

Duquesne University

## Duquesne Scholarship Collection

---

Hallowed Secularism

The Collective Works of Bruce Ledewitz, Adrian  
Van Kaam C.S.Sp. Endowed Chair in Scholarly  
Excellence and Professor of Law

---

6-3-2021

### June 3, 2021: The Hallowed Secular Talmud

Bruce Ledewitz

*Duquesne University*, ledewitz@duq.edu

Follow this and additional works at: <https://dsc.duq.edu/ledewitz-hallowedsecularism>



Part of the [Constitutional Law Commons](#), and the [Law and Philosophy Commons](#)

---

#### Repository Citation

Ledewitz, B. (2021). June 3, 2021: The Hallowed Secular Talmud. Retrieved from <https://dsc.duq.edu/ledewitz-hallowedsecularism/1371>

This Article is brought to you for free and open access by the The Collective Works of Bruce Ledewitz, Adrian Van Kaam C.S.Sp. Endowed Chair in Scholarly Excellence and Professor of Law at Duquesne Scholarship Collection. It has been accepted for inclusion in Hallowed Secularism by an authorized administrator of Duquesne Scholarship Collection. For more information, please contact [beharyr@duq.edu](mailto:beharyr@duq.edu).

Title: The Hallowed Secular Talmud

Date: 2021-06-03T16:01:00.012-04:00

6/3/2021--Further Introduction The very first issue discussed in the Talmud is when the Evening Shema can be recited. It introduced the first few lines in yesterday's blog posting. The rabbis agreed that the evening Shema could be said only after the stars appeared—but that is not how the Mishna put the matter. There was a disagreement over how long a person has to say it. Then the Mishna tells a story about Gamliel's sons. They come home from some kind of event—a wedding?—and report to their father that they have not yet said the evening Shema and it is now after midnight. Can they still say the prayer? Gamliel responds that the majority rule holding that midnight marks the end point to say the evening Shema really means anytime before dawn. He goes further to opine that this is always the case with a "midnight" rule. The reason the rabbis said midnight was "to keep a man far from transgression." That is, so you would not fall asleep thinking you would say the prayer later and never say it. So the sons are "duty bound" to say the prayer. Think of all the issues this short episode raises. First, why hadn't everybody already said the Shema at the wedding feast? We have here the question of how stylized the Talmud is. Are these stories true at all? Did the entire population practice the arcane rules of the Talmud? And why are the sons only duty bound? Is there no penalty for a transgression like failing to say the evening Shema? Notice also that the Mishna does not conclude this episode with any conclusion. There remain three interpretations. That suggests that something other than law clarification is going on in the Talmud. Maybe all of Jewish law is an attempt to keep people far from transgression and all of it should be taken with a grain of salt. Finally, notice that law here is relational. The Talmud does not say what the law is in general. Instead, the law arises out of the relationships of people, here Gamliel's family.