing so, in order that they not draw the improper doctrinal conclusion that some portions of the Torah exist on a higher level than others. This would be a very bad thing, and we ought to close any and all loopholes (in liturgical practice) that would lead to such an inferior belief.

Rambam agrees with what we might call the *expansive* reading of the texts from *Bavli* and *Yerushalmi B'rakhot*, which applies the reasoning behind the Rabbinic prohibition against *reciting* the Ten Commandments to *all* usages we make of them in our worship. *Any* special treatment of them gives the mistaken impression that this section of the Torah is more important than the rest. Note that Rambam translates the motivation behind the Talmudic prohibition – i.e., bolstering “the claims of the ‘heretics’” – into a more general concern with erroneous doctrine: we must not behave in such a way that would foster such a false belief among our own people, whether or not

“heretics” are in the picture. The theological stakes in this matter are so high that they outweigh any consideration of local custom:

ומה שטען החכם האחר, שבגדאד ומקצת הערים עושות זאת, אין זה ראיה בשום פנים, לפי שאם נמצא אנשים חולים, לא נחליא הבריא מאנשיהם, כדי שיהיו שווים, אלא נשתדל לנתח כל חולה שנוכל.

As for the argument that in Baghdad and some other communities the custom is (to stand for the reading), this is no proof whatever. If we were to find that some people are afflicted with a disease, we would certainly not seek to spread the disease to everyone else so that all would be equal! Rather, we would try to isolate the sick as best as we could.

Rambam shows no deference here for communal practice. A faulty *minhag* – i.e., one that communicates a bad doctrinal message – is like a disease; it calls not for tolerance but for a therapeutic response from those who know better.

#### *R. Shmuel Aboab: A Reenactment of the Sinai Experience*

While Rambam makes a strong argument against standing for the Ten Commandments, his responsum does indicate that the custom to stand was widespread in his time. Clearly, not everyone accepted his expansive reading of the *Bavli* and *Yerushalmi B'rakhot* texts. One who did not was the 17<sup>th</sup>-century Italian scholar R. Shmuel Aboab, whose *t'shuvah* on this question opens with the following:

*Resp. D'var Shmuel* (Venice, 1702), no. 276.

כל טצדקי דמצינן למעבד לקיים איזה מנהג פשוט ברוב קהילות ישראל ... עבדינן.

It is our practice to offer every possible justification or argument to support any *minhag* that is widespread among Jewish communities.

That is to say, when (as in this case) a *minhag* seems to be contradicted by the halakhic sources (here, the passages from *Bavli* and *Yerushalmi B'rakhot*), we ought to presume that the custom is correct and come up with a theory to support it. That's what Aboab proceeds to do.

תמצית הדברים שאין כאן מקום למינים לרדות, כיון שהכוונה מפורסמת וגלויה לכל לתת אל לבנו דרך קימה שיש בה הידור כאילו הקבלנו פני שכינה במעמד הגדול והנורא ההוא, כמו שנאמר, ויתיצבו בתחתית ההר... ובזה נסתלקה מעל המאמינים ובני המאמינים חשש תרעומת המינים, דלא שייכא אלא היכא דליכא טעמא ברירא לעשות שינוי בין קריאת עשרת הדברות בכל יום לשאר התורה.

In brief: there should be no concern that “heretics” will take advantage (of our standing for the reading of the Ten Commandments). The intention behind that practice is well-known and clear to all: by standing, an act that confers a sense of beauty and dignity, we call to mind that we have encountered the Divine presence at that great and awesome event, as it is said: “The people stood at the foot of the mountain” (Exodus 19:17)...

Thus, the faithful (who observe this custom) need not fear “the claims of the heretics,” for that concern is valid only when there is no clear reason for distinguishing the reading of the Ten Commandments from that of the rest of the Torah.

Fear of “heresy,” says Rabbi Aboab, is irrelevant in this case. The “heretics” know that we rise for the reading of the Ten Commandments not because we declare this section to be more important or holier than the rest of the Torah but because standing is the means by which we naturally and appropriately remember the drama of the revelation of Sinai. Thus, he concludes, “communities that observe this *minhag*, the custom of their ancestors, should maintain it, for their intention is good and sincere (כוונתם לשם שמים).”

Unlike Rambam,[3] R. Shmuel Aboab interprets the *minhag* of standing for the Ten Commandments through the lens of religious psychology (anthropology?) rather than theology. The act of rising and standing has nothing to do with doctrine, either true or false. It is simply a fitting ritual reenactment of our people’s response to the “great and awesome event” that brought into being the covenant between God and Israel. The Talmud, he notes, recognizes that standing is an appropriate posture to take when for the *birkat hal’vanah*, the blessing recited for the new moon, because that ritual is compared to an encounter with the Divine presence.[4] So too in this case, when we read of our people’s direct encounter with God, we have “a clear reason” to stand, treating this particular section of the Torah differently from all others.[5]

### *What to Do?*

The *mahloket* over this custom has never been resolved in favor of one or the other position. Some congregations stand during the reading of the Ten Commandments; others remain seated. There’s some evidence that this reflects a split between Ashkenazim (who stand) and S’fardim (who don’t). This may explain why most halakhic discussion of this issue has been reduced to “let’s stick with our *minhag*.” Among contemporary *poskim*, R. Ovadyah Yosef rules that we should follow the *p’sak* of Rambam (and remain seated) because his towering stature demands our obedience:[6] Meanwhile, R. Eliezer Yehudah Waldenberg defends the custom: “we (Ashkenazim) accept the reasoning... of R. Shmuel Aboab” that there is a significant difference between the daily recitation of the Ten Commandments and the posture we assume when that section is read from the Torah.[7] Neither, in other words, offers actual *reasons* why one position is substantively better than the other but simply affirms the existing practice of his community.

Is that necessarily wrong? Much Jewish ritual practice is based upon *minhag*, ancestral custom, and there’s a lot to be said for preserving the traditions that have been handed down to us. Besides, *minhag* is a great intellectual shortcut. It’s a lot easier to decide on the basis of *minhag* - “we do it this way because we’ve *always* done it this way” – than it is to analyze the different viewpoints in depth and to decide among them.

Fair enough. But let’s bear in mind that neither Rambam nor R. Shmuel Aboab, the *poskim* upon whom Rabbis Yosef and Waldenberg rely, chose the easier path. Neither was satisfied to answer this question simply on the basis of *minhag*. True, each of them recommended that the community maintain its existing custom, but they both offered substantive reasons why one

custom – to sit or to stand – better reflects the message of Torah than the other. Each of them supported his answer with *argument* that might appeal to the mature intellect. One of them – Rambam – insisted that the right answer, the one supported by the better reasons and argument, takes precedence over any local custom, no matter how venerable. And both of them were convinced that the issue involves big ideas and sweeping concepts. In other words, the choice between these options – whether we stand or whether we sit for the reading - really *matters*, because either way we are making a major statement about Jewish faith and historical experience.

Thus, *our* choice in the matter is clear. We can follow the path of those great contemporary Orthodox authorities, Rabbis Yosef and Waldenberg, and accept the *minhag* simply *because* it's the *minhag*, letting the automatic acceptance of custom serve as a substitute for critical thought and debate. Or we can follow the example of Rambam and Aboab, weigh the arguments side by side and decide for ourselves. If we stand for the Ten Commandments, are we declaring our support for an erroneous doctrine, one that our faith traditionally rejects? Or are we engaged in a ritual reenactment of the experience of our ancestors as they stood “at the foot of the mountain,” so that we, too, receive the Torah at this dramatic moment?

There may not be one obviously “right” answer to this question, so we won't presume to decide it here. But what we *can* say is that our answer *matters* and that, when we reach it as the result of a serious process of study and argument over the texts and sources, we can at least be sure that it is *our* answer.

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[1] It is tempting to speculate (as some scholars have) that the term “heretics” here refers to the early Christians. While that isn't the subject of this paper, suffice it to say that this identification is not at all certain; the Rabbis use the word מיינים to refer to all sorts of groups that did not accept Rabbinic doctrine. Nor is it clear that these texts refer to any actual historical controversy between the Rabbis and the “heretics.” Perhaps the claim מפני תרעומת המינים serves as a convenient explanation for the fact that the prayer service recognized by Rabbinic tradition no longer includes the Ten Commandments, which were recited in the Temple.

[2] The Ten Commandments are included in many traditional *siddurim* as part of a selection of “things to say at the conclusion of prayer,” i.e., at the end of the morning (*shacharit*) service after the Mourners' Kaddish and the daily Psalm. But they are not part of the required rubrics of the prayer service. See *Beit Yosef to Tur, Orah Hayyim* 1: we recite them in private (ביחיד) but not as part of the public service (בציבור) due to the prohibition in *B. B'rakhot* 12a.

[3] Whom he doesn't mention. Still, Aboab's argument is directed precisely at the *B'rakhot* passages that form the textual basis of Rambam's case.

[4] *B. B'rakhot* 42a.

[5] And not only this case. Aboab cites the custom in some communities for the congregation to recite aloud the verse containing the Thirteen Attributes of God (Exodus 34:6) and for the reader to repeat that verse. And we are familiar with the widespread custom to stand during the reading of the Song of the Sea (Exodus 15).

[6] *Resp. Y'haveh Da`at* 1:29 and 6:8.

[7] *Resp. Tzitz Eliezer* 14:1, sec. 7.