**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**The Ten Martyrs**

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According to Ashkenazi custom, the section of the Yom Kippur *Musaf* service that describes the Yom Kippur Temple service concludes with the *piyyut* of "*Eleh Ezkera*," a dirge recounting the slaying of the Ten Martyrs – the ten *Tanna’im* who died for the sanctification of God's name.

A brief summary of the *piyyut*: The Roman Caesar turned to the Sages of Israel and demanded that they accept responsibility for the sin of their fathers, the sons of Yaakov, who sold their brother Yosef into slavery, as it is stated: "And he that steals a man and sells him, or if he be found in his hand, he shall surely be put to death" (*Shemot* 21:16). R. Yishmael, the High Priest, invoked the name of God, ascended to Heaven to ascertain the verity of the decree, and was greeted there by the angel Gavriel, who confirmed that indeed such a decree had been issued. The Roman Caesar then ordered that ten Sages of Israel be tortured and killed. The *piyyut* goes on to describe how R. Yishmael the High Priest, R. Shimon ben Gamliel, R. Akiva, R. Chananya ben Tradyon, R. Chutzpit Ha-Meturgeman, R. Elazar ben Shamua, R. Chanina ben Chachinai, R. Yeshovav the Scribe, R. Yehuda ben Dama, and R. Yehuda ben Bava all died the deaths of martyrs.

### Groundless Hatred

According to the simple understanding of the *piyyut*, it would appear that the *paytan* is deliberately joining together two separate incidents. In one incident, ten Sages – whose identities are unknown to us – were killed together on the Caesar's order, and according to the tradition that had reached the *paytan*, this was punishment for the sin of selling Yosef into slavery. Aside from this terrible incident, many Sages died during the events surrounding the destruction – at the time of the great revolt in the course of which the Temple was destroyed, as well as in the wake of the Bar Kochva revolt, which took place many years later. The *paytan* took the incident connected to the sale of Yosef in which the unidentified Sages were killed and listed in the wake of this incident the names of ten other Sages, who were killed at different times and places and during different events.

It is possible that by mixing together these two incidents, the *paytan* is trying to tell us that the sale of Yosef casts its shadow on the whole chain of difficult events that took place at the time of the destruction of the Second Temple. This idea appears also in the *midrash* (*Midrash Mishlei* 1:13):

R. Yehoshua ben Levi said: The Ten Martyrs were put to death only because of the sin of the sale of Yosef. Avin said: Say from this – ten were punished from each and every generation, and that sin still stands.

The *midrash* and the *piyyut* refer to the baseless hatred that caused the destruction of the Second Temple, as the *gemara* states (*Yoma* 9b):

Why was the First Temple destroyed? Because of three [evil] things which prevailed there: idolatry, sexual misconduct, and bloodshed… But why was the Second Temple destroyed, seeing that in its time they were occupying themselves with Torah, [observance of] precepts, and the practice of charity? Because of the baseless hatred that prevailed there.

Yosef's brothers hated him for no reason, and that same hatred still prevailed during the Second Temple period. The *midrash* and the *paytan* allude to this when they assert that the Sages who died a martyr's death during the days of the destruction of Jerusalem and the days of the Bar Kochva revolt died because of the brothers' sin of selling Yosef into slavery.

But why did the *paytan* include the story of the Ten Martyrs in a *piyyut* that was intended for Yom Kippur? Why recite a dirge specifically about the Ten Martyrs?

Perhaps the *paytan* wishes to remind us of what is stated in the Yom Kippur *Musaf* service – that Yom Kippur is "a day for the cultivation of love and friendship, a day for the cessation of envy and strife," and that one should seek atonement on that day also for the sin of baseless hatred – a sin for which Yom Kippur does not grant atonement until the guilty party appeases the person he sinned against (see *Yoma* 45b). It is further possible that since R. Akiva, the greatest of this group of Sages, died on the fifth of Tishrei (*Tur*, *Orach Chaim* 580), shortly before Yom Kippur, the *paytan* juxtaposed the story of his death to the Yom Kippur service.

It seems, however, that there is an additional reason, one that is directly connected to the sale of Yosef. The relevant source is found in the book of Jubilees (34:11-18):

And in the seventh year of this week, he sent Yosef to learn about the welfare of his brothers from his house to the land of Shechem, and he found them in the land of Dotan. And they dealt treacherously with him, and formed a plot against him to slay him, but changing their minds, they sold him to Yishmaelite merchants, and they brought him down into Egypt, and they sold him to Potifar, the eunuch of Pharaoh, the chief of the cooks, priest of On. And the sons of Yaakov slaughtered a kid, and dipped the coat of Yosef in the blood, and sent it to Yaakov their father **on the tenth of the seventh month.** And he mourned all that night, for they had brought it to him in the evening, and he became feverish with mourning for his death, and he said, “An evil beast has devoured Yosef.” And all the members of his house mourned with him that day, and they were grieving and mourning with him all that day. And his sons and his daughter rose up to comfort him, but he refused to be comforted for his son.

The book of Jubilees preserves an ancient tradition, according to which the sale of Yosef took place on the tenth of the seventh month – that is, on Yom Kippur. The book of Jubilees was composed during the Second Temple period, apparently during the days of the Chashmonean kings, and it is very possible that it preserves traditions that were also accepted in the *beit* *midrash*.[[1]](#footnote-1) Yom Kippur – "the day for the cultivating of love and friendship" – comes not only to atone for simply any baseless hatred, but rather first and foremost for the sale of Yosef.

### "Because They Did Not Treat Each Other With Respect"

Thus far we have dealt with the baseless hatred that characterized the period of the destruction of the Second Temple. However, many of the Sages included among the Ten Martyrs were killed during the days of the Hadrianic decrees, in the wake of the failure of the Bar Kokhva revolt, about 65 years after the destruction of the Temple. The Sages said things about the days of the Bar Kokhva revolt that are very similar to their statements about the days of the destruction of the Temple:

It was said that R. Akiva had twelve thousand pairs of disciples, from Gabata to Antipatris; and all of them died at the same time because they did not treat each other with respect. (*Yevamot* 62b)

The connection between the destruction of the Second Temple and the baseless hatred that prevailed in Jerusalem is familiar to us from many *aggadot*, and especially from what we know about the internal fighting between the various camps of zealots in Jerusalem on the eve of the Temple's destruction, and about the fighting between the zealots and the moderates, the followers of R. Yochanan ben Zakkai, until he left Jerusalem. No evidence has survived testifying to baseless hatred at the time of Bar Kokhva's revolt, with the exception of the general statement about the disciples of R. Akiva, "that they did not treat each other with respect."

Perhaps the *midrash* is referring to the manner in which the Sages of that generation treated R. Eliezer – the senior keeper of the tradition and most learned member of the generation – in the wake of the disagreement because of which he was placed under a ban (*Avot De-Rabbi Nathan*, vers. 1, 25):

When R. Eliezer took sick, they said: That day was a Friday, and R. Akiva and his colleagues went in to visit him… When the Sages saw that his mind was settled, they went in and sat before him at a distance of four cubits… And they asked him about matters concerning purities, impurities and ritual baths…

Afterwards, R. Eliezer said to the Sages: I am surprised about the disciples of the generation, that perhaps they will be punished with death at the hands of heaven. They said to him: Why? He said to them: Because they did not come and attend to me.

Afterwards he said to Akiva ben Yosef: Akiva, why did you not come before me and attend to me? He said to him: O master, I had no time. He said to him: I would be surprised about you if you die a natural death… R. Akiva said to him: O master, how will I die? He said to him: Akiva, your death will be the most difficult of them all.

It seems that the harsh vision that R. Eliezer had about the deaths of the Sages of Israel and of R. Akiva stemmed from their attitude towards him. R. Eliezer saw how the Sages of Israel had failed to treat him and his Torah with respect, and he foresaw what would be said in *Yevamot* regarding the failure of the Bar Kokhva revolt – that "they did not treat each other with respect."

Furthermore, it is possible that R. Eliezer saw himself, in relation to the Sages of Israel who placed him under a ban, like Yosef in relation to his brothers, who "could not speak peacefully to him" (*Bereishit* 37:4). There is a certain similarity between R. Eliezer and Yosef, who was the natural continuation of the tradition of his father Yaakov, just as R. Eliezer continued the tradition of the people of Israel. And just as Yosef did not accept the authority of his older brothers, so R. Eliezer refused to submit to the view of the majority of the Sages and of the head of the Sanhedrin, R. Gamliel, in the matter of "Akhnai's oven" (*Bava Metzia* 59a-b):

We learnt elsewhere: If he cut it [the oven] into separate tiles, placing sand between each tile: R. Eliezer declared it clean, and the Sages declared it unclean; and this was the "oven of Akhnai"…

It was taught: On that day, R. Eliezer brought forward every imaginable argument, but they did not accept them. He said to them: If the *halakha* agrees with me, let this carob-tree prove it! Thereupon the carob-tree was torn a hundred cubits out of its place… They said to him: No proof can be brought from a carob-tree…

Again he said to them: If the *halakha* agrees with me, let it be proved from Heaven! Whereupon a Heavenly Voice cried out: Why do you dispute with R. Eliezer, seeing that in all matters the *halakha* agrees with him! But R. Yehoshua arose and exclaimed: It is not in Heaven! What did he mean by this? R. Yirmeya said: That the Torah had already been given at Mount Sinai; we pay no attention to a Heavenly Voice, because You have long since written in the Torah at Mount Sinai: "After the majority must one incline."

R. Natan met Eliyahu and asked him: What did the Holy One, blessed be He, do at that hour? He said to him: He laughed [with joy], saying: My sons have defeated Me, My sons have defeated Me.

It was said: On that day, all objects that R. Eliezer had declared clean were brought and burnt in fire. Then they took a vote and excommunicated him.

Like Yosef, who understood that his brothers must come before him and bow down to him, R. Eliezer demanded that the Sages of Israel appear before him and attend to him, so that they might learn the correct halakhic traditions from him. In response, R. Eliezer was banned from the *beit* *midrash* and from the halakhic discussions among the Sages until the day of his death, somewhat similar to what the brothers did to Yosef.

Just as there is a similarity between the brothers' conduct toward Yosef and the Sages' conduct toward R. Eliezer, there is also a similarity between what Yosef and R. Eliezer foresaw about the future owing to the sin. Before he died, Yosef alluded to his brothers about the calamity that would befall them at the hands of the new king, who would subjugate them as his slaves out of fear that the people of Israel would eventually outnumber the Egyptians and conquer them – just as his brothers sold him into slavery for fear that he would overpower and rule them. Similarly, R. Eliezer foresaw on the day of his death the troubles that would befall the Sages, and he added that the trouble of R. Akiva – who did not come to attend to him – would be greater than the troubles of all the others.

Examination of the passage dealing with Akhnai's oven clarifies beyond all doubt that the Sages' considerations underlying their decision to excommunicate R. Eliezer were entirely for the sake of Heaven. Thus, for example, it is explicitly stated in the *gemara* (*Bava Metzia* 59b):

R. Gamaliel, too, was travelling in a ship, when a huge wave arose to drown him. He said: It appears to me that this is on account of none other but R. Eliezer ben Horkanos. Thereupon he arose and exclaimed: Master of the Universe! You know full well that I have not acted for my honor, nor for the honor of my paternal house, but for Your honor, so that strife may not multiply in Israel! At that the raging sea subsided.

Nevertheless, even when the considerations are absolutely pure, and even when the intentions are strictly for the sake of Heaven, that is not enough. When the attribute of mercy and acting beyond the letter of the law are silenced, even in connection with the determination of the Halakha, calamity is sure to follow:

Tears streamed from his [R. Eliezer's] eyes. The world was then smitten: a third of the olive crop, a third of the wheat, and a third of the barley crop…

A Tanna taught: Great was the calamity that befell that day, for everything at which R. Eliezer cast his eyes was burned up…

Ima Shalom was R. Eliezer's wife, and sister to R. Gamaliel… She said to him: Arise; you have slain my brother. In the meanwhile an announcement was made from the house of R. Gamaliel that he had died. He asked her: From where did you know it? She said to him: I have this tradition from my father's house: All gates are locked, excepting the gates of wounded feelings.

It is possible that the brothers of Yosef as well, when they decided to sell him into slavery, considered the appropriate factors on the halakhic level, and it is possible that their intentions were strictly for the sake of Heaven. Nevertheless, with the attribute of mercy they could have arrived at a different conclusion, and for this the brothers and their descendants were punished with the years of famine and the lengthy exile in Egypt. Similarly, in the case of the Sages in the days of R. Eliezer – even if their intentions were for the sake of Heaven – there would have been room for them to take hold of mercy and lovingkindness. Since they failed to do so, it is said about them that they did not treat each other with respect.

For all of this and for similar conduct, we are obligated to repent and correct our ways on Yom Kippur.

### The Location of the *Piyyut* in the Liturgy

We have attempted to explain why we recite the *piyyut* of *"Eleh Ezkera*" on Yom Kippur. But why was the *piyyut* inserted specifically at the end of the section in the *Musaf* prayer dealing with the sacrificial service?[[2]](#footnote-2)

Let us examine the last two stanzas of the *piyyut*:

This has befallen us; we narrate it with a heart full of grief.

You who are in Heaven, heed our supplication; You, O Lord, are a merciful and gracious God.

Gracious One, look down from Heaven; see the blood of the saintly martyrs, and remove all stains of guilt.

O God, You are the King who sits on the throne of mercy.

The two lines that conclude the final two stanzas of the *piyyut* cite the thirteen attributes of God's mercy. It appears, then, that the *piyyut* is an introduction to the recitation of the thirteen attributes, which opens with the words, "O God, you are the King who sits on the throne of mercy."

Indeed, the recitation of the *piyyut* is immediately followed by the recitation of *selichot* and the prayer of *Zekhor lanu berit avot*, *Shema koleinu*,and the formula of confession. It should be noted that the essence of the day's prayers is the recitation of *selichot* and confessions, as is our practice in the evening and *Ne'ila* prayers. The *selichot* and the recitation of the thirteen attributes of God's mercy were for some reason removed from the rest of the day's prayers, but the early authorities ruled that they should be recited. Thus, for example, the Tur writes: "*Selichot* and words of mercy are the duty of the day" (*Orach Chaim* 620).

Indeed, in Yeshivat Har Etzion we are careful to mention the thirteen attributes of God's mercy at all of the day's services, prior to the recitation of the confession in the prayer leader's repetition of the *Amida*. In the *Musaf* service, the thirteen attributes of mercy are recited immediately after the *piyyut* of "*Eleh Ezkera*," and as an immediate continuation to the conclusion of the *piyyut*: "Gracious One, look down from Heaven; see the blood of the saintly martyrs, and remove all stains of guilt. O God, You are the king who sits on the throne of mercy."

1. This is true even though the book records things that are counter to Halakha on many matters, primarily with regard to the laws dealing with the lunar months and the intercalation of the year. [↑](#footnote-ref-1)
2. At the end of the section dealing with the Temple service on Yom Kippur, there are several *piyyutim* that lament the destruction of the Temple, and the *piyyut* concerning the Ten Martyrs fits in with them, but this does not appear to be a sufficient answer. [↑](#footnote-ref-2)