

SEFER DANIEL
By Rav Yaakov Medan

Shiur #18: Chapter 11b
In the Lions' Den

2. On Abiding by the Law

How did the ministers go about plotting against Daniel?

Then these viceroys and satraps hastened to the king and said thus to him: "King Darius, live forever! All the viceroys of the kingdom, the prefects, satraps, counselors, and governors, have consulted together to establish a royal statute and to make a firm decree that anyone who asks a petition of any god or man for thirty days, except of you, O king, will be cast into the lions' den. Now, O king, establish the decree and sign the writing so that it cannot be changed, according to the law of Media and Persia, which is unchangeable." So King Darius signed the writing and the decree. (6:7-10)

Darius the Mede is not depicted in the text as a pathological megalomaniac who needs everyone to pray and bring supplication only to him, as though he is an almighty god. Moreover, the decree concocted by the ministers applies only for thirty days. What is the point of a god whose power is limited to thirty days?

We may assume that this decree was issued close to the beginning of Darius's reign (which, as noted, was of brief duration). The Median Empire was in its early days; the king had no way as yet of knowing who was loyal to him and who was not, who was likely to rebel and who was probably going to remain quiet. Houses of prayer and religious speakers would influence the ability of every nation and language to organize itself one way or the other. An emergency measure prohibiting public gatherings and prayer services that might possibly be subversive might therefore be interpreted as a proper measure to consolidate the rule of the new king – Darius the Mede.^[1]

The text reveals the importance of the "Constitution" in Media and Persia, enjoying a status that supersedes that of even the king himself, as we discover from what transpires next:

And Daniel, knowing that the writing had been signed, went into his house – and he had windows in his upper chamber that opened towards Jerusalem – and three times a day, he kneeled and prayed and gave thanks before his God, just as he had done until then. Then these men hastened and found Daniel making petition and supplication before his God. Then they came near, and spoke before the king concerning the king's statute: "Did you not sign a statute that any man who makes supplication to any god or man for thirty days, except to the king, will

be cast into the lions' den?" The king answered and he said, "The thing is true, according to the law of the Medes and Persians, which is unchangeable." Then they answered and said before the king: "That Daniel, who is of the children of the captivity of Yehuda, has no regard for you, O king, nor for the statute which you signed, and three times a day he makes his petition." Then, when the king heard these words, he was greatly pained, and set his heart upon Daniel to save him, and he labored until the setting of the sun to rescue him. Then these men hastened to the king, and said to the king: "Know, O king, that it is a law of the Medes and Persians, that no decree or statute established by the king may be changed." Then the king commanded, and they brought Daniel, and cast him into the lions' den. The king spoke and said to Daniel: "Your God Whom you serve continually – may He deliver you." (6:11-17)

A similar expression of the absolute validity of the constitution of the Persians and Medes – even vis-à-vis the king himself – appears in *Megillat Esther*:

Let it be written among the laws of Persia and Media (*datei paras u-maday*), so that it will not be changed. (*Esther* 1:19)

The word "*dat*" means a law ("and the law was issued in Shushan, the capital;"[2] *ibid.* 3:15), and in the Persian kingdom a law is something that cannot be changed – under any circumstances.[3] Indeed, later on in the *Megilla* we read,

For writing which is written in the king's name, and sealed with the king's ring, cannot be reversed. (8:8)

At this point in the *Megilla*, the king regrets having issued his proclamation, but even he is powerless to recall it. Instead of cancelling Haman's decree, he permits the Jews "to gather and to defend their lives" – which, under the still-valid threat of annihilation, they proceed to do. Thus, 75,000 of his subjects are ultimately sacrificed on the altar of this principle of the "sanctity of the law."

The importance of upholding the law amongst the Medes and Persians is reminiscent of the situation of the United States in our times. Owing to the heterogeneous composition of the Median-Persian empire, with the 120 satraps (provincial governors) already mentioned, and a further seven provinces added in the days of Achashverosh, it is clear that without an iron law, society may easily deteriorate into anarchy, with every group acting as it pleases.

Owing to the status of the law, a peculiar situation is created whereby a decree is issued (supposedly) with a view to showing honor to the king, but the monster ends up turning on its creator. Thus, the ministers are able to manipulate the king as they please. Eventually, in the days of Achashverosh, they will force the king to legislate a law of divorce aimed at his wife – not out of their concern for his well-being, but rather out of fear of their own wives and the power that they might come to wield.[4] In between

the lines of the *Megilla*, we once again encounter the question of who "the king" really is.

3. The Prayer

And Daniel, knowing that the writing had been signed, went into his house – and he had windows in his upper chamber that opened towards Jerusalem – and three times a day he kneeled and prayed and gave thanks before his God, just as he had done until then. (6:11)^[5]

Why did Daniel not obey the king's decree? Is the obligation of prayer more important than a clear, explicit danger to one's life? Some of the *Rishonim* attempt to prove, on the basis of this text, that prayer does indeed take precedence over "*pikuach nefesh*."^[6] This calls to mind the teaching (*mishnat chassidim*) which may be alluded to in the *mishna*:

Even if the kings inquires after his health [while a person is in the midst of prayer], he should not answer; even if a snake is coiled around his foot, he should not stop [praying]. (*Berakhot* 5: 1)

R. Yosef (*Berakhot* 32b) and R. Sheshet (33a) frame the *mishna* in a context where there is no threat to the person's life. Nevertheless, the *gemara* records the story of an individual who apparently learned the *mishna* and understood it literally, concluding that the obligation of and laws pertaining to prayer take precedence even over a threat to one's life:

A righteous man was once praying on the road. A general approached him and greeted him. However, he did not respond.

[The general] waited until he had finished praying and said to him: "Fool! Is it not written in your Torah: 'Take heed and watch yourself carefully' (*Devarim* 4:9), and 'Guard yourselves very carefully' (*Devarim* 4:15)? When I greeted you, why didn't you answer? If I had cut off your head with my sword, who would have sought vengeance for your life?"

He said to him: "Wait and let me appease you with words. If you were standing in front of a mortal king, and your friend came and greeted you, would you answer him?"

The general said: "No."

"And if you were to answer him, what would they do to you?"

He replied: "They would cut off my head!"

He then said: "Well, the same certainly applies in my situation. If you would behave thus while standing in front of a mortal king who is here today and in the grave tomorrow, then I, standing in front of the King of Kings, the Holy One, blessed be He, Who is eternal, should certainly do the same."

The minister was appeased, and the righteous person returned home in peace. (*Berakhot* 32b–33a)

Perhaps the righteous man knew that he could explain himself to the general, and therefore had no fear of him.^[7] However, we may also understand that standing before God in prayer takes precedence over anything and everything else – as the literal sense of the *mishna* suggests.

Some of the *Rishonim* address the question of why Daniel endangered himself by praying and suggest different explanations than that of R. Yehuda Ha-Chassid, who argues that prayer takes precedence *overpikuach nefesh*. Ramban and the Ran conclude (*Shabbat* 39a) that at a time of decrees aimed against the Jewish faith, a person may act with a special measure of piety and give up his life – even when he is being prevented from carrying out a positive commandment, such as prayer (as opposed to being forced to violate one of the cardinal negative commandments, where giving up one's life is mandatory), and even when the commandment is of rabbinical origin. They discuss this possibility even though they maintain, like the Rambam (*Laws of the Foundations of the Torah* 5: 1), that a person may not be stricter with himself than the law demands by giving up his life in a situation where he is not required to "be put to death rather than transgressing." The Ritva (*Pesachim* 25b) permits such self-sacrifice only when the generation is unmindful with respect to the commandment in question and one's intention is to serve as a personal example of commitment to it (in keeping with the *Nimmukei Yosef, Sanhderin* 74a).^[8] However, in our case, we have no evidence that Daniel's generation was lax in matters of prayer, so it would seem that we must seek some other explanation.

In the meantime, mention should be made of another *halakha* pertaining to prayer which is derived from the description of Daniel's prayer:

May a person pray in any direction that he wishes? [No, since] the text specifies (*Daniel* 6:11), "towards Jerusalem." (*Berakhot* 31a)^[9]

In other words, *Chazal* derive the requirement to pray towards Jerusalem from the description of Daniel's prayer. The *gemara* also cites another source for this law:

R. Abbin (or some say: R. Avina) said: What verse confirms [that one should turn in prayer towards Jerusalem]? "Your neck is like the tower of David, built with turrets (*le-talpiot*)" (*Shir Ha-shirim* 4:4), [alluding to the idea that Jerusalem is] an elevation (*tel*) to which all mouths (*piot*) turn. (*Berakhot* 30a)

The *gemara* goes on to cite several verses from the prayer offered by King Shlomo upon completing the construction of the Temple (*Melakhim* I 8), expressing the need to pray "via this city." However, a discussion elsewhere in the *gemara* concerning the direction of prayer, especially in Babylon, does not point unequivocally to Jerusalem, and several different possibilities are suggested.^[10] According to this source, it would seem, one may pray facing any direction except the east, "since the *minim* (heretical sects) face that way in prayer." One prays facing the north in order to become rich; to the south in order to become wise; or to the west, where the Divine Presence rests. Perhaps the fundamental assumption underlying the discussion here is

that the verse from which *Chazal* conclude that prayer must be towards Jerusalem and the Temple – from the prayer of King Shlomo – applies only when the Temple is standing.

But Daniel prays towards Jerusalem even though the Temple is in ruins. Indeed, the Talmud *Yerushalmi* teaches:

R. Yehoshua ben Levi said: “It is the Sanctuary, the inner chamber (*lefnai ve-lifnim*)” – the Sanctuary towards which all faces (*panim*) turn. This applies so long as the Temple is standing; from where do we learn that it applies even when the Temple is destroyed? R. Abbon said: “Built with turrets (*talpiot*)” – an elevation (*tel*) towards which all mouths (*piot*) turn. (*Yerushalmi, Berakhot* 4:5)

It would seem that the R. Abbon mentioned here in the *Yerushalmi* is the same R. Abbin who appeared in the *Bavli*. However, the *Yerushalmi* understands his teaching differently. The Talmud *Bavli* seems to understand his interpretation of the word “*tel*” in the verse “An elevation towards which all mouths turn,” in the sense of a “foundation” or “mound,” as in the verse, “The cities standing upon their foundations” (*Yehoshua* 11:13). The Temple is the foundation of the world, and it is the “*tel*” to which everyone turns – hence the verse refers to the Temple, so long as it stands.^[11] However, the *Yerushalmi* understands the word “*tel*” as a mound of ruin, as in, “It shall be an eternal ruin (*tel olam*); it shall not be rebuilt” (*Devarim* 13:17), and hence applies the verse to a situation where the Temple is in ruins – as was the case in the days of Daniel.^[12]

What is the significance of this difference of opinion between the Talmud *Bavli* and the *Yerushalmi* concerning the proper direction for prayer when the Temple is destroyed?

We shall address this question, along with the question of why Daniel chose to pray despite the king's command, in the next chapter. In the meantime, we turn our attention to what happens to Daniel after he is caught and cast into the lions' den:

So a stone was brought, and was laid upon the mouth of the den; and the king sealed it with his own signet, and with the signet of his ministers; that nothing might be changed concerning Daniel. Then the king went to his palace, and fasted through the night, and had no diversions brought before him; and sleep eluded him. Then the king arose in the morning as the dawn broke, and went in haste to the lions' den. And as he drew near to the den, he called to Daniel with a pained voice; the king spoke and said to Daniel: “O Daniel, servant of the living God, is your God, whom you serve continually, able to deliver you from the lions?” Then Daniel said to the king: “O king, live forever! My God has sent His angel, and has shut the lions' mouths, and they have not hurt me; some merit was found in me before Him; and also before you, O king, I have done no wrong.” Then the king was exceeding glad, and commanded that Daniel be taken up out of the den. So Daniel was taken up out of the den, and no injury was

found upon him, because he had trusted in his God. And the king commanded, and they brought the men who had accused Daniel, and they cast them into the lions' den – them, their children, and their wives; and they had not even reached the bottom of the den when the lions prevailed over them and broke all their bones in pieces. (6:12-25)

Once again, we note the similarity between Daniel and Yosef. Yosef, too, was cast into a pit, and corresponding to the lions in Daniel's pit, Yosef had to content with "snakes and scorpions" (see *Shabbat 22a*).^[13]

Perhaps Daniel, saved from the lions, should also be compared with Shimshon in the vineyards of Timna, and to David, whom God delivered from a lion and from a bear. Shimshon and David were both imbued by God with the strength and courage to fight against these wild beasts and to overpower them. For Daniel, God sent an angel that sealed the lions' mouths so that he would not be devoured. We might explain this difference by noting that Shimshon and David each encountered a single lion, and a human being, if God chooses to imbue him with a spirit of valor, may prevail over a lion. But Daniel faced several lions, and a person cannot hope to overcome such a challenge, even through a hidden miracle.^[14]

Perhaps God did not want to kill the lions in order to save Daniel because they still had a role to play: to devour those who had conspired against Daniel and caused him to be thrown in.

Or perhaps we might explain this as the difference between a miracle that occurs in *Eretz Yisrael* when *Am Yisrael* dwells there and God gives them the strength and courage to prevail over the enemies – as reflected in the encounters between Shimshon and David, respectively, and their lions – and a miracle that occurs outside of the land, while *Am Yisrael* is in exile and they are devoid of strength and valor. There, the miracle occurs in the form of an angel that comes to muzzle the lions, and Daniel emerges alive – but without defeating them.

A final comment, this time concerning the king, Darius the Mede. Darius starts out by following the stipulations of the law, even though it goes against what he wants and what he thinks; he does what is required of him. But when he sees God's intervention on behalf of his loyal subject Daniel, who was quite innocent, he too girds himself with courage, sets aside the law, which in this case operated against justice and righteousness, extracts Daniel from the pit, and throws in instead all the "keepers of the law," who are in fact far removed from any real justice and uprightness.

Translated by Kaeren Fish

[1] The Malbim (commenting on verses 7-8) suggests that during the first thirty days of his reign, the king extends favors to all of his subjects. Anything may be requested of him, and it is an insult to him if anyone, during that period, must resort to submitting requests to his gods; it suggests that the king is somehow lacking in his ability to provide anything and everything. Accordingly, the Malbim explains that the decree was meant to give honor to the king, and was not meant as a measure for religious coercion, for which a Jew would be required to give up his life. Daniel had no wish to rebel against the king's command; he simply assumed that the prohibition did not apply to the regular, thrice-daily prayer service. The king took a similar view of the situation and therefore did not wish to punish Daniel, but the ministers prevailed.

[2] Only in the Middle Ages did the Hebrew word "*dat*" (translated today as "religion") come to refer to faith in God and observance of His commandments. Today I believe that the use of this word is unfortunate and misleading; it depicts religious faith, to those who do not view themselves as identifying with it, as a system of draconian laws which is meaningless, fails to take into account the changing reality, and has no ability to remain relevant under new circumstances. The same perception adheres to a person who defines himself (or who is defined by others) as "*dati*" (religious). It would be more appropriate to use the word "observant" (*shomer mitzvot*), and to speak about faith and Torah rather than about "*dat*" (religion).

[3] The prophet declares, "Woe to those who legislate unjust laws (*chikekei aven*)" (*Yishayahu* 10:1), with a play on words hinting to "laws of stone" (*chikekei even*). In criticizing the laws of the kingdom of Yehuda in his own times, Yishayahu shows how the laws that were meant to be "laws of stone" become "unjust laws." In any event, the original meaning of the word "*chok*" (law) is something that was engraved (*chakuk*) in stone – a fixed, permanent concept that no-one could change. This idea is expressed in many verses in *Tanakh*, for example: "If only [my words] were inscribed in a book (*ba-sefer ve-yuchaku*); that with an iron pen and lead they were engraved in the rock forever" (*Iyov* 19:23-24).

[4] This explains the banishing of Vashti: "After these things, when the fury of King Achashverosh was quieted, he remembered Vashti and what she had done, and what had been decreed upon her" (2:1). Further on, the *Megilla* records the gathering of all the virgins in the kingdom: "The king's servants who ministered to him said, 'Let fair young virgins be sought for the king...'" (verse 2). This appears to be an attempt to appease the king who, in a moment of anger and under the influence of his advisers and ministers, had issued his harsh verdict against Vashti. Once the effects of his inebriation wear off, he wants to bring her back, but the law does not allow him to do so.

[5] The *gemara* derives several laws and principles pertaining to prayer from this verse; see *Berakhot* 31a.

[6] R. Yehuda Ha-Chasid (and perhaps also his disciple, R. Elazar of Worms, "Ha-Roke'ach"); see *Sefer Chassidim* (Jerusalem, 5730), *siman* 787. According to Abravanel (*ma'ayan* 7, *tamar* 2), Daniel prayed with the assumption that he would not be caught doing so in his own home, rather than with the deliberate intention of sacrificing his life. However, the Malbim (cited above) argues that the fact that the text notes the "open windows" indicates that Daniel prayed in full public view, not in hiding. However, he too maintains that Daniel's intention was not to give up his life; see n. 1 above.

[7] As the Taz suggests, *Orach Chayim* 66:1.

[8] We discussed this view at length in chapter 10.

[9] Other laws which the *gemara* derives from Daniel's prayer concern the need for windows at the place of prayer and the requirement of praying thrice daily.

[10] *Bava Batra* 25a-b.

[11] This reflects the understanding of all the *Rishonim* on the subject which I reviewed: the *Arukh* (under the entry "*talaf*"); Ra'ah; Ritva, and likewise in *Shir ha-Shirim Rabba* 4:6.

[12] We expand on the halakhic issues arising from this issue in our article, "*Kivvun ha-Tefilla*," in N. Aryeh (ed.), *Binyan Ariel Ya'ir* (Ramat ha-Golan, 5762), pp. 362-87.

[13] This incident of Daniel being thrown to the lions is alluded to in the well-known *Shabbat* song composed by R. Yisrael Najara, "*Yah Ribon*," in the words, "Deliver Your people from the lions' mouths." The song includes many expressions borrowed from *Sefer Daniel*.

[14] Although God is obviously able to bring deliverance through any sort of action, He chooses the manner in which the miracle occurs in such a way that it is perceived as reasonable in human eyes.